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ON PUBLIC PROSECUTOR'S OFFICE

BASIC PROVISIONS

Article 1

This Law regulates the organization and the general competence of the Public Prosecutor's Office, defines the territorial jurisdiction and the seats of the Public Prosecutors Offices and determines the conditions and the procedure for appointing and call off of public prosecutors.

Article 2

Public Prosecutor's Office is a unique and an independent state organ that prosecutes perpetrators of crimes and of other punishable acts sanctioned by a law and exercises other affairs proscribed by a law.

Article 3

Public Prosecutor's Office exercises its functions on the basis of and within the frames provided by the Constitution, the Legislation and the International Treaties ratified in accordance to the Constitution of the Republic of Macedonia.

Article 4

- (1) Public Prosecutor's Office is obliged to exercise its functions in a fair, impartial and objective manner, to respect and protect internationally set human rights and fundamental freedoms and to take due care for an efficient and timely functioning of the criminal justice system.
- (2) **In course of exercising its functions, Public Prosecutor's Office is obliged to ensure the equity of all before the law, regardless of gender, race, color of skin, national or social origin, political or religious belief, property and social position or any other status.**

Article 5

- (1) Function of the Public Prosecutor's Office is exercised by Public Prosecutors, as follows: General Public Prosecutor of the Republic of Macedonia, Higher Public Prosecutor and Principal Public Prosecutor.
- (2) **A Public Prosecutor can have one or more Deputy Public Prosecutors with the Public Prosecutors' Offices.**
- (3) Upon a proposal of the General Public Prosecutor, Parliament of the Republic of Macedonia determines the number of **Deputy** Public Prosecutors with the Public

Prosecutor's Office of the Republic of Macedonia, with Higher Public Prosecutor's Offices and with Principal Public Prosecutor's Offices.

Article 6

Deputy Public Prosecutors with Public Prosecutor's Offices get appointed without any limitations of their mandate duration, **except in cases proscribed by this Law.**

Article 7

- (1) Jurisdiction and competence of the Public Prosecutor's Office are proscribed by the law that defines the jurisdiction and the competence of the Courts in front of which Public Prosecutor's Offices act.**
- (2) Public Prosecutors exercise their function independently, within the Public Prosecutor's Office to which they have been appointed, except in cases proscribed by this Law.**

Article 8

- (1) All Public Prosecutor's Offices prepare annual report for their work.
- (2) Principal and Higher Public Prosecutor's Offices send reports to their superior Offices and the Public Prosecutor's Office of the Republic of Macedonia prepares joint annual report for the work of all the Public Prosecutor's Offices and sends its for verification to the Parliament of the Republic of Macedonia.
- (3) General Public Prosecutor sends the annual working report to the Government and to the Ministry of Justice of the Republic of Macedonia.

Article 9

Principal and Higher Public Prosecutors are obliged to inform their superior Public Prosecutors of the actions aimed at criminal prosecution of perpetrators of criminal acts of special significance, as regards any particular modus operandi, modalities in which the acts were committed and the seriousness of thereof consequences or of criminal cases burdened with unclear or dubious legal issues.

Article 10

- (1) The General Public Prosecutor of the Republic of Macedonia or a Public Prosecutor authorized by him/her, reports to the public on the crime situation and other phenomena of general importance noted in course of his/her work, through press and other types of media, through organized press-conferences or through any other way determined by the General Public Prosecutor.
- (2) Higher and Principal Public Prosecutors are obliged to inform the public of the cases which they work on, especially if the cases are of such a nature that they cause significant general interest of the public or have importance upon the exercise of the

Public Prosecutor's Office function for reasons of protection of criminal and other unlawful actions.

Article 11

- (1) Public Prosecutor's Office is organized in accordance to the principles of hierarchy and subordination.
- (2) General Public Prosecutor of the Republic of Macedonia is the highest one in the Public Prosecutor's hierarchy and he/she is responsible for the general conditions relating to organization and exercise of the Public Prosecutor's function in the Republic of Macedonia.

Article 12

- (1) General Public Prosecutor of the Republic of Macedonia passes obligatory written general instructions for the work of the Public Prosecutor's Offices, with regards to the unique implementation of the Law on Public Prosecutor's Office and implementation of the prosecuting policy.
- (2) Before passing a general instruction of par.1 above, the General Public Prosecutor of the Republic of Macedonia, shall call a meeting with the Higher and Principal Public Prosecutors for a review of the draft-text of the instruction
- (3) A Higher Public Prosecutor can pass obligatory written instructions intended for the Principal Public Prosecutors covering the territory under his/her jurisdiction, as regards taking certain measures and activities for protection of the rights and freedoms of people and the citizens, protection of interest of a social community and other legal entities, aimed at more efficient uncovering of criminal and other punishable acts and perpetrators and is obliged to subsequently inform the General Public Prosecutor of the Republic of Macedonia on this.
- (4) Principal and Higher Public Prosecutors are obliged to act in accordance to the written instructions passed by a Higher Public Prosecutor.

