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CRIMINAL PROCEDURE LAW

PART ONE
GENERAL PROVISIONS

SECTION A: CONCEPTS AND LEGAL TERMS

Chapter I
BASIC CONCEPTS

Article 1
Purpose of this Law

This law shall establish the rules that provide for an objective and fair criminal procedure, thus ensuring that no innocent person is ever convicted and the perpetrator of the criminal offense is criminally sanctioned according to the terms provided in the Criminal Code and on the basis of a lawfully conducted procedure.

Article 2
Presumption of innocence

(1) Any person charged with a criminal offence shall be presumed innocent until his or her guilt is established by a valid and final court verdict.
(2) State authorities, media and all other entities shall be obliged to observe the rule of paragraph 1 of this Article, and their public statements about the ongoing procedure shall neither violate the rights of the defendant and the injured party, nor harm the judicial independence and impartiality.

Article 3
The legality and proportionality principle

(1) Prior to passing a valid and final verdict, the freedoms and rights of the defendant and other persons, proportional to the severity of the criminal offense and the degree of suspicion may be limited only to the extent that is necessary and under circumstances as provided for in the Constitution of the Republic of Macedonia, international agreements that have been ratified in accordance with the Constitution of the Republic of Macedonia and this Law.
(2) Only a competent court with a decision, in a procedure conducted according to this Law, may impose criminal sanctions on the perpetrator of the criminal offense.

Article 4
Decision making in a manner that is more favorable for the defendant (*In dubio pro reo*)

The Court shall decide on the predicament of the existence or non-existence of the facts that characterize the criminal offense on which the application of a certain provision of the Criminal Code depends, in a manner more favorable for the defendant.

Article 5
The right to a fair trial

Any person charged with a criminal offence shall have the right to a fair and public trial before an independent and impartial tribunal, in an adversarial procedure, with a possibility to challenge the accusations and tender and present evidence in his or her defense.

Article 6
The right to trial within a reasonable time

(1) Any person that is subject of the procedure shall have the right to be taken before a court within a reasonable time and tried without any unjustified delays.
(2) The court shall be obliged to conduct the proceedings without any delay and to preclude any abuse of the rights that belong to the persons that participate in the proceedings.
(3) Each natural person will be sanctioned with a fine from 700 to 1000 Euros payable in Macedonian Denars and each legal entity will be sanctioned with a fine from 2500 to 5000 Euros payable in Macedonian Denars according to the current exchange rate, for misusing the rights to which he is entitled during the procedure.
(4) The duration of detention and other limitations of personal freedom must be limited to the shortest necessary time.

Article 7
Double jeopardy clause

No person shall be tried again and sentenced for a criminal offense for which he or she has already stood trial and a final and valid judicial verdict exists.

Article 8
Official language and alphabet

(1) The official language in the criminal procedure shall be the Macedonian language and its Cyrillic alphabet.
(2) Another official language spoken by more than 20% of the citizens and its alphabet shall be used in the procedure in accordance with the law.

Article 9
The right to an interpreter or translator

(1) The defendant, the injured party, the private plaintiff, the witnesses and all other participants in the procedure who speak an official language other than Macedonian, shall have the right to use their own language and alphabet during the proceedings.

(2) Other parties, witnesses and participants in the procedure before the court shall have the right to a free assistance of an interpreter, i.e. translator, if they do not understand or speak the language used during the proceedings.

(3) The entity that conducts the procedure shall ensure verbal interpretation of anything said and presented by the parties, as well as of any documents and other written exhibits and evidence. The entity that conducts the procedure shall ensure a written translation of all written submissions that are important for the procedure or defense of the accused.

(4) The person shall be advised of his or her right to an interpreter or translator. The record shall indicate that the person was advised and it shall note the person's response in this regard.

(5) The interpretation shall be performed by a court approved interpreter, i.e. translator.

Article 10
Submissions of the parties

(1) Any claims, appeals and all other submissions shall be submitted in the language in which the procedure is being conducted.

(2) Any citizens who speak an official language other than Macedonian may submit their filings in their own language and alphabet. Such filings shall be translated and distributed to all parties in the proceedings.

(3) All other persons who do not speak or understand the Macedonian language and its Cyrillic alphabet may submit their filings to the court in their own language and alphabet. In such instances, the court shall proceed according to paragraph 2 of this Article.

(4) The defendant who does not understand the language used during the procedure shall receive a translated version of the indictment, in a language that he or she used during the procedure.

(5) Any foreign citizen who had been deprived of liberty or detained may use his or her own language to submit a filing, and in other cases, under conditions of reciprocity.

Article 11
Service of process

(1) Court summons, decisions and other written materials shall be delivered in the language used in the procedure.

(2) Any citizens who speak an official language other than Macedonian shall also receive the summons, decisions and other written materials in their own language.

(3) Any defendant who is in detention, serving a prison sentence or is subjected to an obligatory psychiatric treatment and placed in custody of a healthcare institution shall receive a translation of all filings as referred to in paragraph 1 of this Article in the language that the person was using during the procedure.

(4) Any defendant who does not understand the language, in which the procedure is conducted, shall receive a translated version of the judgment in the language that the person was using during the procedure.

Article 12
Legality of evidence

(1) Extorting a confession or any other statement from the defendant or any other person who participates in the procedure shall be prohibited.
(2) Any evidence collected in an unlawful manner or by violation of the rights and freedoms established in the Constitution of the Republic of Macedonia, the laws and international agreements, as well as any evidence resulting thereof, may not be used and may not provide the ground for a judicial verdict.

Article 13
The right to compensation and rehabilitation

Any person who has been unlawfully arrested, detained or unlawfully convicted shall have the right to compensation for damages from the budget, the right to be rehabilitated, as well as other rights established by law.

Article 14
Advising ignorant parties of their rights

The body that conducts the proceedings shall advise the defendant or any other person who participates in the procedure, who might miss out on any part of the proceedings out of ignorance, and thus not exercise his or her rights, of the rights that the person has in accordance with this Law and of the possible consequences of his or her lack of action.

Article 15
The principle of objectivity

The court and the state authorities shall be obliged to pay equal attention to the investigation and determination of both aggravating and exculpatory facts.

Article 16
The principle of free evaluation of evidence

(1) The right of the court and any state authorities which participate in the criminal procedure to evaluate the existence or non-existence of facts shall not be bound nor limited by any special formal rules of evidence.
(2) The court and the other state authorities shall be obliged to clearly elaborate and indicate the reasons for their decision.

Article 17
The accusatory and formality principle

(1) A criminal procedure shall be initiated and conducted only upon request by an authorized plaintiff.
(2) The authorized plaintiff for crimes prosecuted ex officio or upon a request from the injured party shall be the public prosecutor, and a private plaintiff

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shall be the authorized plaintiff for criminal offenses that are prosecuted as a result of a private claim.

Article 18
The principle of legality of the criminal prosecution

The public prosecutor shall be obliged to initiate criminal prosecution if there is evidence that a crime, which is prosecuted ex-officio, has been committed, unless stipulated otherwise in this Law.

Article 19
The act of initiation of the criminal procedure and consequences from the initiation of the procedure

(1) The criminal procedure shall commence with the act of issuing an order for investigation, or with the very first investigation performed prior to the issuance of an investigation order, with the scheduling of a main hearing after an indictment or a private claim has been filed, with an application for a penal warrant or with an application for a security measure.
(2) When it is prescribed that the commencement of the criminal procedure is to result in limitation of certain rights, such limitations shall apply as of the date of approval of the indictment.

Article 20
Preliminary issues

(1) If the application of the provisions of the Criminal Code depends on a previous decision regarding a certain legal issue, to be rendered by the court or another state body in some other procedure, such an issue shall be decided upon according to the provisions for substantiating in the criminal procedure. The decision on the legal issue by the criminal court shall be legally applicable only to the criminal case which is being deliberated by this court.
(2) If, as part of another procedure, the court or another state body has already previously decided on such a legal issue, this previous decision shall not be binding for the Trial Chamber in its evaluation whether a certain criminal offense has been committed or not.

Chapter II
MEANING OF LEGAL TERMS AND OTHER PROVISIONS

Article 21
Meaning of terms

The specific terms used in this Law shall have the following meaning:

1) A **suspect** shall be a person against whom a preliminary procedure is conducted.
2) A **defendant** shall be a person against whom an indictment has been confirmed, an indictment application has been filed, an application for a security measure has been filed, personal legal actions have been filed or an application for a penal warrant has been filed.
   The term defendant in this Law shall be also used as a general term referring to the suspect, accused or a convicted person.
3) A **convict** shall be a person whose criminal liability for a specific criminal offense has been established with a valid and final court verdict.
4) A **victim** of a criminal offense shall be any individual who has suffered some kind of damage, including physical or mental injuries, emotional suffering, property loss or any other violation or endangerment of his or her rights and interests, as a consequence of a criminal offense that has been committed.
5) An **injured party,** apart from the victim shall also be any other individual who's personal or property rights have been violated or endangered by a criminal offense and who participates in the criminal procedure by joining the criminal prosecution or for the purpose of effectuating a property loss claim.
6) A **private plaintiff** shall be a person who has filed personal legal action for the purpose of prosecution of criminal offenses that are prosecuted per personal legal action.
7) A **plaintiff** shall be the public prosecutor and a private plaintiff.
8) **Parties** shall be the plaintiff and the defendant.
9) The term **judicial police** shall include the police officers from the Ministry of Interior and the members of the Financial Police as well as legally authorized persons from the Customs Administration that are working on the detection of criminal offenses.
10) The term **police** in this Law shall be used as a general term for the members of the judicial police in accordance with this Law and the police officers in accordance with the Police Law, as well as for the members of the Military Police.
11) A **judge of the preliminary procedure** shall be a judge who, during the preliminary procedure, decides on the defendant's freedoms and rights as provided for in the Constitution of the Republic of Macedonia, in the laws and international agreements that have been ratified in accordance with the Constitution of the Republic of Macedonia and on other issues prescribed in this Law.
12) **Direct examination** shall be an examination of a witness and expert witness by the party, i.e. the defense counsel who has called in the witness or expert witness, which represents the manner in which such evidence is presented during the main hearing.
13) **Cross examination** shall be an examination of a witness and expert witness by the opposing party, which represents the manner in which such evidence is presented during the main hearing.
14) **Grounds for suspicion** shall mean information that can be evaluated as proof that a certain crime has been committed on the basis of prior criminal knowledge and experience.

15) **Grounded suspicion** shall mean a higher degree of suspicion based on the evidence collected, which points to the conclusion that a certain person has committed a criminal offense.
16) An **inspection of persons, vehicles, luggage and facilities** shall mean an authorization based on this or another law, limited to an external inspection of the clothes and other items and luggage by using the sense of sight, hearing and smell, but excluding any actions that would make visible something that is not visible, by opening, unpacking etc.
17) A **search** shall mean a detailed inspection and search of a person, means of transportation or a home, according to conditions established by the law.
18) **Recording** shall mean visual-audio or visual or audio recording.
19) **Technical advisors** shall be the professionals from the registry of experts, who are being hired by the parties whenever they need expert assistance in a specific area during the proceedings.

Article 22
Prosecution per application and preceding approval

(1) When the prosecution of a crime depends on an application by the injured party, the public prosecutor shall not be able either to initiate an investigation or to file an indictment application or a penal warrant, until the injured party has filed an application.
(2) When the law prescribes that the prosecution of certain crimes requires previous approval by the competent authority, the public prosecutor shall not be able either to initiate an investigation or to file an indictment application or a penal warrant, unless he or she submits a proof that an approval has been granted.

Article 23
Termination of the criminal procedure in the event of a death

If, during the criminal procedure, it is established that the defendant has died, the criminal procedure shall be terminated with a decision.

SECTION B: PARTICIPANTS

Chapter III
COURT JURISDICTION AND EXEMPTION

1. Subject-matter jurisdiction and composition of the court

Article 24
Subject-matter jurisdiction

In criminal cases, the courts shall adjudicate within the limits of their subject-matter jurisdiction as determined by law.

Article 25
Composition of the court

(1) In the courts of first instance, cases shall be adjudicated by Trial Chambers consisting of two judges and three lay judges for criminal offenses for which the law prescribes a prison sentence of fifteen years or a sentence of life imprisonment, and by Trial Chambers consisting of one judge and two lay judges for crimes for which the law prescribes a more lenient sentence. For criminal offenses for which the law prescribes a fine as the main penalty or a prison sentence of up to five years, in the first instance, cases shall be adjudicated by an individual judge.

(2) In the courts of second instance, cases shall be adjudicated by Trial Chambers consisting of five judges for crimes for which the law prescribes a prison sentence of fifteen years or a sentence of life imprisonment, and by Trial Chambers consisting of three judges for crimes for which the law prescribes a more lenient sentence. When cases are adjudicated in the second instance at a hearing, the Trial Chamber shall consist of two judges and three lay judges.

(3) In the third instance, cases shall be adjudicated by Trial Chambers consisting of five judges.

(4) The judge of the preliminary procedure, the trial judge i.e. the Trial Chamber for the review of the indictment, the President of the Court and the President of the Trial Chamber shall decide on cases as prescribed in this Law.

(5) First instance courts, organized in Trial Chambers consisting of three judges shall decide on appeals against the decisions of the judge in the preliminary procedure and against other decisions when that is established by this Law, make decisions in the first instance apart from the main hearing, bring a verdict according to the provisions for enforcement of a foreign criminal judgment established in a separate law and put forward motions in cases provided for in this or another law.

(6) The court shall decide on a motion for protection of legality in a Trial Chamber consisting of five judges, and if the motion has been filed against a decision of the Supreme Court of the Republic of Macedonia, the Supreme Court of the Republic of Macedonia shall decide on the motion at a general session.

(7) If not determined otherwise in this Law, the courts of higher instance shall decide in a Trial Chamber consisting of three judges in cases which are not provided for in paragraphs 1 to 6 of this Article.

(8) If, in the first instance court, because of insufficient number of judges, it is not possible to establish a trial chamber, as referred to in paragraph 5 of this Article, upon request by the President of the specific court, the President of the immediately superior court shall delegate a judge from another court from the same jurisdiction.

2. Inherent jurisdiction and transfer of inherent jurisdiction

Article 26
Inherent jurisdiction

(1) As a rule, the court in whose jurisdiction an attempt was made or a crime has been committed shall have the inherent jurisdiction.

(2) A personal legal action may also be filed with the court in whose jurisdiction the accused has his or her permanent or temporary residence.

(3) If the crime has been committed or attempted in jurisdictions of different courts or on the borders of those jurisdictions or if it is uncertain in which jurisdiction the crime was committed or an attempt was made to commit the crime, the court that initiated the procedure first upon request by the authorized plaintiff shall have the jurisdiction, and if the procedure has not commenced yet, the court where the request for initiating a procedure has first been submitted.

(4) If a crime is committed on a domestic ship or on a domestic aircraft while it is in a domestic port, the competent court shall be the one which has the jurisdiction on the territory of the port. In other cases, when a crime is committed on a domestic ship or on a domestic aircraft, the competent court shall be the one which has jurisdiction over the registration port of the ship, i.e. aircraft, or the domestic port, where the ship or the plane is going to stop for the first time.

(5) If a crime is committed through the press, the competent court shall be the one which has the jurisdiction at the location where the material was printed. If the locality is not known, or if the material is printed abroad, the competent court shall be the one which has jurisdiction over the territory where the material is being distributed. If, according to the law, the author of the material is to be held responsible, the competent court shall be the one that has jurisdiction over the territory where the author has his or her place of residence or the court that has jurisdiction on the territory at the actual location where the event that is being discussed in the material has actually taken place.

(6) The provisions of paragraph 5 of this Article shall be applied accordingly, also in the event if such a material or statement has been published through the radio, television or the Internet.

(7) If the locality of the crime is not known, or if it falls out of the territory of the Republic of Macedonia, the competent court shall be the one that has jurisdiction over the territory of the defendant’s permanent or temporary residence.

(8) If the court, within whose jurisdiction the accused has his or hers permanent or temporary residence, has already initiated a procedure, it shall remain to be competent, despite the fact that the crime locality has been established.

(9) If, neither the crime locality is known, nor the permanent or temporary residence of the accused or both of these are out of the territory of the Republic of Macedonia, then the competent court shall be the one, which has jurisdiction over the region where the accused has been apprehended or where he or she has turned himself or herself in.

(10) If a person has committed crimes both in the Republic of Macedonia and abroad, then the competent court shall be the one that has jurisdiction over the criminal offense that has been committed in the Republic of Macedonia.

(11) If, according to the provisions of this Law, it cannot be established which court has the inherent jurisdiction, then it shall be the Supreme Court of the Republic of Macedonia, which is going to assign the case to one of the competent courts with a subject-matter jurisdiction.

Article 27
Transfer of inherent jurisdiction

(1) If the competent court is prevented from proceeding due to legal or practical reasons, it shall be obliged to inform the immediate superior court thereof, which, after the examination by the public prosecutor, when the procedure is taking place upon request by the public prosecutor, shall appoint another court with a subject-matter jurisdiction within its own jurisdiction.

(2) No separate appeal shall be allowed against this decision.

(3) The common immediate superior court may appoint another court with a subject-matter jurisdiction to the case within its own jurisdiction, if it is obvious that this will make the procedure easier, or if there are other legal or practical reasons.

(4) The court may make the decision as referred to in paragraph 3 of this Article upon proposal by the judge of the preliminary procedure, individual judge or by the presiding judge of the trial chamber, or upon proposal by the public prosecutor who appears before the court, which decides on the transfer of inherent jurisdiction when the criminal proceedings are conducted upon request by the public prosecutor.

3. Merger and separation of procedures

Article 28
Merging procedures

(1) If a person has been accused of several crimes, the competent court shall be the one, which, upon request by the authorized plaintiff, has been the first to initiate the procedure, and if the procedure has not yet been initiated, the first court to receive the request for initiating a procedure.

(2) The court jurisdiction shall also be established according to paragraph 1 of this Article if the injured party has simultaneously committed a criminal offense against the defendant.

(3) As a rule, the court which has first initiated a procedure against one of the co-perpetrators shall be competent for all the others.

(4) As a rule, the court that is competent for the person who has committed the crime shall also be competent for all co-perpetrators, persons who have covered up the crime, persons who have helped the offender to commit the crime, as well as for the persons who have not denounced the preparation or the perpetration of the crime and the perpetrator.

(5) As a rule, there shall be one single procedure taking place and only one single verdict in all the cases as referred to in paragraphs 1, 2, 3 and 4 of this Article.

(6) Upon proposal by the public prosecutor, the court may also decide to conduct one single procedure and bring a single verdict in cases when there are several accused persons for a number of crimes, but only if the crimes are mutually connected to each other and if there is evidence that is the same.

(7) The court may decide to conduct a single procedure and bring a single verdict if there are several separate procedures before the same court against the same person for several crimes and against several persons for the same crime.

(8) The competent court that is to conduct the single procedure shall decide on the possible merger of the procedures. No separate appeal shall be allowed against the merger decision or the decision to reject the motion for merger.

Article 29
Separation of procedures

(1) The competent court under Article 28 of this Law, until the completion of the main trial, may decide to separate the procedure for certain crimes or against different defendants and to complete it separately or to hand it over to another competent court, if there are important reasons to do so, or for the purpose of completeness, or in the event of a guilty plea in relation to some of the counts in the indictment, i.e. in the event of a guilty plea by some of the codefendants.

(2) The competent court shall bring the decision to separate the procedure after the examination of the public prosecutor, when the criminal procedure has been initiated upon his or her request.

(3) No separate appeal shall be allowed against the decision for separation of the procedure or a decision to reject the motion for separation of the procedure.

4. Non-jurisdiction consequences and jurisdiction clashes

Article 30
Non-jurisdiction of the court

(1) The court shall be obliged to consider its jurisdiction and as soon as it establishes that it is not competent, the court shall be announced to be incompetent and refer the case to the competent court as soon as the decision becomes valid and final.

(2) After the indictment has entered into legal force, the court shall no longer be able to declare itself inherently incompetent and the parties may not object the inherent incompetence of the court.
(3) The incompetent court shall be obliged to undertake those actions of the procedure for which there is a danger of procrastination.

Article 31
Clash of jurisdiction

(1) If the court to which the case has been referred to as having jurisdiction over the case, considers the court which referred the case or some other court to be competent, it shall initiate a procedure to resolve the clash of jurisdiction.
(2) When a second instance court has made a decision on the appeal against the decision of the first instance court according to which it was declared as incompetent, with respect to the competence, this shall be a decision to be also observed by the court to which the case has been referred to, if the second instance court is competent to resolve by clash of jurisdiction between those courts.

Article 32
Procedure for resolution of clashes of jurisdiction

(1) Any clashes of jurisdiction shall be decided upon by the common immediate superior court.
(2) Before passing a decision regarding the clash of jurisdiction, the court shall ask for an opinion from the public prosecutor, who is competent to proceed before that court, when the criminal procedure is conducted upon request by the public prosecutor. No separate appeal shall be allowed against this decision.
(3) When deciding on the clash of jurisdiction, and if the conditions as referred to in Article 27 of this Law are met, the court may simultaneously ex officio bring a decision to transfer the inherent jurisdiction.
(4) Until the clash of jurisdiction is resolved, each court shall be obliged to undertake the actions of the procedure for which there is a danger of procrastination.

5. Exclusion

Article 33
Reasons for exclusion

(1) A judge or a lay judge must not exercise his or her judicial obligations:
1) if he or she has suffered any damage as a result of the crime;
2) if the accused, his counsel, the prosecutor, the injured party, his legal counsel or attorney is his or hers marital i.e. illegitimate spouse or a blood relative according to the law regardless of the degree of kinship, a distant relative to the fourth degree and an in- law to the second degree;

3) if, with the accused, his counsel, the plaintiff or with the injured party he or she has a relationship of a guardian, a person under guardianship, one who adopts, an adopted child, foster parent or a foster child;
4) if, in the same criminal case he or she participated as a judge of the preliminary procedure, participated in the examination of the indictment before the main trial or participated in the procedure as a plaintiff, defense counsel, legal counsel or authorized representative for the injured party, i.e. the plaintiff, or was examined in the capacity of a witness or as an expert witness;
5) if, in the same case, he or she participated in the decision making process of the lower court, or if, in the same court, he or she participated in the bringing of the decision that is annulled with the appeal;

(2) Apart from the situations as referred to in paragraph 1 of this Article, a judge or a lay judge may also be excluded from performing his or her judicial obligations if there are any circumstances that would cause any doubts regarding his or her impartiality.

Article 34
Exclusion procedure

As soon as he or she establishes the existence of any of the reasons for exclusion as referred to in Article 33, paragraph 1 of this Law, the judge or lay judge shall be obliged to stop working on that case and inform the President of the Court thereby, who shall appoint a substitute judge. If the exclusion is for the President of the Court, he or she shall appoint his or her own substitute judge amongst the judges from the same court, and if that is not possible, he shall ask the President of the immediate higher court to appoint the substitute.

