

“Official Gazette of RM” number 150, dated 12.12.2007

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On the basis of Article 75, paragraphs 1 and 2, of the Constitution of the Republic of Macedonia, the President of the Republic of Macedonia and the President of the Parliament of the Republic of Macedonia issue the following

**DECREE
FOR THE PROCLAMATION OF THE
LAW ON THE PUBLIC PROSECUTION OFFICE**

The Law on the Public Prosecution Office shall be proclaimed, as adopted by the Parliament of the Republic of Macedonia at the session held on December 3rd 2007.

Number 07–5187/1
December 3rd 2007
Skopje

President
of the Republic of Macedonia
Branko Crvenkovski (personal signature)

President
of the Parliament
of the Republic of Macedonia
Ljubisha Georgievski (personal signature)

LAW ON THE PUBLIC PROSECUTION OFFICE

I. BASIC PROVISIONS

Article 1

This Law shall regulate the competency, establishment, termination, organization and the operation of the Public Prosecution Office, the conditions and the procedure for appointment and dismissal of the Chief Public Prosecutor of the Republic of Macedonia, the conditions for election and dismissal of public prosecutors, the grounds for termination of the public prosecutorial office, as well as other issues related to the work of the Public Prosecution Office.

Article 2

The Public Prosecution Office shall be the single and independent state institution that prosecutes perpetrators of crimes and other punishable acts sanctioned by law and performs other duties as provided by law.

Article 3

The Public Prosecution Office shall perform its functions on the basis of the Constitution and laws and international treaties ratified in accordance with the Constitution.

Article 4

The functions of the Public Prosecution Office shall be carried out by the Chief Public Prosecutor of the Republic of Macedonia and the public prosecutors.

Article 5

- (1) The public prosecutor shall exercise the office in a lawful, impartial and objective manner, showing respect and protecting human rights and freedoms of the citizens and the rights of other legal entities and within its competencies, shall take due care of the efficiency of the criminal justice system on behalf of the society.
- (2) In the course of performing his or hers functions, the public prosecutor shall ensure equality of all citizens before the law, regardless of gender, race, skin colour, national or social origin, political or religious beliefs and property and social standing.
- (3) While performing his or her duties, nobody shall influence the independence and impartiality of the public prosecutor.

Article 6

- (1) The Public Prosecution Office shall be organized in accordance with the principles of hierarchy and subordination, pursuant to the law.
- (2) The respect of the principles referred to in paragraph (1) of this Article shall not endanger the independence and accountability of the public prosecutors in the performance of their functions.

Article 7

Any form of political organization and activity shall be prohibited in the Public Prosecution Office, without limiting the rights of freedom of expression, religion, association and gathering.

Article 8

- (1) The Public Prosecution Office shall be obliged to inform the public about the cases that are being processed, especially if they are of such a nature as to cause a wider general interest by the public or are important for the exercising of the public prosecutorial function, for the purpose of protection against criminal and other illegal activities.
- (2) The Chief Public Prosecutor of the Republic of Macedonia, the Higher Public Prosecutors, Basic Public Prosecutors for Prosecution of Organized Crime and Corruption and the Basic Public Prosecutors or people authorized by them shall provide the general public and the public media with an access to information related to the crime situation and other general issues important for the operation of the Public Prosecution Office, under conditions regulated by law.
- (3) If the Chief Public Prosecutor of the Republic of Macedonia believes that certain data or comments published in the media violate the constitutional rights of presumption of innocence, the principal of independence of the Public

Prosecution Office or the work of the Public Prosecution Office on the basis of the Constitution and the law, he or she shall have the right and obligation to refer to the public and shall be obliged to point out the violation of the above mentioned principles.

- (4) The Chief Public Prosecutor of the Republic of Macedonia may allow access and insight in subscripts and documents of the Public Prosecution Office, to a person who might need that data for scientific and research purposes. Insight shall be possible only in the subscripts and documentation that have been recorded pursuant to a law that regulates the issue of classified information.

Article 9

- (1) The Public Prosecution Office shall have a seal containing the coat of arms and the name of Republic of Macedonia, the name of the Public Prosecution Office and its seat.
- (2) The flag of the Republic of Macedonia, the coat of arms and the name of Republic of Macedonia, the name of the Public Prosecution Office and the seat of the Public Prosecution Office shall be placed and visible on the building that houses the Public Prosecution Office.
- (3) In a Public Prosecution Office established for a region under jurisdiction of two or more courts, out of which, at least one court has its seat on the territory of units of local self-government where besides Macedonian, another official language is the language spoken by at least 20% of the citizens who live on the territory of those units of local self-government, the seal, name and seat of the Public Prosecution Office shall be written in Macedonian language and Cyrillic alphabet and the language and alphabet that are also official on the territory of that particular unit of local self-government.

Article 10

In exercising the office, the public prosecutor shall appropriately apply the provisions of the Law on Criminal Procedure, which relate to the use of languages.

2. ORGANIZATION OF THE PUBLIC PROSECUTION OFFICES

Article 11

Public Prosecution Offices shall be organized as Public Prosecution Office of the Republic of Macedonia, Higher Public Prosecution Office, Basic Public Prosecution Office for Prosecution of Organized Crime and Corruption and a Basic Public Prosecution Office.

Article 12

- (1) Public Prosecution Offices shall be established for the regions under courts of an appropriate instance, before which they are obliged to proceed.
- (2) The Public Prosecution Office of the Republic of Macedonia shall be established for the whole territory of the Republic of Macedonia, with a seat in the city of Skopje.

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- (3) Higher Public Prosecution Offices shall be established for the regions under an appellate court.
- (4) The Basic Public Prosecution Office for Prosecution of Organized Crime and Corruption shall be established for the whole territory of the Republic of Macedonia, with a seat in the city of Skopje.
- (5) Basic Public Prosecution Offices shall be established for the regions under a single or several basic courts.

Article 13

The following Basic Public Prosecution Offices shall be established in the Republic of Macedonia:

1. Basic Public Prosecution Office in Berovo for the region under the Basic Court in Berovo;
2. Basic Public Prosecution Office in Bitola for the region under the Basic Court in Bitola;
3. Basic Public Prosecution Office in Veles for the region under the Basic Court in Veles;
4. Basic Public Prosecution Office in Gevgelija for the region under the Basic Court in Gevgelija;
5. Basic Public Prosecution Office in Gostivar for the region under the Basic Court in Gostivar;
6. Basic Public Prosecution Office in Debar for the region under the Basic Court in Debar;
7. Basic Public Prosecution Office in Delcevo for the region under the Basic Court in Delcevo;
8. Basic Public Prosecution Office in Kavadarci for the regions under the Basic Courts in Kavadarci and Negotino;
9. Basic Public Prosecution Office in Kicevo for the region under the Basic Court in Kicevo;
10. Basic Public Prosecution Office in Kriva Palanka for the region under the Basic Court in Kriva Palanka;
11. Basic Public Prosecution Office in Kocani for the regions under the Basic Courts in Kocani and Vinica;
12. Basic Public Prosecution Office in Kumanovo for the regions under the Basic Courts in Kumanovo and Kratovo;
13. Basic Public Prosecution Office in Ohrid for the region under the Basic Court in Ohrid;
14. Basic Public Prosecution Office in Prilep for the regions under the Basic Courts in Prilep and Krushevo;
15. Basic Public Prosecution Office in Radovish for the region under the Basic Court in Radovis;
16. Basic Public Prosecution Office in Resen for the region under the Basic Court in Resen;
17. Basic Public Prosecution Office in Sveti Nikole for the region under the Basic Court in Sveti Nikole;
18. Basic Public Prosecution Office in Skopje for the region under the Basic Court I in Skopje;

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19. Basic Public Prosecution Office in Struga for the region under the Basic Court in Struga;
20. Basic Public Prosecution Office in Strumica for the region under the Basic Court in Strumica;
21. Basic Public Prosecution Office in Tetovo for the region under the Basic Court in Tetovo; and
22. Basic Public Prosecution Office in Shtip for the region under the Basic Court in Shtip.

Article 14

The following Higher Public Prosecution Offices shall be established in the Republic of Macedonia:

1. Higher Public Prosecution Office in Bitola for the region under the Appellate Court in Bitola;
2. Higher Public Prosecution Office in Gostivar for the region under the Appellate Court in Gostivar;
3. Higher Public Prosecution Office in Skopje for the region under the Appellate Court in Skopje; and
4. Higher Public Prosecution Office in Shtip for the region under the Appellate Court in Shtip.

Article 15

- (1) In the Public Prosecution Offices dealing with larger workload of similar cases, in order to improve the efficiency and to specialize the work within the Public Prosecution Office in a certain limited area under its competence, departments may be established as internal organizational units. The work of the department shall be managed by a public prosecutor designated in accordance with the annual work schedule of the Public Prosecution Office, on the basis of a stricter specialization and competence of the public prosecutor who has been appointed to head the department.
- (2) Pursuant to the provisions of this Law, specialized departments for monitoring and detection of crimes with a separate administrative office shall be established in the Basic Public Prosecution Office for Prosecution of Organized Crime and Corruption and in the Basic Public Prosecution Offices established for regions under courts with an extended jurisdiction. Specialized departments for juveniles shall also be established in the Public Prosecution Offices established for a region under a court with an extended jurisdiction.