Article 13

Public Prosecutor's Office cooperates with other agencies responsible for uncovering crimes and other punishable acts and perpetrators, with Courts, other organs and legal entities in relation to issues relevant to the normal exercise of its functions and issues of common interest.

Article 14

Public Prosecutor's Office of the Republic of Macedonia establishes and maintains international cooperation within the frames given in International Conventions and Treaties or in other suitable manners, with public prosecutors from different countries, particularly in the area of combating and prosecuting organized crime and **other types of serious crimes**, through information exchange, immediate cooperation, education and specialization of personnel, as well as through other forms of cooperation and active

participation in international cooperation, all this to the aim of successful exercise of its function.

Article 15

Forms of political organizing and acting are not allowed in Public Prosecutor's Offices.

Article 16

Office working supplies, working premises, equipment and other conditions necessary for the work of the Public Prosecutor's Office are provided by the Republic of Macedonia (*the state*).

Article 17

- (1) Public Prosecutor's Office has a seal containing the : coat of arms and the name "Republic of Macedonia", Public Prosecution Office of the Republic of Macedonia, the title and the seat of the Public Prosecutor.
- (2) The title of the Public Prosecutor's Office is hang out on the building where it is seated.

Article 18

- (1) Internal regulations for the work of the Public Prosecutor's Offices are passes by the General Public Prosecutors, considering a preceding opinion of the Minister of Justice.
- (2) Supervision over the administration processing of the Public Prosecutor's Offices is exercised by the General Public Prosecutor and the Minister of Justice.

I. PUBLIC PROSECUTOR'S OFFICES' COMPETENCE

Article 19

In exercising the function of prosecuting perpetrators of crimes and other punishable acts proscribed by a law, it is a Public Prosecutor's competence to:

- take measures and legal means necessary for uncovering crimes and perpetrators and to direct pre-trial procedure;
- take all procedural action within Public Prosecutor's basic function to bring and represent indictments;
- decide upon the need to initiate or continue criminal prosecution;
- to lodge regular of extraordinary legal remedies (complaints) against court decisions;
- exercise other actions proscribed by a law.

Article 20

- (1) In exercising the function of criminal prosecution of perpetrators of crimes and other punishable acts proscribed by a law, Public Prosecutor's Office in collaboration with the Ministry of Interior and other relevant state organs and legal entities, takes all measures and activities necessary for uncovering crimes and other punishable acts and perpetrators, as defined by a law.
- (2) Public Prosecutors directs the work and measures of authorized Ministry of Interior's officials aimed at finding a perpetrator of a crime, preventing a perpetrator or an accomplice to hide or to run away, revealing and securing traces of crimes and objects that can be used as evidence and is entitled to require that the Ministry of Interior and other competent organs and legal entities collect all information and take other measures for uncovering crimes and other punishable acts and perpetrators.
- (3) A Public Prosecutor is entitled to ask the Ministry of Interior to deliver documents and other evidence collected by the latter in course of their actions for uncovering crimes and other punishable acts and perpetrators, for an inspection.
- (4) A Public Prosecutor's Office is entitled to ask state organs and local self-government organs, as well as organizations that exercise affairs of public interest, to deliver documents, papers(records), objects and information necessary for taking due action within the Office's competence. In exercising its competence, a Public Prosecutor's Office is entitled to ask for information to be delivered by other legal entities and individuals, if they are considered to dispose with certain type of information and can also consult and ask for the opinion of experts in relevant fields, all this for making the right decision.
- (5) Ministry of Interior and other state organs, legal entities and individuals provided for in par. 3 of this Article, are obliged to proceed in accordance to the request and to deliver relevant data, information and records to the competent Public Prosecutor in the shortest time possible.
- (6) If the organs, entities or individuals, as provided by par.3 of this Article, do not deliver the data, information or records requested. the competent Public Prosecutor shall duly inform of this the Minister of Interior or other responsible supervisors of other state organs or legal entities, to which the request was addressed.
- (7) If these organs, entities or individuals do not deliver the data, the information or the records requested, a Public Prosecutor can propose taking of certain measures provided by a law.

Article 21

A Public Prosecutor can request the Ministry of Interior to use technical means and special methods for acquiring necessary information and evidence for uncovering crimes and perpetrators, if such information and evidence can not be collected otherwise, respecting the conditions, the methods and the procedure proscribed by a law.

Article 22

- (1) In regards to crimes sanctioned with at least five years of imprisonment, crimes committed by several perpetrators or in cases in which there is a justified need to, a Public Prosecutor is entitled to request that one or several investigators (*inspectors*) be sent to his disposal for a certain period of time, during pre-trial or criminal proceedings themselves, which have been initiated by the Public Prosecutor.
- (2) A functionary that heads the appropriate Ministry or other state organ, is obliged to positively respond to the Public Prosecutor's request and to temporarily appoint (an) investigator(s) to work in the Public Prosecutor's Office.
- (3) An investigator follows the orders and the instructions of the Public Prosecutor and the Public Prosecutor acts as investigator's immediate superior (*supervisor*).
- (4) An investigator acting according to Public Prosecutor's instructions, can not be prevented or made responsible for actions taken within his legally set powers.

