

The fight against corruption in Macedonia in 2017

Corruption Perceptions Index

- The corruption problem has escalated in the past period in the Republic of Macedonia, which was noted as the historically largest decline in the corruption perception index for 2016



Corruption Perceptions Index (CPI)

- The CPI result in 2016 recorded a striking drop in 24 places, and R. Macedonia now occupies the low 90th place out of 176 ranked countries
- The result shows that corruption is perceived as a serious problem for the development of the economy, rule of law, foreign investments and a stable democracy.

Година	Позиција	Поени
2016	90	37
2015	66	42
2014	64	45
2013	67	44
2012	69	43

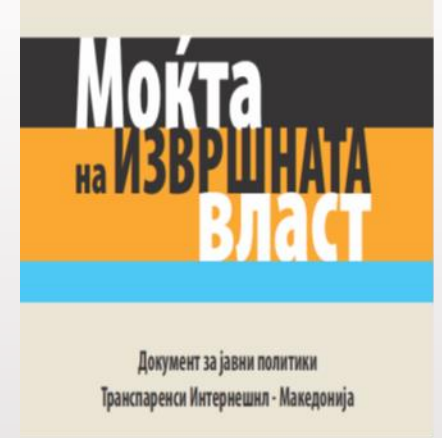


The new Index will be published in January 2018

- Well-planned, organized and efficient activity is needed in the fight against corruption, involving all stakeholders: the Government, the prosecution institutions, the Parliament in its function of supervision and control, independent judiciary free from all influences, non-governmental organizations;
- Reform in the State Commission for Prevention of Corruption (SCPC);
- Expectation that there will be no improvement



Analysis of the “State capture”



- If the Government of the Republic of Macedonia implements policies that continue to be aimed at keeping the course towards the Euro-Atlantic aspirations, all previous practices of conducting policies in the interest of certain elites should be past.
- Starting from the previous usurpation of the executive power, there is a primary need to raise the collective consciousness, which should be freed from the spirit of party servant.
- The government should lead a policy primarily in the interests of all citizens. A reflection of the way of conducting policies and governing the state should be the transparency and accountability of the executive power.
- The government should ensure full independence in the work of other authorities, in the Judicial and Legislative Authority.
- A precondition for this is the provision of capacity, professionalism, resources and full independence of the Public Prosecution as a prosecution authority that should and must act independently of the politics.
- Administration reform should ensure integrity and personal responsibility by respecting the institutional setting established by the Constitution.

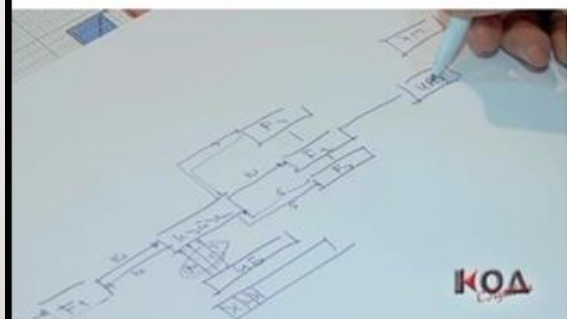


The “AFIS” case



The case of AFIS, which refers to illegal procurement of equipment for tapping, is still in phase of the pre-trial procedure, the public prospect is waiting to act upon it.





Case “Banks”

which refers to embezzlement with bank loans and money laundering, is awaiting a reaction from the public prosecutor's office.



Video about the case

<https://www.youtube.com/watch?v=5Rzr2oTpihg>



Analysis of the case “Banks”

- From the analysis of the transactions and the movement of money, one model or modus operandi of financial engineering can be perceived, which aims to enable individuals related to the banks to exploit illegal banking operations in order to acquire property benefits;
- Property benefit is acquired to the detriment of companies used as cover-ups for illegal operations, but also to the detriment and account of other shareholders in banks.
- Transactions are implemented and controlled by persons employed in the banking sector and well-informed in the banking operations, as well as from persons related to banks.
- Knowing the laws and regulations on banking operations, as well as the experience that it has been applied inappropriately, enabled these individuals to conduct incriminating acts without any delay;
- The incriminated acts according to our data last for the period from 2004 to 2014, and some of them are also completed in this period through initiated court procedures or enforcement procedures.
- Some of the persons who, according to our data, were implicated in this case complained to the Transparency International Secretariat in Berlin and threatened with lawsuits, but they never took a specific step in that direction.