Article 16

- (1) The public prosecutorial function in the Public Prosecution Office of the Republic of Macedonia shall be performed by the Chief Public Prosecutor of the Republic of Macedonia and the public prosecutors in that office.
- (2) The public prosecutorial function in the Higher Public Prosecution Offices shall be performed by the Higher Public Prosecutor and the public prosecutors in that office.
- (3) The public prosecutorial function in the Basic Public Prosecution Office for Prosecution of Organized Crime and Corruption shall be performed by the Basic

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- Public Prosecutor for Prosecution of Organized Crime and Corruption and the public prosecutors in that office.
- (4) The public prosecutorial function in the Basic Public Prosecution Offices shall be performed by the Basic Public Prosecutor and the public prosecutors in that office.
 - (5) The Chief Public Prosecutor of the Republic of Macedonia, upon request by the Basic Public Prosecutor for Prosecution of Organized Crime and Corruption may authorize another Basic Public Prosecutor to undertake certain actions in cases that have been started by a Basic Public Prosecutor in the initial stage, cases for which it is objectively assumed that they require more time in order to undertake certain actions in the region under the Basic Public Prosecutor or cases that are not particularly complex.

Article 17

- (1) Public Prosecution Offices shall be established and terminated by law.
- (2) In the event of termination or reorganization of a Public Prosecution Office, the Public Prosecutor’s Council of the Republic of Macedonia shall reassign the public prosecutors from that Public Prosecution Office in Public Prosecution Offices of the same or a lower level.

Article 18

- (1) The Chief Public Prosecutor of the Republic of Macedonia, the Higher Public Prosecutor, the Basic Public Prosecutor for Prosecution of Organized Crime and Corruption and the Basic Public Prosecutor shall represent the Public Prosecution Offices, manage their work, exercise the rights and obligations as regulated by the law and enact an annual work schedule at the beginning of each calendar year. The Public Prosecutor’s Council of the Republic of Macedonia shall give its concordance with respect to the annual work schedule.
- (2) The Chief Public Prosecutor of the Republic of Macedonia, the Higher Public Prosecutor, the Basic Public Prosecutor for Prosecution of Organized Crime and Corruption and the Basic Public Prosecutor shall be replaced if necessary by a public prosecutor of their choice, as determined in the annual work schedule.
- (3) If there is no Basic Public Prosecutor in a Basic Public Prosecution Office or he or she is not capable of performing the duties, and there are no other public prosecutors in that particular Public Prosecution Office, the Public Prosecutor’s Council of the Republic of Macedonia may authorize and appoint another public prosecutor who will serve the office of a Basic Public Prosecutor for a period not longer than six months.
- (4) If the term of office of the Chief Public Prosecutor of the Republic of Macedonia is discontinued or if he or she is dismissed, from within the ranks of the public prosecutors in the Public Prosecution Offices in the Republic of Macedonia, the Public Prosecutor’s Council shall designate a public prosecutor who will perform this function until the nomination of a new Chief Public Prosecutor of the Republic of Macedonia.

Article 19

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- (1) If the public prosecutorial office is endangered or the performance of the public prosecutorial function is precluded, and especially as a result of an extremely increased scope and volume of work or for the purpose of reducing the backlog of cases, the Chief Public Prosecutor of the Republic of Macedonia may initiate a procedure before the Public Prosecutor’s Council of the Republic of Macedonia for posting a job announcement, for selection of a public prosecutor who shall be temporarily assigned to work in another Public Prosecution Office, but not longer than a period of six months, pursuant to the law.
- (2) The procedure for selection referred to in paragraph (1) of this Article shall be implemented by the Public Prosecutor’s Council of the Republic of Macedonia.
- (3) If no candidates respond to the announcement referred to in paragraph (1) of this Article, the Public Prosecutor’s Council of the Republic of Macedonia, upon proposal by the Chief Public Prosecutor of the Republic of Macedonia can temporarily reassign a public prosecutor to another Public Prosecution Office with his or hers consent, for a period of up to six months.
- (4) The Public Prosecutor’s Council of the Republic of Macedonia, upon proposal by the Chief Public Prosecutor of the Republic of Macedonia may, on the basis of the conditions referred to in paragraph (1) of this Article, extend the temporary reassignment for another six months.

Article 20

- (1) The Chief Public Prosecutor of the Republic of Macedonia shall be responsible for the general situation in relation to the organization and performance of the functions of the Public Prosecution Offices, and for his or hers work and the work of the Public Prosecution Offices, he or she shall be held responsible before the Parliament of the Republic of Macedonia.
- (2) Public prosecutors in the Public Prosecution Offices in the Republic of Macedonia shall be held responsible for their work before the Chief Public Prosecutor of the Republic of Macedonia and the Public Prosecutor’s Council of the Republic of Macedonia.
- (3) The Higher Public Prosecutor shall be held responsible for his or hers work before the Chief Public Prosecutor of the Republic of Macedonia and the Public Prosecutor’s Council of the Republic of Macedonia, and the public prosecutors in the Higher Public Prosecution Offices shall be held responsible for their work before the Higher Public Prosecutor and the Public Prosecutor’s Council of the Republic of Macedonia.
- (4) The Basic Public Prosecutor for Prosecution of Organized Crime and Corruption shall be held responsible for his or hers work before the Chief Public Prosecutor of the Republic of Macedonia and the Public Prosecutor’s Council of the Republic of Macedonia, and the public prosecutors in the Basic Public Prosecution Offices for Prosecution of Organized Crime and Corruption shall be held responsible for their work before the Basic Public Prosecutor for Prosecution of Organized Crime and Corruption and the Public Prosecutor’s Council of the Republic of Macedonia.
- (5) The Basic Public Prosecutor shall be held responsible for his or hers work before the Higher Public Prosecutor, the Chief Public Prosecutor of the Republic of Macedonia and the Public Prosecutor’s Council of the Republic of Macedonia, and the public prosecutors in the Basic Public Prosecution offices shall be held

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responsible for their work before the Basic Public Prosecutor and the Public Prosecutor’s Council of the Republic of Macedonia.

- (6) The accountability of the public prosecutors before the Public Prosecutor’s Council of the Republic of Macedonia referred to in paragraphs (2) to (5) of this Article, relates to unprofessional and unconscious performance of the functions or a disciplinary infringement.

Article 21

- (1) The Higher Public Prosecution office shall carry out supervision of the work and handling of individual cases by the public prosecution offices at a lower level.
- (2) Supervision of the work and handling of individual cases by the Basic Public Prosecution Office for Prosecution of Organized Crime and Corruption shall be carried out by the Public Prosecution Office of the Republic of Macedonia.
- (3) The supervision of the work and handling of individual cases shall be carried out in order to detect and establish any:
- insufficient professionalism and speciality;
 - ignorance for the laws, ratified international treaties and other regulations;
 - serious violations of the norms within the Public Prosecutor’s Code of Ethics;
 - illegality, un timeliness or negligence in the performance of the public prosecutorial function;
 - partiality in proceeding in individual cases;
 - severe violation of the rights of parties and other participants in the proceedings; and
 - violation of the non-discrimination principle on any grounds.
- (4) The manner of the supervision referred to in paragraph (1) of this Article shall be prescribed in a Rulebook by the Public Prosecutor’s Council of the Republic of Macedonia.

Article 22

- (1) The Public Prosecutor’s Council of the Republic of Macedonia shall adopt a Rulebook on the determination of the method of evaluation of the performance by the public prosecutors.
- (2) The evaluation referred to in paragraph (1) of this Article, for each and every public prosecutor individually, shall be carried out directly by the higher-level public prosecutor, for a period of every two consecutive years.
- (3) The evaluation of the performance of the Basic Public Prosecutor for Prosecution of Organized Crime and Corruption shall be carried out by the Chief Public Prosecutor of the Republic of Macedonia.
- (4) The evaluation referred to in paragraph (1) of this Article, shall be delivered to the Public Prosecutor’s Council of the Republic of Macedonia.

Article 23

- (1) Each Public Prosecution Office shall prepare an annual report in relation to its work.
- (2) Public Prosecution Offices of the lower levels shall deliver the report referred to in paragraph (1) of this Article directly to the Public Prosecution Office at the higher level.
- (3) The Public Prosecution Office of the Republic of Macedonia shall prepare a single annual report for the work of all Public Prosecution Offices.

Article 24

- (1) The Chief Public Prosecutor of the Republic of Macedonia shall submit the annual report referred to in Article 23, paragraph (3) of this Law, related to the work of the Public Prosecution Offices and the crime situation in the Republic of Macedonia to the Parliament of the Republic of Macedonia.
- (2) The Chief Public Prosecutor of the Republic of Macedonia shall submit the report referred to in paragraph (1) of this Article for review to the Public Prosecutor’s Council of the Republic of Macedonia, and in order to keep them informed, also to the Government of the Republic of Macedonia, the Supreme Court of the Republic of Macedonia and the Ministry of Justice.

Article 25

- (1) The Chief Public Prosecutor of the Republic of Macedonia shall have the right to give obligatory general written instructions to the Higher Public Prosecutor, the Basic Public Prosecutor for Prosecution or Organized Crime and Corruption and to the Basic Public Prosecutor.
- (2) The Higher Public Prosecutor shall have the right to give obligatory general written instructions to the Basic Public Prosecutors under his or hers jurisdiction.
- (3) The instructions referred to in paragraphs (1) and (2) of this Article, refer to the undertaking of certain measures and activities for the protection of the fundamental human rights and freedoms of the citizens, protection of state interests and the interests of other legal entities, more efficient detection and prosecution of criminal offences and their perpetrators, utilization of legal means and application of the law.
- (4) The Higher Public Prosecutor, the Basic Public Prosecutor for Prosecution of Organized Crime and Corruption and the Basic Public Prosecutor shall be obliged to follow the obligatory instructions.
- (5) The Higher Public Prosecutor shall be obliged to inform the Chief Public Prosecutor of the Republic of Macedonia in a written form, about the issuance of obligatory general instructions referred to in paragraph (2) of this Article.