Article 23

- (1) The General Public Prosecutor of the Republic of Macedonia is entitled to lodge a request with the Constitutional Court of the Republic of Macedonia for an assessment of the accordance of a law or the accordance of other by-laws with the Constitution and existing Legislation, if the issues of constitutionality and legality are risen in course of Public Prosecutor's Office work.
- (2) Principal and Higher Public Prosecutor's Offices are obliged to inform the General Public Prosecutor of the Republic of Macedonia of issues concerning constitutionality and legality related to their work.

Article 24

In civil and other court proceedings and in administrative proceedings, as well, Public Prosecutor's Office lodges legal remedies provided by a law.

Article 25

- (1) In cases in which the General Public Prosecutor of the Republic of Macedonia considers that because of breach of a law or of an international treaty, there is a basis to lodge a legal remedy against executable court decision or against a decision reached in an administrative or other proceedings, to what he is entitled by a law, for postponing or interruption of the execution of the relevant decision, if the execution of such a decision could result in irreparable damages.
- (2) A Request for postponing or for an interruption of an execution provided in par.(1) of this Art., is to be lodged by a the General Public Prosecutor of the Republic of Macedonia, authorized to lodge such a legal remedy against the relevant decision. A request for postponing or for an interruption of an execution is to be lodged with a court approving the execution and if the execution is underway, with the court or the competent organ responsible for the execution.

- (3) At a request lodged by the General Public Prosecutor, the court or the competent organ, postpones or interrupts an execution of a decision. A postponement or an interruption last until the moment of passing a decision upon the legal remedy lodged by the Public Prosecutor.
- (4) A decision for a postponement or an interruption of an execution, ceases to be valid if the General Public Prosecutor of the Republic of Macedonia does not a legal remedy in a period of 30 days after the reception of a decision for execution.

Article 26

- (1) Concerning affairs and powers that fall under the competence of a Public Prosecutor's Office, the latter receives reports on crimes, objections, other papers and statements submitted by citizens, state organs and organizations and other legal entities
- (2) In exercising the tasks provided in par. 1 of this Art., if a report on a crime has been submitted by a competent state organ, other papers, records and information relevant for the subsequent actions, shall also be sent to the Public Prosecutor's Office by these state organs.
- (3) A Public Prosecutor is obliged to immediately or in a maximum 8 days period or in a maximum 30 days period in more complex cases, to take actions to which he/she is empowered for by this or any other law.
- (4) Persons that have been summoned by a Public Prosecutor in relation to the exercising affairs under his competence, are obliged to show up in the Office of the Public Prosecutor that summoned them.

II. ORGANISATION OF THE PUBLIC PROSECUTOR'S OFFICE

Article 27

- (1) **Public Prosecutor's Office of the Republic of Macedonia, Higher Public Prosecutor's Office and Principal Public Prosecutor's Office exist in the Republic of Macedonia.**
- (2) A Public Prosecutor's Office is established for a territory under jurisdiction of a Court of an appropriate instance.
- (3) For a territory of one or several Principal Courts a Principal Public Prosecutor's Office is established.
- (4) For a territory of a Court of Appeal a Higher Public Prosecutor's Office is established.
- (5) Public Prosecutor's Office of the Republic of Macedonia is established for the entire territory of the Republic of Macedonia and is seated in Skopje.

Article 28

Following Principal and Higher Public Prosecutor's Offices are established in the Republic of Macedonia:

(a) Principal Public Prosecutor's Offices

1. Principal Public Prosecutor's Office (PPPO) in Berovo, for the territory of the Principal Court (PC) of Berovo;
2. PPPO in Bitola, for the territory of the PC of Bitola;
3. PPPO in Gevgelija for the territory of the PC of Gevgelija;
4. PPPO in Gostivar for the territory of the PC of Gostivar;
5. PPPO in Debar for the territory of the PC of Debar;
6. PPPO in Delcevo for the territory of the PC of Delcevo;
7. PPPO in Kavadarci for the territory of the PC of Delcevo;
8. PPPO in Kicevo for the territory of the PC of Kicevo;
9. PPPO in Kriva Palanka for the territory of the PC of Kriva Palanka;
10. PPPO in Kocani for the territory of the PC of Kocani;
11. PPPO in Kumanovo for the territory of the PC of Kumanovo;
12. PPPO in Ohrid for the territory of the PC of Ohrid;
13. PPPO in Prilep, for the territories of the PC of Prilep and the PC of Krusevo;
14. PPPO in Radovis for the territory of the PC of Radovis;
15. PPPO in Resen for the territory of PC of Resen;
16. PPPO in Sveti Nikole for the territory of the PC of Sveti Nikole;
17. PPPO in Skopje for the territories of the PC Skopje I and the PC Skopje II;
18. PPPO in Struga for the territory of the PC of Struga;
19. PPPO in Strumica for the territory of the PC of Strumica;
20. PPPO in Veles for the territory of the PC of Veles;
21. PPPO in Tetovo for the territory of the PC of Tetovo;
22. PPPO in Stip for the territory of the PC of Stip;

b) Higher Public Prosecutor's Offices (SPPO):

1. SPPO in Bitola for the territory of the Court of Appeal in Bitola;
2. SPPO in Skopje for the territory of the Court of Appeal in Skopje;
3. SPPO in Stip for the territory of the Court of Appeal in Stip;

Article 29

When authorized by the law in exercise of their functions, Public Prosecutors act before other state organs seated in the same territory as the one within which Public Prosecutors exercise their functions.