Article 35
Exclusion upon request by the parties

(1) The parties may also ask for exclusion.
(2) The parties may submit a motion for exclusion prior to the beginning of the main hearing and if they have found out the reasons for the exclusion as referred to in paragraph 1 of Article 33 later, they shall submit the exclusion motion immediately after they have been informed about them.
(3) The party may include the exclusion motion for a judge of the higher instance court in the appeal or in the response to the appeal.
(4) The party may demand exclusion only of an individual judge or a lay judge, who proceeds in the case i.e. a judge from the higher court.
(5) One may not submit a motion for exclusion of the President of the Court, unless he or she acts as a trial judge, and the decision on his or hers exclusion shall be brought by the President of the immediate higher court.
(6) In its motion, the party shall be obliged to cite the circumstances due to which it considers that there are lawful grounds for exclusion.
(7) The motion for exclusion shall be denied if it is based on the same reasons, i.e. circumstances for which a decision has already been made. A separate appeal shall not be allowed against the decision for denial of the motion.

Article 36

Ruling on the motion for exclusion

(1) The President of the Court shall rule on the exclusion motion as referred to in Article 35 of this Law.

(2) If there is an exclusion motion only for the President of the Court, or for the President of the court and a judge or a lay judge, the exclusion decision shall be brought by the President of the immediate higher court, and if the exclusion motion is for the President of the Supreme Court of the Republic of Macedonia, the exclusion decision shall be reached at a general session of that court.

(3) If the exclusion motion has been filed pursuant to paragraph 1, Article 33 of this Law, the procedure shall be terminated, and the decision regarding the exclusion motion shall be brought by the President of the Court immediately, and not later than three days after the filing date of the motion.

(4) If the exclusion motion has been filed pursuant to paragraph 2, Article 33 of this Law, the procedure shall not be terminated, and the decision shall be brought by the President of the Court immediately, and not later than three days after the filing date of the motion.

(5) Before bringing the exclusion decision, one shall collect statements from the judge, the lay judge i.e. the President of the Court and perform additional actions if necessary.

(6) If the President of the Court excludes a judge, he or she shall assign the case to the next judge in line according to the internal work registry.

(7) A separate appeal against the decision on the approval of the exclusion motion shall not be allowed. A special appeal filed within three days after the decision has been reached can refute the decision with which the exclusion motion has been refused and if such a decision has been brought after the indictment has been confirmed, then it can be refuted only by an appeal to the verdict.

(8) If the exclusion motion pursuant to Article 33, paragraph 2 of this Law has been filed after the beginning of the main hearing, the main hearing shall not be terminated. The President of the Court shall rule on the motion immediately, but not later than three days after the filing date of the exclusion motion. If the verdict in the case is reached before the President rules on the exclusion motion, the party may present the reasons and evidence for the exclusion in the appeal to the verdict.

(9) A separate appeal against the decision referred to in paragraph 8 of this Article shall not be allowed.

Article 37
Validity of actions taken after an exclusion motion has been filed

When a judge, or a lay judge learns of a motion for his or her exclusion, he or she shall be obliged to stop working on the case immediately, and if the exclusion motion has been filed pursuant to Article 33, paragraph 2 of this Law, until the exclusion motion is ruled on, he or she may undertake only those actions for which there is the danger of procrastination.

Article 38

Exclusion of public prosecutors and other participants in the procedure

(1) The exclusion provisions for judges and lay judges shall also be equally applicable for the public prosecutors, with the exception of the grounds as referred to in Article 33, paragraph 1, items 4 and 5 of this Law.

(2) The exclusion provisions for judges and lay judges shall be equally applicable for the record keepers, interpreters or translators and other professional staff, as well as for the expert witnesses, unless there are other provisions referring to them (Article 238 of this Law).

(3) The public prosecutor in charge of the public prosecution office shall rule on the motions for exclusion of the public prosecutors from that public prosecution office. The public prosecutor in charge of the immediate higher public prosecution office shall rule on the motions for exclusion of public prosecutors in charge of the lower public prosecution offices.

(4) The entity that conducts the procedure shall rule on any motions for exclusion of record keepers, interpreters or translators and expert witnesses.

Chapter IV
PUBLIC PROSECUTOR AND JUDICIAL POLICE

1. Public prosecutor

Article 39
Rights and obligations of the public prosecutor

(1) The public prosecutor's general right and duty shall be to prosecute perpetrators of criminal offenses, which are to be prosecuted ex-officio.

(2) In cases of crimes which are prosecuted ex-officio, the public prosecutor shall have the following rights and duties:
- to direct the actions of the entities that are competent for detection and reporting of crimes and their perpetrators;
- to propose or issue orders for the application of special investigation measures, under conditions and in a manner as determined in this Law;
- to enact decisions and to conduct investigation procedure;
- to locate, propose and secure evidence, under conditions and in a manner as determined in this Law;
- to propose temporary measures for safeguarding property or objects that are crime proceeds or due to the execution of the measure confiscation;
- to decide on postponement of criminal prosecution under the conditions and in a manner as determined in this Law;
- to propose the issuance of a penal warrant under the conditions as determined in this Law;
- to negotiate and bargain with the defendant on a guilty plea, under the conditions and in a manner as determined in this Law;
- to file and represent indictments before the competent court;
- to appeal against judicial decisions that are not valid and final and apply extraordinary legal remedies against valid and final decisions;
- to rule upon appeals by injured parties in circumstances as provided for in this Law; and
- to undertake other activities provided by the law.

(3) The public prosecutor shall initiate special procedures and shall participate in them when that is prescribed with a separate law.

Article 40
Competency of the public prosecutor

(1) The subject-matter jurisdiction of the public prosecutor shall be determined by the provisions that are valid for the court jurisdiction for the region to which the prosecutor has been appointed and by the Law on the Public Prosecution Office.

(2) The inherent jurisdiction of the public prosecutor shall be determined by the provisions that are valid for the court jurisdiction for the region to which the prosecutor has been appointed.

(3) Any clashes of jurisdiction amongst public prosecutors shall be decided by their immediate higher public prosecutor.

(4) When there is a danger of procrastination, any required actions may be taken over by an incompetent public prosecutor, but he or she must immediately inform the competent public prosecutor thereof.

Article 41
Management role of the public prosecutor in the preliminary investigation procedure

(1) For the purpose of fulfilling the function of criminal prosecution, the public prosecutor shall manage the preliminary investigation procedure and dispose of the judicial police.

(2) The public prosecutor alone may undertake any action deemed necessary to detect a crime and detect and prosecute its perpetrator, for crimes for which, according to the law the authority belongs to the Ministry of Interior, the Financial Police and the Customs Administration.

Article 42
Waiving of prosecution rights by the public prosecutor

In certain cases as determined by law, the public prosecutor may waive his or her prosecution rights prior to the completion of the criminal procedure.

Article 43
Conditional postponement of the criminal prosecution

(1) In agreement with the injured party, the public prosecutor, with a decision, may postpone the criminal prosecution for a criminal offense that entails a prison sentence of up to three years, if the suspect is willing to behave according to the instructions given by the public prosecutor and fulfill certain obligations that would reduce or eliminate the harmful consequences from the criminal offense, put an end to the disturbances that have resulted from the criminal offense, i.e. influence is exerted in order to reintegrate the suspect. Such obligations may include the following:

1) obviating or compensating for the damages;
2) returning any items that have been taken away;
3) making a monetary contribution in favor to the Budget of Republic of Macedonia or to some other institution with a public authority or for humanitarian purposes;
4) fulfilling any obligations regarding subsistence;
5) undergoing treatment for any addictions;
6) undergoing psychosocial therapy in order to eliminate any violent behavior;
7) prohibited visits or contacts with the victims of the crime as well as with third parties as determined by the public prosecutor for a period that shall not exceed six months;
8) community work in a duration of 40-120 hours; or

9) when the conditions for release are met as a result of damage compensation as determined by the Criminal Code.

(2) With regards to the obligations as referred to in paragraph 1, items 1, 2, 3, 4, 7, 8 and 9 of this article, if the suspect has fulfilled his or her obligation in a period not longer than six months, i.e. he or she observed the ban, the public prosecutor shall enact a decision, thus not criminally prosecuting the suspect for the criminal offense referred to in paragraph 1 of this Article.

(3) With regards to the obligations as referred to in paragraph 1, items 5 and 6 of this Article, the public prosecutor shall determine the duration of the conditional postponement in consultation with a specialized institution for treatment of addictions, i.e. with the competent center for social work. The duration of the conditional postponement shall not be longer than one year.

(4) If the perpetrator has started, but not completed the imposed obligations in the prescribed deadline, the public prosecutor shall file an application for initiation of a summary procedure, also taking into account the portion of the obligations that has been completed.

Article 44
Waiving of criminal prosecution

The public prosecutor shall not be obliged to prosecute, i.e. may wave his or her rights of criminal prosecution if:

1) The Criminal Code states that the court may relieve the perpetrator of the crime from punishment and if the public prosecutor, bearing in mind the specific circumstances of the case, establishes that a verdict on its own, without a criminal sanction is not required;
2) For the criminal offense the Criminal Code prescribes a fine or a prison sentence of up to three years, and if the suspect has shown great remorse and has prevented any harmful consequences or has provided full compensation for any damages caused, and if the public prosecutor, bearing in mind the concrete circumstances of the case, establishes that there are no grounds for criminal sanctions;
3) The suspect, as a member of an organized group, gang or another criminal enterprise, voluntarily collaborates before or after the detection or during the criminal procedure and if such cooperation and statement given by that person is of essential importance for the criminal procedure.

Article 45
Investigative centers of the Public Prosecution Office

(1) For the benefit of the criminal procedure, for the region covered by one or more public prosecution offices, investigation centers of the public prosecution shall be established.

(2) The investigation centers referred to in paragraph 1 of this Article shall be established with a decision by the Chief Public Prosecutor of the Republic of Macedonia.

(3) The total number of members of the judicial police in the investigative centers of the public prosecution will be determined with a decision by the Chief Public Prosecutor of the Republic of Macedonia, after an opinion has been

provided by the Minister of Interior, Minister for Justice and the Minister of Finance.

(4) The tasks at the investigation center shall be performed by the employees of the organizational units referred to in Article 48, paragraph 1, item 2 of this Law, who shall be selected to work for a fixed time period, through an internal job competition, as well as persons employed in the Public Prosecution Office in accordance with the Law on the Public Prosecution Office.

(5) Any individuals referred to in paragraph (4) of this Article may participate in the investigative actions, that is, in their preparation, taking statements and proposals, and they can independently conduct certain actions assigned to them by the public prosecutor. The reports on such actions taken shall be approved by the public prosecutor within 48 hours from the moment when the action was taken.

(6) The employees that have been selected to work in the investigation center shall be at the disposal of the public prosecutor, and they shall work under his or hers control and supervision, they shall respect and carry out the public prosecutor's orders, work according to his or her instructions and guidance and shall be responsible for their work before the public prosecutor.

(7) During the period when they have been selected to work at the investigation center, those employees may not be assigned to another post at the state bodies where they have come from or be removed and prevented from working on the current case, without an explicit approval by the public prosecutor.

2. Judicial Police

Article 46
Duties of the Judicial Police

(1) The Judicial Police, ex-officio or upon order by the public prosecutor shall take measures and activities in order to detect and criminally investigate crimes, prevent any further consequences of the crimes, apprehend and report the perpetrators, secure the evidence and other measures and activities that might be useful for an unobstructed criminal procedure.

(2) The Judicial Police shall conduct investigations and activities as ordered or asked by the court and the public prosecution office.

(3) The duties referred to in paragraphs 1 and 2 of this Article shall be performed by the chiefs and officers from the Judicial Police.

Article 47
Authority of the Financial Police and the Customs Administration

(1) The authorization that has been provided to the Judicial Police with this Law, shall also belong to the Financial Police in the event of detection and investigation of the following crimes: laundering of money and other crime proceeds from Article 273, illegal trade from Article 277, smuggling from Article 278 and tax evasion from Article 279, all of those from the Criminal Code, as well as other criminal offenses that involve crime proceeds of significant value.

(2) The authorization that has been provided to the Judicial Police with this Law, shall also belong to the Customs Administration in the event of detection and investigation of the following crimes: production and sale of harmful medicaments from Article 212, production and sale of harmful food and other produce from Article 213, unauthorized production and sale of narcotic drugs, psychotropic substances and precursors from Article 215, unauthorized collection and disposal of nuclear materials from Article 231, import of hazardous materials in the country from Article 232, export of goods under temporary protection or cultural heritage or natural rarities from Article 266, laundering of money and other crime proceeds from Article 273, smuggling from Article 278, customs fraud from Article278-a, hiding smuggled goods and customs fraud from Article 278-b, tax evasion from Article 279, illegal possession of weapons and explosives from Article 396, human trafficking from Article 481-a, all of those from the Criminal Code, criminal offenses from the Excise Tax Law and other crimes related to imports, exports and transit of goods across border lines.

Article 48
Composition of the Judicial Police

(1) The duties of the Judicial Police as referred to in this Law shall be performed by:

1) the police officers in the organizational units at the Ministry of Interior, the Financial Police and the Customs Administration, which, according to their scope of work as defined by law, shall undertake measures and activities for detection of crimes, apprehension and reporting of the perpetrators, securing evidence for the crimes and other measures that provide for an unobstructed criminal procedure;
2) the members of the Judicial Police at the investigation centers of the Public Prosecution Office; and
3) the officials assigned to the public prosecutor pursuant to Article 50 of this Law.

Article 49
Chiefs and officers of the Judicial Police

(1) Chiefs at the Judicial Police shall be the heads of the organizational units as referred to in Article 48, paragraph 1, item 1 of this Law, that have direct communication with the Public Prosecutor.

(2) Officers of the Judicial Police shall be the police officers from the Ministry of Interior, the members of the Financial Police and the authorized personnel by law from the Customs Administration of the Republic of Macedonia, from the organizational units referred to in Article 48 items 1 and 3 of this Law, as well as the members of the judicial police in the investigation centers of the public prosecutor's office as referred to in item 2 of article 48 of this Law.

Article 50
Officials assigned to the public prosecutor on demand

(1) As necessary and for the purpose of an efficient criminal procedure, upon order from the public prosecutor, the officers as referred to in Article 48 item 1 of this Law shall be assigned to work for him or her.
(2) The officers who are going to be assigned to the public prosecutor shall be at an exclusive disposal to the public prosecutor, they shall work under his or her control and supervision, they shall respect and carry out the public prosecutor's orders, work according to his or her instructions and guidance and shall be responsible for their work before the public prosecutor.
(3) During the period when they have been assigned to work for the public prosecutor, those employees may not be assigned to another post at the state bodies where they have come from or be removed and prevented from working on the current case, without an explicit approval by the public prosecutor.

Article 51
Functional disposal of the judicial police

(1) The Judicial Police shall operate under the command of the competent public prosecutors.
(2) Pursuant to the provisions of this Law, the members of the Judicial Police shall be held responsible for their actions before the competent public prosecutor.
(3) The chiefs and officers of the Judicial Police shall be obliged to carry out the tasks that have been assigned to them. The members of the Judicial Police may not be reassigned from the tasks that have been given to them as part of the investigation of the crime, unless there is such a decision by the competent public prosecutor.

Article 52
Disciplinary responsibility of the judicial police

(1) Regarding the disciplinary responsibility of the members of the Judicial Police in relation to the performance of their functions pursuant to this Law, the competent public prosecutor may raise an initiative to commence disciplinary proceedings with the competent entity wherefrom the members of the Judicial Police originate, in accordance with the law.
(2) The entity shall be obliged, without any delay, to inform the petitioner about the results of the raised initiative as referred to in paragraph 1 of this Article.
(3) If no disciplinary procedure has been initiated at the appropriate entity or if the public prosecutor is not satisfied with the results of the disciplinary procedure or with the manner in which it was conducted, the Chief Public Prosecutor of the Republic of Macedonia may directly address the Government of the Republic of Macedonia.

CHAPTER V

VICTIM, INJURED PARTY AND PRIVATE PLAINTIFF

1. Victim

Article 53
Victim's rights

(1) The victim of a crime shall have the following rights:
1) to participate in the criminal procedure as an injured party by joining the criminal prosecution or for the purpose of a legal-property claim for damages;
2) to get special care and attention by the bodies and entities that participate in the criminal procedure; and
3) to get an effective psychological and other professional assistance and support by bodies, institutions and organizations that provide for help to crime victims.

(2) The police, the public prosecutor and the court shall act with special care towards the victims of criminal offenses, advising them of their rights as referred to in paragraph 1 of this Article and Articles 54 and 55 of this Law and they shall take care of their interests when making decisions for criminal prosecution of the accused, i.e. when undertaking actions during the criminal procedure when the victim has to be present in person, when they have to draft an official note or record.

(3) In accordance with the special regulations, any victim of a crime, which entails a prison sentence of at least four years, shall have the right to:
1) get a councilor paid by the state budget before giving a statement, i.e. declaration or filing the legal-property claim, if the victim has serious psycho-physical impairment or if there are serious consequences as a result of the crime; and
2) be compensated for material and non-material damages from a state fund, under conditions and in a manner as prescribed in a separate law, if the damage caused cannot be compensated from the convicted person.

Article 54
Special rights of victims of vulnerable categories of victims

(1) The victims shall have the right to special measures of process protection when giving statement or being interrogated during all stages of the procedure:
1) if, at the time when giving the statement, the victim is less than 18 years of age;
2) if giving a statement or an answer to a certain question would mean exposing themselves or another close person to a serious threat for their life, health or physical integrity (endangered victims);
3) if, because of their age, the nature and consequences of the crime, the physical or psychological disability or another significant health condition, the social or cultural history, family circumstances, religious beliefs and the ethnic affiliation of the victim, the behavior of the defendant, members of the

defendant's family or friends towards the victim, there might be harmful consequences for their psychological or physical health or if it has a negative effect on the quality of the statement provided (especially vulnerable victims).

(2) The special measures of process protection shall be determined by the court, upon proposal from the public prosecutor or the victim, or upon its own initiative, when it is necessary to protect the endangered and especially vulnerable victims.

(3) When deciding on the determination of the special measures of process protection referred to in paragraph 2 of this Article, the court shall have to take into account the victim's will.

(4) The court shall have to assign special measures of process protection in the cases as referred to in paragraph 1, item 1 of this Article:

1) when a child victim has a need for special care and protection; or

2) when the child is a human trafficking victim, victim of violence or sexual abuse.

(5) In cases as referred to in paragraph 4, individually or along with another special measure of protection, the court has to ask for a video and audio recording of the statement and interrogation of the child, so that it can be used as evidence in the procedure. In exceptional cases, because of newly established circumstances in the case, the court may order additional interview of the child victim, once more at the most, through the use of technical means of communication.

(6) The manner of implementation of the special measures of process protection of child victims is regulated with a separate law.

Article 55
Special rights of victims of crimes against gender freedom and gender morality, humanity and international law

(1) Apart from the rights established in Article 53, the victim of crimes against gender freedom and gender morality, humanity and international law, shall also have the following rights:

1) before the interrogation, to speak to a counselor or a proxy free of charge, if he or she participates in the procedure as an injured party;

2) to be interrogated by a person of the same gender in the police and the public prosecution office;

3) to refuse to answer questions that refer to the victim's personal life, if those are not related to the crime;

4) to ask for an examination with the use of visual and audio means in a manner established in this Law; and

5) to ask for an exclusion of the public at the main hearing.

(2) The court, the Public Prosecutions Office and the police shall be obliged to advise the victim of his or her rights referred to in paragraph 1 of this Article, prior to the very first examination at the latest and to prepare an official note or record accordingly.

Article 56
Victim not informed of the right to participate in the procedure as an injured party

(1) The victim who has not been informed of his or her right to participate in the procedure in the capacity of an injured party shall have the right to report to the police or to the Public Prosecution Office as an injured party until the moment when the indictment is raised, and to report to the court prior to the completion of the main hearing.
(2) The application of the victim as an injured party shall be rejected if it is obviously unjustified or untimely.

2. Injured party and private plaintiff

Article 57
Rights of the injured party

The injured party shall have the following rights in the criminal procedure:
1) to be advised of his or her rights;
2) to use his or her language and alphabet and the right to be assisted by an interpreter, i.e. a translator if he or she does not understand the language used during the procedure;
3) to put forward a motion for a legal or property claim;
4) to have a legal representative;
5) to indicate facts and propose evidence;
6) to be present at the evidentiary hearing;
7) to be present at the main hearing and to participate in the evidentiary procedure, as well as to comment on the legal or property claim and the legal and criminal event;
8) after the investigation has been completed, to review the files and items that are going to be used as exhibits and evidence;
9) to file an appeal under the conditions prescribed in this Law;
10) to file a motion for prosecution and personal legal action in accordance with the provisions of the Criminal Code;
11) to be informed about any lack of action or waiver of criminal prosecution rights by the public prosecutor;
12) to appeal to the higher Public Prosecutor against the decision of the Public Prosecutor to waive his or her prosecution rights, under the conditions prescribed in this Law;
13) to ask for the return of the previous state of affairs;
14) to ask for an observance of his or her right to privacy;
15) to participate in the mediation process, in a manner and under conditions as prescribed in this Law.

Article 58
Submission of a proposal and personal legal action

(1) For crimes that are prosecuted upon proposal or personal legal action, the proposal or the personal legal action shall be submitted within a period of three months from the day when the authorized person for submission of the proposal or the private charge has learned about the crime and the perpetrator.

(2) If there is a personal legal action because of the criminal offense of insult, before the end of the main hearing and after the period referred to in paragraph 1 of this Article has expired, the accused may file action against the plaintiff, who has simultaneously insulted him or her (counter charges). In such an event, the court shall pass a single judgment.

(3) The prosecution proposal shall be submitted to the competent public prosecutor and the personal legal action to the competent court.

(4) If the injured party files criminal charges or puts forward a motion for a legal and property claim as part of the criminal procedure, this shall be considered as if he or she has put forward a proposal for criminal prosecution.

(5) When the injured party filed criminal charges or a prosecution proposal and during the procedure it is established that the crime is a crime that is prosecuted upon a personal legal action, then the charge i.e. proposal shall be considered as a timely personal legal action if it has been submitted within the prescribed period for personal legal action. The personal legal action that has been filed in due time shall be considered as a timely submitted proposal by the injured party, if, during the procedure, it is established that the criminal offense is a crime that is prosecuted upon a proposal.

Article 59
Proposal for criminal prosecution or private action filed on behalf of a minor

(1) On behalf of minors and persons that are fully incapacitated to work, the criminal prosecution proposal or the personal legal action shall be submitted by their legal representative.

(2) Minors who have already turned eighteen years of age may submit proposals or private actions themselves.

Article 60
Initiation and continuation of the procedure after victim's death

If the crime victim dies during the period for submission of proposals or personal legal action or during the procedure itself, then his or her marital i.e. illegitimate spouse, children, parents, adopted children, foster parents, brothers and sisters, within a period of three months after his or her death, may file a proposal or legal action i.e. give a statement that they continue the procedure.

Article 61
Multiple injured parties

If several persons have suffered damage as a result of the crime, the prosecution will be initiated i.e. continued upon a proposal or personal legal action taken by each of the damaged parties.

Article 62
Cancellation of the proposal or the personal legal action

(1) With a statement given to the court before which the procedure is conducted, the injured party and the private plaintiff may cancel the proposal i.e. the personal legal action until the completion of the main hearing. In such an event, they shall lose their right to file a proposal or a personal legal action again.