Article 26

- (1) Pursuant to the law, the Chief Public Prosecutor of the Republic of Macedonia shall have the right to assume the criminal prosecution and other individual tasks that fall under the jurisdiction of a Higher Public Prosecutor, a Basic Public Prosecutor for Prosecution of Organized Crime and Corruption or a Basic Public Prosecutor, or to authorize them to conduct the proceedings of individual cases or to carry out certain tasks that fall under the jurisdiction of another Higher

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- Public Prosecutor, Basic Public Prosecutor for Prosecution of Organized Crime and Corruption or Basic Public Prosecutor.
- (2) Pursuant to the law, a Higher Public Prosecutor shall have the right to assume the criminal prosecution and other individual tasks that fall under the jurisdiction of a public prosecutor in a Basic Public Prosecution Office from the region that falls under the specific Higher Public Prosecution Office or to authorize a public prosecutor in a Basic Public Prosecution Office from the region that falls under the specific Higher Public Prosecution Office to conduct the proceedings of individual cases or to carry out certain tasks that fall under the jurisdiction of another Basic Public Prosecutor.
 - (3) The actions referred to in paragraphs (1) and (2) of this Article can be undertaken only if the public prosecutor acts in an unprofessional and dilettante manner, does not undertake the necessary actions to initiate and conduct a criminal procedure, because of illegal, untimely and negligent exercising of the public prosecutorial office, as well as owing to threats to the life and health of the public prosecutor and his or hers family.

Article 27

- (1) In order to provide for uninterrupted fulfilment of functions, sentry attendance for the public prosecutors shall be organized in the Public Prosecution Offices.
- (2) The timetable and duration of the sentry attendance by the public prosecutors shall be prescribed by the public prosecutor who heads the corresponding Public Prosecution Office for every month started, taking due care of the right to privacy of public prosecutors.

Article 28

- (1) The Chief Public Prosecutor of the Republic of Macedonia shall enact the bylaws for the internal operation of the Public Prosecution Offices.
- (2) The oversight of the administrative work of the Public Prosecution Offices shall be conducted by the Chief Public Prosecutor of the Republic of Macedonia and the Ministry of Justice.
- (3) In conducting the oversight by the Ministry of Justice, individuals authorized by the Minister, who conduct the oversight shall not scrutinize the legality and professionalism of the work of public prosecutors in individual cases.
- (4) In conducting the oversight, the presence of the head public prosecutor of the Public Prosecution Office that is a subject of the oversight shall be obligatory.
- (5) The Minister of Justice shall prescribe the manner in which the oversight referred to in paragraph (2) of this Article is conducted.
- (6) The Ministry of Justice shall ensure the necessary conditions for the exercise of the public prosecutorial office; it shall prepare laws and other regulations in the area of the organization and operation of the Public Prosecution Offices; it shall provide for the necessary facilities and other working conditions; it shall collect statistical and other data related to the work of the Public Prosecution Offices; it shall conduct an oversight of the timely and up to date work of the Public Prosecution Offices and review submissions and complaints by citizens, which relate to the public prosecutor’s work, and it shall perform other tasks and duties as prescribed by the law.

3. COMPETENCIES OF THE PUBLIC PROSECUTOR OFFICES

Article 29

- (1) Public Prosecution Offices shall act and proceed within the limits of their effective and regional jurisdiction, if not prescribed otherwise by law.
- (2) The Basic Public Prosecution Offices shall proceed before the Basic Courts.
- (3) The Higher Public Prosecution Offices shall proceed before the Appellate Courts.
- (4) The Basic Public Prosecution Office for Prosecution of Organized Crime and Corruption shall proceed before the Basic courts with a specialized judicial department, in charge of adjudication of criminal offences in the area of organized crime.
- (5) The Public Prosecution Office of the Republic of Macedonia shall proceed before the Supreme Court of the Republic of Macedonia.
- (6) Public Prosecution Offices shall also proceed before other institutions and legal entities in their region, when they are authorized to do so by the law.

Article 30

- (1) In the realization of his function of prosecution of perpetrators of criminal offences and misdemeanours, the public prosecutor shall:
 - have the authorizations that also belong to the Ministry of the Interior and other state institutions for detection of criminal offences and their perpetrators and collection of evidence for the purpose of criminal prosecution of the perpetrators of criminal offences;
 - in the pre-investigative procedure, have an authority to issue orders for the application of special investigative measures;
 - manage the pre-investigative procedure and dispose of the authorized officials from the Ministry of Interior, the Financial Police and the Customs Administration, pursuant to the law;
 - have the right to undertake any actions necessary for the detection of the criminal offence and detection and prosecution of its perpetrator, for which, the law authorizes the Ministry of Interior, the Financial Police and the Customs Administration;
 - decide whether to initiate or continue with criminal prosecution of the perpetrators of criminal offences;
 - move and represent indictments before the courts;
 - enunciate regular and extraordinary legal remedies against judicial decisions;
 - file requests for initiation of misdemeanour proceedings; and
 - undertake other actions prescribed by law.
- (2) Public prosecutors shall also perform other actions prescribed by the law, to ensure efficient functioning of the criminal justice system and prevention of crime.
- (3) If no actions are taken by the other state institutions referred to in paragraph (1), line 1 of this Article, the public prosecutor on his own, may undertake all the actions that are usually undertaken by authorized personnel from the Ministry of Interior or other state institutions.

Article 31

The Basic Public Prosecution Office for Prosecution of Organized Crime and Corruption shall be competent to proceed in the event of:

- criminal offences committed by a structured group of three or more individuals, which exists for a certain time period and is active in order to commit one or more criminal offences that entail a prison sentence of at least four years, with an intent to acquire financial or other gain, directly or indirectly.
- criminal offences committed by a structured group or a criminal enterprise on the territory of the Republic of Macedonia or other countries, or in instances when the crime was organized or planned in the Republic of Macedonia or another country.
- criminal offences of misuse of official position and authority under Article 353, paragraph (5), accepting bribes of a significant value under Article 357 and illegal mediation under Article 359, all of them from the Criminal Code, committed by an elected or an appointed official, authorized person or responsible person in a legal person; and
- criminal offences of unauthorized production and trade in narcotic drugs, psychotropic substances and precursors under Article 215, paragraph (2), money laundering and other proceeds of a punishable act of a greater value under Article 273, terrorist endangerment of the constitutional order and security under Article 313, giving bribes of a significant value under Article 358, unlawful influence on witnesses under Article 368–a, paragraph (3), criminal enterprising under Article 394, terrorist organizations under Article 394–a, terrorism under Article 394–b, criminal offences of human trafficking under Article 418–a, criminal offences of smuggling of migrants under Article 418–b, trafficking of juveniles under Article 418–d and the rest of the criminal offences against humanity and international law from the Criminal Code, irrespective of the number of perpetrators.

Article 32

For issues of importance for the realization of the prosecutorial function, as well as for issues related to detection of criminal offences and their perpetrators, the public prosecutor shall lead the cooperation and coordinate the activities with all other state institutions and legal entities.

Article 33

- (1) For criminal offences that are prosecuted *ex officio*, the public prosecutor shall manage and coordinate the work of the officials from the Ministry of Interior and other competent state institutions, in undertaking the required measures needed to find the perpetrator of the crime, to prevent the perpetrator or the accomplice from hiding or fleeing, to discover and secure the traces and indicators of the criminal offence and the items that might serve as evidence.
- (2) For criminal offences that are under the jurisdiction of the Basic Public Prosecution Office for Prosecution of Perpetrators of Criminal Offences in the Area of Organized Crime and Corruption, the Ministry of Interior and other state

- institutions shall be obliged to inform the public prosecutor about all the actions undertaken during the pre-investigative procedure.
- (3) The Ministry of Interior, the Financial Police and the Customs Administration, at the moment of filing charges, shall be obliged to immediately submit to the public prosecutor all documents, evidence material, as well as all the information they acquired during the discovery of all criminal offences and their perpetrators.
 - (4) State institutions, the local self-government bodies, and the legal and natural persons with public authorizations shall be obliged to provide the public prosecutor with all documents, papers, cases and information, necessary for the exercise of his or hers competence. While performing his or her duties, the Public Prosecutor shall also be entitled to order the delivery of information and reports, documents, papers, case files and bank statements also from other legal entities and citizens, for which one can reasonably assume that they might dispose of such data or information.
 - (5) In exercising his or her competencies, the public prosecutor may consult with and collect opinions from experts in certain fields, which are necessary in order for him or her to reach a decision.
 - (6) The Ministry of Interior and other state institutions, legal entities and other individuals as referred to in paragraphs (2), (3) and (4) of this Article, shall be obliged to take all measures and means necessary and, in the shortest possible time, but not exceeding 30 days, deliver the requested data, information, documents, case files and papers to the public prosecutor.
 - (7) If the institutions and individuals referred to in paragraphs (2), (3) and (4) of this Article, fail to deliver the information and reports, documents, case files, papers and bank statements requested by the competent public prosecutor, he/she shall have the right to procure those him/herself and get an insight, and about the non-delivery, he/she shall inform the Minister of Interior or other responsible officials in other state institutions or legal entities, to whom the request was addressed, and the public prosecutor may also initiate appropriate actions criminal or disciplinary responsibility as stipulated by the law.
 - (8) If, pursuant to paragraph (7) of this Article, the public prosecutor proposed for certain measures to be initiated, the Minister of Interior or other responsible officials in other state institutions or legal entities, to whom the proposal was addressed, shall be obliged to inform him or her about the measures that have been taken.
 - (9) The insight into banking accounts pursuant to Paragraphs (4) and (6) of this Article, shall not constitute a bank secret violation.