Article 30

- (1) Public Prosecutor's Offices that deal with a significant number of similar cases of different types, can form Section as internal organizational units, in order to enhance efficiency and specialization in relevant fields of work of the Office. Such Sections are headed by the relevant Public Prosecutor or **by a Deputy Public Prosecutor** appointed with the annual working plan of the Public Prosecutor's Office.
- (2) An annual working plan is passed by the General Public Prosecutor, Higher Public Prosecutors and Principal Public Prosecutors at the beginning of each calendar year.

Article 31

- (1) The General Public Prosecutor can appoint one or several Deputies for reasons of taking actions and exercising more complex functions within the competence of the Office or because of other important reasons.
- (2) Following par. 1 of this Art., the General Public Prosecutor can **send on a temporary basis a** Public Prosecutor in another Public Prosecutor's Office, in accordance with the provisions of this Law.

Article 32

- (1) The General Public Prosecutor represents the Public Prosecutor's Office, manages the work and exercises obligation provided by a law, whereas Higher and Principal Public Prosecutors represent the Public Prosecutor's Office headed by them and exercise powers and obligations provided by a law.
- (2) Public Prosecutors as provided in par.1 of this Article, in cases of their absence or illness are substituted by a Deputy appointed by them.
- (3) In cases when there is no Public Prosecutor available in the Public Prosecutor's Office and the relevant Deputy Higher or the Deputy Principal Prosecutors can not exercise the duties required, the Superior Public Prosecutor can appoint a Public Prosecutor from the Superior Public Prosecutor's Office to exercise the duties in the first one, for a maximum period of 6 months.
- (4) Public Prosecutor's Offices that function with more than 3 Public Prosecutors, establish a Board of Prosecutors for matters related to the exercise of their competence, as an expert and advisory body consisted of the General, a Higher and a Principal Public Prosecutor and their Deputies in their relevant Offices.
- (5) A Public Prosecutor who shall be **temporarily appointed** to work in another Public Prosecutor's Office, is entitled to all the rights and obligations he has been entitled to while in his regular Office.

Article 33

- (1) Certain number of qualified civil servants for exercise of legal affairs, civil servants for administrative tasks and other workers shall be engaged in each Public Prosecutor's Office.
- (2) The number and types of job positions of the staff provided in par.1 of this Article, are defined in the Act on Systematization of Job Positions passed by the General, a Higher or a Principal Public Prosecutor, in accordance with the Law.
- (3) The Decision on the number of the qualified and administrative civil servants is passed by a Public Prosecutor's Office, on the basis of criteria set by the Minister of Justice.

Article 34

- (1) Duty Public Prosecutors are appointed for non-working days or if the nature of the work and the demand for efficiency of the Public Prosecutor's Office in accordance to the provisions set by the Criminal Procedure Law related to field proceedings.
- (2) Sequence and duration of the duty hours are determined by a Principal Public Prosecutor of a relevant Principal Public Prosecutor's Office at the begging of each calendar month.

PUBLIC PROSECUTORS AND DEPUTY PUBLIC PROSECUTORS

Article 35

- (1) The General Public prosecutor of the Republic of Macedonia gets appointed and called of by the Parliament of the Republic of Macedonia upon a proposal of the Government, for a period of 6 years and can be re-appointed after the ending of this period.
- (2) Higher and Principal Public Prosecutors get appointed and called off by the Parliament of the Republic of Macedonia, after considering the opinion given by the General Public Prosecutor, for a period of 6 years and can be re-appointed after the ending of this period.
- (3) Deputy Public Prosecutors with Public Prosecution Offices in the Republic of Macedonia and **Deputy to the Higher Prosecutors** are appointed and called off by the Parliament of the Republic of Macedonia, upon a proposal of the General Public Prosecutor, without any limitations to the duration of their mandate.
- (4) **Duration of mandate of Deputy Public Prosecutors with a Principal Public Prosecutor's Office that get appointed at this position for the first time is 4 years.**
- (5) **After the end of the mandate provided in par.4 of this Art., these Deputy Public Prosecutors can be re-appointed without any duration limitations of their mandate.**
- (6) The General Public Prosecutor of the Republic of Macedonia and Higher and Principal Public Prosecutors that do not get re-appointed **after the end of their mandate**, continue to work as **Deputy** Public prosecutors in the same Office, regardless of the determined number of **Deputies** in the Public Prosecution Offices.

Article 36

- (1) Parliament of the Republic of Macedonia upon a initiative of the General Public Prosecutor of **the Republic of Macedonia, announces** the appointment of the General Public Prosecutor, of Higher and Principal Public Prosecutors and their Deputies in the relevant Public Prosecution Offices in the daily newspapers within a maximum period of 15 days as of day when these positions have become vacant.
- (2) The announcement informs interested candidates to send an application for the positions to the Parliament of the Republic of Macedonia within a 15 day period after the publishing of the announcement.