(2) If the injured party cancels the proposal, i.e. the personal legal action prior to the commencement of the main hearing, the court shall enact a decision for termination of the procedure, and if the party cancels it after the commencement but prior to the completion of the main hearing, the court shall enact a rejection verdict (Article 402, paragraph 3 of this Law).

Article 63
Non-attendance of the private plaintiff at the main hearing

(1) If the private plaintiff does not attend the main hearing although he or she has been properly summoned, or the court summons could not have been handed because he or she has not informed the court about the change of current address of his or her temporary or permanent residence, then it shall be considered that he or she has withdrawn the charge.

(2) The Presiding Judge of the Trial Chamber or the individual judge shall allow the private plaintiff to restore the previous state of affairs, if, for justified reasons he or she could not attend the main hearing or inform the court of the change of address of temporary or permanent residence in due time, if he or she submits a request for the return of the previous state of affairs within a period of eight days after the impediment ceased to exist.

(3) After a period of three mounts has elapsed from the date of the omission, it shall no longer be possible to seek restoration of the previous state of affairs.

(4) A separate appeal against the decision to grant the restoration of the previous state of affairs shall not be allowed.

Article 64
The right to propose evidence, access to the case file and other rights

(1) During the procedure, the injured party and the private plaintiff shall have a right to point out all the facts and propose evidence, which are important for the establishment of criminal liability and the legal and property claim.

(2) At the main hearing, they shall have the right to propose evidence, examine the accused, witnesses and expert witnesses, to object and give explanations in reference to their statements and to give other statements and put forward suggestions.

(3) The injured party and the private plaintiff shall have the right to access the case file and review any exhibits that have been admitted as evidence. The injured party may not have the right to access the case file until he or she has been examined as a witness first.

(4) The public prosecutor and the court shall advise the injured party and the private plaintiff of their rights as referred to in paragraphs 1, 2 and 3 of this Article.

Article 65

Private plaintiff's rights

According to the provisions of this Law, the private plaintiff shall have the same rights as the public prosecutor, except the ones that belong to the public prosecutor in the capacity of a state authority.

Article 66
Minor as an injured party

(1) If the injured party is a minor or a person that is fully incapacitated to work, his or her legal representative shall be authorized to give all statements and to undertake all actions for which, according to this Law, the authority belongs to the injured party.

(2) Any injured party who is older than eighteen (18) years of age shall be authorized to give statements and take actions during the procedure on his or her own.

Article 67
Proxy of the private plaintiff and the injured party

The private plaintiff and the injured party, as well as their legal counsels, may also exercise their rights in the procedure through a proxy.

Article 68
Change of address notification duty

The private plaintiff and the injured party, as well as their legal counsels and proxies shall be obliged to inform the court about any change of their address or place of temporary or permanent residence.

Chapter VI

DEFENDANT AND DEFENSE COUNSEL

Article 69

Rights of an invited, brought in and person who has been deprived of liberty

(1) The person who has been invited, brought in or deprived of liberty shall be immediately informed, in a language that he or she understands, of the reasons for the invitation, bringing in or deprivation of liberty and any suspicion or criminal charges against him or her, as well as of his or her rights, and the person shall not be asked to give a statement.

(2) First, in a clear manner, the accused shall be advised about the right to remain silent, the right to consult with a lawyer alone and to have a defense counsel of his or her choice present during the examination.

(3) The person that has been brought in or deprived of liberty shall also be advised of the right to inform a member of his or her family or someone close to him or her, i.e. a diplomatic or consular representative office of the country whose citizen the person is, regarding the bringing in or deprivation of liberty. Adequate medical assistance shall be provided as needed or upon request by the person who has been brought in or deprived of liberty.

(4) Any person who has been deprived of liberty shall be immediately, and within 24 hours from the moment when the person was deprived of liberty at the latest, taken before a court, which shall decide on the lawfulness of the deprivation of liberty without any delay.

(5) Any publication of photographs or recordings of people who are detained or deprived of liberty shall be made by hiding the appearance of the person.

Article 70
Rights of the defendant

Every defendant shall have the following basic rights:

- to be informed on time and in detail, in a language that he or she understands, about the crimes that he or she is accused of and any evidence against him or her;
- to have enough time and possibilities to prepare his or her defense, and especially to have access to the case file and be familiar with any available incriminating or exculpatory evidence, as well as to communicate with a defense counsel of his or her own choice;
- to be tried in his or her presence and to defend in person or with the assistance of a defense counsel of his or her own choice, and if the person is indigent, to get a defense counsel free of charge when that is required by the interest of justice;
- to freely present his or her defense;
- not to be coerced into testifying against himself or herself and people that are close and plead guilty;

- to have a possibility to speak about the facts and the evidence that he or she is charged with and to present all facts and evidence that would support his or her defense case;
- to examine the witnesses of the prosecution on his or her own or through the defense counsel, as well as to be able to ensure the presence and examination of the defense witnesses, under the same conditions as is the case with the prosecution witnesses; and
- during the main hearing to be able to consult with his or her defense counsel, but not to be able to discuss the way he or she will answer individual questions.

Article 71
Right to a defense counsel

(1) Any person who has been suspected or accused of a criminal offense shall have the right to a defense counsel throughout the duration of the criminal procedure against him or her.
(2) Prior to the initial examination or any other action for which such an obligation is provided for in this Law, the accused shall have to be advised of his or her right to a defense council of his or her choice, with whom the person may consult in private, who may also be present during his or her examination.
(3) The defense counsel for the defendant may also be provided by his or her legal representative, marital i.e. illegitimate spouse, blood relative of first degree, foster parent, an adopted child, brother, sister and bread winner, unless the accused is explicitly against it.
(4) Only a licensed attorney may act as a counsel for the defense.
(5) For crimes that entail a prison sentence of at least ten years, the defense counsel shall be an attorney with at least five years or working experience, following the passing of the bar exam.
(6) The defense counsel is obliged to submit a letter of attorney to the body before which the procedure is conducted. The defendant may also verbally accredit his or her counsel on record, before the body that conducts the procedure.

Article 72
Mutual defense counsel for several defendants and several defense counsels for a single defendant

(1) Several defendants may have a mutual defense counsel only if it is not against the interests of their own defense. If, according to the entity conducting the procedure the defendants cannot have the same defense counsel, the entity shall invite them to appoint another counsel within a certain time period, and if the case calls for a compulsory defense, it shall proceed pursuant to Article 74 of this Law.
(2) A defendant may have several defense counsels and the defense is considered to be provided when at least one of the counsels participates in the procedure.

Article 73
Individuals who cannot act as defense counsels

(1) The victim, the injured party, the marital i.e. illegitimate spouse of the victim, injured party or the plaintiff, and their direct blood relatives of first degree, may not assume the role of a defense counsel.
(2) A person summoned as a witness in the procedure may also not be a counsel, unless, according to this Law, the person has been relieved from his or her duty to testify and has stated that he or she is not going to testify or if the counsel is being heard as a witness as referred to in Article 213, item 2 of this Law.
(3) Neither a person who is a co-defendant in the same case may not be a defense counsel, nor a person who has acted as a judge, public prosecutor or a police official.

Article 74
Compulsory defense with a defense counsel and ex-officio defense counsel

(1) If the accused is dumb, deaf or incapable to defend himself or herself successfully or if a criminal procedure is conducted against him or her for a crime, which, according to the law, entails a sentence of life imprisonment, then the person shall have a defense counsel as of his or her first questioning.
(2) The defendant shall have a counsel during the detention period, if detention has been imposed against him or her.
(3) After an indictment has been raised for a crime for which a prison sentence of ten years or a more severe sentence is proscribed in the law, the accused shall have a counsel at the time of the delivery of the indictment.
(4) The accused shall have a defense counsel during the procedure of negotiation and bargaining with the public prosecutor on the guilty plea.
(5) The defendant who is being tried in his or her absence shall have a defense counsel assigned immediately after the decision for a trial in absence has been brought.
(6) If the accused, in the cases of compulsory defense as referred to in the previous paragraphs of this Article, does not provide a counsel himself, the President of the Court shall assign a defense counsel ex officio for the further duration of the criminal procedure until the final legally valid verdict. When the accused has been assigned a counsel ex officio after the indictment has been raised, the accused shall be informed accordingly together with the act of delivery of the indictment.

Article 75
Defense of indigent persons

(1) When the conditions for mandatory defense are not met, upon his or her motion, the defendant may be assigned counsel, if, taking his or her financial situation into consideration, it is deemed that the defendant cannot bear the expenses of the defense, when required for the purpose of the interest of justice and specifically due to the severity of the crime and complexity of the case. In the motion, the defendant can indicate the preferred attorney from the list of defense counsels of the appropriate legal community.

(2) The judge of the preliminary procedure i.e. the Presiding Judge of the Trial Chamber shall rule on the motion as referred to in paragraph 1 of this Article, and the defense counsel shall be appointed by the President of the Court.
(3) The defense expenses as referred to in paragraph 1 of this Article shall be covered by the State Budget of the Republic of Macedonia.

Article 76
Revocation and cancellation of the letter of attorney

(1) The rights and obligations of the defense counsel shall cease as soon as the defendant revokes the letter of attorney.
(2) If the defendant revokes the letter of attorney of his or her counsel, he or she shall inform the court thereof immediately, and within three days at the latest.
(3) If the defendant does not inform the court about the accreditation of a new defense counsel, within a period of three days, the court shall assign a counsel ex-officio, counting from the date when the defendant informed the court, i.e. when he or she was obliged to inform the court.
(4) The defense counsel whose letter of attorney has been revoked shall be obliged to take all necessary actions in the procedure for the benefit of the defendant until the announcement of the assignment of a new counsel, but for no longer than 15 days from the date of revocation of the letter of attorney.
(5) If the defense counsel cancels the letter of attorney for the defendant, the defendant shall be obliged to inform the court about the revocation of the letter of attorney immediately, or within three days at the latest, and if the defendant has not assigned a new counsel, an ex-officio counsel shall be assigned by the court within a period of three days.
(6) If the defendant informs the court that he already gave the power of attorney to another counsel, the court shall revoke the decision for the assignment of an ex-officio counsel.
(7) If the revocation or cancellation has been done during a hearing at the main trial, the defense counsel shall be obliged to take all necessary actions for the benefit of the defendant until the completion of that particular hearing.
(8) If the court establishes that there are no proper grounds for the cancellation of the power of attorney and it has been done in order to delay the procedure, it shall inform the Bar Chamber of the Republic of Macedonia thereof.
(9) The Bar Chamber of the Republic of Macedonia shall be obliged to inform the court about the activities undertaken in that regard, within a period of three months at the latest.

Article 77
Dismissal of assigned counsel

(1) Instead of the assigned counsel as referred to in Articles 74 and 75 of this Law, the defendant may get another counsel himself or herself. In that case, the assigned counsel shall be dismissed.
(2) The assigned counsel may ask to be dismissed only for justified reasons.
(3) Before the main hearing, it shall be the preliminary procedure judge, i.e. the Presiding Judge of the Trial Chamber who shall decide on the dismissal of the counsel in cases as referred to in paragraphs 1 and 2 of this Article, the Trial

Chamber shall be the one deciding at the main trial, and during the appeal, the decision shall be made by the president of the first instance Chamber, i.e. the Chamber that rules on the appeal. A separate appeal against this decision shall not be allowed.

(4) The President of the Court, upon request of the accused or with his or her consent may dismiss the assigned counsel who has not exercised his duties in a responsible and competent manner. The President of the Court shall assign another counsel instead. The Bar Chamber shall be informed thereof by the President of the Court.

Article 78
Counsel's rights

(1) For the benefit of the defendant, the defense counsel shall be authorized to undertake all actions that may be taken by the defendant.

(2) In order to prepare his or her defense, the defense counsel may ask for information from citizens, in accordance with Article 307 of this Law.

Article 79
Counsel's access to the case file

(1) During the criminal procedure, the defense counsel shall have the right to review the case file and any available evidence, in accordance with the provisions of this Law.

(2) The defense counsel shall have the right to access and to get a copy of all reports and other files related to actions to which the defense had a right to be present at, which are being kept at the public prosecution office.

Article 80
Communication between counsel and defendant in detention

If the accused is detained, the defense counsel shall have the right of free and unsupervised correspondence and communication with him or her. In exceptional cases, the judge of the preliminary procedure may subdue this right to visual supervision only, if detention has been imposed under Article 165, paragraph 1, item 2, and there is some probability that the accused might abuse the contacts with his or her counsel.

Chapter VII

INTERINSTITUTIONAL COOPERATION AND LEGAL ASSISTANCE

Article 81
Duty to provide assistance

(1) For the purpose of the criminal procedure, the judicial police, the public prosecutor and the court may ask for assistance from the courts, the public prosecution office, state administration bodies and other state entities and institutions with public authority and from the bodies of the units of local self-government. These entities shall be obliged to respond to such a request as soon as possible, and eliminate all possible impediments without any delay. Whenever necessary, they shall also receive a copy of the criminal case file.

(2) State administration bodies and other state institutions may refuse to act upon the request referred to in paragraph 1 of this Article, with an elaborated decision and in accordance with their legal authorities, if it means violation of their duty to preserve classified information, as long as the competent body does not recall this obligation.

Article 82
Conducting an evidentiary hearing with the assistance of a video-audio conference

(1) Apart from the cases specially provided for in this Law, with a written order, the court may decide to conduct the evidentiary hearing with the assistance of a closed circuit technical device for communication at a distance (video-audio conference link).

(2) The order shall contain data on the location and time of establishment of the video-audio conference link, as well as on the name and address of the person who is to be examined. The witnesses and the defendant shall be summoned pursuant to the provisions contained in Chapter XIII of this Law.

(3) The order may also indicate the person who has the items that are to be seized pursuant to the Criminal Code or may be used to establish the facts in the criminal procedure, who, upon request by the court, may show them during the video-audio conference and then hand them over to the court in accordance with the provisions of Article 195 of this Law.

Article 83
Conducting a video-audio conference

(1) The parties may be present at the video-audio conference and participate in it in accordance with the provisions for presentation of evidence at the main hearing. Any defendants that are kept in detention shall be appropriately enabled to follow the video-audio conference and to ask questions and raise objections.

(2) A professional person who is going to handle the devices shall also have to be present during the video-audio conference.

Article 84
Record of the video-audio conference

(1) The court that conducts the criminal procedure shall keep a record of the video-audio conference, which shall include the time and location of the activities, the individuals that were present, the type and condition of the technical remote communication device, as well as the professional individual who operated the device. The record shall be kept by the court clerk.

(2) The entity that conducts the criminal procedure may also satisfy the special requirements regarding the type and content of the video-audio conference, in accordance with the regulations in some special laws or international agreements that were ratified in accordance with the Constitution of the Republic of Macedonia.

Article 85
Telephone conference

The public prosecutor or the police may check the alibis or other important facts for initiating and conducting the criminal procedure through the use of a telephone connection, which provides for immediate communication with the examined individuals (telephone conference).

Article 86
Record and recording of the telephone conference

(1) The telephone conference record shall contain data on the identity of the persons participating in the telephone conference, information on the capacity in which the person has given the statement and depending on the capacity, also the appropriate personal data.

(2) The recording of the telephone conference referred to in paragraph 1 of this Article may be used in the criminal procedure:

1) if the person who has been examined as a witness, has been advised as prescribed in Article 219 of this Law and has been forewarned about the recording;
2) if the defendant was previously advised of his or her rights as prescribed in Article 206 of this Law; and
3) if the defense counsel is present during the examination of the defendant.

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SECTION C: PROCEDURAL ACTIONS

Chapter VIII

MOTIONS AND RECORDS

Article 87
Motions

(1) Personal legal actions, indictments, prosecution applications, motions, legal remedies and other statements and announcements shall be submitted in a written form or given verbally on the record, or they are submitted in an electronic form to the department for admissions of the competent body.

(2) Any motions referred to in paragraph 1 of this Article must be comprehensible and contain everything necessary in order to be able to act upon them accordingly. Any motions submitted by attorneys, bodies of the state administration, legal entities and by persons with public authorizations should also contain data on an electronic mailbox for the service of process registered in accordance with the law.

(3) If not established otherwise in this Law, the entity conducting the procedure shall summon the person who has submitted the motion, which is not comprehensible or does not contain everything necessary to be able to act accordingly, to correct i.e. supplement the motion, and if he or she does not do that in the proscribed period, the court shall reject the motion.

(4) In the summons for correcting i.e. supplementing the motion, the applicant shall be forewarned of the consequences of omission.

(5) Any motions that are submitted to the opposing party according to this Law shall be submitted to the entity conducting the procedure in a sufficient number of copies for the entity and the opposing party. If such motions have not been submitted in a sufficient number of copies, they shall be copied at the expense of the applicant.

Article 88
Penalty for offending the court

(1) The court shall punish any participant in the procedure, with a pecuniary fine of 200 to 1200 Euros, payable in Macedonian Denars, who, in the motion or verbally, or in any other manner offends either the court or the person who participates in the procedure. The penalty decision shall be brought by the court before which the statement has been made, and if the offence has been made in the motion, by the court that rules on the motion itself.

(2) An appeal shall be allowed against this decision which shall be ruled upon by the Trial Chamber referred to in Article 25, paragraph 5 of this Law.

(3) The court shall inform the competent public prosecutor of the Public Prosecution Office about any punishment of a public prosecutor.

(4) The Bar Association of the Republic of Macedonia shall be informed by the Court about any punishment of an attorney.

(5) When the public prosecutor leads the preliminary procedure, and in doing so establishes that a participant in the procedure has offended the court in a

certain statement or motion, the public prosecutor or another person who participates in the procedure, shall deliver a copy of the specific motion of statement to the competent court, which may then bring a penalty decision as referred to in paragraph 1 of this Article.

(6) The punishment under paragraph 1 of this Article shall not influence the prosecution and the verdict for the crime committed with the offense.

(7) If, pursuant to paragraph 1 of this Article, the court continues to be offended besides the imposed fine, the court may then impose a fine in an amount that is ten times higher than the amount of the fine referred to in paragraph 1 of this Article.

Article 89
Records

(1) A record shall be kept for each and every action taken during the criminal procedure at the same time when the action takes place, and if that is not possible, then immediately after.

(2) The record shall be kept by a court recorder. Only in the event when a search of a residence or a person is executed, or if the action is taken outside the official premises of the entity, and a court recorder cannot be provided for, the record may be compiled by the person who takes the action.

(3) The record that is compiled by the court recorder shall be compiled in such a manner that the person taking the action tells the recorder aloud what is to be entered into the record.

Article 90
Contents of the record

(1) The following shall be put on the record: the name of the state body before which the action is taking place, the locality, the day and the hour when the action started and finished, first and last names of the present persons and the capacity in which they are present, as well as indication of the criminal case according to which the action is being initiated.

(2) The record shall contain crucial data on the duration and the contents of the action taken. If, during the action, certain materials and records have been seized, that shall be noted in the record and the seized items shall be appended to the record, or their location of safekeeping shall be indicated in the record.

(3) When taking actions such as inspection, search of residences or persons or identification of persons or objects, any important data bearing in mind the nature of such action or for the identification of certain objects (description, dimensions and size of the objects or traces, marking the objects etc.) shall be included in the record, and if sketches, drawings, plans, photographs, records on electronic, mechanical and other devices for audio or visual-audio recording and stenographer notes have been made, that shall be indicated in the record and appended to the record.

Article 91
Keeping the record

(1) The record shall be kept accurately and nothing shall be deleted, added or altered in it. Any crossed out lines shall remain legible.
(2) Any alterations, corrections and additions shall be added at the end of the record and immediately pointed out to the parties and defense counsel and they shall be certified by the persons who sign the record.

Article 92
Insight in the record and signing of the record

(1) The persons who are obliged to participate in the actions of the procedure, as well as the parties, the counsel and the injured party, if present, shall have the right to read the record or to ask for the record to be read back to them. The person who takes the action shall be obliged to forewarn about that, and the record shall indicate whether the warning has been given and whether the record has been read. The record shall be read always, and if no recorder is present, that shall be duly noted in the record.
(2) The translator, i.e. interpreter if any, shall sign the record at the end, and when executing a search, also the person who is being searched or whose residence is being searched. If the record is not compiled by a recorder, the record shall be signed by persons present during the action. If such persons are not present or are not able to understand the contents of the record, the record shall be signed by two witnesses, unless it is possible to ensure their presence.
(3) Illiterate persons shall put a right hand fingerprint of their index finger instead of a personal signature and the authorized recorder shall write their names underneath. If it is not possible to put a right hand index fingerprint, a fingerprint of another finger or a left hand fingerprint shall be put and the record shall indicate which finger and hand the fingerprint originates from.
(4) If the action could not have been completed without an interruption, the day and the hour of the interruption, as well as the day and the hour when the action continued shall be indicated in the record.
(5) If there was any objection with regards to the contents of the record, such objections shall be also indicated in the record.
(6) At the end, the record shall be signed by the person who has taken the action and the recorder.

Article 93
Setting evidence apart

(1) When this Law establishes that the court verdict may not be based on a certain piece of evidence, the judge of the preliminary procedure, ex-officio or upon proposal by the parties, shall bring a decision to set that evidence apart from the rest of the case file, until the completion of the investigation at the latest. If an indictment has already been raised, the decision to set evidence apart shall be brought by the Chamber for review of the indictment. A separate appeal shall be allowed against this decision, and the higher court shall rule on it.

(2) After the decision becomes valid and enforceable, any evidence that was set apart shall be kept with the judge of the preliminary procedure, apart from the rest of the case file and such evidence may neither be reviewed, nor used in the proceedings. Any records that were set apart shall be put and sealed in a separate file and kept with the judge of the preliminary procedure.

Article 94
Recording of investigative actions

(1) Whenever prescribed in this Law, the performance of investigative or other actions shall be recorded with the use of devices for visual-audio recording. The entity that takes the action shall previously inform the person who is being examined thereof.
(2) The recording shall contain the data as referred to in Article 90, paragraph 1 of this Law, any data necessary to identify the person whose statement is being recorded and information on the capacity in which the person has given the statement. When statements of several persons are being recorded, one shall be obliged to ensure that it is clearly recognizable from the recording who is the person who has given the statement.
(3) The record of the investigative action shall indicate that a recording was made, who made the recording, the fact that the person who is being examined has been previously informed about the recording, if the recording has been copied and where it is kept, if it is not appended to the overall case file.
(4) If not established otherwise in this Law, the entity that performs the investigative action may decide to make a full or partial transcript of the recording and give it to the party, upon his or her request. The transcript shall be reviewed and certified with a signature of the person who performed the action and appended to the record on the investigative action that was taken.
(5) Any recording made pursuant to the provisions of paragraphs 1, 2, 3 and 4 of this Article, shall be kept at the court as long as the criminal case file is kept on record.
(6) Any recordings made pursuant to the provisions of paragraphs 1, 2, 3 and 4 of this Article, may not be publicly shown or broadcasted without a written approval by the parties and the participants in the investigative action.

Article 95
Main hearing record

The provisions in Articles 374 and 375 of this Law shall be applicable to the main hearing record.