Article 34

- (1) In performing the function of criminal prosecution of crimes in the field of organized crime and corruption and other criminal offences that entail a minimum prison sentence of four years or when that is required because of special circumstances, the public prosecutor may order that one or more specifically identified authorized officials from the Ministry of Interior and other state institutions be assigned at his/her disposal for a certain period of time, both during the pre-investigative procedure, as well as during the criminal procedure that is conducted upon his/her request.
- (2) The official who heads the appropriate ministry or other state institution shall be obliged without any delay to act upon the public prosecutor's order and to

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- temporarily assign the requested authorized official, as referred to in paragraph (1) of this Article, to work at the public prosecution office.
- (3) The authorized official, as referred to in paragraph (1) of this Article, shall act in accordance with the orders and instructions given by the public prosecutor and shall be directly accountable for fulfilling his/her duties to the public prosecutor.
 - (4) The authorized official, as referred to in paragraph (1) of this Article, who acts upon public prosecutor's orders, shall be accountable to the public prosecutor for his or her actions, and may not be obstructed or held responsible by the Ministry of Interior or any other state institution wherefrom he or she was placed at disposal to take actions within the authorization provided by the public prosecutor.
 - (5) The authorized official, as referred to in paragraph (1) of this Article, may not be recalled from the duties performed without the consent of the public prosecutor.
 - (6) The public prosecutor shall inform the immediate superior of the authorized official, as referred to in paragraph (1) of this Article, about the actions taken, or not taken by that person.

Article 35

- (1) The Public Prosecution Office shall take care about the legality of measures and actions taken during the pre-investigative procedure and conduct an oversight of the observance of human rights by the authorized officials from the Ministry of Interior and other state institutions.
- (2) If the public prosecutor receives information that some authorized officials from the Ministry of Interior and other state institutions have exceeded their official authority and violated the rights and freedoms of the citizens, the public prosecutor shall have the right to immediately ask to be informed if a procedure for establishing liability has been initiated against these persons or not, as well as about the progress, i.e. the result of the completed procedure.
- (3) The public prosecutor, ex officio, shall initiate a procedure for establishing liability pursuant to paragraph (2) of this Article, to determine the justification and reasons for the use of firearms by the authorized officials from the Ministry of Interior and other state institutions who have such an authority as provided by the law, if such use has death or a serious bodily injury as a consequence.
- (4) The public prosecutor, ex officio, shall receive the report from the competent department at the Ministry of Interior regarding the establishment of the justification and reasons for the use of firearms by authorized police officials and officials from other state institutions who have such an authority as provided by the law, if such use has death or a serious bodily injury as a consequence. The public prosecutor shall have an insight and access to all the evidence and papers in the appropriate department, on the basis of which the assessment of the justification for the use of firearms has been made.
- (5) The public prosecutor shall be obliged to inform his/her direct superior public prosecutor in relation to cases referred to in paragraphs (2) and (3) of this Article.

Article 36

The Public Prosecution Office of the Republic of Macedonia, within the framework of the international agreements, shall establish direct cooperation with the Public Prosecution Offices in other countries, especially in the field of prevention and prosecution of

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organized crime and other serious types of crime, through direct exchange of data, proximate cooperation, education, specialization of personnel and other forms of cooperation.

Article 37

- (1) The Chief Public Prosecutor of the Republic of Macedonia shall submit an initiative to the Constitutional Court of the Republic of Macedonia for initiating a procedure for an assessment of the compliance of a law with the Constitution and the compliance of other by-laws with the Constitution and the existing laws, should issues of constitutionality and legality arise in the course of the work of a Public Prosecution Office.
- (2) The Basic Public Prosecution Offices, the Basic Public Prosecution Office for Prosecution of Organized Crime and Corruption and the Higher Public Prosecution Offices shall inform the Public Prosecution Office of the Republic of Macedonia about all issues concerning constitutionality and legality related to their work.

Article 38

In the civil and other judicial proceedings, as well as in the administrative proceedings, the public prosecutor shall only undertake legal actions for which he/she has been authorized by law.

Article 39

- (1) With regard to tasks and duties in its competence and undertaking actions for which it is authorized, the Public Prosecution Office shall receive reports on crimes, submissions and other memorials and statements by citizens, other institutions and legal entities.
- (2) In carrying out its tasks as referred to in paragraph (1) of this Article, papers and other information relevant to undertaking actions of its competence, shall be submitted to the Public Prosecution Office.
- (3) The public prosecutor shall be obliged to take actions for which he/she is authorized by law, as soon as possible, but not more than 30 days following the reception of the criminal report.

4. APPOINTMENT AND SELECTION OF PUBLIC PROSECUTORS

Article 40

- (1) The Chief Public Prosecutor of the Republic of Macedonia, upon proposal from the Government of the Republic of Macedonia, shall be appointed by the Parliament of the Republic of Macedonia for a term in office of six years with a right for re-election.
- (2) The public prosecutors shall be selected by the Public Prosecutor’s Council of the Republic of Macedonia with no limitation in the term of office, under conditions and procedure as stipulated by the law.

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- (3) The Public Prosecutor’s Council of the Republic of Macedonia shall provide an opinion in relation to the proposal from the Government of the Republic of Macedonia for the appointment and dismissal of the Chief Public Prosecutor of the Republic of Macedonia.
- (4) The competency, composition and the structure of the Public Prosecutor’s Council of the Republic of Macedonia, the term of office of its members, as well as the grounds and procedure for termination and dismissal of members of the Council shall be regulated by law.

Article 41

- (1) The Parliament of the Republic of Macedonia, upon proposal by the Government of the Republic of Macedonia, shall announce the appointment of the Chief Public Prosecutor of the Republic of Macedonia in the “Official Gazette of the Republic of Macedonia” and in at least two daily newspapers, one of which shall be a newspaper published in the language spoken by at least 20% of the citizens who speak an official language other than Macedonian, two months before the expiry of the term of office at the latest, or immediately after the vacancy has been opened.
- (2) The deadline for submission of applications shall be 15 days from the day of publishing the vacancy notice in the “Official Gazette of the Republic of Macedonia”.
- (3) The Public Prosecutor’s Council of the Republic of Macedonia, upon request of the Government of the Republic of Macedonia, within 15 days of the receipt of the request, shall submit an annotated positive or negative opinion in a written form to the Government of the Republic of Macedonia, about all candidates who responded to the announcement and meet the conditions pursuant to the law.
- (4) The Government of the Republic of Macedonia shall submit to the Parliament of the Republic of Macedonia a proposal for appointment of a Chief Public Prosecutor of the Republic of Macedonia from the candidates who applied and for whom the Council has provided a positive opinion. The proposal for a candidate for the position of a Chief Public Prosecutor of the Republic of Macedonia, who has been proposed by the Government, shall be accompanied by the opinion from the Council.
- (5) If the Public Prosecutor’s Council of the Republic of Macedonia, because of justified reasons, within the prescribed deadline does not submit an opinion to the Government of the Republic of Macedonia, the deadline referred to in paragraph (1) of this Article shall be extended for an additional 15 days. If the Council does not submit an opinion within this deadline also, it shall be considered that the opinion is a positive one.
- (6) If the Council does not provide a positive opinion for any of the candidates who applied, or the Government of the Republic of Macedonia can not affirm the proposal for appointment of the Chief Public Prosecutor of the Republic of Macedonia out of the candidates who have applied, it may propose to the Parliament to repeat the position announcement referred to in paragraph (1) of this Article.

Article 42

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- (1) The Higher Public Prosecutor of a Higher Public Prosecution Office, the Basic Public Prosecutor for Prosecution of Organized Crime and Corruption and the Basic Public Prosecutor of a Basic Public Prosecution Office shall be selected by the Public Prosecutor’s Council of the Republic of Macedonia for a term of four years, from within the ranks of elected public prosecutors with a right to be re-elected.
- (2) The public prosecutors of the Basic Public Prosecution office for Prosecution of Organized Crime and Corruption shall be selected by the Public Prosecutor’s Council of the Republic of Macedonia from the ranks of elected public prosecutors, for a term of four years and a right to be re-elected.
- (4) The Public Prosecutor’s Council of the Republic of Macedonia shall determine the number of public prosecutors in the Public Prosecution Offices with a decision and it shall conduct the procedure for selection and dismissal of public prosecutors.

Article 43

- (1) In the process of selection of public prosecutors, there shall be no discrimination on the ground of gender, race, skin colour, nationality and social origin, political and religious beliefs, property and social standing.
- (2) In the process of selection of public prosecutors, without undermining the criteria stipulated by law, the principle of adequate and just representation of citizens who belong to all the communities in the Republic of Macedonia shall be applied.
- (3) A person shall not be selected for a public prosecutor, if that person is in direct family relations or indirect family relations up to a fourth degree or is married to another public prosecutor within the same Public Prosecution Office.

Article 44

- (1) A person who meets the following conditions may be appointed, i.e. selected for a public prosecutor:
 - that person has to be a national of the Republic of Macedonia;
 - to have an active command of the Macedonian language;
 - to have the necessary ability to work and general sanitary capability;
 - to have a university degree of a graduated lawyer in the Republic of Macedonia or an approved degree from abroad; and
 - to have passed the Bar exam in the Republic of Macedonia.
- (2) A candidate for the position of Chief Public Prosecutor of the Republic of Macedonia, besides the conditions set in paragraph (1) of this Article, shall meet the following special conditions:
 - working experience of at least ten years as a public prosecutor or a judge, with recognized performance results, or 12 years of working experience and recognized performance results on legal issues after passing the Bar exam, or a regular or visiting university professor, who has taught a legal course related to the judicial practice for more than ten years.

