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Establishing the necessary framework for
international cooperation in criminal
matters – the case of Republic of N.
Macedonia

Introduction to the international cooperation in criminal matters

Law on international cooperation in criminal matters 2010 (New law to be in force 2020?)

Protection of Sovereignty, security

Double incrimination

Non bis in idem - double jeopardy

Reciprocity

Direct communication (new) & specialty ?

Urgency and efficiency

Mutual trust

Mutual recognition and execution of decisions

Types of international cooperation



**International
(mutual) legal
assistance**



**Transfer of
criminal
procedure**



Extradition



**Execution of CD
and transfer of
convicted
persons**



Rejecting international cooperation



If the cooperation is Against the Constitution or at risk for the sovereignty, safety, security of RNM

**IT'S ALL
POLITICS**



In case of political crime or crime connected to political crime



If it is a case of Military crime



If it is assumed that the criminal procedure is connected with discrimination



In case of double jeopardy



If there is an ongoing procedure in RNM for the same crime



In case of obsolescence

International legal assistance



**examination
of a witness,
injured
party or
expert** (this is
provided in the
new Law)



**submission of
documents,
written
evidence and
cases related
to the criminal
proceedings in
the requesting
State**



**submission
of
spontaneous
information**



**exchange of
information,
notices and
regulations**



International legal assistance



**cross-
border
surveillance**



**joint
investigation
teams**



**Controlled
delivery,
undercover
agents &
wiretapping**
Special Investigative
Measures in
accordance with the
CPC



**video
conference
examination
and
telephone
conference
examination**



International legal assistance



search of
premises,
persons and
objects



Temporary seizure
of objects, property
or assets related to
the crime, property
in a bank safe,
monitoring of
payment operations
and temporary
suspension of the
execution of certain
financial
transactions



submission
of excerpts
from
criminal
records



temporary
transfer of
persons
deprived of
liberty



International legal assistance



Confiscation and
deprivation of
property and
property gain



Protection of
personal data



Criminal and
civil liability of
state officials



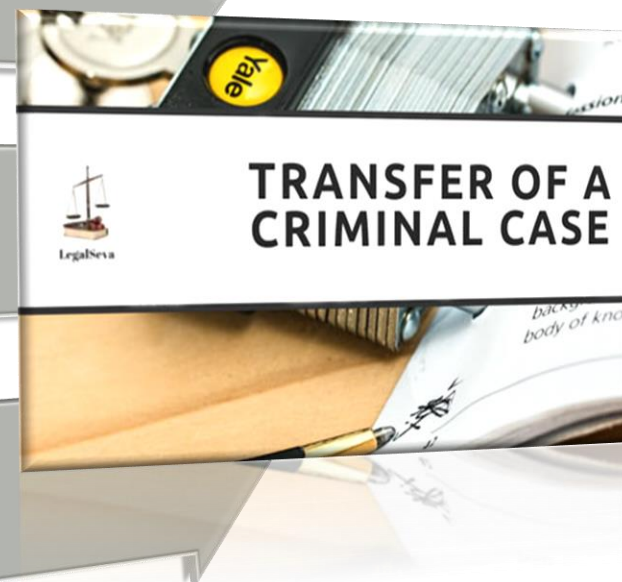
Transfer of criminal procedure

Request for taking over of the criminal procedure (against Macedonian citizen)

The request from the foreign competent authority goes from the MJ to the Public prosecutions office

Decisions regarding the request

Conditions for undertaking the criminal prosecution



Transfer of criminal procedure

Request for transferring the right to conduct the criminal procedure (for a foreigner that committed a crime on the territory of RNM)