Article 96
Deliberation and voting record

(1) A separate record shall be maintained on the deliberation and the voting.
(2) The deliberation and voting record shall contain information on the course of the vote and the decision that was made.

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(3) This record shall be signed by all members of the Trial Chamber and the court recorder. If not put on the record, any dissenting opinions shall be appended to the deliberation and voting record.

(4) The deliberation and voting record shall be sealed in a separate envelope. This record may be reviewed only by the higher court when ruling on the legal remedies and in such an event, the court shall be obliged to reseal the record in a separate envelope again, with an indication that it has reviewed the record.

Chapter IX

DEADLINES

Article 97
Deadlines for giving statements and filing motions

(1) Any prescribed deadlines in this Law may not be extended, unless the Code explicitly allows it. If the deadline is prescribed in this Law in order to protect the right of defense and other procedural rights of the accused, the deadline may be shortened if so requested by the accused in a written form or verbally on the record before the court.

(2) If any statement is tied to a deadline, it shall be considered that it was given within the deadline, if it was delivered to the person who was authorized to receive it before the expiry of the deadline.

(3) When the statement is sent by registered post, electronic mail or via telegraph, the day of postage, i.e. the day when the electronic mail was sent shall be considered as the day of delivery to the person to whom it is addressed. The delivery of military mail in places where there is no regular post office shall be considered as a delivery of a registered mail in a post office. It shall be considered that the sender of the statement observed the deadline if the receiver did not receive the statement sent on time, due to wrongful operation of the device for delivery or receipt of the statement, of which the sender was not aware.

(4) A suspect who is in detention may give a statement bound with a deadline, on record with the entity that conducts the procedure or give his or her statement to the prison authorities, and the person serving sentence or kept in an institution due to a security or an educational measure, may give such a statement to the authorities at the institution where he or she is placed. The date and the hour of the compilation of such a record, i.e. the moment when the statement has been handed over to the authorities at the institution shall be considered as the date of delivery to the entity that was competent to receive it.

(5) If a motion that is bound by a deadline, due to ignorance or obvious mistake by the applicant, has been delivered or addressed to an incompetent public prosecutor or court before the expiry of the deadline, and then arrives at the competent public prosecutor or court after the expiry of the deadline, shall be deemed as being received on time.

Article 98
Calculation of deadlines

(1) The deadlines shall be calculated in hours, days, months and years.

(2) The hour or day of the delivery or the announcement, i.e. the hour or day of the actual event, as of which the calculation of the deadline should commence, shall not be included in the calculation of the deadline, and the beginning of the deadline shall start being calculated as of the very next hour or day. One day shall mean 24 hours and the months shall be calculated according to the calendar.

(3) As an exception to the provision in paragraph 2 of this Article, the calculation of the deadlines related to bringing in, holding and detention shall start as of the moment when the person was deprived of liberty.

(4) The deadlines established in months or years shall expire with the end of the last day of the last month, i.e. the year, when its number corresponds with the day when the calculation of the period started. If such a day is missing in the last month, the last day of that particular month shall be considered as the deadline.

(5) Saturdays, Sundays and national holidays shall count towards the final computation of the deadline. If the last day of the deadline is a national holiday, or a Saturday or Sunday, or another day when the state administration body is inoperable, the deadline shall expire at the end of the very next working day.

Article 99
Restoring the previous state of affairs

(1) If the accused, due to justified reasons, does not observe the deadline for an appeal against a verdict or a decision for application of security or an educational measure, or seizure of property, the court shall allow the restoration of previous state of affairs for the purpose of an appeal, if the accused, within a period of 8 days, after the moment when the reason for the omission of the deadline seized to exist, files a motion to restore the previous state of affairs, and if he or she files the appeal together with the motion.

(2) If three months have elapsed following the date of the omission of the deadline, the motion to restore the previous state of affairs shall no longer be possible.

Article 100
Ruling on the restoration of previous state of affairs

(1) The court that has passed the judgment or the decision that is being challenged with the appeal shall rule on the motion to restore the previous state of affairs.

(2) No appeal shall be allowed against the decision to restore the previous state of affairs.

(3) When the accused appeals the decision not to allow the restoration of the previous state of affairs, the court shall be obliged to submit such an appeal to the higher court to be ruled upon, along with the rest of the case file, i.e. the appeal on the judgment or the decision for the application of a security or an educational measure, or seizure of property, as well as with the response to the appeal.

Article 101
Effect of the motion to restore previous state of affairs

As a rule, the motion to restore the previous state of affairs does not prevent the enforcement of the judgment, i.e. the decision for application of security or an educational measure, or seizure of property, however, the court that is competent to

rule on such a motion, may decide to delay the enforcement until the motion has been ruled upon.

Chapter X

CRIMINAL PROCEDURE EXPENSES

Article 102
Contents of the criminal procedure expenses

(1) Criminal procedure expenses shall be the expenses incurred for purposes of the criminal procedure, from its initiation to its completion and the expenses for any investigative actions undertaken before the investigative procedure.

(2) The criminal procedure expenses shall include the following:
1) expenses for witnesses, expert witnesses, translators, interpreters and professionals, any expenses for visual-audio recording and copying of the recordings, as well as crime scene investigation expenses;
2) transport expenses for the accused;
3) expenses for apprehension of the accused i.e. the person deprived of liberty;
4) transport and travel expenses for the official personnel;
5) expenses for medical treatment of the accused while he or she is kept in detention, as well as child delivery expenses, except the expenses that are covered by the healthcare insurance fund;
6) a lump sum;
7) recompense and essential expenses of the counsel, essential expenses of the private plaintiff and his or her legal representative, as well as recompense and essential expenses of his or her proxy; and
8) essential expenses of the injured party and his or her legal representative, as well as recompense and essential expenses for his or her proxy.

(3) The lump sum shall be determined within the limits for the amounts as determined by the regulations, considering the duration and complexity of the procedure and the financial situation of the person who is obliged to pay the amount.

(4) The expenses as referred to in items 1, 2, 3, 4 and 5, in paragraph 2 of this Article, as well as the essential expenses of the assigned defense counsel and the assigned proxy, in the procedure for crimes that are prosecuted ex-officio shall be paid in advance from the budget of the entity conducting the criminal procedure and collected later on, from the persons who are obliged to cover them in accordance with the provisions of this Law. The entity conducting the procedure shall be obliged to include all expenses that have been paid in advance in the expense register, which shall become part of the case file.

(5) Any expenses for interpretation incurred through the application of the provisions of this Law, shall not be recovered from the persons who are obliged to cover the criminal procedure expenses in accordance with the provisions of this Law.

Article 103
Decision on the criminal procedure expenses

Any verdict and decision that terminates the criminal procedure shall contain a decision on the amount of the criminal procedure expenses and the person who shall be responsible to cover them.

Article 104
Tendering expenses incurred by one's own guilt

(1) The accused, the injured party, the private plaintiff, the defense counsel, the legal representative, the proxy, the witness, the expert witness, the translator, the interpreter and the adept, regardless of the criminal procedure outcome, shall bear the expenses for their bringing to court, postponement of the main hearing and other procedure expenses, for which they are to blame.

(2) A separate decision shall be brought on the expenses referred to in paragraph 1 of this Article, unless the expenses claimed by the private plaintiff and the defendant are being ruled upon with the decision being brought on the main issue.

(3) The Chamber referred to in Article 25, paragraph 5 shall rule on the appeal against the decision referred to in paragraph 2 of this Article.

Article 105
Ruling on the expenses in a conviction judgment

(1) When the court finds the defendant guilty, it shall state in the verdict that he or she is obliged to compensate the criminal procedure expenses.

(2) A person accused of several crimes shall not be convicted to pay the expenses for those crimes for which he or she was acquitted, if it is possible for those expenses to be separated from the total expenses.

(3) In a conviction verdict of several defendants, the court shall decide on the portion of the expenses that each and every one of the defendants is to compensate and if that is not possible, it shall rule for the defendants to equally bear the expenses. The payment of the lump sum shall be determined for each of the defendants individually.

(4) In the decision on the expenses, the court may relieve the defendant from his duty to compensate fully or partly the criminal procedure expenses as referred to in Article 102, paragraph 2, items 1, 2, 3, 4, 5 and 6 of this Law, if the payment of the expenses would mean endangering the subsistence of the defendant or of the individuals that he or she is obliged to support. If these circumstances are established after the expense decision has been brought, with a special decision, the Presiding Judge of the Trial Chamber may relieve the defendant from the duty to compensate the criminal procedure expenses.

Article 106
Ruling on the expenses in case of termination of the criminal procedure and acquittal or overruling verdict

(1) When the criminal procedure is terminated or when a verdict is reached whereby the charges are dropped against the defendant or the indictment is overruled, the decision, i.e. the judgment shall indicate that the criminal procedure expenses as referred to in Article 102, paragraph 2, items 1, 2, 3,

4, 5 and 6 of this Law, the essential expenses of the defendant, as well as the essential expenses and the recompense for his or her counsel shall fall at the expense of the State Budget of the Republic of Macedonia, except in cases as determined in paragraphs 2, 3, 4 and 5 of this Article.

(2) Any person who knowingly filed false charges shall bear the expenses for the criminal procedure.

(3) The private plaintiff shall be obliged to compensate the criminal procedure expenses as referred to in Article 102, paragraph 2, items 1, 2, 3, 4, 5 and 6 of this Law, the essential expenses of the defendant, as well as the essential expenses and recompense of his or her counsel, if the procedure ends with a verdict whereby the charges are dropped against the defendant or the indictment is overruled, or a decision is brought to terminate the procedure, unless the procedure has been terminated, i.e. if the verdict is to overrule the charges due to death of the defendant, his or her lasting mental illness or because a statute of limitation on the prosecution due to delays in the procedure, for which the blame cannot be assigned to the private plaintiff. If the procedure was terminated since the charges were dropped, the defendant and the private plaintiff may settle with regards to their mutual expenses. If there are several private plaintiffs, they will bear the expenses equally.

(4) The injured party that cancelled the prosecution application, as a result of which the procedure has been terminated, shall bear the criminal procedure expenses if the defendant does not indicate that he or she will pay them.

(5) If the court overrules the indictment due to lack of jurisdiction, the decision on the expenses shall be brought by the competent court.

Article 107
Expenses of the counsel and the proxy

(1) The recompense and the essential expenses of the counsel and proxy of the private plaintiff or of the injured party shall have to be paid by the person who is being represented, regardless of the person who, according to the court's decision is obliged to bear the expenses of the criminal procedure, unless, according to the provisions of this Law, the recompense and the essential expenses of the counsel fall at the expense of the State Budget of the Republic of Macedonia. If counsel has been assigned to the defendant, and if the payment of the recompense and the essential expenses would mean endangering of the defendant's subsistence or the subsistence of another person that he or she is obliged to support, then the recompense and the essential expenses of the counsel shall be paid from the State Budget of the Republic of Macedonia.

(2) Any person with power of attorney who is not a lawyer shall have no right to be compensated, except for the portion of the essential expenses.

Article 108
Ruling on expenses incurred in a procedure before the Superior Court

The Superior court shall decide on the duty for payment of the expenses that are going to be incurred before the Superior Court, pursuant to the provisions of Articles 102 to 107 of this Law.

Article 109
Enactment of detailed regulations on the criminal procedure expenses

The amount and the manner of establishment of the realistic expenses that have been made in the criminal procedure shall be prescribed by the President of the Supreme Court after previously obtained opinion from the Chief Public Prosecutor of the Republic of Macedonia.

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Chapter XI

LEGAL AND PROPERTY CLAIMS

Article 110
Deliberations of legal and property claims and their case

(1) Any legal and property claims that result from a committed crime shall be deliberated upon proposal by the authorized persons in the criminal procedure, if that does not mean a significant delay of the procedure.
(2) A legal and property claim may refer to a claim for damages, returning objects or nullification of a certain legal affair.
(3) In an insurance case, any legal and property claim as referred to in paragraph 2 of this Article, may be filed by the injured party against the insurance company.

Article 111
Authorized persons who can file legal and property claims

(1) A legal and property claim in a criminal procedure may be filed by a person who is authorized for litigation for such a dispute.
(2) When the claim as referred to in paragraph 1 of this Article is filed by the victim of the crime, the victim shall indicate in the application if any compensation was already awarded or if the claim is filed in accordance with Article 53, paragraph 1 of this Law.

Article 112
Filing legal and property claims

(1) In a criminal procedure, the legal and property claim shall be filed with the same entity that received the criminal charges or with the court before which the procedure is conducted.
(2) The claim may be filed prior to the completion of the main hearing before the first instance court at the latest.
(3) The authorized person shall be obliged to specify the type and amount of his or her claim and submit any evidence.
(4) If the authorized person did not file any legal and property claim during the criminal procedure before the indictment has been raised, he or she shall be informed that the same may be done prior to the completion of the main hearing.

Article 113
Withdrawing an application for legal and property claim

(1) The authorized persons referred to in Article 111, paragraph 1, prior to the completion of the main hearing, may withdraw their application for a legal and property claim in a criminal procedure and may do that through litigation. If the application is cancelled, such an application may not be filed again.

(2) If the legal and property claim, following the application, and prior to the completion of the main hearing, crosses to another person according to the rules of property law, that person shall be invited to declare whether he or she maintains the application or not. If the properly served person does not respond, it shall be deemed that the application has been withdrawn.

Article 114
Ruling on legal and property claims

(1) The court shall rule on any legal and property claims.
(2) In the verdict in which the court convicts the accused, the court shall rule on the legal and property claim partially or in full, and it shall advise the injured party to claim the remainder of the legal and property claim through litigation. If the evidence in the criminal procedure does not provide sufficient ground for full or partial ruling on the legal and property claim, and if their additional collection might mean unjustified delay of the criminal procedure, the court shall refer the injured party to litigation with regards to the legal and property claim.
(3) When the court reaches a verdict whereby the charges against the defendant are dropped or the indictment is overruled, or when it terminates the criminal procedure with a decision, it shall refer the injured party to litigation with regards to the legal and property claim. If the court declares itself incompetent for the criminal procedure, it shall advise the injured party to apply for the legal and property claim in the criminal procedure that is going to be initiated or continued before the competent court.

Article 115
Delivering objects

If the legal and property claim refers to returning an object, and if the court establishes that the object belongs to the injured party and is kept by the accused or by some other participant in the crime or by a person to whom the object was given for safekeeping by them, in its judgment, the court shall indicate that the object is to be returned to the injured party.

Article 116
Nullifying a legal affair

If the legal and property claim refers to the nullification of a certain legal affair, and the court establishes that the application is grounded, in its judgment, it shall declare a full or partial nullification of the legal affair, along with the consequences arising from it, without any interference in the rights of third parties.

Article 117
Revision of an effective judgment in respect of a legal and property claim

(1) During the criminal procedure, the court may revise a judgment regarding a legal and property claim that went into effect, only as a result of an extraordinary legal remedy.

(2) Apart from this case, the convicted person i.e. his or her successors, only through litigation, may ask for the judgment of the criminal court that entered into effect regarding the legal and property claim to be revised, and only if the conditions for repetition according to provisions valid for litigation have been met.

Article 118
Provisional measures for safeguarding legal and property claims

(1) During the criminal procedure, according to the provisions valid for the enforcement procedure, upon proposal by the public prosecutor and other authorized persons, provisional measures may be imposed in order to safeguard the legal and property claim that resulted from the criminal offence.
(2) The judge of the preliminary procedure, during the investigation, shall enact the decision as referred to in paragraph 1 of this Article. If an indictment has already been raised, the decision shall be enacted by the Presiding Judge of the Trial Chamber outside of the main hearing, and by the Trial Chamber during the main hearing.
(3) Any appeal against the decision on provisional measures shall not prevent the enforcement of the decision.

Article 119
Returning objects

(1) If the objects in question undoubtedly belong to the injured party, and they do not serve as evidence in the criminal procedure, such objects shall be returned to the injured party even before the completion of the procedure.
(2) If several injured parties are in a dispute over the ownership of the objects, they shall be referred to litigation, and the court in the criminal procedure shall only rule on the safeguarding of the objects as a provisional security measure.
(3) Any objects serving as evidence shall be temporarily seized and returned to their owner following the completion of the procedure. If such an object is of an essential importance to the owner, it may be returned even before the completion of the procedure, with an obligation for the object to be made available whenever necessary.

Article 120
Provisional safeguarding against a third person

(1) If the injured party has a claim against a third person, because the person has the objects that have been obtained by the criminal offence in his or her possession, or because the person gained from the crime proceeds, the court conducting the criminal procedure, upon proposal by the authorized persons as referred to in Article 111, paragraph 1 of this Law, pursuant to the provisions valid for the enforcement procedure, may also impose provisional safeguarding measures against that third person. The provisions from Article 118, paragraphs 2 and 3 of this Law shall also be valid in this case.
(2) With the judgment whereby the defendant is found guilty, the court shall either recall the measures referred to in paragraph 1 of this Article, if they have not

been recalled earlier, or it shall refer the injured party to litigation, thus recalling these measures, if the litigation is not initiated within the deadline established by the court.

Chapter XII

PASSING AND PRONOUNCING DECISIONS

Article 121
Types of decisions in the criminal procedure

(1) In the criminal procedure, decisions shall be passed in the form of verdicts, decisions, injunctions and penalty orders.
(2) Verdicts and penalty orders shall be passed by the court only, whereas decisions and injunctions may also be enacted by other entities that participate in the criminal procedure.

Article 122
Deliberation and voting

(1) The decisions of the Trial Chamber shall be reached following a verbal deliberation and voting. A decision shall be reached if the majority of the members of the Trial Chamber have voted in favor.
(2) The President of the Trial Chamber shall lead the deliberation and the voting and he or she shall be the last to vote. He or she shall be obliged to ensure that all issues have been comprehensively and fully considered.
(3) If there are several dissenting opinions with regards to particular issues that are voted on, whereas none of them has the majority, the issues shall be separated and the vote shall be repeated until a majority is reached. If majority of opinion cannot be reached in this manner, the decision shall be reached so that the votes that are least favorable for the defendant shall be added towards the next group of votes that are more favorable for the defendant, until the required majority is reached.
(4) The members of the Trial Chamber may not refuse to vote on issues set by the President of the Trial Chamber, but if there is a member of the Trial Chamber who has voted for the accused to be acquitted or the verdict to be annulled and had a dissenting opinion, he or she shall not be obliged to vote on the sanction. If he or she does not vote, it shall be deemed as if he or she has consented with the most favorable vote for the defendant.

Article 123
Order of issues that are voted on

(1) During the deliberation, the first issue voted on shall be the competence of the court, whether it is necessary to supplement the procedure, as well as any other preliminary issues. As soon as the decision on the preliminary issues is reached, the court shall proceed to reaching a decision on the main issue at hand.
(2) During the deliberation on the main issue, the initial vote shall be on the issue whether the defendant committed a crime and whether he or she is criminally liable, followed by a vote on the sentence, other criminal sanctions, criminal procedure expenses, legal and property claims and all other issues that have to be ruled upon.

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(3) If one person has been accused of several crimes, the initial vote shall be on the criminal liability and sentence for each of those crimes, followed by a vote on the concurrent sentence for all crimes committed.

Article 124
Secrecy of the vote

(1) The deliberation and the vote shall take place during a closed session.
(2) Only the members of the Trial Chamber and the court recorder shall be present in the room during the deliberations and the vote. The results of the vote shall be confidential.

Article 125
Pronouncement of judicial decisions

(1) If the decision has been verbally pronounced, it shall be indicated in the record or in the case file accordingly, and the person who has received the notification shall confirm it by personal signature. If the parties indicate that they have no intention of appealing the decision, the certified copy of the verbally pronounced decision shall not be delivered to them, if not determined otherwise in this Law.
(2) The copies of the decisions that can be appealed shall be delivered accompanied by an instruction on the right of appeal. Any appeal on the part of the defendant shall be deemed timely if the appeal notice was made within the deadline indicated in the instruction on the right of appeal, if the instruction indicates a deadline that is longer than the legally prescribed one.
(3) The courts are obligated in the time period of two days after the preparation to publish the verdicts on the web page of the court, in a manner prescribed by a law.

Article 126
Availability of judicial decisions

(1) All judicial verdicts shall be publicly available and accessible in electronic or printed copies, except in cases when the public has been excluded pursuant to the Constitution of the Republic of Macedonia, this Law and ratified international agreements in accordance with the Constitution of the Republic of Macedonia.
(2) All other judicial decisions shall be available for inspection and transcription to any interested person, except in cases when the public has been excluded pursuant to paragraph 1 of this article.

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Chapter XIII

SERVICE OF PROCESS AND REVIEW OF CASE FILES

Article 127
Ways of service of process

(1) Legal notices are delivered by mail, via electronic mail, through an official person from the entity that sends the legal notice or directly at the entity, or through a legal person with a special authorization as determined by law.

(2) The court may issue a fine in the amount of 700 to 1000 Euro payable in Macedonian Denars to the person from paragraph 1 of this Article, who will not undertake the actions needed to deliver the legal notices or it will deliver the legal notices in an unprofessional manner and hence cause a delay in the procedure.

(3) The party to which the person from paragraph 1 of this article with its unprofessional performance of the duty to deliver the legal notices caused additional costs in the procedure, may in the time period of 15 days from the day when the party became aware of the lack of delivery, i.e. the unprofessional delivery, the party in the same procedure may request from the court to demand from the person in paragraph 1 of this Article to compensate the increased expenses of the procedure in accordance general rules for damage compensation. The court shall decide upon this request with a decision in a time period of 15 days from the day when the request was submitted. This does not exclude the right of the party to seek for compensation of damage that was caused with the unprofessional delivery by the person referred to in paragraph 1 of this Article, in a separate procedure with a lawsuit in accordance with the law.

(4) The court keeps a registry of issued fines referred to in paragraph 2 of this Article for the persons from paragraph 1 of this Article.

(5) Three issued fines to the same individual in accordance with paragraphs 2 and 3 of this Article will represent a basis for instigating a disciplinary procedure in accordance with this law or another law. The President of the court ex-officio will inform the court administrator, the Notary Public Chamber of the Republic of Macedonia, the Chamber of Enforcement Agents and the authorized person of the legal entity about the instigation of a disciplinary procedure.

(6) The court may also verbally inform the person who appears before the court about the summons for the main hearing or other summons, advising him or her about the consequences of non-appearance. If the person is summoned in this manner, this shall be noted in the record, which shall be signed by the summoned person, except if it is a summons noted in the record of the main hearing. This shall be considered as a fully valid service of process.

Article 128
Location of service of process

(1) The entity which has prepared the legal notice shall deliver it to the person to whom it is being sent (receiver) at his or her address of temporary or permanent residence or at the employment address and it may also be sent to another address at which the receiver may be found at or to an electronic e-mail address of the receiver.

(2) Delivery of legal notices to attorneys, legal entities, state administration bodies, as well as to persons and legal entities with public authority shall be done in an electronic format in the electronic mailbox that is registered in accordance with the law. The delivery in an electronic format shall be done trough the IT system of the competent body to the address of the electronic mailbox of the recipient of the delivery.