Article 37

- (1) Conditions required for the positions of the General Public Prosecutor of the Republic of Macedonia, of a Higher and a Principal Public Prosecutor and of a Deputy Public Prosecutor are that the interested candidate is a national of the Republic of Macedonia that fulfills the general conditions set in the law on getting an employment with a state organ, who has a bachelor degree in law and has passed the bar exam and who has the respectability to exercise the function of a Public Prosecutor.
- (2) Beside the conditions set in par.1 of this Art. a candidate for the position of a Public Prosecutor or a Deputy Public Prosecutor, should also have relevant experience of and recognized results in his work after passing the bar exam for a period of more than 5 years and for a period of more than 9 years for the positions of a Public Prosecutor and Deputy Public Prosecutor with a Higher Public Prosecution Office.
- (3) A candidate for the position of the General Public Prosecutor of the Republic of Macedonia and a candidate for the position of a Deputy General Public Prosecutor of the Republic of Macedonia, beside the conditions set in par.1 of this Art., the candidate should have a working experience and recognized results working on legal issues for a period of more than 12 years.

Article 39

- (1) While submitting proposals for the appointment of the **Deputies** Public Prosecutors with Public Prosecution Offices, the General Public Prosecutor of the Republic of Macedonia is obliged to impartially assess the qualifications of the applicants relevant to the successful exercise of the function in question.
- (2) The General Public Prosecutor can invite the applicants for an interview, can ask for an opinion of the organ or the office that the applicants used to work for, in order to get more closely acquainted with the applicants and to make an objective assessment of their work.
- (3) In course of the procedure for proposing and appointment of candidates for Public Prosecutors with Public Prosecution's Offices, the General Public Prosecutor is assisted by the Secretary General of the Public Prosecution's Office of the Republic of Macedonia and by Public Prosecutors chosen by him/her.

Article 40

A candidate can not be appointed a Public or a Deputy Public Prosecutor, if his/her spouse or a direct blood relative or a side relative of a second grade the maximum has a position of a Public Prosecutor or a Deputy Public Prosecutor with the same or with a subordinate Public Prosecution's Office or in with the Public Prosecution's Office of the Republic of Macedonia.

Article 41

Prior to taking the office (*the function*), a Public Prosecutor or his/her Deputy, gives an official declaration:

“ I declare that in exercising the function of a Public Prosecutor – a Deputy Public Prosecutor, I will obey the Constitution and the Laws **of the Republic of Macedonia**, that I will conduct my function in a conscientious, impartial and responsible manner, protecting humans’ and citizens’ freedoms and rights and interests of other legal entites”.

Public Prosecutors and **Deputy Public Prosecutors** give their declaration to the President (*the Speaker*) of the Parliament of the Republic of Macedonia.

Article 42

- (1) General Public Prosecutor of the Republic of Macedonia is accountable for their work and for the work of the Public Prosecutor’s Office of the Republic of Macedonia to the Parliament of the Republic of Macedonia.
- (2) Higher and Principal Public Prosecutors are accountable for their work to the **General Public Prosecutor** of the Republic of Macedonia and to the Parliament of the Republic of Macedonia.
- (3) Deputy Public Prosecutors are accountable for their work to the appropriate Public Prosecutor in office and to the General Public Prosecutor of the Republic of Macedonia, as well as to the Parliament of the Republic of Macedonia.

Article 43

- (1) A superior Public Prosecutor is entitled to take over (*subrogate*) criminal prosecution, as well as exercise of other matters under the regular competence of the subordinate Public Prosecutor.
- (2) A superior Public Prosecutor can authorize a subordinate Public Prosecutor to run proceedings of certain cases or to carry out certain matters under the regular competence of another Public Prosecutor within the superior Public Prosecutor’s jurisdiction.
- (3) General Public Prosecutor of the Republic of Macedonia is entitled to directly pose obligatory written instructions and to take over criminal prosecution and other relevant actions under the regular competence of subordinate Public Prosecutors all over the Republic of Macedonia.

Article 44

- (1) Higher Public Prosecutor’s Offices are responsible the supervision over the work of Principal Public Prosecutor’s Offices. Supervision is carried out through inspection of cases’ records or in another appropriate way, at least once a year.
- (2) General Public Prosecutor of the Republic of Macedonia supervises the work of Higher Public Prosecutor’s Offices at least once a year; he/she supervises the work of Principal Prosecutor’s Offices according to his/her assessment of the need to perform a supervision.
- (3) A record of performed supervision for the work of Public Prosecutor’s Offices is made. The record encompasses assessments of general conditions related to the

Public Prosecutor's Office and concrete evaluations in relation to application of laws by a Public Prosecutor dealing with a specific case.

- (4) Reports of performed supervision of the work of Public Prosecutor's Offices are delivered to the General Public Prosecutor of the Republic of Macedonia and a copy is sent to each of the Public Prosecutor's Office subjected to a supervision.