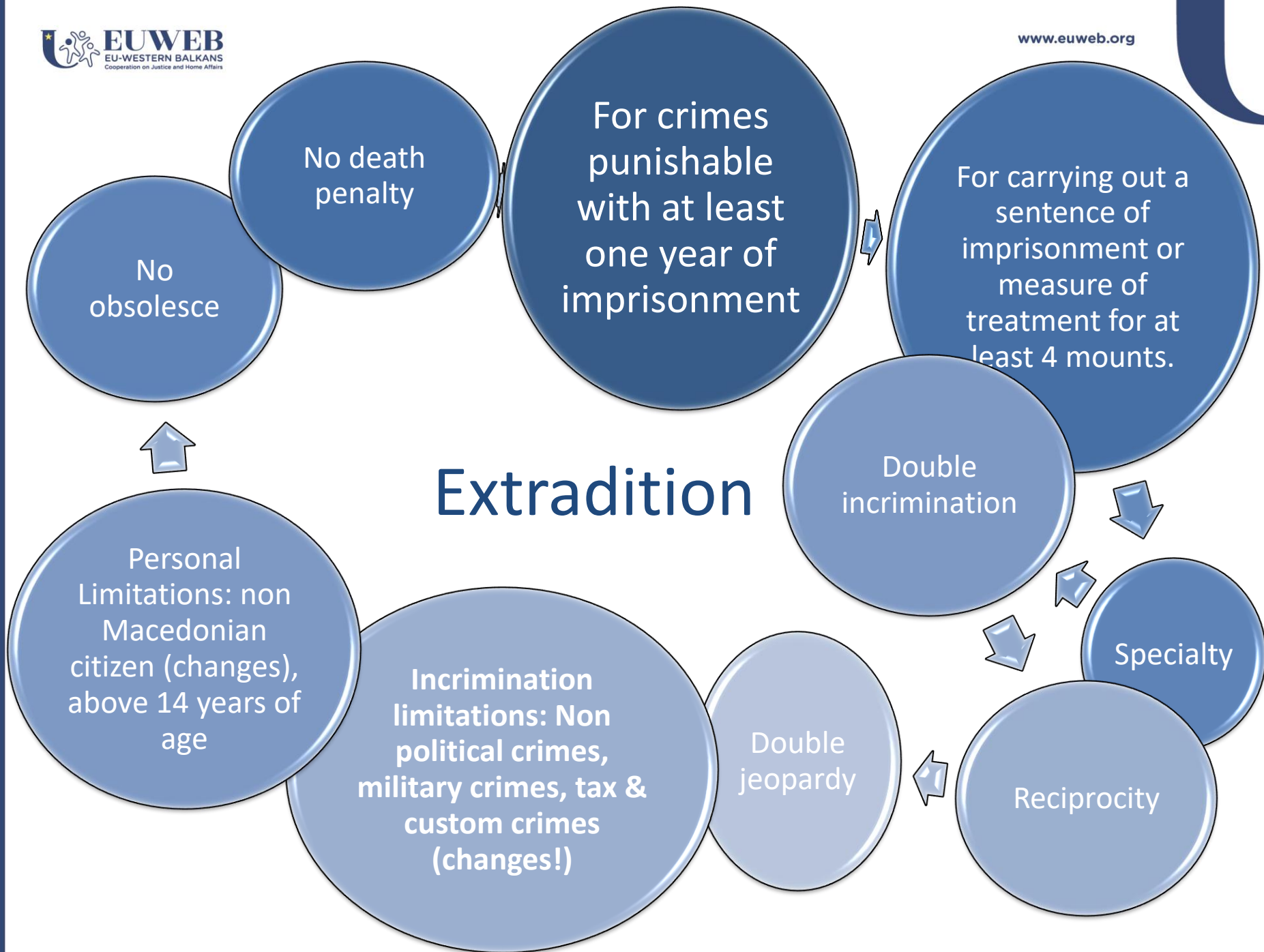
Transferring all the evidence to the foreigner competent authority

Decisions regarding the request (decision in case the injured party is a Macedonian citizen)

Only for crimes punishable with imprisonment up to 10 years & traffic crimes



Extradition



Extradition



exact identity of the wanted person;



the crime in matter should not be committed on the territory of RNM or against Macedonian citizen;

Also needed:



To have enough evidence for prosecution or effective court decision;



if the person whose extradition is pursued was convicted in absentia, and the foreign state seeks to guarantee that the person will be tried in his presence.

Extradition

**You have
the
right
to an
attorney**

Right to
attorney

YES, I DO

Right to
say “I do”



Extradition
custody



Republic of North Macedonia

Ministry of Justice

The role of the
Minister of Justice



Short (speedy)
procedure

Recognition and carrying out of verdict and transfer of convicted persons



final and enforceable



Double incrimination



The procedure was
carried out in the
presence of the accused



No obsolesce



Fines couldn't be
enforceable in foreign
state



The sanction has to be
the same or
proportionate

Transfer of convicted persons



A convicted person who is not a citizen of the RNM, or a convicted person who is a citizen of the RNM but has no residence or domicile in the RNM

Has at least six more months to serve his sentence



Double incrimination

Consent (except in case of expulsion of a foreigner)



Institutional cooperation (new Law)

Cooperation with EUROJUST (Agreement in 2008, Assigned Public Prosecutor for relations with EUROJUST in 2018).



Cooperation with European judicial network (EJN)



Cooperation with authorities for financial investigations and confiscation



Thank you for your attention

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