(3) If the defendant, injured party, witness, expert witness or the other persons who are part of the procedure, at the main trial, as advised by the court, agree to have the legal notices delivered in an electronic format and provide an electronic mailbox, the delivery to these persons will be done in an electronic format through the IT system of the court.

(4) If there are no technical possibilities, the delivery of the legal notices to the attorneys, legal entities, state administration bodies, as well as to persons and legal entities with public authorities shall be done to the address that is written in the registry. If the delivery to that address fails the legal notice shall be posted on the notice board at the court, and with the expiry of eight days from the day when the notice was posted, it shall be considered that the service of process was done regularly.

(5) In the case of military personnel, members of the police and the judicial police, guards in institutions that house persons who has been deprived of liberty and transport workers on land, water and in the air, the delivery of legal notices shall be done in person and by informing their immediate superior officer.

(6) In the case of persons deprived of liberty, the delivery of legal notices shall be done at the court or to the administration of the institution that houses them.

(7) In the case of persons who enjoy diplomatic immunity in the Republic of Macedonia, if not determined otherwise in the international agreements that have been ratified in accordance with the Constitution of the Republic of Macedonia, any delivery of legal notices shall be made through the Ministry of Foreign Affairs.

(8) Service of process for citizens of the Republic of Macedonia who reside abroad, if one does not apply the procedure provided for in the regulations on international cooperation in criminal matters, shall be done through the post office, in an electronic format or via the diplomatic or consular representative offices of the Republic of Macedonia in the foreign country, assuming that the foreign country does not oppose such manner of service of process, and the person who is to be served agrees to accept the legal notice voluntarily. The authorized employee at the diplomatic or consular representative office shall sign the receipt as server of process if the legal notice was served at the office itself, and if the legal notice was delivered by mail, he or she shall confirm the delivery on the receipt. Any delivery to a legal entity that has its headquarters abroad can be done via its office or authorized representative office in the Republic of Macedonia.

(9) Persons included in a witness protection program shall be served through the entity that implements the protection.

Article 129
Delivery of legal notices

(1) The legal notice shall be delivered directly to the person to whom it has been sent, and he or she is obliged to receive it. If the person is not found at the location where he or she is supposed to be served, the provider of service of process shall deliver it to some member of his or her household, older than 16 years of age, who shall be obliged to receive the legal notice. If they are not to be found in the home, the legal notice shall be left to the caretaker or to a neighbor, if they agree to receive it. If the service of process is done at the workplace of the person who is to be served, and the person is not found there, then the delivery of the legal notice may be made to the person who is authorized to receive the mail, who shall be obliged to receive it or to a person who is working at the same place, if that person agrees to receive the legal notice. If the person is not to be found at the location where he or she is to be served, the service of process official shall leave a written notification of the service of process, asking the person, at a specific day and hour, to come to the premises of the competent body in order to be served. If the person does not proceed as per the notification, it shall be considered that the service of process took place at the day and time as indicated in the notification. This shall mean that service of process has been effectuated.

(2) If it is established that the person who should receive the legal notice is absent and because of that, the persons referred to in paragraph 1 of this Article cannot deliver the notice on time, the legal notice shall be returned with an indication on the whereabouts of the absent person.

(3) If service of process does not take place according to paragraph 1 of this Article, the entity in charge of the procedure shall post the legal notice at the notice board at the court, and after eight days from the moment when the notice has been posted, it shall be considered that service of process has been properly effectuated.

Article 130
Serving the defendant

(1) If the entity conducting the procedure cannot serve the defendant, because he or she did not report the change of address or it is obvious that he or she avoids to be served in another manner, the legal notice and the verdict, except in the cases referred to in paragraph 2 of this Article, shall be posted on the notice board at the court, and with the expiry of eight days from the day when the notice was posted, it shall be considered that the service of process was done regularly.

(2) If the defendant who has no counsel has to be served with a verdict for a prison sentence or a penalty order with a verdict, and the delivery cannot be executed at his or her reported address, the court shall appoint a counsel ex-officio, who is going to perform that duty until the new address of the defendant is identified. The assigned counsel shall be given a certain time

period to get acquainted with the case file, which shall not be shorter than eight days, and afterwards the verdict shall be delivered to the assigned counsel and the procedure shall continue.

(3) If the defendant has a counsel, the indictment, the indictment application, the personal legal action and all other decisions from whose delivery the appeal deadline starts to expire, as well as the appeal by the opposing party, which is delivered for a response, shall be delivered to the defendant and defendant's counsel, in accordance with Article 127 of this Law. In such an event, the deadline for notification of legal remedy, i.e. response to the appeal, shall start to expire from the day when the defendant was served. If the defendant has been issued a detention measure or if he or she is serving a prison sentence, the deadline shall start to expire as of the day when the defense counsel was served.

(4) If the legal notice is to be served to the defendant's counsel, and if the defendant has several counsels, serving just one of them shall be sufficient.

(5) If the defendant is tried in absence, any legal notices shall be served to his or her counsel, which shall be considered as regular service of process.

Article 131
Delivery receipt

(1) The delivery receipt shall be signed by the receiver and the official who delivers it. The receiver himself or herself, shall indicate the date of reception on the delivery receipt.

(2) If the receiver is illiterate or not in a condition to sign the receipt, the official shall sign it, indicate the date of receipt and the reason for the lack of the signature by the receiver of the legal notice.

(3) If the receiver or the person who is obliged to receive the legal notice rejects to receive the legal notice or to sign the delivery receipt, the official shall leave the legal notice at the place where he or she met the receiver or the person who is obliged to receive the legal notice and make a note in the delivery receipt thereof, indicating the day, hour and the location where the legal notice was left, which shall be considered as proper service of process.

(4) Any delivery in an electronic format in the electronic mailbox shall be considered as completed on the day when the legal notices have been electronically received.

(5) When serving a legal notice to the electronic address of the person who is to be served, the information technology system of the competent entity shall also send a notification that a written document has been sent by the information technology system of the competent entity, which is to be downloaded by the holder of that electronic address.

(6) All electronic mail from the inbox has to be downloaded within eight (8) days from the date when it was sent at the latest.

(7) The person who is being served shall be forewarned in the notification referred to in paragraph 5 of this Article that even if the electronic mail is not downloaded from the inbox within the deadline prescribed in paragraph 6 of this Article, it shall be considered that the person has been properly served.

(8) The receiver of the electronic mail confirms his or her identity with an electronic signature, reviews the contents of the electronic inbox and

electronically signs the legal notice which is then returned to the competent entity, thus confirming the receipt of the electronic mail.

(9) If the legal notice that is being delivered electronically contains appendices that cannot be sent electronically due to technical reasons, within the notice, the competent entity shall inform the intended receiver, whose headquarters, permanent or temporary residence falls within the jurisdiction of the competent entity, that the rest of the materials can be obtained at the competent entity within a period of three days, and if that is not done, it shall be considered as if all appendices have been delivered.

(10) Any deliveries of appendices referred to in paragraph 9 of this Article to receivers whose headquarters, permanent or temporary residence falls outside the jurisdiction of the competent entity, shall be made in one of the ways as provided for in Article 128, paragraph 1 of this Law.

Article 132
Service of process through a participant in the procedure, legal representative and proxy

(1) The summons for any persons who participate in the procedure may be handed over to a participant in the procedure who agrees to deliver them to the individuals to whom those are being addressed to, if the entity deems that their receipt is ensured in this manner.

(2) The persons referred to in paragraph 1 of this Article may be informed about the summons to a main hearing or other summons, as well as about the decision to postpone the main hearing or other scheduled actions, through a telegram, electronic mail or by telephone, if the circumstances indicate that such a notification shall be received by the appropriate person to whom it refers.

(3) The provisions of paragraphs 1 and 2 of this Article shall also refer to the defendant, if he or she explicitly agrees thereof on record before the court.

(4) An official note in the case file shall be drafted with regards to the summons and the delivery of the decision performed in a manner as prescribed in paragraphs 1, 2 and 3 of this Article.

(5) Any person served pursuant to paragraphs 1, 2 and 3 of this Article, i.e. any person to whom the legal notice has been addressed to, may suffer harmful consequences provided for omissions, only if it is established that the person received the summons i.e. the decision on time, and that he or she was advised of any omission consequences.

(6) The court shall be obliged, in the premises of the court at any working day, to provide all participants in the procedure, electronically or in any other manner, with an access to all records on scheduled hearings.

(7) If the injured party or the private plaintiff has a legal representative or a proxy, the delivery of the legal notice shall be made to the legal representative or the proxy, and if there are several, just to one of them.

Article 133
The victim's and the injured party's right to inspect files and exhibits

After the victim and the injured party have been heard, unless defined otherwise in this Law, the victim, the injured party and their legal representative shall have the right to inspect any files and exhibits that have been admitted as evidence during the procedure.

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Chapter XIV

ENFORCEMENT OF DECISIONS

Article 134
Entering into effect and enforceability of decisions

(1) The verdict and the decision shall become effective when they cannot be further contested with an appeal or when an appeal is not allowed.

(2) The final and legally valid verdict shall be enforced when its delivery has been completed and when there are no legal impediments for its enforcement. If there is no notice of appeal or if the parties have given up the rights or withdrawn from the appeal, the verdict shall become enforceable after the deadline for an appeal has expired, i.e. from the day when the notice of appeal has been cancelled or withdrawn.

(3) If the court which has passed the verdict in the first instance is not competent for its enforcement, the court shall deliver, to the entity responsible for the enforcement, a certified copy of the verdict with a verification of its enforceability.

(4) If a junior officer in reserve, an officer or an army employee is convicted with a sentence, the court shall deliver a certified copy of the final and legally valid verdict to the entity that is competent for affairs in the field of defense.

(5) If not determined otherwise in this Law, the decisions shall be enforced after they have entered fully into force. The injunctions shall be enforced immediately, unless ordered otherwise by the entity that has issued the injunction.

(6) If not determined otherwise, the decisions and the injunctions shall be enforced by the entities which have enacted them. If the court has ruled on the criminal procedure expenses with a decision, the collection of those expenses shall be done according to the provisions of Article 135, paragraphs 1 and 2 of this Law.

Article 135
Enforcement of the verdict with respect to criminal procedure expenses, forfeiture of crime proceeds and legal and property claims

(1) The enforcement of the verdict with respect to the criminal procedure expenses, forfeiture of the crime proceeds and legal and property claims shall be done by the competent entity as prescribed by the law.

(2) The forcible collection of the criminal procedure expenses, in favor of the State Budget of the Republic of Macedonia shall be done ex officio. The expenses for the forcible collection shall be previously compensated from the State Budget of the Republic of Macedonia.

(3) If the verdict does not specify a certain deadline for the fulfillment of the obligation voluntarily, the obligation shall have to be fulfilled within 15 days of the day when the verdict entered into force. Following the expiry of this deadline, the verdict shall become enforceable in that part.

(4) The court that passed the judgment shall invite the person who has been ordered in the judgment to pay the criminal procedure expenses or crime

proceeds have been forfeited from, after the judgment becomes enforceable, to present a proof of the timely fulfillment of the obligations.

(5) If the person referred to in paragraph 4 of this Article does not fulfill the obligation in the prescribed deadline, the court that passed the judgment shall deliver the judgment ex-officio, with a verification of its enforceability, to the competent enforcement entity as referred to in paragraph 1 of this Article.

(6) If money or other valuables have been temporarily seized from the person referred to in paragraph 4 of this Article and if they are kept by the court, the court secretary shall order that the receivables referred to in paragraph 1 of this Article be charged against these means. The amount shall be first used to pay for any legal and property claims, followed by any seized crime proceeds and then the expenses of the procedure. If the forfeited amount is not sufficient to cover all the receivables, the part that will remain unpaid shall be treated according to the provisions in paragraphs 1 to 5 of this Article.

(7) If a special measure of forfeiture of objects is imposed with the judgment, the court that passed the verdict in the first instance shall decide whether such objects shall be sold according to the provisions valid for the enforcement procedure or handed over to state entities, the crime museum or other institutions or they will be destroyed. Any proceeds from the sale of such objects shall go to the State Budget of the Republic of Macedonia.

(8) The provision from paragraph 7 of this Article shall also be applied accordingly when a decision for forfeiture of objects is brought on the basis of Article 529 of this Law.

(9) The object forfeiture decision that has entered into force, except in a procedure after an extraordinary legal remedy, may be changed with a dispute litigation decision, if there is a dispute regarding the ownership of forfeited objects.

Article 136
Suspicion regarding the permissibility of the enforcement

(1) If there is any suspicion regarding the permissibility of the enforcement of the court decision or calculation of the sentence, or if the final and legally valid verdict does not account for any time spent in detention or an earlier served sentence, or if the calculation was not done correctly, the Presiding Judge of the Trial Chamber in the first instance, i.e. the individual judge shall rule on that. Any appeal shall not prevent the enforcement of the decision, unless determined otherwise by the court.

(2) If there is any doubt regarding the interpretation of the court decision, the court that passed the final and legally valid decision shall rule on that.

Article 137
Copy of the legal and property claim decision

After the legal and property claim decision has entered into force, the injured party may ask the court that ruled in the first instance to issue a certified copy of the decision, specifying that the decision is enforceable.

Article 138

Enactment of regulations on criminal records

The Minister of Justice shall enact regulations on the establishment, manner of maintaining and safekeeping of the criminal records.

Chapter XV

PERSONAL DATA PROTECTION

Article 139
Personal data processing for the purpose of the criminal procedure

(1) Pursuant to this Law, the court, the prosecution office and all other entities with special authorities shall collect, process and keep personal data for purposes of the criminal procedure, taking care that the nature and quantity of data is appropriate to the needs in the specific case.
(2) The collections that contain personal data for purposes of the criminal procedure shall be established by law.
(3) The proclamation of the judgments in an electronic format may be done only on the Internet or another communication network, and there shall be no digital search possibility according to categories of personal data, categories of persons or according to individual personal data.
(4) Any published judicial verdicts in an electronic format on the Internet or another communication network shall be deleted after the expiry of the time period for deletion of the verdict in accordance with the provisions of the Criminal Code.

Article 140
Accuracy, change, deletion and preservation of personal data

(1) Any personal data which is not accurate or has been collected contrary to the law shall have to be immediately changed or deleted.
(2) The accuracy of data in the personal data collections shall be verified every five years, in a manner as defined by the law that established that particular collection.
(3) The time period for preservation and deletion of personal data in the collections shall be determined by the law that established that particular collection.

Article 141
Providing personal data to users

(1) Any personal data collected for the purposes of the criminal procedure may be used by state entities and other legal entities and persons, only if that is permitted by the law.
(2) The personal data referred to in paragraph 1 of this Article may be used in accordance with the law, in other criminal procedures, in a procedure of international cooperation in criminal matters and international police cooperation, and it may be used in other judicial proceedings, only if the case of the other judicial proceeding is directly related with the case of the specific criminal procedure.
(3) Any personal data collected exclusively on the basis of established identity, physical examination or molecular and genetic analysis, may be used after

the completion of the criminal procedure, in accordance with the law, but only for the purpose of detection or prevention of crime.

Article 142
The right to be informed of the personal data entity

(1) If not prescribed otherwise by law, the public prosecution office or the court shall inform the personal data entity, upon request, whether his or her personal data was collected, processed or kept for purposes of the criminal procedure.

(2) The public prosecution office or the court may not inform the personal data entity referred to in paragraph 1 of this Article, prior to the expiry of one year from the day of enactment of the investigation order.

Article 143
Personal data processing oversight

(1) The Directorate for Personal Data Protection shall be responsible for the oversight of personal data processing and protection as established in this Law and other laws.

(2) If not established otherwise by this Law, the provisions from the regulations on the protection of personal data and other regulations shall be applicable accordingly with respect to the collection, processing and preservation of personal data for purposes of the criminal procedure.

SECTION D: PROCEDURAL MEASURES AND ACTIONS FOR ENSURING PRESENCE OF PERSONS AND EVIDENCE

Chapter XVI

MEASURES TO ENSURE THE PRESENCE OF PERSONS AND UNOBSTRUCTED CONDUCTION OF THE CRIMINAL PROCEDURE

1. Common provision

Article 144
Measures to ensure the presence of the defendant

(1) The measures that may be taken against the defendant in order to ensure the defendant's presence and an unobstructed conduction of the criminal procedure shall be the summons, precautionary measures, guarantee, bringing in, deprivation of liberty, holding, transient detention, house detention and detention.

(2) When deciding which of the above mentioned measures is to be applied, the competent entity shall adhere to the conditions established for the implementation of separate measures, making sure not to apply a more severe measure, if the same goal can be achieved with a more lenient. The court may simultaneously impose several of the measures referred to in paragraph 1 of this Article against the defendant, except when it imposes the detention measure.

(3) These measures shall be cancelled ex-officio when the legal conditions for the application of such measures seize to exist, i.e. shall be replaced with another measure when the conditions for that are met.

(4) When the defendant is not adhering to the prescribed measure for ensuring the presence, the court may prescribe another measure for ensuring the presence.

(5) The defendant shall have the right to inform his or her family or another close person about the eventual arrest, deprivation of liberty and holding.

2. Summons

Article 145
Content and delivery of the summons

(1) Any defendants and other persons who participate in the criminal procedure shall be invited by a summons. The summons shall be sent by the entity conducting the procedure.

(2) The invitation shall be made through a delivery of a closed written summons, which shall contain the following: the title of the summoning entity, the first name and surname of the person who is being summoned, the title of the criminal offense that the person is accused of, the location where the summoned person is supposed to come, the day and time when the person is supposed to come, indication of the capacity in which the person is invited and a warning that if the person fails to appear, he or she may be arrested, an

official seal and signature of the responsible person at the summoning entity i.e. of the competent court and the judge who issued the summons.

(3) If the defendant is summoned for the first time, he or she shall be advised in the summons on his or her right to a defense counsel and the fact that the defense counsel may be present during his or her examination.

(4) The person who has been summoned shall be obliged to immediately inform the summoning entity about any change of address, as well as of the intention to change the temporary or permanent place of residence. The summoned person shall be advised thereof during his or her initial examination, i.e. with the delivery of the prosecution application or personal legal action, and at the same time forewarned about the consequences determined in this Law.

(5) If the summoned person is not capable to respond to the invitation due to illness or other unavoidable inhibitions, the person may be examined at the location where he or she resides or transport may be provided for the person to the seat of the summoning entity or to another location where the action is being taken.

(6) If necessary, the court may order a physical examination or an expert's opinion in order to check the circumstances referred to in paragraph 5 of this Article.

3. Precautionary measures

Article 146
Types of precautionary measures

(1) For the purpose of fulfilling the goal referred to in Article 144, paragraph 1 of this Law, the court may impose some of the following precautionary measures:

1) prohibition to leave the temporary or permanent place of residence;
2) an obligation for the defendant to report occasionally to a certain official person or to the competent state authority;
3) temporary confiscation of a passport or another document for crossing of the state border, i.e. prohibition of their issuance;
4) temporary confiscation of a driver's license or a prohibition for issuing one;
5) prohibition to visit a certain location or area;
6) prohibition to approach or establish, that is maintain contacts or relations with certain persons; and
7) prohibition to undertake certain working activities that are linked to the criminal offense.

(2) The precautionary measures may last as long as there is a need for them, and until the judgment enters into full effect at the latest.

(3) The court, ex-officio, every two months shall review whether the precautionary measure needs to be extended and it may be canceled even before the deadline referred to in paragraph 2 of this article, if the need has seized to exist or if there are no more legal grounds for the precautionary measure.

(4) The precautionary measures shall not be used to limit the defendant's right of unobstructed communication with his or her defense counsel.

(5) During the investigation, upon proposal by the public prosecutor, it shall be the judge of the preliminary procedure who establishes the precautionary

measures, and this shall be done by the court responsible for the procedure after the indictment has entered into legal force and until the enforceability of the judgment.

(6) The parties shall have a right to appeal against the decision for establishment or cancellation of precautionary measures within a period of three days. The Trial Chamber referred to in Article 25, paragraph 5 of this Law shall rule on the appeal for a decision brought by the judge of the preliminary procedure or an individual judge, and the appeal against a decision brought by the Trial Chamber shall be ruled on by the Chamber of the immediate higher court.

Article 147
Contents of the precautionary measures decision

(1) In the decision for the precautionary measure prohibition to leave the temporary or permanent residence, the court shall establish the location where the defendant has to reside during the duration of the measure, as well as the limits that he or she may not step over.

(2) In the decision for the precautionary measure whereby the defendant has to occasionally report to a specific person or competent state authority, the court shall specify the specific official person to whom the defendant has to report to, the deadline within he or she has to report and the manner of maintaining the records on the reporting.

(3) The court shall enact the decision for the precautionary measure of temporary confiscation of a travel or other document for crossing the state border, that is, prohibition for their issuance, if there is a danger that the person may flee. The decision shall indicate the data from the travel document. The seized travel document shall be kept at the body that retained it, and it shall be returned with the court's decision, as soon as the reasons for which it was requested no longer exist. The prohibition of issuing travel documents shall be cancelled with a decision by the court. Any appeal against the confiscation of travel documents or prohibition of their issuance shall not prevent the enforcement of the decision.

(4) In the decision for the precautionary measure of prohibition to visit a certain location or area, the court shall specify the location or the area not to be visited, as well as the minimum distance of approachability.

(5) In the decision for the precautionary measure of prohibition to approach or establish, that is maintain contacts or relations with certain persons, the court shall specify the distance, the location or the area, which the defendant is not allowed to approach, i.e. shall specify more detailed information on the person or persons with whom the defendant may not establish or maintain contacts or relations.

(6) In the decision for the precautionary measure of prohibition to undertake certain working activities that are linked to the criminal offense, the court shall specify the type and the object of those working activities in more detail.

Article 148
Delivery and enforcement of the decision

(1) The competent body shall deliver the precautionary measures decision also to the authority which is competent for its enforcement.
(2) The precautionary measures shall be enforced by the police.
(3) The precautionary measure whereby the defendant has an obligation to occasionally report to a certain official person or to the competent state authority shall be enforced by the police or another competent state authority to which the defendant is supposed to report to.

Article 149
Enforcement verification

(1) The court may, at any time, prompt a verification of its enforcement and ask for a report from the police or from another competent state authority, which enforces the measures. The report shall be immediately delivered to the court that enacted the precautionary measure.
(2) The competent state authority that enforces the measures shall immediately inform the court about any action on the part of the defendant against the bans or any outstanding obligations established with the precautionary measures.
(3) If any person violates the precautionary measures enacted against the defendant, with a separate decision, the competent entity shall put a ban on its activities. If the person acts contrary to the decision, the person shall be punished with a fine as referred to in Article 88, paragraph 1 of this Law.