Article 45

- (1) Public Prosecutors and Deputy Public Prosecutors enjoy immunity.
- (2) Public Prosecutors and Deputy Public Prosecutors can not be hold responsible for an attitude or an opinion expressed in course of exercise of their function, **neither can they be found liable according to the civil or the criminal law provisions or in any other way.**
- (3) Public Prosecutors and Deputy Public Prosecutors can not be put into detention without an approval of the Parliament of the Republic of Macedonia, except in case Public Prosecutor or a Deputy have been caught in flagranti committing a crime sanctioned with at least 5 year imprisonment.
- (4) A procedure for deciding upon the immunity of a Public Prosecutor is an emergency procedure.

Article 46

- (1) In exercise of their rights and obligations, Public Prosecutors actions must always take into consideration the respectability and the dignity of the function they perform.
- (5) Public Prosecutor is obliged to keep as a secret all information given by parties regarding their legal and factual relations within their field of work and to guarantee the secrecy of classified information in relation to data of private nature that do not have any influence upon the exercise of the function.
- (6) The function of a Public Prosecutor is incompatible with the exercise of any other public function or with a membership in a political party.
- (7) A Public Prosecutor is not allowed to exercise any other public functions or professions, except for those approved by a law.
- (8) A Public Prosecutor can give university lectures and participate in certain scientific university projects.
- (9) General Public Prosecutor gives the approval for performing any of the activities provided in par.4 of this Article.
- (10) An approval for performing university related activities can only be given if such a performance would not be detrimental to the normal exercise of the Public Prosecutor's function.

Article 47

- (1) The following powers are treated as special Public Prosecutors' rights in exercise of their function:
 - a right to enter and to have free passage at stations, airports, ports, only by presenting an official badge;

- a right to have free access to public transportation, both inland or via the lakes within the territory under their jurisdiction;
 - a right to a special personal protection, protection of his/her family and property, upon a request addressed to the Police seated in the place of his/her domicile, at any time when serious reasons for potential threat upon his/her security exist.
- (2) Minister of Justice shall pass by-laws regarding the implementation modalities of the rights cited in par. 1 of this Article.

Article 48

- (1) Public Prosecutors are entitled and are obliged to permanently enhance their professional knowledge, both before and after taking office.
- (2) Budgets for the work of Public Prosecutor's Offices shall obligatory plan finance for expert and professional specialization of Public Prosecutors and their Deputies.

Article 49

Public Prosecutors and their Deputies that do not have their own place for lodging on the territory of the Public Prosecutor's Office seat, are entitled to use an appropriate lodging provided by the Office.

Article 50

- (1) Official badges are issued to the Public Prosecutors and their Deputies.
- (2) Minister of Justice proscribes the form and the procedure for issuing and taking away of official badges.

Article 51

Public Prosecutors when acting before a Court, wear an official outfit. Outfit's style and manner of wearing shall be proscribed with a bylaw passed by Minister of Justice.

Article 52

- (1) Public Prosecutors with Public Prosecutor's Offices have equal position with judges of a of a corresponding instance, with regard to the rights typical to exercise of their functions.
- (2) Salaries of Public Prosecutors is determined on the same basis, with same benefits and in the same way as the salaries of judges of a corresponding instance.
- (3) Beside regular salary, Public Prosecutors are entitled to other benefits and compensations in cases and amount the same as those given to judges of a corresponding instance.

Article 53

- (1) Provisions for pension and invalid, as well as those for medical and social insurance granted to all employed persons, also apply to Public Prosecutors.

Article 54

For the purposes of implementation of this law in relation to exercise of the Public Prosecutors' function and the work of other staff employed with the Office, Public Prosecutor' Office of the Republic of Macedonia runs a Register recording personal data on Public Prosecutors and other staff employed, results of work valued in course of supervisory procedure over Public Prosecutor's Offices by superior Public Prosecutors, as well as other information related to education level and specialization of personnel.

Article 55

- (1) A Public Prosecutor and a **Deputy Public Prosecutor** can be transferred with his/her prior **consent** in a different Public Prosecutor's Office under the following circumstances: if the Public Prosecutor's Office he/she was appointed gets abolished; if the workload of the Public Prosecutor's Office to which a Public Prosecutor has been appointed, has decreased; if there have been changes of the organizational structure of the Public Prosecutor's Office and in other cases proscribed by the law.
- (2) **In case a Public Prosecutor or a Deputy Public Prosecutor does not give/her consent as provided in par.1 of this Article, a cessation of his/her function shall follow.**
- (3) General Public Prosecutor of the Republic of Macedonia makes decisions for transfers, **as provided in par.1 of this Article.**