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- (3) A candidate for the position of a public prosecutor in the Public Prosecutor’s Office of the Republic of Macedonia, besides the conditions set in paragraph (1) of this Article, shall meet the following special conditions:
 - working experience of at least ten years as a public prosecutor, with recognized performance results, or 12 years of working experience and recognized performance results on legal issues after passing the Bar exam.
- (4) A candidate for the position of a Higher Public Prosecutor in a Higher Public Prosecution Office, besides the conditions set in paragraph (2) of this Article, shall have a working experience of at least eight years as a public prosecutor, with recognized performance results.
- (5) A candidate for the position of a Public Prosecutor in a Higher Public Prosecution Office, besides the conditions set in paragraph (1) of this Article, shall meet the following special conditions:
 - working experience of at least eight years as a public prosecutor, with recognized performance results, or ten years of working experience and recognized performance results on legal issues after passing the Bar exam.
- (6) A candidate for the position of a Basic Public Prosecutor of a Basic Public Prosecution Office for Prosecution of Organized Crime and Corruption and a public prosecutor in a Basic Public Prosecution Office for Prosecution of Organized Crime and Corruption, besides the conditions set in paragraph (2) of this Article, shall have a working experience of at least six years as a public prosecutor, with recognized performance results.
- (7) A candidate for the position of a Basic Public Prosecutor of a Basic Public Prosecution Office, besides the conditions set in paragraph (2) of this Article, shall have a working experience of at least five years as a public prosecutor, with recognized performance results.
- (8) A candidate for the position of a public prosecutor in a Basic Public Prosecution Office, besides the conditions set in paragraph (2) of this Article, shall have completed the required training at the Academy for Training of Judges and Public Prosecutors.

Article 45

- (1) A candidate for the position of Chief Public Prosecutor in the Public Prosecution Office of the Republic of Macedonia, in the Higher Public Prosecution Offices and in the Basic Public Prosecution Office for Prosecution of Organized Crime and Corruption, selected by the Council, shall have recognized performance results, with vocational and professional qualities with great reputation in exercising of the office, on the basis of the following criteria:
 1. professional knowledge, bearing in mind the specializations, postgraduate studies and participation in continued education;
 2. work attitude or promptness in performing the tasks as a public prosecutor;
 3. capability for professional resolution of legal issues;
 4. assuming additional duties while working as a public prosecutor, through participation in preparation of regulations, mentorship, education etc;
 5. enjoyment and protection of the reputation of the public prosecutors and Public Prosecution Offices, determined through the manner of

- communication with the parties and other institutions, independence, impartiality and confidentiality in the performance of the public prosecution functions and aside; and
6. professional relationship with the Public Prosecution Administrative Office.
- (2) Besides the conditions set in paragraph (1) of this Article, the Higher Public Prosecutor of the Higher Public Prosecution Office, the Basic Public Prosecutor of the Basic Public Prosecution Office for Prosecution of Organized Crime and Corruption and the Basic Public Prosecutor in a Basic Public Prosecution Office shall also have a capabilities for carrying tasks of a managerial character.

Article 46

- (1) The Higher Public Prosecutor of a Higher Public Prosecution Office, the Basic Public Prosecutor of the Basic Public Prosecution Office for Prosecution of Organized Crime and Corruption, the public prosecutors in the Basic Public Prosecution Office for Prosecution of Organized Crime and Corruption and the Basic Public Prosecutor in a Basic Public Prosecution Office shall be selected from the ranks of the public prosecutors in the Republic of Macedonia, following the same procedure and manner as for the selection of a public prosecutor in the corresponding Public Prosecution Office.
- (2) The Chief Public Prosecutor of the Republic of Macedonia who has been appointed from the ranks of the elected public prosecutors, the Higher Public Prosecutors and the Basic Public Prosecutors who have been elected from the ranks of the elected public prosecutors, who will not be appointed i.e. elected again, shall continue to perform their functions as public prosecutors in the same Public Prosecution Office.
- (3) The Basic Public Prosecutor of the Public Prosecution Office for Prosecution of Organized Crime and Corruption and the public prosecutors in the Public Prosecution Office for Prosecution of Organized Crime and Corruption, who will not be elected again, shall continue to perform their functions as public prosecutors in the Public Prosecution Offices wherefrom they have been elected.

Article 47

- (1) Prior to taking the public prosecutorial office, the public prosecutor shall give a solemn declaration as follows:
“I declare and swear that in performing the function of a public prosecutor, I shall abide by the Constitution of the Republic of Macedonia, the laws and international treaties ratified in accordance with the Constitution, I shall perform my function in a conscientious, impartial and responsible manner and I shall protect human rights and freedoms, the rights and freedoms of the citizens and the interests of other legal entities”.
- (2) While giving the solemn declaration, the public prosecutor shall wear togs.
- (3) The Chief Public Prosecutor of the Republic of Macedonia shall give his or her solemn declaration before the President of the Parliament of the Republic of Macedonia, whilst the public prosecutors shall give their solemn declarations individually before the Public Prosecutor’s Council of the Republic of Macedonia.
- (4) The solemn declaration shall be given in Macedonian language and signed in Macedonian language and its Cyrillic alphabet.

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- (5) When electing a public prosecutor in a Public Prosecution Office established for a region under two or more courts, out of which, at least one has its seat on the territory of the units of local self-government, where besides the Macedonian language, another official language is the language spoken by at least 20% of the citizens who live on the territory of those local self-government units, the public prosecutor who is a member of that community, shall give the solemn declaration in Macedonian language, and sign it in Macedonian language and its Cyrillic alphabet and in the language and alphabet of that community.
- (6) A copy of the signed solemn declaration shall be given to the newly appointed, i.e. elected public prosecutor.

5. RIGHTS AND OBLIGATIONS OF PUBLIC PROSECUTORS

Article 48

- (1) Public prosecutors may not be held criminally liable or detained for their actions, opinions expressed or decisions made, while performing their public prosecutorial duties.
- (2) One cannot conduct a procedure for compensation or damages against a public prosecutor or any other procedure initiated by a party in the proceedings that might be dissatisfied with the decision by the public prosecutor.

Article 49

- (1) A public prosecutor may be an educator or hold lectures at the Academy for Training of Judges and Public Prosecutors, teach at the higher education institutions in the public prosecutorial field and participate in scientific and professional projects in that area.
- (2) A public prosecutor may teach at the higher education institutions in the public prosecutorial field and participate in scientific and professional projects in that area, only after a prior accord provided by the Public Prosecutor’s Council of the Republic of Macedonia.

Article 50

- (1) The public prosecutorial function of a public prosecutor who has been appointed or elected for a member of the Public Prosecutor’s Council or as a judge or prosecutor in an international judicial institution, justice of the Constitutional Court of the Republic of Macedonia or Director of the Academy for Training of Judges and Public Prosecutors of the Republic of Macedonia shall be put on hold, during the period of performing the duties for which he or she has been appointed or elected.
- (2) The Public Prosecutor’s Council of the Republic of Macedonia shall enact a decision for placing the public prosecutorial function on hold, as referred to in paragraph (1) of this Article.
- (3) After the expiry of the term of office referred to in paragraph (1) of this Article for which he or she has been appointed or elected, the public prosecutor shall have

the right to return to the public prosecution office from which he or she has been elected to perform the new function.

Article 51

- (1) The paid annual leave of the public prosecutors shall be 26 working days.
- (2) Public prosecutors shall enjoy all the labour rights that pertain to them pursuant to the law.

Article 52

- (1) The amount of the public prosecutor’s salary shall be determined on the basis of the following:
 - the type of Public Prosecution Office;
 - the department and type of cases the prosecutor works on;
 - the internal duties in the Public Prosecution Office;
 - the years of experience;
 - the scientific and professional titles and specialization; and
 - the achieved results in the performance of the functions at the Public Prosecution Office.
- (2) The public prosecutor’s salary and the other allowances shall be regulated by law and shall correspond with the salaries and allowances of the judges.
- (3) The amount of the public prosecutor’s salary shall be determined in a way that will provide protection for the public prosecutor from any pressure and influence, when working and making decisions.
- (4) During the term of office, the public prosecutor’s salary shall not be reduced, except in cases as stipulated by law.

Article 53

- (1) Public prosecutors shall be entitled to compensation for every sentry attendance.
- (2) The amount of the compensation for sentry attendance shall be regulated by law.

Article 54

- (1) When public prosecutors, due to official reasons, have to carry out their public prosecutorial function outside of their regular place of residence, they shall be entitled to compensation for increased housing and accommodation expenses or compensation for travel expenses.
- (2) Public prosecutors shall have the right to compensation for moving expenses in the events as referred to in paragraph (1) of this Article, for them or their families, in cases when they have been elected or assigned to another Public Prosecution Office.
- (3) The Minister of Justice shall prescribe the amount and method of payment of the compensations referred to in paragraphs (1) and (2) of this Article.

Article 55

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- (1) Public prosecutors who do not have a residence of their own in the city where the seat of the Council is located, shall be entitled to use an appropriate official residence.
- (2) Until the moment of effectuation of the right provided under paragraph (1) of this Article, the public prosecutor shall be entitled to compensation for increased housing and accommodation expenses or compensation for objective travel expenses.

Article 56

- (1) Public prosecutors shall be entitled and obliged to continuous professional advancement, during their term of office pursuant to the law.
- (2) Funds for professional advancement of the public prosecutors shall obligatorily be allocated from the operational budgets of the Public Prosecution Offices.
- (3) Specialization of public prosecutors shall be allowed for the purpose of more successful performance of their duties.
- (4) A scholarship may be awarded to public prosecutors who attend postgraduate law studies and specialization law studies in the country or abroad, which cannot be effectuated within the Academy for Training of Judges and Public Prosecutors.
- (5) The funding for such scholarships shall be provided from the budget of the Public Prosecution Office of the Republic of Macedonia, and the method of awarding scholarships shall be prescribed by the Public Prosecutor’s Council of the Republic of Macedonia.

Article 57

- (1) Public prosecutors shall have an official identity card, which shall be issued and revoked by the Public Prosecutor’s Council of the Republic of Macedonia.
- (2) With an enactment, the Public Prosecutor’s Council of the Republic of Macedonia shall prescribe the form and contents of the official identity card model, the manner of its issuance and revocation.

Article 58

- (1) Public prosecutors shall enjoy special rights in the performance of their function as follows:
 - the right to enter and have free passage at stations, airports, ports, only by presenting the official identity card;
 - the right to an official permit to carry firearms and purchase appropriate ammunition;
 - the right to have free access and use of public transportation, both inland or via the lakes within the region under their jurisdiction, in the event of official necessity or when temporarily assigned to another public prosecution office;
 - the right to a special personal protection, protection of their family and property, upon request by their superior prosecutor to the police in the place of their residence, whenever there are serious threats to their safety; and
 - the right to an official travelling document, i.e. passport.