4. Guarantee

Article 150
Establishing a guarantee

(1) Upon proposal by the parties, the court may impose a guarantee requirement against a person who is a subject of an investigation, if it believes that there is a grounded suspicion that the person committed a crime, and when there are:
1) circumstances that point to possible danger of fleeing; or
2) circumstances that justify the fear that the defendant may repeat or complete the criminal offense or commit the crime that he or she has been threatening with.
(2) The defendant may provide a guarantee for himself or herself, or another person may provide a guarantee for the defendant.
(3) The amount of the guarantee shall be determined by the court ex-officio, and it shall always be expressed in a monetary amount established with regards to the seriousness of the criminal offence, the personal and family situation of the defendant and the financial situation of the defendant.
(4) The guarantee consists of depositing cash, securities, valuables or other movable property of a larger value, which may be easily converted into cash or conserved, or a personal pledge of one or several citizens that if the defendant flees, repeats or completes the criminal offense or commits the crime that he or she has been threatening with, they will pay the established amount of the guarantee. As an exception, the guarantee may consist of a mortgage for the amount of the guarantee on certain real estate owned by the

person who provides the guarantee, which can be easily converted to cash. Any guarantee in cash shall be deposited on a separate account of the court.

(5) When establishing the guarantee, the court may establish one or more precautionary measures in order to ensure the presence of the defendant.

Article 151
Changing the amount of the guarantee

The previously established amount of the guarantee may be changed in case of expansion of the investigative procedure, as well as if additional circumstances and facts are found out during the procedure with respect to the financial situation of the defendant, which would have an effect on the established amount of the guarantee.

Article 152
Cancellation and return of the guarantee

(1) The guarantee shall be returned to the person who provided it, if there is an acquittal, if the indictment is overruled or if the procedure has been terminated.

(2) If a prison sentence has been provided for in the judgment, the guarantee shall be cancelled only after the defendant has commenced serving his or her sentence.

(3) In cases as referred to in paragraphs 1 and 2 of this Article, any deposited funds or objects shall be returned and mortgages cancelled.

Article 153
Guarantee failure

(1) Any guarantee deposited shall fail and the defendant shall be placed in detention:
- if the defendant either does not show up although properly summoned or does not justify his absence;
- if the defendant flees; and
- if the defendant repeats or completes the criminal offense or commits the criminal offense that he or she has been threatening with;

(2) In cases as referred to in paragraph 1 of this Article, any guarantee deposited shall fail and a decision shall be brought for the provided guarantee to be charged as income to the State Budget of the Republic of Macedonia.

Article 154
Competent entity for the enactment of the guarantee decision

(1) The preliminary procedure judge shall enact the guarantee decision during the investigation procedure, and after the confirmation of the indictment or issuance of an indictment application, the guarantee decision shall be enacted by the Chamber as referred to in Article 25, paragraph 5 of this Law.

(2) The decision for the establishment of the guarantee and the decision for the cancellation of the guarantee shall be enacted upon proposal by the parties.

Article 155
Appealing the guarantee decision

The decision for establishment, cancellation or failure of the guarantee may be appealed before the immediate higher court.

Article 156
Proposing a guarantee with an appeal to the detention decision

If the defendant has filed a proposal for establishing a guarantee along with the appeal to the decision for detention, the court competent to rule on the appeal shall be also obliged to rule on the guarantee issue.

5. Bringing in

Article 157
Grounds and procedure for bringing in

(1) The court may issue an order for the defendant to be brought in if there are grounds for detention as referred to in Article 165 of this Law are met, if a detention decision is already enacted or if the defendant who has been properly summoned fails to appear, and does not justify his or her absence, or if it was not possible to provide for a proper service of process, and the circumstances obviously point to the fact that the defendant is avoiding to be served.
(2) The order for bringing in shall be enforced by the police.
(3) The order for bringing in shall be issued in a written form. The order shall contain the following: the first name and surname of the defendant who is to be brought in, the title of the criminal offense that he or she is accused of with an indication of the specific provision in the law, the grounds on which the bringing in is warranted for, an official seal and signature by the judge who orders the bringing in.
(4) The person who is charged with enforcing the order shall deliver the order to the defendant and ask the defendant to come with him or her. If the defendant refuses, he or she shall be brought in forcibly. Upon exception, if active resistance is to be expected, the defendant shall be brought in without prior delivery of the order as referred to in paragraph 1 of this Article.

6. Deprivation of liberty

Article 158
Grounds and procedure for deprivation of liberty without a court warrant

(1) Any person caught while committing a criminal offense (*in flagrante delicto*) that is prosecuted ex-officio may be deprived of liberty by anyone, if there is a danger of flight, thereupon informing the police immediately. The person deprived from liberty shall be kept until the arrival of the police, which has to be immediately informed thereof.

(2) The person shall be considered caught *in flagrante delicto* if he or she has been seen when committing the action of the crime, i.e. if the person has been caught immediately after committing the crime, under circumstances that indicate that the person committed a crime.

(3) Without a court warrant, the judicial police may also arrest a person if there are grounds for suspicion that he or she committed a crime that is prosecuted ex-officio, only if there is a danger of procrastination and if some of the conditions for detention are met as referred to in Article 165, paragraph 1 of this Law, but it shall be obliged immediately, and not later than 6 hours from the deprivation of liberty, to take the person before a competent judge of the preliminary procedure, and inform the public prosecutor thereof. The preliminary procedure judge shall be informed by the judicial police about the reasons and the time of the arrest, and a separate official note shall be drafted thereof. If an official note has not been drafted, the preliminary procedure judge shall put the provided notification on record.

(4) As soon as the person is deprived of his or her liberty, he or she shall be immediately informed about the reasons for the deprivation of liberty and advised of his or her rights as referred to in Article 69 of this Law, or as soon as the appropriate conditions for that are met.

7. Holding

Article 159
Grounds for holding and advising the person who is being held of his or her rights

(1) As an exception, the judicial police may hold the person who has been arrested pursuant to Article 158 of this Law, if it is necessary to hold the person for the purpose of establishing his or her identity, checking up an alibi or it is necessary, due to other reasons, to collect additional information that would be essential for the criminal procedure against that person.

(2) Any arrested person who is being held, shall be informed about the reasons for the arrest and hold up, as well as about the crime he or she is accused of, and the person shall be advised of his or her right to keep silent, the right to inform the family or another person of his or her choosing, the right to a defense counsel and medical examination. The person may ask for these rights to be observed immediately or at any time while he or she is being held.

Article 160
Taking the person who is being held before a custody officer

(1) Any arrested person who has been held, shall be brought before the custody officer at the specially designated police stations, within a period of 6 hours, who shall decide, with a separate written and elaborated decision, whether the person will be held under the conditions as referred to in Article 159, paragraph 1 of this Law, or released. Any delay in the procedure shall be separately explained.

(2) A separate registry on arrested persons shall be maintained within the IT system at the Ministry of Interior. The competent public prosecutor shall have

regular insight and control of this registry. This registry can also be accessed by the Ombudsman of the Republic of Macedonia.

(3) Immediately after the reception of the arrested person, the custody officer shall notify the public prosecutor thereof. The notification shall be entered into the holdup registry.

(4) The custody officer shall also put on record the reception of any objects dispossessed from the person deprived of liberty. A copy of this record shall be delivered to the public prosecutor, to the arrested person and the arresting police officer.

(5) The custody officer shall order a search of the arrested person when he or she is brought to the police station or to another location assigned for holding, pursuant to Article 161, paragraph 4 of this Law. Any objects or traces that may serve as evidence or might endanger the safety of the person who has been arrested or any other person shall be temporarily seized and appropriate receipt issued.

(6) If necessary, a medical examination of the arrested person shall also be ordered. A medical examination shall always be ordered if the person complains of an injury, pain or illness. The custody officer shall be obliged to ask the person if he or she suffers from any disease and whether he or she is currently receiving any medical treatment or medications.

Article 161
Proceeding with persons in hold up

(1) Any person deprived of liberty may speak to an attorney in private at any time, day or night. If the arrested person does not have an attorney of his or her own or cannot establish contact, he or she may ask to see the list of available attorneys on call. The attorney may come and visit the arrested person at the police station at any time. During the period between 20.00 hours at night and 08.00 hours in the morning, the person shall have the right to get an attorney from the list of attorneys on call, composed by the Bar Chamber of the Republic of Macedonia. Any expenses for the attorney on call as a defense counsel during the hold up at night shall be covered by the State Budget of the Republic of Macedonia.

(2) Any person who is a foreign national shall have the right to contact the diplomatic or consular office of his or her country. The police shall assist the person to establish a contact with the diplomatic or consular office or with another representative with a diplomatic status who represents the interests of the person’s country.

(3) A person may be held for 24 hours at most, from the moment of the arrest, and within this time period, the person has to be brought before a competent judge. After the expiry of this time period, the person who has been held shall be released.

(4) The persons shall be held in specially organized police stations, or specially arranged facilities for that purpose at the Customs Administration of the Republic of Macedonia and the Financial Police, as determined by an act of the Minister of the Interior i.e. the Minister of Finance. The custody officer shall maintain a separate record for each person who is being held, which shall include data on the following: the day and time of the arrest; reasons for

the arrest; reasons for the hold up; the time when the person was advised of his or her rights; signs of visible injuries; illness; mental disorder and alike; when was the contact established with the family, the attorney, a physician, diplomatic or consular office and alike; information about the time and persons who spoke to him or her; if the person has been transferred to another police station; if the person was released or taken to appear before a court and other important information. The arrested person shall sign the record that relates to the date and time of the arrest, the date and time of the release and the advice of the right to an attorney, as well as to the overall record. The custody officer shall be obliged to explain any missing signature by the arrested person. The person who has been held shall receive a copy of the record when he or she is released or handed over to the preliminary procedure judge. If the person has been transferred to another police station or another location assigned for hold up, a copy of the record shall be delivered to the custody officer at the new location.

(5) The Ombudsman of the Republic of Macedonia, the representatives from the European Committee on Prevention of Torture and Inhuman or Degrading Treatment or Punishment of the Council of Europe and the representatives from the Subcommittee on Prevention of Torture and Inhuman or Degrading Treatment or Punishment within the UN Committee on Prevention of Torture, shall have the right, without any authorization or approval, to visit any persons who are being held and talk to them without any supervision.

Article 162
Control of the legality of the deprivation of liberty

If the arrested person, i.e. the person in hold up has been taken before a preliminary procedure judge, the preliminary procedure judge, ex-officio, shall investigate the legality of the arrest, and he or she shall be obliged to rule on the legality with a separate decision (Article 69, paragraph 4 of this Law). Any arrested person, i.e. person who has been held, who has not been taken before a preliminary procedure judge, within 30 days of his or her release, may ask the preliminary procedure judge at the competent court to review the legality and rule on that issue in a separate decision. A separate appeal shall be allowed against this decision within a period of 48 hours, to the Chamber referred to in Article 25, paragraph 5 of this Law, which shall be obliged to rule on the issue within a period of three days at the latest.

8. House detention

Article 163
Establishing house detention

(1) If there is a grounded suspicion that a person has committed a crime and if the conditions for detention are met as referred to in Article 165, paragraph 1 of this Law, the court may establish the house detention measure, and order the person not to leave his or her home for a certain period of time.

(2) Upon exception, the court may allow the person who has been detained in his or her home, to leave the apartment or any other specified location for a certain time period:
1) if that is necessary for a medical treatment; or
2) if that is required by the special circumstances, which may result in harmful consequences for the life, health or property of that person or persons that are close to him or her.
(3) In the house detention decision, besides the prohibition to leave the house or any other specified location, the court may also include a prohibition on communication with other individuals or prohibition of the use of communication devices, i.e. an obligation to observe the measures of video and electronic surveillance, or it may order the application of other measures, pursuant to Article 146 of this Law.
(4) If the person who has been placed in house detention leaves the house or another specified location, contrary to the court's prohibition, or if the person does not return to the house or another specified location within the prescribed time period, or does not observe the ban on communication with certain people or on the use of certain communication means, or avoids or impedes the implementation of measures of video and electronic surveillance, the person shall be placed in detention. The person shall be forewarned thereof in the house detention decision.
(5) The court shall perform the supervision of house detention, but it may also consign the supervision duty to the police, at the same time determining the manner of supervision.
(6) If not established otherwise in this Law, the provisions that are applicable to the measure of detention shall be applicable to house detention correspondingly.

9. Detention

Article 164
Establishing detention

(1) Detention may be imposed only under the conditions established in this Law.
(2) The duration of the detention shall have to be limited to the shortest time period necessary. If the defendant is kept in detention, all entities that participate in the criminal procedure and the entities that provide legal assistance shall be obliged to proceed with an utmost urgency.
(3) When ruling on detention, especially on its duration, special care shall be taken with regards to the proportionality between the severity of the crime, the sentence that could be expected according to the information available to the court and the necessity of the detention and its duration.
(4) Throughout the procedure, the detention shall be revoked as soon as the reasons for its establishment have seized to exist.

Article 165
Grounds for detention

(1) If there is a reasonable suspicion that a certain person committed a crime, and if detention is required for an unobstructed criminal procedure to take place, the person may be detained:
1) if the person is hiding, if his or her identity cannot be established, or if there are other circumstances that would indicate that the person might flee;
2) if there is a reasonable fear that the person will hide, manipulate or destroy any traces of the criminal offense, or if there are special circumstances that would indicate that he or she shall impede the criminal procedure by influencing witnesses, expert witnesses, accomplices or other persons who have been covering up the crime;
3) if special circumstances justify the fear that he or she might repeat the crime, or complete the attempted crime or commit the crime that he or she has been threatening with; or
4) if the defendant who has been properly summoned obviously tries to avoid appearing during the main hearing, or if the court has tried on two occasions to properly serve the defendant, whilst all the circumstances show that the defendant is obviously avoiding receiving the summon.

(2) In the event as referred to in item 1, paragraph 1 of this Article, any detention imposed just because of the inability to establish the person's identity shall last only until the identity of the person is established.

(3) In the event as referred to in item 2, paragraph 1 of this Article, the detention shall be revoked as soon as the evidence because of which the person has been detained is recovered.

(4) In the event as referred to in item 4, paragraph 1 of this Article, the detention shall last until the proclamation of the verdict, but not longer than 30 days.

(5) The person shall not be detained on the basis of item 2, paragraph 1 of this Article, if the defendant already gave a statement and pleaded guilty.

Article 166
Entity that rules on detention in the preliminary procedure

Detention during the preliminary procedure may be imposed by the court, upon a written and elaborated proposal by an authorized plaintiff, and only on the grounds listed in the proposal by the authorized plaintiff.

Article 167
Elements of the detention decision

(1) Detention shall be imposed with a written decision. The ruling on the detention decision shall contain the following:
1) first name and surname of the person that is being deprived of liberty;
2) the criminal offense that the person is accused of;
3) information about the order for initiating an investigative procedure;
4) the legal grounds for detention;
5) the time period of the detention during the investigative procedure;
6) provision on the computation of the time during which the person who is being detained has been deprived of liberty, prior to the enactment of the detention decision;
7) the title of the institution where the detention measure is enforced; and

8) advise of the right to appeal against the detention decision.

(2) The detention decision shall have to have the following as part of its rationale:
1) all the facts and evidence that point to the reasonable suspicion that the defendant has committed the crime;
2) elaborated reasons that justify each and every separate ground for detention;
3) the reasons due to which the court believes that the detention goals cannot be achieved by any other measure for ensuring the presence of the defendant.

(3) The decision shall be certified with the official seal and the signature of the judge who has enacted the decision for detention.

(4) For justified reasons, the detention decision may specify that the person is to be detained in a detention unit in another penal or correctional facility.

(5) If the defendant has not chosen a defense counsel, along with the decision, the defendant shall be assigned a counsel ex-officio (Article 74, paragraphs 1, 2 and 6). If the President of the Court is unavailable, the counsel shall be assigned by the preliminary procedure judge.

Article 168
Appearing before a judge and assigning counsel

(1) The preliminary procedure judge shall hear both parties and the defense counsel regarding the circumstances that are important for the establishment of detention, and he or she shall immediately inform the arrested person who appears before him or her that the person can get a counsel who may be present during the person's examination and if necessary, the court shall assist him or her to find a defense counsel.

(2) If the arrested person states that he or she does not want to get a counsel, the preliminary procedure judge shall be obliged to examine him or her without any delay.

(3) In the event of a mandatory defense (Article 74, paragraphs 1 and 2), if the arrested person does not get a defense counsel within a period of 12 hours from the moment when he or she has been advised of that right or states that he or she does not want to get a counsel, one shall be assigned to him or her ex-officio.

(4) Immediately after the examination, the preliminary procedure judge shall decide whether the arrested person is to be detained or released.

Article 169
Delivery of the detention decision and the right to appeal

(1) The detention decision shall be delivered to the person that it refers to immediately, and not later than 6 hours from the hour when the person appeared before a preliminary procedure judge. In the case file, one shall have to indicate the time when the person appeared before a preliminary procedure judge and the time when the decision has been delivered.

(2) The detainee may appeal against the detention decision to the Chamber referred to in Article 25, paragraph 5 from this Law, within a period of 24 hours, from the delivery of the decision. If the detained person is being

examined for the first time after the expiry of this time period, he or she may announce the notice of appeal during that examination. The appeal, together with a copy of the examination record and transcript, if the detainee has been examined, and the detention decision shall be delivered to the Chamber immediately. The appeal shall not prevent the enforcement of the decision.

(3) Against the decision of the preliminary procedure judge with which the proposal for detention is rejected, an appeal is allowed to the Chamber as referred to in Article 25 paragraph 5 from this Law, within a time period of 24 hours. The appeal shall not prevent the enforcement of the decision. Against the decision of the chamber from Article 25 paragraph 5 of this Law, with which a detention has been determined, the defendant has the right to appeal in a time period of 24 hours, for which the Chamber of the higher court decides.

(4) In the events referred to in paragraphs 2 and 3 of this Article, the Chamber that decides upon the appeal is obligated to deliver a decision in a time period of 48 hours.

(5) The public prosecutor and the defense counsel may ask to be informed about the chamber sessions and to present and elaborate on their motions verbally during the session. Their non-appearance shall not prevent the session from being held.

Article 170
Transient detention

(1) Upon proposal from the public prosecutor, with a written and elaborated decision, the preliminary procedure judge may impose transient detention to the arrested person, up to 48 hours from the moment when the arrested person appeared before the preliminary procedure judge, if he or she believes that there is a grounded suspicion that the person committed the crime that he or she is accused of and that the conditions for detention as referred to in Article 165, paragraph 1, items 1, 2 and 3 of this Law have been met, if the public prosecutor has not yet issued an order for investigation against that person.

(2) Following the expiry of the 48 hours deadline, if the public prosecutor does not file a motion for detention as referred to in Article 165, paragraph 1, items 1, 2 and 3 of this Law, the defendant shall be released.

(3) In multiple defendant cases and other especially complex cases, upon an elaborated request by the public prosecutor, the preliminary procedure judge may extend the period referred to in paragraph 1 of this Article, but for not longer than additional 48 hours.

(4) The transient detention decision referred to in paragraph 1 of this Article shall be delivered to the person who is to be detained and to the competent public prosecutor.

(5) An appeal shall be allowed against the decision referred to in paragraph 1 of this Article, with a period of five hours from the delivery to the Chamber referred to in Article 25, paragraph 5 of this Law, which shall be obliged to rule on the appeal within a period of three hours.

Article 171
Duration of detention during the investigation

(1) Any detention established with a decision by the preliminary procedure judge or any detention that has been imposed for the first time during the investigation with a decision by the Chamber, shall last not more than 30 days from the moment when the person was arrested. Any deprivation of liberty shall be computed within the overall duration of the detention.

(2) Upon an elaborated motion by the public prosecutor, the Chamber referred to in Article 25, paragraph 5 of this Law, may additionally extend the detention during the investigation for another 60 days at most.

(3) If the investigation is conducted for a crime that entails a prison sentence of at least four years according to the law, upon an elaborated motion by the public prosecutor, the Chamber of the immediate higher court, following the expiry of the period referred to in paragraph 2 of this Article, may extend the detention for another 90 days at most.

(4) The total duration of detention during the investigation, also counting the time while the person was deprived of liberty before the enactment of the detention decision, shall not exceed 180 days, and immediately after the expiry of that period the defendant shall be released immediately.

(5) Before an indictment application is made in the abbreviated procedure, the detention may last as long as it is necessary to conduct all investigation actions, but for not longer than eight days.

(6) An appeal to the immediate higher court, within a period of 48 hours, shall be allowed against the Chamber's decision to extend the detention. The appeal shall not prevent the enforcement of the decision.

Article 172
Duration of detention after the indictment has been approved

(1) After the indictment has been approved and prior to the completion of the main hearing, upon proposal by the parties, detention may be established, extended or revoked only with a decision by the Trial Chamber (Article 25, paragraph 1 or paragraph 5).

(2) After the indictment has entered into effect, the detention shall last for no more than:

1) one year for crimes that entail a prison sentence of up to 15 years;
2) two years for crimes that carry a life-time prison sentence.

(3) Upon proposal by the parties and ex-officio, following the expiry of thirty days after the last detention decision has entered into effect, the Chamber shall be obliged to inspect whether the reasons for detention still exist and enact a decision for extension or revocation of the detention.

(4) Any appeal against the decision referred to in paragraphs 1 and 3 of this Article shall not prevent the enforcement of the decision.

(5) A separate appeal against the chamber's decision to overrule the motion for detention or to revoke the detention shall not be allowed.

(6) If the defendant flees from detention, the detention periods referred to in this Article shall start to elapse anew.

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Article 173
Detention revocation

(1) The detention shall be revoked with a decision and the defendant shall be released as soon as the court believes that some of the following conditions are met:

1) when the reasons for the detention or its extension no longer exist;
2) if any further detention would not be proportional to the seriousness of the crime committed;
3) when the same goal for which the detention has been established may be achieved with some other measure;
4) when the revocation of the detention has been proposed by the public prosecutor before the indictment has been raised;
5) if the charges against the defendant have been dropped or if the defendant is found guilty but not sentenced or if the defendant is only fined, or if the defendant has been issued a court warning or was sentenced to probation, or if the defendant has already served his or her sentence due to the time spent in detention, or if the indictment has been rejected, except in the case when it has been rejected due to incompetence of the court;
6) when the deadlines for the duration of the detention expire; or
7) when the detention is imposed according to item 2, paragraph 1 of Article 165, and the defendant pleaded guilty or after all the evidence that was used to impose the detention on those grounds has been collected, and by the end of the main hearing at the latest.

(2) An appeal against the decision referred to in paragraph 1 of this Article shall be allowed within 24 hours, to the Chamber referred to in Article 25, paragraph 5 of this Law, i.e. to the Chamber of the higher court, who shall be obliged to rule on the appeal within 48 hours.

(3) Any appeal shall delay the enforcement of the decision.

Article 174
Detention after the proclamation of the judgment

(1) When the verdict of the court includes a prison sentence for the defendant, the Trial Chamber may order for the person to be detained, if he or she is not in detention already.

(2) The Trial Chamber that leads the main hearing shall be competent to rule on any detention or revocation of detention, from the completion of the main hearing to the proclamation of the judgment, and the Chamber referred to in Article 25, paragraph 5 shall be competent from the moment of proclamation of the judgment, until it enters into full effect.

(3) The public prosecutor shall be heard before the enactment of the detention decision or the decision for revocation of detention in the cases as referred to in paragraphs 1 and 2 of this Article, if the procedure has been initiated upon his or her request.