IV. CESSATION OF A FUNCTION AND CALL OFF OF A PUBLIC PROSECUTOR AND A DEPUTY PUBLIC PROSECUTOR

- (1) A Public Prosecutor and a **Deputy Public Prosecutor** can be called off in case:
 - 1) He/she lodges a personal request for cessation;
 - 2) He/she has fulfilled conditions for retirement because of age as proscribed by the Parliament of the Republic of Macedonia and a letter of notification is sent to the General Public Prosecutor of the Republic of Macedonia;
 - 3) He/she gets convicted for a crime and has to serve a sentence of at least 6 months of imprisonment; Call off shall be effectuated after come into effect of the verdict that the competent Principal Court sends to the Parliament of the Republic of Macedonia;
 - 4) He/she are found responsible for such a serious disciplinary breach of the working rules, that makes him/her unworthy to exercise a Public prosecutor's function;
 - 5) He/she works in an incompetent manner or has shown unsatisfactory results in the exercise his/her function as a Public Prosecutor; and
 - 6) He/she permanently loses psycho-physical capacity for exercise of a Public Prosecutor's function, which condition is to be verified by the Parliament of the Republic of Macedonia on the basis of medical documents stating the analysis and the expert opinion of a competent medical commission.

- (2) Following acts are treated as more serious disciplinary breaches of working rules, as provided in par.1, point 4 of this Article;
1. A serious breach of the public peace and order, that jeopardizes a Public Prosecutor's respectability and a Public Prosecutor's Office respectability, as well.
 2. Exercise of other functions or professions, party like or political activities;
 3. A serious breach of parties' and of other participants' rights in proceedings, that jeopardizes the Public Prosecutor's function
 4. Improper manner of behaving with individuals, state organs or other legal entities in relation to the exercise of his/her function or otherwise;

Article 57

Following errors are considered as incompetent work or showing unsatisfactory results in the exercise of a Public Prosecutor's function, as provided in par. 1, point 5 of Article 56 above:

1. An omission or a poor, unprofessional, untimely or negligent exercise of official duties:
2. Unjustified refusal to exercise official duties or not following instructions issued in accordance with the provisions of this law; and
4. Breach of regulations regarding protection of top classified and classified issues.

Article 58

Disciplinary proceedings for an assessment of liability for serious breaches of working rules or for incompetent work or for showing unsatisfactory results in exercise of Public Prosecutor's function, as provided in par.1, points 4 and 5 of this Article), get initiated upon a proposal lodged by:

- a Principal Public Prosecutor for a **Deputy** Public Prosecutor with a Principal Public Prosecutor's Office;
- a Higher Public Prosecutor in relation for a Principal Public Prosecutor and for a **Deputy** Public Prosecutor with a Higher Public Prosecutor's Office; and
- the General Public Prosecutor of the Republic of Macedonia for a **Principal Public Prosecutor**, a Higher Public Prosecutor and **their Deputies, as well as for a General Public Prosecutor's Deputy** with the Public Prosecutor's Office of the Republic of Macedonia.

Article 59

- (1) Proceedings for an assessment of facts and circumstances related to disciplinary liability, incompetent work or showing unsatisfactory results in exercise of the Public Prosecutor's function are handled either by a Commission of a Higher Public Prosecutor's Office or a Commission of the Public Prosecutor's Office of the Republic of Macedonia.
- (2) The Commissions as provided in the par.1 of this Article, are composed of three members – one being a president of the Commission appointed by a Higher or the

General Public Prosecutor's Office of the Republic of Macedonia among Public Prosecutors working with these Public Prosecutor's Offices, for a two-year period.

- (3) Prior to initiating proceedings, a Commission would ask **the Public Prosecutor or the Deputy Public Prosecutor's Office** with a Public Prosecutor's Office against whom a proposal for disciplinary proceedings was lodged, to give an explanation regarding the allegations of the proposal.

Article 60

- (1) A proposal for initiating disciplinary proceedings are to be lodged with a 15 day period after a serious breach is detected and the deadline for lodging a proposal for disciplinary liability is within a 6 month period after the day a serious breach was committed.

Article 61

- (1) The Commission interviews a Principal, a Higher or a Deputy Public Prosecutor, collects relevant documents, runs inspection and carries out other inquests for verifying facts and circumstances relevant for a disciplinary liability or for incompetent work or showing unsatisfactory results in exercise of the Public Prosecutor's function by either a Principal, a Higher or a Deputy Public Prosecutor.
- (2) After closing the proceedings, the Commission finds that a Public Prosecutor or a Deputy has committed a serious disciplinary breach that makes him/her unworthy of exercising a Public Prosecutor's function or finds that his/her work was incompetent or he/ showed unsatisfactory results in exercising the Public Prosecutor's function.
- (3) Proceedings are handled with due consideration for a Public Prosecutor's honor and respectability.

Article 62

A Principal, A Higher or a Deputy Public Prosecutors, as well as an initiator proposing disciplinary proceedings, can lodge an appeal with the **General** Public Prosecutor of the Republic of Macedonia against the decision within an 8 day period after the reception of the written decision.

Article 63

In case disciplinary proceedings are initiated for determining a liability of a Principal and a Higher Public Prosecutor, the Commission sends the report and all other papers to the General Public Prosecutor of the **Republic of Macedonia**. If the General Public Prosecutor finds that a disciplinary breach was committed, he sends all the case papers, substantiated with his/proposal to the Government of the Republic of Macedonia.