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- (2) The Minister of Justice shall enact more detailed regulations with respect to the special rights referred to in paragraph (1), lines 1, 2 and 3 of this Article.
- (3) The special rights referred to in paragraph (1), line 4 of this Article, shall also refer to retired public prosecutors.

Article 59

Public Prosecutors may establish an Association for the purpose of fulfilment and protection of their own interests and improvement of their professional status.

Article 60

- (1) Public prosecutors shall be suspended from their professional duties as long as they are in detention.
- (2) Public prosecutors may be suspended from their professional duties during an investigation of a criminal offence, or when a disciplinary procedure or a procedure for their dismissal has been initiated.
- (3) The Chief Public Prosecutor of the Republic of Macedonia shall enact a decision for suspension of public prosecutors from their professional duties in the event as referred to in paragraphs (1) and (2) of this Article.
- (4) Public prosecutors shall have the right to appeal the decision referred to in paragraph (3) of this Article to the Public Prosecutor’s Council of the Republic of Macedonia.

Article 61

- (1) Public prosecutors shall be obliged to safeguard the repute of the office they hold.
- (2) Public prosecutors and the employees of the Public Prosecution Administrative Office shall be obliged to keep as a secret whatever they have found out from the parties about their legal and factual relations as part of the exercise of their office and they shall guarantee the secrecy of the data that is not accessible to the public, which relates to data of personal nature with no effect on the exertion of their function.
- (3) The Chief Public Prosecutor of the Republic of Macedonia, a Higher Public Prosecutor of a Higher Public Prosecution Office, the Basic Public Prosecutor of the Basic Public Prosecution Office for Prosecution of Organized Crime and Corruption and a Basic Public Prosecutor of a Basic Public Prosecution Office may relieve a public prosecutor or the employees of the Public Prosecution Administrative Office from their obligation for keeping and safeguarding classified information with an appropriate degree of secrecy, established in accordance with the law.
- (4) The decision for relief from the obligation referred to in paragraph (3) of this Article, for the lower ranked prosecutors, shall be enacted by their immediate superior public prosecutor, for the Basic Public Prosecutor of the Basic Public Prosecution for Prosecution of Organized Crime and Corruption it shall be enacted by the Chief Public Prosecutor of the Republic of Macedonia and for the Chief Public Prosecutor of the Republic of Macedonia it shall be enacted by the Public Prosecutor’s Council of the Republic of Macedonia.

Article 62

- (1) The public prosecutorial function shall be inconsistent with the functions of a Member of Parliament, a member of Municipal Council, i.e. the Council of the City of Skopje and the functions in the state institutions, municipalities and the City of Skopje.
- (2) Public prosecutors shall not be members of administrative or regulatory boards in commercial companies or any other profit making legal entity.

Article 63

- (1) In relation to the performance of their duties, public prosecutors shall not be allowed to accept gifts, promises of gifts or use other conveniences and perks.
- (2) In relation to the work of the public prosecutors, their spouses and other family members, relatives and other individuals who live with the public prosecutor, shall not be allowed to accept gifts, promises of gifts or use other conveniences and perks.

Article 64

Public prosecutors shall proceed before the courts wearing togs, the appearance of which and method of wear shall be prescribed by the Minister of Justice.

6. TERMINATION OF OFFICE AND DISMISSAL OF PUBLIC PROSECUTORS

Article 65

- (1) The term of office of the Chief Public Prosecutor of the Republic of Macedonia shall be terminated:
 - upon his or hers request;
 - if he or she loses the citizenship of Republic of Macedonia;
 - if he or she is found permanently incapable of exercising his or hers public prosecutorial office;
 - if he or she is selected or appointed to another public office; and
 - if he or she has been convicted for a crime with an effective verdict and sentenced to imprisonment of at least six months, or receives a shorter prison sentence or another criminal sanction for a criminal offence making him or her unworthy to exercise the office of a public prosecutor.
- (2) In the events as referred to in paragraph (1) of this Article, the termination of the term of office of the Chief Public Prosecutor of the Republic of Macedonia shall be established by the Parliament of the Republic of Macedonia.

Article 66

- (1) The term of office of a public prosecutor shall be terminated:
 - upon his or hers request;

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- if he or she loses the citizenship of Republic of Macedonia;
 - if he or she is found permanently incapable of exercising his public prosecutorial office;
 - by meeting the conditions for old-age retirement;
 - if he or she has been selected or appointed to another public office upon his or hers request and with his or hers consent, except when the public prosecutorial office is put on hold under conditions stipulated in this Law; and
 - if he or she has been convicted for a crime with an effective verdict and sentenced to imprisonment of at least six months, or receives a shorter prison sentence or another criminal sanction for a criminal offence making him or her unworthy to exercise the office of a public prosecutor.
- (2) In the events as referred to in paragraph (1) of this Article, the termination of the term of office of the public prosecutor shall be established by the Public Prosecutor’s Office of the Republic of Macedonia.

Article 67

- (1) The Government of the Republic of Macedonia, after obtaining an opinion from the Public Prosecutor’s Council of the Republic of Macedonia, shall submit a proposal for dismissal of the Chief Public Prosecutor of the Republic of Macedonia to the Parliament of the Republic of Macedonia.
- (2) The Chief Public Prosecutor of the Republic of Macedonia shall be dismissed from the public prosecutorial functions before the expiry of the term of office:
- because of an unlawful, untimely or insufficiently professional performance of functions;
 - if his or hers behaviour and actions indicate that he or she is not capable of performing the required duties;
 - if he or she does not submit a request for initiation of criminal proceedings in instances as prescribed by the law; and
 - if he or she undermines the repute of the prosecutorial office.
- (3) The Public Prosecutor’s Council may submit an initiative for dismissal of the Chief Public Prosecutor of the Republic of Macedonia, by listing the reasons, circumstances and facts that were taken into account when raising the initiative.
- (4) The Government of the Republic of Macedonia shall deliver the proposal for dismissal of the Chief Public Prosecutor of the Republic of Macedonia to the Public Prosecutor’s Council of the Republic of Macedonia, which in turn, within 15 days of the receipt of the proposal, shall be obliged to deliver an annotated positive or negative opinion in a written form to the Government of the Republic of Macedonia.
- (5) The Chief Public Prosecutor of the Republic of Macedonia and the Minister of Justice shall not be present, nor shall they participate at the session of the Public Prosecutor’s Council of the Republic of Macedonia, where the proposal from the Government of the Republic of Macedonia for dismissal of the Chief Public Prosecutor of the Republic of Macedonia is being discussed.
- (6) The Chief Public Prosecutor of the Republic of Macedonia shall have the right to provide his or her comments with respect to the proposal referred to in paragraph (1) of this Article, in a written form.

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- (7) The Government of the Republic of Macedonia, together with the proposal for dismissal, shall also obligatorily submit the opinion as referred to in paragraph (4) of this Article to the Parliament of the Republic of Macedonia.
- (8) In the event that the Public Prosecutor’s Council of the Republic of Macedonia in the prescribed deadline, for justified reasons, does not deliver its opinion to the Government of the Republic of Macedonia, the deadline as referred to in paragraph (4) of this Article shall be extended for another 15 days. If the Council does not deliver its opinion within this deadline as well, it shall be considered that it does not support the proposal by the Government of the Republic of Macedonia.
- (9) The Chief Public Prosecutor of the Republic of Macedonia shall have the right to be present at the session of the Parliament of the Republic of Macedonia and provide comments regarding the proposal for his or hers dismissal by the Government of the Republic of Macedonia.

Article 68

- (1) Public prosecutors shall be dismissed from their duties:
 - because of a serious disciplinary infringement that makes them unworthy of the public prosecutorial office prescribed by the law; and
 - because of unconscious and unprofessional performance of the public prosecutorial function under conditions stipulated by the law.
- (2) The proposal for initiation of the procedure for establishment of liability as referred to in paragraph (1) of this Article shall be submitted with 30 days of ascertaining the facts, but not later than two years from the day of the actual violation.

Disciplinary infringements

Article 69

The following shall be considered as a serious disciplinary infringement that entails a procedure for disciplinary liability of a public prosecutor:

- serious violation of the public order and piece, thus undermining the repute of the public prosecutors and Public Prosecution Offices;
- serious violation of the rights and lack of respect for the honour and dignity of the parties and other participants in the proceedings, thus undermining the repute of the public prosecutorial function;
- unworthy behaviour towards individuals, state institutions or other legal entities in relation to the execution of their duties or apart;
- violation of the non-discrimination principle on any grounds; and
- precluding the Higher Public Prosecution Office from exercising an oversight of the work of public prosecutors.

Article 70

The following shall be considered as a disciplinary infringement that entails a procedure for disciplinary liability of a public prosecutor:

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- unworthy and behaviour unbecoming at public places;
- not wearing togs;
- receiving gifts and other conveniences in relation to the public prosecutorial function;
- involvement in party and political activities or another public function, work or activity that is incompatible with the public prosecutorial office (Article 62);
- provoking a serious disruption of the relations at the Public Prosecution Office that has a significant influence on the exertion of the public prosecutorial functions;
- unjustifiable rejection or non-fulfilment of educational and mentor-like obligations;
- serious violation of rights related to absence from work; and
- non-fulfilment of the duty for professional education and development.