The election of the Public Prosecutor of the Republic of Macedonia

- The Public Prosecutor of the Republic of Macedonia is a very important institution in the fight against corruption in the country. It is therefore crucial that he should be a strong person with integrity.
- The long-term procedure in the appointment of the Public Prosecutor of the Republic of Macedonia contributed to slowing down the handling of significant cases and making other decisions in the function of strengthening the Public Prosecutor's Office.
- It is necessary for the Public Prosecutor's Office as a whole to provide action in the function of efficient fight against corruption and crime, and especially in the function of liberating the captured state from the unlawful interests of individuals.



Resignations in the SEC

- Resignations in the State Election Commission are a positive step, but it is necessary to prevent such legal abuses in the future.
- It is also necessary to solve the similar problem with the payment of funds for travel expenses of the members of the Assembly of Republic of Macedonia.



Reforms in the judiciary

- The Republic of Macedonia is facing a challenge to finally establish a judicial system that will be the pillar of an effective fight against corruption, but the reforms that lead to it are taking place very slowly.



Status of the Special Public Prosecutor's Office (SPP)

- The work of the Special Public Prosecutor's Office is essential for the fight against the most serious cases of corruption known to the recent history of the Republic of Macedonia.
- The Special Public Prosecutor's Office suffers numerous obstructions in its work.
- It is necessary to enable his uninterrupted work as a separate unit within the Public Prosecution in order to complete the already initiated pre-trial procedures.
- According to the data from the SPP, 20 charges have been filed so far and 9 investigations have been opened.



From the current work of TI Macedonia

- Transparency International - Macedonia has consistently monitored the publication of asset declarations for newly elected and newly appointed persons and noted that the SCPC is ineffective in their publication.
- It is unclear how many newly-elected and newly appointed persons have generally submitted questionnaires because the SCPC database is messy.
- In 2017, TI-M submitted a complaint requesting the initiation of a procedure to the SCPC and the Public Revenue Office for failing to submit questionnaires for a total of 199 newly elected and newly appointed persons.



Complaints received from citizens

- In 2017, a total of 131 complaints from 114 different applicants were received.
- 42% of the cases ended only with legal advice, in 12% of the cases the applicants were referred to the appropriate institution, and in 12% of the cases the applicants withdrew before taking any step.
- In 20% of cases, ALAC found it necessary to contact the institutions themselves with a complaint or request for free access to public information.



Case Analysis

- Public prosecutors do not have a clear idea of the criminal amount that is the subject of the charge
- The treatment of an organized criminal group or association (creator)
- Missing description of fact-based actions
- Incomplete factual state of the judgments is established
- No motive - the actual state of judgment
- Conviction based exclusively on indirect evidence
- Judged with obvious mistakes to the detriment of convicts
- A strict punitive policy
- The personality of the defendant is not taken into account
- Re-assessment of penal policy
- Judgments based on established factual situation
- Respecting the principle of objectivity as elementary for the criminal procedure



Law on Protection of Whistleblowers

- Although the Law on Protection of Whistleblowers was adopted in November 2015 and its effective implementation has not yet started.
- Based on the previous work, TI-Macedonia realized that many institutions still do not have an appointed person for receiving applications by whistleblowers.
- According to the SCPC Report for 2016 and according to the data available to TI-M, 29 institutions from the public sector have authorized person for receiving applications from whistleblowers.
- It is necessary for the institutions to seriously commit themselves to effective implementation of the legal provisions.
- Raising public awareness among citizens about the opportunities for reporting.



Thank you!

<http://transparency.mk/>