Article 64

General Public Prosecutor can be called off if it is to be assessed that the general overview of the exercise of Public Prosecutor's Office functions is not satisfactory, because the functions are not exercised in a successful, timely and responsible manner in accordance with the Constitution and the laws and if the General Public Prosecutor himself/herself turns out to be incapable of running the exercise of Public Prosecutor's Office's of the Republic of Macedonia functions.

Article 65

- (1) Government of the Republic of Macedonia lodges a proposal with the Parliament of the Republic of Macedonia for initiation of proceedings for calling off the General Public Prosecutor of the Republic of Macedonia on the grounds of the circumstances provided in par.1, point 4 and 5 of Article 56.
- (2) The Government proposal after being lodged with the Parliament of the Republic of Macedonia shall be processed in accordance with the (internal) Rules for the work of the Parliament.

Article 66

A Public Prosecutor that has been called off is entitled to rights originating from his prior work under conditions proscribed by a law.

Article 67

- (1) A Public Prosecutor is restrained from exercise of his/her function while kept in detention.
- (2) A Public Prosecutor can be restrained from exercise of his/her function in case of investigation proceedings for a crime committed or case disciplinary proceedings for a serious breach were opened and in case proceedings for his/her call off have been initiated.
- (3) A Decision for putting a restraint on a Public Prosecutor for exercise of his/her function is passed by the General Public Prosecutor of the Republic of Macedonia, after considering the explanation given a Principal, a Higher or a Public Prosecutor with a Public Prosecutor's Office or a **Deputy Public Prosecutor** concerned.

V. SECRETARY GENERAL, QUALIFIED PUBLIC SERVANTS AND OTHER STAFF WITH THE PUBLIC PROSECUTOR'S OFFICE

Article 68

A Secretary General of the Public Prosecutor's Office of the Republic of Macedonia is appointed. Principal and Higher Public Prosecutor's Offices appoint a Secretary, in accordance with the provisions of this Law.

Article 69

General Public Prosecutor of the Republic of Macedonia passes a Book of Rules for the Internal work of the Public Prosecutor's Offices.

Article 70

- (1) Public Prosecutor's Offices with more than 7 Deputy Public Prosecutors, appoint a Secretary.
- (2) A candidate for a Secretary shall have a Bachelor Law Degree and a completed bar exam, in the same time fulfilling the other general conditions for getting an employment with a state organ.
- (3) A candidate to be appointed a Secretary General of a the Public Prosecutor's Office of the Republic of Macedonia, shall fulfill the conditions **proscribed by a law** and has more than seven years experience in legal matters after the date of completion of **the bar** exam.
- (4) Mandate of a Secretary General with a Public Prosecutor's Office of the Republic of Macedonia is equal to the mandate of the General Public Prosecutor **of the Republic of Macedonia and after cessation of the mandate, he/she can be given an appropriate position in accordance with the Rules on Systematization of Working Positions.**

Article 71

A candidate for a position of a qualified associate with a Principal and a Higher Public Prosecutor's Office, shall have a Bachelor Law Degree and completed bar exam, at the same time fulfilling the general conditions proscribed by the Law for getting an employment with a state organ and working experience in legal matters of at least 3 years after the completion of the bar exam.

Article 72

- (1) A candidate for a Law apprentice shall have a Bachelor Law Degree, at the same time fulfilling the general conditions proscribed by the law for getting an employment with a state organ.
- (2) Law apprentices are hired by Principal and Higher Public Prosecutor's Offices and are appointed to exercise different tasks and duties in order to practice all different types of work.
- (3) After completing a bar exam, a Law apprentice is appointed to a position of a qualified state servant in accordance to the Book of Rules on Systematization of **Working Positions.**
- (4) A Law apprentice that after completing the practice period as proscribed by a law, fails to pass the bar exam within a 1 year period, loses his/her position as a Law apprentice with a Public Prosecutor's Office.

- (5) The Book of rules for Systematization of the **Working Positions** determines the number of qualified associates and other staff, the particular conditions to be fulfilled to get an employment and tasks and duties to be exercised.

Article 73

For the exercise of certain administrative, financial, operational, accessory and logistic tasks and duties, a Public Prosecutor's Office in accordance with other organs is entitled to establish General Services or to nominate staff that shall perform tasks and duties of common interest.

VI. TRANSITORY AND FINAL PROVISIONS

Article 74

- (1) Appointed Public Prosecutors permanently exercise their function as General Public Prosecutor, a Higher Public Prosecutor or a Principal Public Prosecutor until the passage of the mandate they got appointed for.
- (2) **Appointed** Deputy Public Prosecutor's permanently exercise their function as **Deputy** Public Prosecutors with the Public Prosecutor's Office of the Republic of Macedonia, a Higher Public Prosecutor's Office or a Principal Public Prosecutor's Office until the passage of the mandate they got appointed for.

Article 75

Validity of the Law on Public Prosecutor's Office ("Official Journal of RM", no.80/92, 19/93 and 9/96) shall end on the day of the promulgation of this Law.

Article 76

This Law shall come into effect on the eight day after being published in the "Official Journal of the Republic of Macedonia".