(4) If the defendant is already detained, and the Chamber finds that the reasons for detention still exist, it shall enact a separate decision for extension of the detention. When detention is to be imposed or revoked, the Chamber shall also enact a separate decision. When deciding on detention, special attention

is to be paid to the harmfulness of the consequences from the crime and the severity of the threat or real injury of the protected goods.

(5) Any detention that was imposed or extended pursuant to the provisions in this Article, may last until the person starts serving the sentence, i.e. until the verdict enters into full effect, but not longer than the duration of the prison sentence.

(6) When the court rules on a prison sentence, the defendant who is in detention, with a decision by the Presiding Judge of the Chamber may be referred to an institution to serve his or her sentence even before the verdict has entered into full effect, if the defendant desires so.

10. Treatment of detainees

Article 175
Informing the family

(1) Within a period of 24 hours from the moment when the person was detained, the court shall be obliged to inform the family of the detainee, unless the person opposes. The competent entity for social care shall be informed about the detention case, if it is necessary to take measures for the proper care of children or other family members that are being cared for by the detainee.

(2) If the detainee is a foreign national, within a period of 24 hours from the moment when the person was detained, the court shall be obliged to inform thereof the diplomatic or consular representative office of the country whose national has been detained.

Article 176
Respect for the person and his or her dignity

(1) While being in detention, the person and his or her dignity shall not be offended.

(2) The detainee shall only be subjected to limitations and constraints that are necessary to prevent any escape and agreements that might be harmful to the successful completion of the procedure.

(3) People of the same gender shall not be detained in the same room. As a rule, a single room shall not be shared by individuals who participated in the perpetration of the same crime, and by people who are serving their sentence together with people who are kept in detention. Whenever possible, individuals with prior criminal records shall not be accommodated in the same room with other individuals who have been deprived of their liberty, to avoid any possible negative influence they might have on them.

(4) Any detainee shall have the right to ask to be detained and kept in a separate individual room.

Article 177
Detainee's rights

(1) Detainees shall have the right to an eight hour continuous rest in any period of 24 hours. In addition, they shall be provided with an opportunity to exercise in an open space in the prison, for at least two hours a day.

(2) The detainees shall have the right to nutrition at their own expense, to wear their own clothes and use their own bed linen, to purchase books at their own expense, newspapers and other things that they might require, if that is not harmful for the successful completion of the procedure. Any decisions in this respect shall be enacted by the entity conducting the investigation.

(3) The detainee shall maintain the hygiene of the room where he or she is staying. If the detainee demands to work, the preliminary procedure judge, i.e. the Presiding Judge of the Chamber, in agreement with the prison administration, may allow the person to work within the boundaries of the prison, on tasks that correspond to his or hers psycho-physical capabilities, provided that it is not harmful to the procedure.

(4) The Minister of Justice shall prescribe the manner of reception and distribution of detainees in the prisons, as well as the work conditions for the detainees as referred to in paragraph 3 of this Article.

Article 178
Visiting detainees

(1) Upon approval by the preliminary procedure judge during the investigation and under his or her supervision or under the supervision of a person assigned by him or her, the detainee, within the limits of the house rules, shall be visited by close relatives, and upon his or her request by a physician and other persons.

(2) Following the approval by the preliminary procedure judge who conducts the investigation, heads of diplomatic and consular representative offices in the Republic of Macedonia shall have the right to visit and talk without any supervision with the detainees, who are nationals of their own country. The approval for such a visit shall be requested through the Ministry of Justice.

(3) The Ombudsman of the Republic of Macedonia, representatives from the European Committee on Prevention of Torture and Inhuman or Degrading Treatment or Punishment of the Council of Europe, the representatives from the Subcommittee on Prevention of Torture and Inhuman or Degrading Treatment or Punishment within the UN Committee on Prevention of Torture, hall have the right, without any authorization or approval, to visit detainees and to talk to them without any supervision.

(4) Following the approval by the preliminary procedure judge, the representatives of the International Committee of the Red Cross shall have the right to visit detainees and to talk to them without any supervision.

(5) Any detainee may correspond with persons outside the prison, with knowledge and under supervision of the entity that conducts the investigation. This entity may prohibit sending and receiving letters and other shipments that might be harmful to the procedure. Posting a petition, complaint or an appeal shall never be prohibited.

(6) After an indictment or a personal legal action has been filed and until the verdict enters into full effect, the authority referred to in paragraphs 1 and 2 of this Article shall belong to the Presiding Judge of the Trial Chamber.

Article 179
Disciplinary liability of the detainee

(1) In the event of any violation of the discipline by the detainee, the preliminary procedure judge, i.e. the Presiding Judge of the Chamber may order the disciplinary penalty of limiting visitation rights. This limitation shall not affect the communication between the detainee and his or her defense counsel.

(2) An appeal to the Chamber in accordance with Article 25, paragraph 5 against the penalty decision brought according to paragraph 1 of this Article shall be allowed within a period of 24 hours from the time of receipt of the decision. Any appeal shall not prevent the enforcement of the decision.

Article 180
Detainee supervision

(1) The supervision of the detainees shall be performed by the president of the competent first instance court.

(2) The President of the Court referred to in paragraph 1 of this Article or the judge assigned by him or her shall be obliged to visit the detainees at least once a week, in the absence of the chief warden and other wardens, and if he or she feels it is necessary, to inform on the food the detainees are getting, the care for their other needs and their treatment. The President, i.e. the judge that he or she assigned, shall be obliged to undertake any necessary measures in order to eliminate any irregularities noted during the prison visit. The assigned judge shall not be the judge of the preliminary procedure.

(3) The President of the Court, the preliminary procedure judge and the Ombudsman of the Republic of Macedonia may visit the detainees at any time; they may talk to them without the presence of other official persons and hear their complaints.

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Chapter XVII

MEASURES FOR LOCATING AND SAFEGUARDING PERSONS AND OBJECTS

1. Search

Article 181
Concept

(1) A search shall be the action of investigation of facilities, persons or objects under conditions and in a manner as prescribed by a law.
(2) Any search of a home and a search of a computer shall be ordered by the court with a written and elaborated warrant, upon request by the public prosecutor and if there is a danger of procrastination, upon request by the judicial police.

Article 182
Grounds for a search

(1) A search of a home or other premises owned by the defendant and by other persons may be conducted if it is likely to apprehend the defendant who is wanted, or to find traces of the criminal offense or objects that are important to the criminal procedure.
(2) A search of an attorney's office shall be conducted only as part of a procedure against him or her, limited to a case, files or documents that have been specifically identified in the search warrant.
(3) A search of a person may be conducted if it is likely to find traces or objects in their possession that are important to the criminal procedure.

Article 183
Search of a home

(1) A search of a home shall mean searching one or more rooms that the person is using as a residence and premises that are functionally linked to the home and have the same purpose of use.
(2) A search of a home and other premises shall include the search of movable property of the person that was found in the home and the other premises, if so indicated in the search warrant or if the conditions for a search without a warrant are met in respect of the person found at the scene.

Article 184
Search of a computer system and computer data

(1) Upon request by the person who executes the warrant, the person who uses the computer or has access to it or to another device or data carrier, shall be obliged to provide access to them and give all necessary information required for unobstructed fulfillment of the goals of the search.
(2) Upon request by the person who executes the warrant, the person who uses the computer or has access to it or to another device or data carrier, shall be

obliged to immediately take all necessary measures required to prevent the destruction or change of the data.

(3) Any person who uses the computer or has access to it or to another device or data carrier, who fails to proceed pursuant to paragraphs 1 and 2 of this Article, without any justified reasons, shall be punished by the preliminary procedure judge, in accordance with the provisions of Article 88, paragraph 1 of this Law.

Article 185
Search of a person

(1) A search of a person shall include a search of the person's clothes, shoes, body surface, movable items that the person carries or disposes of, the space where the person has been found at the time of the execution of the search warrant and any transport means that are being used at the time of the search.

(2) The search shall be conducted by a person of the same gender, unless that is not possible due to the circumstances. The circumstances due to which the search has been conducted by a person of another gender shall be put in the search records.

(3) A search that would include taking off parts of the clothing shall always be conducted by a person of the same gender.

(4) Any search of intimate parts of the body or body orifices shall always require an explicit approval by the court. Intimate searches shall be conducted by medical personnel.

Article 186
Request for the issuance of a search warrant

(1) The request for the issuance of a search warrant shall be filed in a verbal or written form. If the request is filed in a written form, it shall have to be compiled, signed and certified in a manner as prescribed in paragraph 2 of this Article.

(2) The request for the issuance of a search warrant shall have to contain the following:
- title of the court, as well as the name and position of the person who has filed the request;
- facts that point to the probability of finding the person, i.e. traces and objects as referred to in Article 182, paragraph 1 of this Law at the indicated or described location or on a certain person; and
- a request for the court to issue a search warrant for the purpose of finding a person or seizure of objects.

Article 187
Verbal request for the issuance of a search warrant

(1) The request for the issuance of a search warrant may be filed in a verbal form when there is a danger of procrastination. The verbal request may also be

given to the preliminary judge over the telephone, radio communication or through other means of electronic communication.

(2) If a verbal request for the issuance of a search warrant has been filed, the preliminary procedure judge shall be obliged to note any further conversation. In the event when an audio recording or stenographer notes are used, the preliminary procedure judge shall be obliged to provide the record to be copied, to certify that the copy is identical and to deliver the original record and the copy to the court within a period of 24 hours from the issuance of the search warrant. In the event of a word for word transcript of the conversation, the preliminary procedure judge shall sign the copy of the record and deliver it to the court within a period of 24 hours from the issuance of the search warrant.

Article 188
Ruling on the request for issuance of a search warrant

The preliminary procedure judge shall rule on the request for issuance of a search warrant immediately, and within a period of 12 hours from the receipt of the request at the latest.

Article 189
Content of the search warrant

The search warrant shall contain the following:

- title of the court that issued the warrant;
- if the search warrant is issued on the basis of a verbal request, this shall be specified, along with the indication of the preliminary procedure judge who issues the warrant and the time and place of issuance;
- the entity that the warrant refers to;
- the purpose of the search;
- first name and surname, and if needed, a description of the person who is to be found, or description of the objects that are to be found during the search;
- indication or a description of the location to be searched or the person who is to be found, by specifying the address, information on the owner i.e. the holder of the object or the home and the other premises and other information that is important for the establishment of the identity;
- an instruction that the warrant is to be executed between 05.00 and 21.00 hours or an authorization that the warrant may be executed at any time if that is explicitly determined by the court;
- authorization of the warrant executor saying that he or she may enter the facilities that are to be searched without giving the order, if that is explicitly determined by the court;
- an instruction that the search warrant and any seized objects are to be taken to the court without any delay;
- an advise that the defendant has a right to inform his or her defense counsel and that the search may be conducted without the presence of the defense counsel if so required by some extraordinary circumstances; and
- a signature of the preliminary procedure judge who issues the search warrant and an official seal of the court.

Article 190
Time of execution of the warrant

(1) The search warrant shall have to be executed within a period of 15 days from the day when it was issued, and after the expiry of that period it shall be returned to the issuing entity without any delay, who shall cancel it.
(2) The search warrant may be executed any day of the week.
(3) The search shall be conducted during daytime. The search may continue during night time also, if it was commenced during daytime and it was not completed. In exceptional cases, the search may be conducted during night time if there is a danger of procrastination.

Article 191
Search rules

(1) Before the commencement of the search, the executor of the warrant shall have to identify himself or herself and hand over the search warrant to the person who is being searched or at whose place the search is being conducted. Prior to the search, the person that the search warrant refers to shall be invited to voluntarily deliver the person, i.e. the objects that are being looked after.
(2) The person shall be advised of his or her right to a defense counsel, who may be present during the search. Whenever the person that the search warrant refers to asks for the presence of a defense counsel, the commencement of the search shall be delayed until he or she arrives, but for not longer than two hours. If it is likely that the chosen defense counsel cannot arrive within that period, the person shall be provided with an opportunity to choose a defense counsel from the list of public defenders on call. If the person does not get a defense counsel, or if the defense counsel who has been called does not arrive within the prescribed deadline, the search may be conducted in the absence of a defense counsel.
(3) When executing a search warrant that provides a search of a home or other premises that are obviously deserted, the executor of the warrant shall not be obliged to inform anybody about the reasons for the search, and he or she may immediately enter the home or other premises if those are empty, or if he or she justifiably believes that they are empty, or if he or she is explicitly authorized with the warrant to enter without any prior notice.
(4) One may proceed with the search without prior delivery of the warrant, without a previous invitation for handing over a person or objects and without an advice on the right to a defense counsel:
- if an armed or physical resistance is expected;
- if it is necessary, due to a suspicion of a serious criminal offense, committed by a group, organization or a criminal enterprise, for the search to be executed suddenly;
- if the search is supposed to be conducted in a public facility; and
- if there is a threat of possible destruction or cover up of any traces of the crime or objects that are important to the criminal procedure.

(5) The person who governs the home or the other premises shall be invited to be present during the search, and if he or she is absent, one shall invite his representative or some of the adult family members or neighbors. If the person at whose place the search is to be conducted is not present, the warrant shall be left in the room that is being searched, and the search shall be conducted in his or her absence.

(6) If the search is conducted in the premises of state entities, institutions with public authorizations or legal persons, their superior shall be called to attend the search.

(7) If the search is conducted in a military facility, the written search warrant shall be delivered to the military authorities, and they shall assign a military officer who is going to be present during the search.

(8) If the search is conducted in an attorney's office in the absence of the attorney that the office belongs to, a representative of the Bar Chamber shall be invited, or if that is not possible, another attorney. If the attorney who was called does not arrive within a period of three hours from the moment when he or she was summoned, the search may be conducted in his or her absence.

(9) Any locked rooms, furniture or other objects shall be opened by force, only if their holder is not present or if he or she is not willing to open them up voluntarily. Any unnecessary damage shall be avoided during the opening.

(10) Any search of a home, other premises or a person shall be conducted with due care, respecting the dignity of the person and the right to intimacy and without any unnecessary disruptions to the domestic order.

(11) During the search, only the objects and documents that are related to the goal of the search in the specific case shall be temporarily seized.

(12) If, during the search, objects are found that have nothing to do with the criminal offense, due to which the search has been ordered, but indicate to another criminal offense that is prosecuted ex-officio, they will be temporarily seized, and a receipt for the seized items shall be issued immediately, and the public prosecutor informed at once, in order to initiate a criminal procedure. If the public prosecutor finds no grounds for the initiation of a criminal procedure, and there is no other legal basis according to which the items are to be seized, they shall be returned immediately.

Article 192
Search protocol

(1) A protocol shall be compiled for every search. The protocol shall be signed by the executor of the warrant who conducts the search, the person who is being searched or whose place is being searched and the persons whose presence is obligatory. The course and the manner of the search may be recorded with a visual and audio recording device, with a special attention paid to any places where certain individuals or objects have been found. The search location and its separate parts, as well as the persons and objects found during the search may be photographed. Any audio and video recordings and the photographs shall be annexed to the protocol and they may be used as evidence.

(2) The objects and the documents that have been seized shall be entered and precisely described in the search protocol, and the same shall be done in the

receipt for the seized items, which shall be issued immediately to the person that the items, i.e. documents have been seized from.

Article 193
Entering a home based on a consent or an arrest warrant

(1) One may enter a home or other premises without a search warrant:
- if the holder of the home or the other premises agrees with it;
- if a person is to be found there, who is to be detained or forcibly brought in upon an order from the court;
- for the purpose of an arrest of a perpetrator who was caught in the act while committing a crime that is prosecuted ex-officio; or
- at a location where a criminal offense has been committed, for the purpose of a crime scene investigation.

(2) In cases as referred to in paragraph 1 of this Article, a search protocol shall not be compiled, but a receipt shall be issued to the holder of the home immediately, indicating the reasons for the entry into the home or the other premises and any comments by the holder of the home or the other premises shall be recorded. If a search was also conducted in the home or in the other premises, a protocol shall be then compiled in accordance with Article 192 of this Law, which shall have to contain the reasons for the search without a warrant.

(3) When a search has been conducted without a search warrant, the executor of the search shall be obliged to immediately inform the public prosecutor thereof.

2. Temporary safeguarding and seizure of objects or property

Article 194
Order for temporary seizure of objects

(1) Any objects which are to be seized in accordance with the Criminal Code or which may serve as evidence in the criminal procedure shall be temporarily seized and handed to the public prosecutor or to the body determined in a special law or their safekeeping shall be ensured in another manner.

(2) The order for temporary seizure of objects shall be issued by the court, upon proposal by the judicial police or the public prosecutor.

(3) The order for temporary seizure of objects shall contain the following: title of the court, legal grounds for temporary seizure of objects, determination and accurate description of the objects that are to be temporarily seized, name and surname of the person from whom the objects are to be temporarily seized, place at which, i.e. where the objects are to be temporarily seized, deadline within which they are to be seized and advice on possible legal remedies.

Article 195
Rules for temporary seizure of objects

(1) Any person keeping objects as referred to in Article 194, paragraph 1 of this Law, shall have the duty of turning them in. The judge of the preliminary

procedure, upon receiving an elaborated proposal by the public prosecutor, shall fine the person who refuses to turn in the objects with a fine as referred to in the provisions of Article 88, paragraph 1 of this Law, and if the person continues to refuse to turn in the objects, he or she will be punished as provided for in Article 88, paragraph 7 of this Law. The Trial Chamber in accordance with Article 25, paragraph 5 shall rule on the appeal against the decision whereby a fine has been imposed. The appeal shall not prevent the enforcement of the decision. The same procedure shall apply for an official or responsible person in a state authority, institution with public authorizations or a legal person.

(2) When seizing objects, it shall be stated where they were found and they shall be described, and if necessary, their identity shall be established otherwise. A receipt shall be issued for the seized objects.

(3) The punishments referred to in paragraph 1 of this Article may not be applied to the suspect.

(4) Any seized narcotic drugs, psychotropic substances, precursors and other objects whose circulation is banned or restricted, and are not retained as forensic samples, may be destroyed with a decision issued by the competent court, even before the judgment enters into full legal effect.

Article 196

Temporary seizure of objects without an order

(1) The objects referred to in Article 194, paragraph 1 of this Law may be temporarily seized without a court warrant if there is a danger of procrastination and if there are reasonable grounds to suspect that those objects are related to the criminal offense. If the person being searched explicitly opposes the seizure of objects, the public prosecutor, within 72 hours as of the conducted search, shall submit a request to the preliminary procedure judge for an approval for subsequent seizure of objects.

(2) If the preliminary procedure judge overrules the request of the public prosecutor, the seized objects may not be used as evidence in the criminal procedure. Any temporarily seized objects shall immediately be returned to the person from whom they were seized.

Article 197
Objects which may not be seized

(1) The following items may not be seized by means of a court order:

1) files and other documents of state authorities, the publication of which would violate the keeping of a state or military secret, as long as the competent body decides otherwise;
2) written letters of the defendant addressed to his counsel or the persons referred to in Article 215, paragraph 1 of this Law, unless the defendant turns them in voluntarily;
3) technical recordings located with the persons referred to in Article 214, paragraph 1 of this Law, which they made on facts in regards to which they have been relieved from the duty to testify;

4) memos, registry extracts and similar documents located with the persons referred to in Article 214, paragraph 1 of this Law, which they drafted on facts of which they learnt from the defendant throughout the performance of their profession; and
5) memos on facts made by journalists and their editors in the public information media from the source of reporting and the data of which they learnt throughout the performance of their profession and which have been using during the editing of the public media, which are under their governance or the governance of the news desk they work for.

(2) The ban referred to in paragraph 1 of this Article shall not apply in the following cases:
1) with regards to the counsel or the person exempted from the obligation to testify pursuant to Article 214, paragraph 1 of this Law, if there are reasons to suspect that they have been assisting the defendant in the commission of the crime or thereafter or they acted to cover up the crime; or
2) if it concerns objects that have to be seized according to the Criminal Code.

(3) The ban on temporary seizure of objects, documents and technical recordings referred to in paragraph 1 of this Article, shall also not apply to crimes committed at the detriment of children and minors.

Article 198
Temporary seizure of computer data

(1) The provisions of Article 194, paragraph 1, Article 195, paragraph 1 and Article 197 of this Law shall also apply to any data stored on a computer and similar devices for automatic, i.e. electronic data processing, devices used for collection and transfer of data, data carriers and subscriber information at the disposal of the service provider. Upon a written request by the public prosecutor, this data shall have to be delivered to the public prosecutor within the deadline determined by him or her. If the provisioning thereof is refused, it shall be acted pursuant to Article 196, paragraph 1 of this Law.

(2) The judge of the preliminary procedure, upon proposal by the public prosecutor, by means of a decision, may impose the safeguarding and storing of all computer data as referred to in Article 185 of this Law, for as long as necessary, but for no more than 6 months. Upon the expiry of this period, the data shall be returned, unless: they have been involved in the committing of the criminal offence of Damage and unauthorized access to a computer system as referred to in Article 251, Computer fraud from Article 251-b and Computer forgery from Article 379-a, all of them stipulated in the Criminal Code; they have been involved in the commission of another computer-assisted crime; and unless they are to be used as evidence for a crime.

(3) The person using the computer and the person providing the service shall be entitled to file an appeal, within 24 hours, against the decision of the judge of the preliminary procedure imposing the measures referred to in paragraph 2 of this Article. The Trial Chamber referred to in Article 25, paragraph 5 shall rule on the appeal. The appeal shall not prevent the enforcement of the decision.

Article 199
Temporary seizure of letters, telegrams and other dispatches

(1) Letters, telegrams and other shipments addressed to the defendant may be temporarily seized, or the ones the he or she sends and are found with the legal persons in the area of postal, telegraphic and other traffic, if there are circumstances due to which it may be reasonably expected that they would be used as evidence during the procedure.

(2) The order for temporary seizure of the shipments referred to in paragraph 1 of this Article shall be issued by the preliminary procedure judge, upon proposal by the public prosecutor.

(3) An order for temporary seizure of shipments may also be issued by the public prosecutor if there is danger of procrastination, whereas this order has to be confirmed by the judge of the preliminary procedure, within 72 hours, from the temporary seizure of the dispatches.

(4) If the order is not confirmed within the meaning of paragraph 3 of this Article, these dispatches may not be used as evidence in the criminal procedure.

(5) The order referred to in paragraph 2 of this Article shall contain the following:
- information on the person that the order refers to;
- the manner of execution of the order and duration of the measure; and
- the legal person that is to execute the order.

(6) The undertaken measures may last for 3 months at the most, whereas the judge of the preliminary procedure, upon an elaborated proposal by the public prosecutor, may extend their duration for 3 more months, whereas the undertaken measures shall be revoked as soon as the reasons for their further enforcement cease to exist.

(7) The shipments shall be opened by the public prosecutor in the presence of two witnesses. During the opening, attention shall be paid for the seals not to be damaged, and to preserve the envelopes and the address. A separate record shall be compiled on the opening.

(8) If the interests of the procedure allow it, the person against whom these measures have been undertaken may be informed of the undertaken measures referred to in paragraph 1 of this Article.

(9) If the interests of the procedure allow it, the contents of the shipment may be fully or partially disclosed to the person to whom it was addressed, and the dispatch or a part thereof may be also handed over to the person. If this person is absent, the dispatch shall be announced or handed over to some of his or her relatives, and if there are no relatives, it shall be returned to the sender, unless this is contrary to the interests of the procedure.