Article 71

- (1) The following shall be considered as non-professional exertion of the public prosecutorial office:
 - insufficient professionalism and speciality that influences the quality of work;
 - ignorance for the laws, ratified international agreements and other regulations; and
 - low quality in the preparation of prosecutorial decisions and other written documents.
- (2) The following shall be considered as unconscious exertion of the public prosecutorial office:
 - severe violation of the norms from the public prosecutorial Code of Ethics, thus undermining the repute of the Public Prosecution Office;
 - unlawful, untimely or negligent exertion of the public prosecutorial functions;
 - partiality in proceeding in individual cases;
 - unauthorised disclosure of classified information;
 - unauthorized presentation of information and data related to prosecution cases; and
 - unjustifiable refusal or failing to act upon instructions issued pursuant to the provisions of this Law.

Article 72

- (1) The proceedings for establishment of the disciplinary infringement and non-professional and unconscious exertion of the public prosecutorial office shall be led by a Committee, composed of five members, established by the Chief Public Prosecutor of the Republic of Macedonia.
- (2) Upon appeal, the Public Prosecutor’s Council of the Republic of Macedonia shall rule in second instance on the decision by the Committee, as referred to in paragraph (1) of this Article.
- (3) The public prosecutor shall have to right to initiate an administrative dispute before the competent court against the decision made by the Public Prosecutor’s Council of the Republic of Macedonia.
- (4) The Public Prosecutor’s Council of the Republic of Macedonia shall enact a Rulebook on the procedure for establishment of liability of public prosecutors.

Disciplinary measures

Article 73

When a disciplinary infringement by a public prosecutor is established, one may impose one of the following disciplinary measures:

- a written warning;
- public reprimand;
- salary reduction in the amount of 15% to 30% of the monthly salary of the public prosecutor for a period of one to six months;
- suspension; and
- dismissal from the public prosecutorial office.

Article 74

- (1) The proceedings for establishment of the liability of the public prosecutor for a disciplinary infringement and non-professional and unconscious exertion of duties shall be conducted upon proposal by the Chief Public Prosecutor of the Republic of Macedonia for all public prosecutors, and upon proposal by a Higher Public Prosecutor for the Basic Public Prosecutors.
- (2) The decision for the dismissal of a public prosecutor shall be enacted by the Public Prosecutor’s Council of the Republic of Macedonia.

Article 75

Public prosecutors, who have been dismissed from office, shall enjoy their labour rights in a manner and under conditions as stipulated by the law.

7. PUBLIC PROSECUTION ADMINISTRATIVE OFFICE

Article 76

- (1) The Public Prosecution Offices shall employ a certain number of graduate lawyers, as Senior Prosecutorial Councillors, Independent Prosecutorial Councillors, Prosecutorial Councillors, Legal Assistants and Junior Assistants who shall perform technical and administrative duties.
- (2) The Public Prosecution Offices shall employ a certain number of professionals of different profiles (finance, civil construction, information technology, electrical engineering, mechanical engineering etc.) who shall perform professional tasks related to monitoring and detection of crimes.
- (3) A certain number of professional individuals as public prosecution investigators shall be employed at the Public Prosecution Offices where pursuant to Article 15, paragraph (2) of this Law, specialized departments for monitoring and detection of crimes have been established, as well as in the Basic Public Prosecution Office for Prosecution of Organized Crime and Corruption.
- (4) Certain number of clerks shall be employed at the Public Prosecution Offices to perform administrative, technical and other tasks.

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- (5) Without undermining the criteria stipulated by the law, appropriate and just representation of citizens that belong to all the communities shall be ensured in the process of employment of the individuals as referred to in paragraphs (1), (2) and (3) of this Article.

Article 77

- (1) A Secretary General shall be appointed at the Public Prosecution Office of the Republic of Macedonia.
- (2) The Secretary General shall manage the Public Prosecution Administrative Office of the Public Prosecution Office of the Republic of Macedonia and shall coordinate and direct the work of the Administrative Office and shall assist the Chief Public Prosecutor of the Republic of Macedonia in the performance of his duties of public prosecutorial administration and management.

Article 78

- (1) A Secretary shall be appointed in the Public Prosecution Offices that employ more than seven public prosecutors, who shall manage the operation of the Administrative Office at the Public Prosecution Office.
- (2) The Secretary shall assist the Public Prosecutor in the performance of his duties of public prosecutorial administration and management.

Article 79

- (1) The Secretary General of the Public Prosecution Office of the Republic of Macedonia may be a graduated lawyer who fulfils the general conditions stipulated by law regarding employment in state Institutions, with passed Bar exam and at least seven years of practice in legal matters after taking the Bar exam.
- (2) The Secretary of a Public Prosecution Office may be a person who fulfils the conditions as referred to in paragraph (1) of this Article and has at least three years of practice in legal matters after taking the Bar exam.

Article 80

- (1) A Senior Prosecutorial Councillor in a Basic Public Prosecution Office may be a graduated lawyer who fulfils the general conditions stipulated by law regarding employment in state Institutions, with passed Bar exam and at least three years of practice in legal matters after taking the Bar exam.
- (2) A Senior Prosecutorial Councillor in the Basic Public Prosecution Office for Prosecution of Organized Crime and Corruption may be a graduated lawyer who fulfils the general conditions referred to in paragraph (1) of this Article and has at least five years of practice in legal matters after taking the Bar exam.
- (3) A Senior Prosecutorial Councillor in a Higher Public Prosecution Office may be a graduated lawyer who fulfils the general conditions referred to in paragraph (1) of this Article and has at least five years of practice in legal matters after taking the Bar exam.
- (4) A Senior Prosecutorial Councillor in the Public Prosecution Office of the Republic of Macedonia may be a graduated lawyer who fulfils the general conditions

referred to in paragraph (1) of this Article and has at least eight years of practice in legal matters after taking the Bar exam.

- (5) The candidates for public prosecutors who have completed their training at the Academy for Training of Judges and Public Prosecutors, until elected for public prosecutors, shall be assigned to work at the Public Prosecution Office where they got their on-the-job practical training with an occupational title of Senior Prosecutorial Councillor.

Article 81

- (1) An Independent Prosecutorial Councillor in a Basic Public Prosecution Office may be a graduated lawyer who fulfils the general conditions stipulated by law regarding employment in state administration bodies, with passed Bar exam and at least two years of practice in legal matters after taking the Bar exam.
- (2) An Independent Prosecutorial Councillor in the Basic Public Prosecution Office for Prosecution of Organized Crime and Corruption may be a graduated lawyer who fulfils the general conditions referred to in paragraph (1) of this Article and has at least four years of practice in legal matters after taking the Bar exam.
- (3) An Independent Prosecutorial Councillor in a Higher Public Prosecution Office may be a graduated lawyer who fulfils the conditions referred to in paragraph (1) of this Article and has at least four years of practice in legal matters after taking the Bar exam.
- (4) An Independent Prosecutorial Councillor in the Public Prosecution Office of the Republic of Macedonia may be a graduated lawyer who fulfils the general conditions referred to in paragraph (1) of this Article and has at least six years of practice in legal matters after taking the Bar exam.

Article 82

A Prosecutorial Councillor in a Public Prosecution Office may be a graduated lawyer who fulfils the general conditions stipulated by law regarding employment in state administration bodies and at least one year of practice after passing the Bar exam.

Article 83

A Legal Assistant may be a graduated lawyer who fulfils the general conditions stipulated by law regarding employment in state administration bodies, with passed Bar exam.

Article 84

- (1) A Junior Assistant may be a graduated lawyer who fulfils the general conditions stipulated by law regarding employment in state administration bodies.
- (2) Junior Assistants shall be employed in the Basic and Higher Public Prosecution Offices and shall be assigned to perform different tasks and duties in order to gain experience in all work areas.
- (3) After passing the Bar exam, the Junior Assistant shall be assigned to perform the duty of a Legal Assistant, pursuant to the act for systematisation of job positions.

Courtesy of the OSCE Mission to Skopje
Unofficial translation

- (4) Junior Assistants who after completing the apprentice practice period of two years fail to pass the Bar exam within a period of one year, shall lose their Junior Assistant position at the Public Prosecution Office.

Article 85

The Rulebook on Systematisation of Job Positions for the Senior Prosecutorial Councillors, Independent Prosecutorial Councillors, Prosecutorial Councillors, Legal Assistants, Junior Assistants and other employees, as well as a decision regarding their number shall be enacted by the Chief Public Prosecutor of the Republic of Macedonia.

Article 86

For exertion of certain administrative, financial, operational, handling and supplementary tasks and duties, the Public Prosecution Office, in agreement with other institutions may establish Common General Services or assign appropriate personnel, to perform these tasks and duties of common interest.

Article 87

- (1) During a strike of the employees at the Public Prosecution Administrative Office, the Public Prosecution Office shall continue with exertion of the tasks and duties related to representation at scheduled proceedings and sessions before the courts.
- (2) For cases designated as urgent by law and tasks that are essential pursuant to the law and their nature, the public prosecution shall be obliged to ensure unobstructed exertion of its functions, also during a strike.

8. FUNDING

Article 88

- (1) The necessary funds for the operation of the Public Prosecution Offices shall be provided from the State Budget of the Republic of Macedonia via the budgetary user – the Public Prosecution Office of the Republic of Macedonia.
- (2) The Basic Public Prosecution Offices, the Basic Public Prosecution Office for Prosecution of Organized Crime and Corruption and the Higher Public Prosecution Offices shall be financed via the budgetary user, as referred to in paragraph (1) of this Article.
- (3) The Ministry of Finance, which proposes the part of the State Budget of the Republic of Macedonia, allocated for the Public Prosecution Offices shall be obliged to submit the proposal to the Chief Public Prosecutor of the Republic of Macedonia and obtain an opinion before it is voted on and passed by the Parliament of the Republic of Macedonia.
- (4) The opinion referred to in paragraph (3) of this Article shall obligatorily be submitted to the Parliament of the Republic of Macedonia along with the proposal for the part of the State Budget of the Republic of Macedonia allocated for the Public Prosecution Offices.

Article 89

- (1) The Public Prosecution Office of the Republic of Macedonia shall prepare a unique budget calculation on the basis of the calculations submitted by the Basic Public Prosecution Offices, the Basic Public Prosecution Office for Prosecution of Organized Crime and Corruption, the Higher Public Prosecution Offices and the Public Prosecution Office of the Republic of Macedonia.
- (2) The unique budget calculation for all Public Prosecution Offices and the explanation for the amount of the requested funds shall be submitted by the Public Prosecution Office of the Republic of Macedonia to the Ministry of Finance.
- (3) Before submitting the Budget Proposal of the Republic of Macedonia to the Government of the Republic of Macedonia, the Minister of Finance shall obligatory harmonize this part of the Budget Proposal of the Republic of Macedonia with the Chief Public Prosecutor of the Republic of Macedonia. If no agreement is reached, the Ministry of Finance shall prepare a report and deliver it to the Government of the Republic of Macedonia.
- (4) The Public Prosecution Office of the Republic of Macedonia, upon prior consent by the Public Prosecutor’s Council shall allocate the funds approved in the State Budget of the Republic of Macedonia by Public Prosecution Offices, annually and monthly, on the basis of certain standards and criteria.

Article 90

The funding for the operation of the Public Prosecution Offices shall consist of funds for salaries and allowances for the public prosecutors, salaries and allowances of the employees in the Public Prosecution Administrative Office, funds for purchasing of goods and services, expenses during the proceedings including funds for consultations and opinions by experts, funds professional advancement of the public prosecutors and the employees in the Public Prosecution Administrative Office, obtaining capital investments and funds for maintenance of the facilities and equipment at the Public Prosecution Offices.

Article 91

The salaries and other allowances of the employees in the Public Prosecution Administrative Office shall be regulated by law and collective agreement.

Article 92

- (1) The spatial conditions, material means, equipment and other working conditions of the public prosecutors shall be provided by the Government of the Republic of Macedonia.
- (2) The Government of the Republic of Macedonia shall enact a Program with a determined amount of funds for construction, reconstruction, maintenance of the buildings and equipment for the Public Prosecution Offices and shall determine their purpose in more details.
- (3) The Ministry of Justice shall be responsible for the realization of the Program, as referred to in paragraph (2) of this Article.

Article 93

- (1) An IT system shall be established within the Public Prosecution Offices as a part of the Single IT Centre with a database for the judicial and prosecutorial bodies in the Republic of Macedonia.
- (2) The Ministry of Justice shall be in charge of the setting up and maintenance of the unique methodological and technological layout of the IT system for the Public Prosecution Offices.

9. TRANSITIONAL AND FINAL PROVISIONS

Article 94

- (1) Higher Public Prosecutors and Basic Public Prosecutors appointed pursuant to the Law on the Public Prosecution Office (“Official Gazette of the Republic of Macedonia” number 80/92, 19/93, 9/94 and 9/96) and the Law on the Public Prosecution Office (“Official Gazette of the Republic of Macedonia” number 38/2004) shall continue with their duties until the expiry of their term of office for which they have been elected. Within 30 days before the expiry of their term of office, upon their written request, the Public Prosecutor’s Council of the Republic of Macedonia shall enact a decision, by which the Higher Public Prosecutors and the Basic Public Prosecutors shall be elected for public prosecutors in the same Public Prosecution Offices without any limitation in regard to their term of office. In relation to the written request submitted, the Public Prosecutor’s Council of the Republic of Macedonia may enact a decision, thus concluding the termination of the public prosecutorial office in cases when one of the conditions as referred to in Articles 66, 68, 69, 70 and 71 of this Law has been met.
- (2) Deputy Public Prosecutors appointed pursuant to the Law on the Public Prosecution Office (“Official Gazette of the Republic of Macedonia” number 80/92, 19/93, 9/94 and 9/96) shall continue with their duties as public prosecutors until the expiry of their term of office for which they have been elected. Within 30 days before the expiry of their term of office, upon their written request, the Public Prosecutor’s Council of the Republic of Macedonia shall enact a decision, by which the Deputy Public Prosecutors shall be elected for public prosecutors in the same Public Prosecution Offices without any limitation in regard to their term of office. In relation to the written request submitted, the Public Prosecutor’s Council of the Republic of Macedonia may enact a decision, thus concluding the termination of the deputy public prosecutorial office in cases when one of the conditions as referred to in Articles 66, 68, 69, 70 and 71 of this Law has been met.
- (3) The Deputies of the Chief Public Prosecutor of the Republic of Macedonia, the Higher Public Prosecutors and their Deputies and the Basic Public Prosecutors and their Deputies, appointed pursuant to provisions of the Law on the Public Prosecution Office (“Official Gazette of the Republic of Macedonia” number 80/92, 19/93, 9/94 and 9/96) and the Law on the Public Prosecution Office (“Official Gazette of the Republic of Macedonia” number 38/2004) whose term of office has expired, within 30 days of the constitution of the Public Prosecutor’s Council of the Republic of Macedonia, shall submit a written request to the Council, for them to be selected as public prosecutors at the same Public

Prosecution Offices without any limitation in regard to their term of office. The Public Prosecutor’s Council of the Republic of Macedonia shall then enact a decision, by which the public prosecutors referred to in this paragraph shall be elected as public prosecutors at the same Public Prosecution Offices without any limitation in regard to their term of office. In relation to the written request submitted, the Public Prosecutor’s Council of the Republic of Macedonia may enact a decision, thus concluding the termination of the office of the Deputy to the Chief Public Prosecutor of the Republic of Macedonia, Higher Public Prosecutor, Deputy Higher Public Prosecutor, Basic Public Prosecutor or Deputy Basic Public prosecutor, in cases when one of the conditions as referred to in Articles 66, 68, 69, 70 and 71 of this Law has been met.

- (4) If, following the expiry of their term of office, the public prosecutors and their deputies referred to in paragraphs (1) and (2) of this Article are not selected for public prosecutors at the same Public Prosecution Offices from which they have been appointed, i.e. to which they have been appointed, their public prosecutorial office or deputy public prosecutorial office shall be terminated, with a right to a salary pursuant to the Law on Salaries and Salary Allowances of Members of Parliament and Other Elected or Appointed Officials (“Official Gazette of the Republic of Macedonia” number 36/90, 38/91, 23/97, 37/2005 and 84/2005).
- (5) Deputy Public Prosecutors appointed pursuant to the Law on the Public Prosecution Office (“Official Gazette of the Republic of Macedonia” number 38/2004) shall continue with their public prosecutorial duties at the Public Prosecution Office where they have been appointed to without any limitation in regard to their term of office.
- (6) The procedure for election of a Higher Public Prosecutor and Basic Public Prosecutor shall start three months prior to the expiry of the term of office for which they have been appointed.
- (7) The required experience for a public prosecutor, established as a special condition for appointment, i.e. selection of a public prosecutor pursuant to Article 45 of this Law, shall also include the years of service working as a Deputy Public Prosecutor.
- (8) All rights and obligations of the public prosecutors stipulated in this Law, shall equally refer to the Deputy public prosecutors.

Article 95

- (1) Until the candidates for public prosecutors acquire such a status for the first time, pursuant to the Law on the Academy for Training of Judges and Public Prosecutors, the public prosecutors at the Basic Public Prosecution Offices shall be selected according to the conditions provided for in Article 34, paragraphs (1) and (2) of the Law on the Public Prosecution Office (“Official Gazette of the Republic of Macedonia” number 38/2004).
- (2) During a period of three years after the first candidate for a public prosecutor has acquired such a status, pursuant to the Law on the Academy for Training of Judges and Public Prosecutors, the Public Prosecutor’s Council, shall fill in 50% of the established vacancies at the Basic Public Prosecution Offices with persons, who meet the conditions for a Deputy Public Prosecutor at the Basic Public Prosecution Offices pursuant to Article 34, paragraphs (1) and (2) of the Law on the Public Prosecution Office (“Official Gazette of the Republic of

Macedonia” number 38/2004) and who have not attended the initial training at the Academy.

Article 96

- (1) The Higher Public Prosecution Office in Gostivar and the Basic Public Prosecution Office for Prosecution of Organized Crime and Corruption shall be established by December 31st 2007 at the latest.
- (2) Until the establishment of the Higher Public Prosecution Office in Gostivar, the tasks and duties under its jurisdiction shall be performed by the Higher Public Prosecution Office in Skopje.
- (3) The Deputy Public Prosecutors who have been appointed, i.e. assigned to the Department for Prosecution of Perpetrators of Criminal Offences in the Area of Organized Crime and Corruption shall continue performing their duties as usual, until the establishment of the Basic Public Prosecution Office for Prosecution of Organized Crime and Corruption.

Article 97

The Ministry of Justice shall provide the necessary accommodation facilities and conditions for the operation of the Higher Public Prosecution Office in Gostivar and the Basic Public Prosecution Office for Prosecution of Organized Crime and Corruption.

Article 98

- (1) The Minister of Justice and the Chief Public Prosecutor of the Republic of Macedonia shall enact the necessary bylaws as provided for in this Law, within 60 days from the date when this Law enters into force.
- (2) The Public Prosecutor’s Council of the Republic of Macedonia shall enact the necessary bylaws as provided for in this Law, within 60 days from the date of its constitution.
- (3) The bylaws enacted before this Law has entered into force shall be valid and applicable until the entry into force of the bylaws referred to in paragraphs (1) and (2) of this Article.

Article 99

As of the day of entry into force of this Law, the Law on the Public Prosecution Office (“Official Gazette of the Republic of Macedonia”, number 38/2004) shall no longer be valid, except the provisions under Article 34, paragraphs (1) and (2) of the Law, which shall cease to be valid following the expiry of the deadline prescribed in Article 95 of this Law.

Article 100

This Law shall enter into force on the eight day from the day of its publication in the “Official Gazette of the Republic of Macedonia”.