(10) The measures undertaken in accordance with this Article shall not be applicable to letters, telegrams and other shipments exchanged between the defendant and his or her defense counsel.

Article 200
Handling information constituting a bank secret, property in a bank safe-deposit box, monitoring of payment operations and accounts transactions and temporary suspension of the performance of certain financial transactions

(1) If there is a grounded suspicion that a certain person receives, holds, transfers or otherwise manages crime proceeds on his or her bank account, and if the proceeds are important for the investigative procedure of that crime, or it is subject to forcible seizure according to the law, the court, upon an elaborated request by the public prosecutor, may issue a decision ordering the bank or other financial institutions to supply all documentation and data on the bank accounts and other financial transactions and dealings of that person, as well as for persons for which there is a grounded suspicion that they are involved in those financial transactions or dealings of the suspect, if such information may be used as evidence during the criminal procedure.

(2) The request of the public prosecutor shall refer to information on natural or legal persons, and to all crime proceeds that he or she receives, holds, transfers or otherwise manages.

(3) If the person as referred to in Article 1 holds in a bank safe-deposit box or otherwise manages crime proceeds, and if the crime proceeds are important for the investigative procedure of that crime or is subject to forcible seizure according to the law, the court, upon an elaborated request by the public prosecutor, may issue a decision instructing the bank to enable access to the public prosecutor to the safe-deposit box.

(4) The decisions referred to in paragraphs 1 and 3 of this Article shall also contain the deadline within which the bank or another financial institution must act upon them.

(5) Before the beginning and in the course of the investigative procedure, the ruling on the request by the public prosecutor as referred to in paragraphs 1 and 3 of this Article, shall be rendered by the judge of the preliminary procedure, and after the indictment has been raised, by the court which shall hold the hearing. The preliminary procedure judge shall decide upon the request by the public prosecutor immediately, and no later than within 12 hours from the receipt of the request. If the preliminary procedure judge overrules the request by the public prosecutor, without any delay, he or she shall ask for a decision to be brought by the Trial Chamber referred to in Article 25, paragraph 5 of this Law. The Trial Chamber shall render a decision within 24 from the receipt of the request.

(6) If circumstances as referred to in paragraph 1 of this Article exist, the preliminary procedure judge, upon an elaborated proposal by the public prosecutor, may instruct the bank or another financial institution with a decision, to monitor the payment operations and the transactions in the accounts of a certain person and regularly inform the public prosecutor during the time period defined in the decision.

(7) Upon an elaborated proposal by the public prosecutor, with a decision, the court may instruct a financial institution or a legal person to temporarily stop the performance of a certain financial transaction or dealing, whilst temporarily seizing the property.

(8) In emergencies, the public prosecutor may impose the measures as referred to in paragraphs 1, 3, 6 and 7 of this Article without a court order. The public prosecutor shall immediately inform the preliminary procedure judge about the undertaken measures, who shall be obliged to issue the order within 72 hours.

If the preliminary procedure judge does not issue an order, the public prosecutor shall return the data without previously opening them.

Article 201
Inventory of temporarily seized records, documents and technical recordings

(1) If temporary seizure of records or documents which may serve as evidence is carried out, they shall be inventoried. If that is not possible, the records shall be put in a file and sealed. The owner of the records or documents may also put his seal on the file.
(2) The file shall be opened by the public prosecutor. In the course of examining the records and the documents, attention shall have to be paid that unauthorized persons do not have access to their contents. A protocol shall be compiled on the opening of the file.
(3) The person from whom the records or documents have been seized shall be summoned to attend the opening of the file. If he or she does not reply to the summons or is absent, the file shall be opened; the records or documents shall be examined and catalogued in his absence.
(4) Unless prescribed otherwise by this Law, the method prescribed in paragraphs 1, 2 and 3 of this Article, shall also be applied in cases of temporary seizure of technical recordings, which may be used as evidence.

Article 202
Temporary seizure of property or objects for their safeguarding

(1) At any time in the course of the proceedings, the court may render, upon request by the public prosecutor, a temporary measure of seizure of property or objects which should be seized according to the Criminal Code, a measure for confiscation or another necessary temporary measure in order to prevent the use, transfer or managing of that property or objects.
(2) The request by the public prosecutor referred to in paragraph 1 of this Article shall contain the following:
- a short description of the criminal offence and its legal designation;
- description of the property or objects which originate from a committed crime;
- information on the person who owns that property or objects;
- evidence on which the suspicion that the property or the objects originate from a criminal offense is based, and
- reasons for the probability that the seizure of property or object shall be made especially difficult or impossible until the end of the criminal proceedings.

(3) Before the beginning and during the preliminary procedure, the preliminary procedure judge shall rule on the request by the public prosecutor as referred to in paragraph 1 of this Article, and after the indictment has been raised, by the Court that is going to hold the hearing. The preliminary procedure judge shall rule immediately on the request by the public prosecutor, and no later than within 12 hours from the receipt of the request. If the preliminary procedure judge does not accept the request by the public prosecutor, he or she shall ask the Trial Chamber referred to in Article 25, paragraph 5 to

render a decision without any delay. The Trial Chamber shall render a decision within 24 from the receipt of the request.

(4) In the decision on the measures referred to in paragraph 1 of this Article, the court shall designate the value and the type of property, or object, and the time period for which it is seized.

(5) An appeal may be filed within 24 hours against the decision of the preliminary procedure judge, establishing the measures referred to in paragraph 1 of this Article. The Trial Chamber referred to Article 25, paragraph 5 shall rule on the appeal. The appeal shall not prevent the enforcement of the decision.

(6) If there is danger of procrastination, the members of the Judicial Police may temporarily seize property or objects as referred to in paragraph 1 of this Article, confiscate them or take other necessary temporary measures in order to prevent any use, transfer and managing thereof. The public prosecutor shall have to be immediately informed on the measures taken, and the measures must be approved by the preliminary procedure judge within 72 hours from the moment of their implementation.

(7) If the preliminary procedure judge does not give an approval, the undertaken measures referred to in paragraph 6 of this Article shall be stopped, and any temporarily seized property or objects shall be immediately returned to the person they were seized from.

(8) The measures referred to in paragraph 1 of this Article may last until the completion of the criminal proceedings before the first instance court at the latest.

(9) If the measures referred to in paragraph 1 of this Article are established during the preliminary procedure, they shall be cancelled ex-officio if the investigative procedure does not begin within 3 months from the day when the decision establishing them was rendered.

(10) Before the expiration of the deadlines referred to in paragraph 9 of this Article, the measures may be cancelled ex-officio by the Court or upon request by the public prosecutor, i.e. by any interested person, if it becomes evident that they are not necessary or justified in view of the severity of the crime, the financial circumstances of the person they refer to or the circumstances of the persons, whom this person is obliged by law to support and the circumstances pointing to the fact that the seizure of property or objects shall not be precluded or made especially difficult prior to the completion of the criminal proceedings.

(11) All the actions upon the property and the objects that are subject of safekeeping, and that have been undertaken upon submitting the request from paragraph 1 of this article, are of no value.

(12) The request from paragraph 1 of this article and the decision for issuing the measures prescribed in paragraph 1 of this article, will be send without a delay in an electronic format to all the bodies that are competent for documenting the property and the objects, whose safekeeping was requested and was approved.

Article 203
Returning temporarily seized objects

Any objects that have been temporarily seized during the criminal procedure shall be returned to the owner, i.e. the holder, if the procedure is stopped and there are no reasons for their seizure (Article 529).

Article 204
Handling suspicious objects

(1) If a foreign object is found with the defendant and it is not known to whom it belongs, the entity conducting the procedure shall describe this object and the description shall be posted on the board at the entity of the municipality in whose area he or she resides and where the criminal offense was committed. In the announcement, the owner of the object shall be called upon to report to the entity conducting the procedure within one year from the day of the announcement, or the object shall be sold. Any money received from the sale of the object shall be transferred to the State Budget of the Republic of Macedonia.

(2) If the objects are of a larger value, the announcement may also be published in the daily newspapers.

(3) If the object is susceptible to spoiling or if it's keeping results in significant expenses, it shall be sold according to the provisions valid for the enforcement procedure and the money shall be kept as a court deposit.

(4) The provision of paragraph 3 of this Article shall also apply when the object belongs to a fugitive or an unknown perpetrator of a criminal offense.

(5) If nobody claims the object or the money received from the sale of an object within a period of one year, a decision shall be rendered whereby the object shall become property of the state, i.e. the money shall be transferred to the State Budget of the Republic of Macedonia.

(6) The owner of the object shall be entitled to request that the object or the money from the sale of the object be returned through dispute litigation. The statute of limitation on this right shall start to apply as of the day of the publication of the announcement.

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Chapter XVIII

MEANS OF EVIDENCE

1. Statement by the defendant

Article 205
Getting personal data from the defendant

(1) When the defendant is examined for the first time, the defendant shall be asked if he or she understands the language used during the procedure, to state his or her first name and surname, any nicknames, first names and surnames of the parents, the maiden name of the mother, place of birth, place of residence, day, month and year of birth, the Personal Identification Number, community affiliation, citizenship, profession, family status, education, financial situation, whether the defendant has been previously convicted, when and why, if and when the sentence has been served, if there is another procedure against him or her for some other crime, and if the person is a minor, who is his or her legal representative.

(2) The defendant shall be advised that he or she is obliged to respond to the summons and immediately inform about any change of address or the intention of changing the place of temporary or permanent residence, and forewarned about the consequences of not observing these rules. If the defendant does not have a temporary or permanent residence in the Republic of Macedonia or if the person is a foreign national, the person shall be advised that he or she is obliged in a period of eight days to specify an address or a person in the Republic of Macedonia for serving of process and delivery of decisions, and the defendant shall be forewarned that if he or she does not specify an address or a person for service of process, the summoning entity shall post the legal notice on the notice board at the court, and as soon eight days elapse from the day of the posting, it shall be deemed that service of process has been effectuated.

Article 206
Advising the defendant of his or her rights

(1) Before any examination of the defendant, he or she shall have to be informed and advised of the following:

1) what he or she is accused of and what are the grounds for suspicion against him or her;
2) that the person is not obliged either to present any defense, or to answer any questions asked, however, if he or she gives a statement, it may be used in the procedure against him or her;
3) that the person may chose a defense counsel of his or her choosing, with whom he or she may consult in person and who may be present during the examination;
4) that he or she may comment on the crime that he or she is accused of and to present any exculpatory facts and evidence;

5) the right of access to the case files and review of the objects that have been seized;
6) the right to a free of charge assistance by an interpreter, i.e. translator if he or she does not understand or speak the language that is being used during the examination; and
7) the right to be examined by a physician if a medical treatment is required or for the purpose of establishing any alleged overstepping of authority by the police.

(2) The defendant may voluntarily waive some of the rights as referred to in paragraph 1 of this Article, but his or her examination shall not commence, unless his or her statement waiving some of the rights has been noted in writing and signed by him or her. The person may not waive his or her right to a defense counsel, if the defense is compulsory in accordance with this Law.

(3) If the defendant does not have an attorney or if he or she is not capable of contacting the attorney, he or she shall receive the list of public defenders on call compiled by the Bar Chamber of the Republic of Macedonia.

(4) If the defendant did not want a defense counsel initially, but later on has asked for one, the examination shall be adjourned and continued only after the defendant has been provided with a defense counsel that he or she may consult with.

(5) If it was acted contrary to the provisions in paragraphs 1, 2, 3 and 4 of this Article, the statement of the defendant shall not be used during the court procedure.

(6) Before the beginning of the initial examination the defendant will be informed also about the right of plea bargaining with the public prosecutor in accordance with Articles 489 to 496 of this Law.

Article 207
Recording of the examination of the defendant

(1) The examination of the defendant conducted by the public prosecutor, or in his or her presence shall be recorded with a visual-audio recording device. The defendant shall be separately advised on the recording, and he or she shall be forewarned that the recorded statements may be used during the procedure.

(2) The reasons and the duration of any intermission of the examination and the recording shall be specified, as well as the time when the examination has been continued and completed.

(3) Three recordings shall be made of the examination, where the public prosecutor and the defendant shall receive a copy each, while one copy shall be sealed and handed over to the preliminary procedure judge. The public prosecutor shall prepare a written transcript of the recording and annex it to the rest of the case file.

(4) The recording referred to in paragraph 3 of this Article cannot be published, broadcasted and used for purposes and goals that are outside the framework of the criminal procedure.

(5) The manner of executing the recording is prescribed by the Minister of Justice upon prior obtained opinion from the Public Prosecutor of Republic of Macedonia.

Article 208
Prohibition of the use of fraudulent, suggestive and captious questions

After the defendant has been advised on the right to keep silent and the other rights referred to in Article 206 of this Law, the questions asked shall be clear, understandable and precise so that he or she is able to fully understand them. The examination may not be conducted under the assumption that he or she admitted something that the person never did and leading questions that suggest the answer shall not be asked of the defendant. The defendant may not be deceived in order to get his or her statement or admission.

Article 209
Identification of objects

Any objects that are related to the crime or that may be used as evidence shall be shown to the defendant to be identified, after he or she has previously described them. If these items cannot be brought in, the defendant may be taken to the location where the objects are to be found.

Article 210
Manner of examination of the defendant

(1) After being advised of his or her rights, the defendant shall be asked if he or she has something to say in his or her defense. During the examination, the defendant shall be given the opportunity to freely comment on all circumstances of his or her accusation and to present all the facts that might be useful to his or her defense.
(2) The defendant shall be examined verbally. During the examination, the defendant may be allowed to use his or her notes.
(3) When the defendant completes the statement, questions shall be asked if necessary to fill in the gaps and to eliminate any inconsistencies or obscurities in his or her account of the events.
(4) The examination shall be conducted so as to respect the personality of the defendant.
(5) Force, threats or other similar means (Article 249, paragraph 4) shall not be used against the defendant in order to obtain his or her statement or confession.
(6) The defendant may be examined in the absence of a defense counsel only if he or she has explicitly waived that right, and the defense is not mandatory or if he or she does not provide for a defense counsel within 24 hours from the moment when he or she was advised of this right (Article 71, paragraph 2), except in the event of a mandatory defense.
(7) If it was acted contrary to the provisions of paragraphs 5 and 6 of this Article, any given statement by the defendant cannot be used in the procedure.

Article 211
Examination of the defendant through an interpreter

(1) The defendant shall be examined through an interpreter in the events as provided for in this Law.
(2) If the defendant is deaf, the questions shall be asked in writing, and if the person is dumb, he or she shall be invited to answer in writing. If the examination cannot be performed in this manner, a person that has proper understanding with the defendant shall be brought in as an interpreter.
(3) If the interpreter has not been sworn in earlier, he or she shall take an oath to truly interpret the questions that are being asked of the defendant and the statements that he or she provides.
(4) The provisions of this Law that refer to the expert witnesses shall be applicable correspondingly to the interpreters as well.

2. Witnesses

Article 212
Persons that may be witnesses

(1) Persons that are likely to provide information about the criminal offense or the perpetrator and about other important circumstances shall be summoned as witnesses.
(2) The injured party and the private plaintiff may be examined as witnesses.
(3) Any person who has been summoned as a witness shall be obliged to respond to the invitation, and unless determined otherwise in this Law, he or she shall be obliged to testify.

Article 213
Persons that may not be witnesses

The following persons shall not be witnesses:
1) a person who would violate the duty of keeping a state or a military secret if he or she gives a statement, unless the competent entity relieves him or her of that duty;
2) the defense counsel of the defendant on anything confided by the defendant in him or her as counsel, unless the defendant himself or herself demands it;
3) a person who would violate the duty of keeping a business secret if he or she gives a statement, regarding anything learned during the practicing of his or her profession (religious confessor, attorney and physician), unless the person has been relieved of such a duty by a separate regulation or by a written statement, i.e. or by a verbal statement given on record by the person for whose benefit the keeping of the secret was instituted, i.e. by such a statement by his or her legal successor;
4) a juvenile person who, bearing mind his or her age and mental development is not capable of understanding the significance of his or her right not to testify, unless the defendant himself or herself demands it; and
5) any person who is not capable of testifying at all, due to his or her mental or physical illness or age.

Article 214
Persons excused from the duty to testify

(1) The following persons shall be excused from the duty to testify:
1) the marital and illegitimate partner of the defendant;
2) any blood relatives of the defendant in a direct line, any relatives in an indirect line up to the third degree, as well as in-law relatives up to the second degree; and
3) an adopted child or a foster parent of the defendant.
(2) The entity conducting the procedure shall be obliged to forewarn the persons as referred to in paragraph 1 of this Article that they must not testify, before they have been examined or immediately after their relationship with the defendant has been established. The forewarning and the response shall be put on the record.
(3) Any person who has proper reasons not to testify against one of the defendants shall be excused from the duty to testify against all other defendants, if his or her statement, according to the nature of the circumstances, cannot be limited only to the other defendants.

Article 215
Consequences from any violation of the witness examination rules

If a person who may not be a witness or a person who is not obliged to testify has been summoned as a witness, and was not forewarned or did not explicitly waive that right, or if the forewarning and the waiver have not been noted in the record, or if a juvenile person has been examined who cannot understand the significance of his or her right not to testify, or if the statement by the witness has been extorted by force, threat or other similar prohibited means, such a statement by the witness may not serve as a ground for the court decision.

Article 216
The right of the witness to refuse to answer certain questions

The witness shall not be obliged to answer certain questions if it is likely that by doing so, the witness would expose himself or herself or a close relative to formidable shame, significant material loss or criminal prosecution.

Article 217
Questions that are not allowed to be asked of the injured party or witness

It shall be prohibited to ask the injured party and the witness questions that pertain to their sexual life and sexual predispositions, political and ideological affiliation, racial, national and ethnic origin, moral criteria and other extremely personal and family circumstances, except upon an exception, if the answers to such questions are directly and obviously related to the required clarification of the significant criterion of the criminal offense, which is the subject matter of the procedure.

Article 218
Summoning a witness

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(1) The summoning of a witness shall be done by delivering a summons in writing, specifying the first name and surname and profession of the summoned person, the time and place of the expected arrival, the criminal case in relation to which the person has been summoned, an indication that he or she is summoned as a witness and a warning on the consequences from any unjustified absence (Article 224, paragraph 1 of this Law).
(2) The summoning as a witness of a juvenile person, who has not turned 18 years of age yet, shall be done through his or her parents, i.e. through the legal guardian.
(3) Any witnesses that are not capable to respond to the summons due to old age, illness or severe physical disability, may be examined at their home or any other place where they reside.

Article 219
Manner of Examination of witnesses

(1) The witnesses shall be examined separately. As a rule, the witness shall respond verbally.
(2) The witness shall previously be forewarned about the duty to tell the truth and elide nothing, and afterwards, he or she shall be forewarned that giving a false statement is a criminal offense. The witness shall be also forewarned that he or she is not obliged to respond to the questions as referred to in Article 216 of this Law and this forewarning shall be noted on the record.
(3) The witness shall then be asked to state his or her first name and surname, father's name, profession, temporary or permanent place of residence, place of birth, age and his or her relationship with the defendant and the injured party. The witness shall be warned that he or she is obliged to inform the entity conducting the proceedings of any change of address or temporary or permanent residence.
(4) When examining a witness, neither the use of deception shall be allowed, nor asking leading questions that already suggest the expected answer.

Article 220
Identification of persons or objects by the witness

(1) If it is necessary to establish whether the witness recognizes a certain person or an object, the witness shall be first asked to give a description and to indicate any characteristics that make them distinguishable, and only then, the witness may see the person, together with some other persons that are not known to him or her, between five and eight as a rule, whose basic features are similar to the ones described by the witness, i.e. the object, together with other objects of the same or similar kind, following which, the witness shall be asked if he or she is capable to recognize the person or the object with certainty or with a certain degree of probability, and in the event of a positive response, the witness shall be asked to point to the recognized person or object.
(2) Any persons that are being identified in a line-up, shall be advised of their right to call a defense counsel of their own choice, i.e. a defense counsel shall be assigned to them and the identification shall be postponed pending the

arrival of the defense counsel, but for not more than two hours from the moment when the defense counsel has been informed thereof.

(3) Before the enactment of a decision for conducting an investigation, the identification shall be conducted in the presence of the public prosecutor, so that the person who is being identified cannot see the witness, and the witness cannot see that person before he or she does the identification.

Article 221
Examination of a witness through an interpreter and examination of deaf or dumb witness

If the examination of the witness is conducted through an interpreter, or if the witness is deaf or dumb, his or her examination shall be conducted as prescribed in Article 211 of this Law.

Article 222
The witness's oath

The witness may be required to take an oath. The witness may take the oath before the main hearing only if it is feared, that due to illness or other reasons, he or she shall not be able to attend the main hearing. The reason, due to which the person was sworn in, shall be noted on the record. The oath shall be taken as prescribed in Article 392, paragraph 2 of this Law.

Article 223
Persons who must not take an oath

The following persons shall not take an oath:

1) persons who have not yet turned 18 years of age at the time of the examination; and
2) persons who cannot understand the significance of the oath, due to their mental state.

Article 224
Witnesses who do not respond to the summons and refuse to testify

(1) Any witness who has been properly summoned does not appear, and does not justify the absence, or retires from the location where he or she is to be heard without an approval or justified reason, may be brought forcibly with a court decision, and also punished by the court with a fine as prescribed in Article 88, paragraph 1 of this Law.

(2) If the witness appears, and after being forewarned about the consequences, does not want to testify without proper legal reason, he or she may be punished with a fine as referred to in paragraph 1 of this Article, and if the witness still refuses to testify, shall be punished with a fine as prescribed in Article 88, paragraph 1 of this Law. If the witness still refuses to testify even after the second fine, and the procedure is conducted before the court, he or she may be imprisoned for up to 30 days.

(3) The Trial Chamber referred to in Article 25, paragraph 5 shall always rule on the appeal against the decision that the fine has been imposed by. Any appeal against the decision shall not prevent the enforcement of the decision.

Article 225
Recording of the witness examination with visual and sound devices

Upon proposal by the parties, the entity conducting the proceedings may decide, for the examination of the witness to be recorded with visual and sound devices.

Article 226
Witness protection

(1) If it is likely that by giving a statement or by responding to a certain question, the witness, collaborator of justice or the victim, i.e. the injured party, or a person close to him or her would be exposed to a serious threat to his or her life, health or physical integrity, the endangered witness may refrain from giving a statement or presenting information as referred to in Article 219, paragraph 3 of this Law, until the necessary conditions for his or her protection have been provided for.
(2) The protection of the endangered witness shall mean a special way of examination and participation in the procedure as prescribed in this Law and implementation of protective measures beyond the procedure, as prescribed in a separate law.
(3) If the public prosecutor believes that the fear of danger as referred to in paragraph 1 is grounded, he or she shall stop the examination and undertake urgent actions pursuant to the provisions on protection of witnesses, collaborators of justice and victims, as prescribed in this Law.
(4) If, during the procedure, the endangered witness states that he or she does not require a special manner of participation and examination, the witness shall be examined in accordance with the general rules for examination of witnesses. The previous statement, provided under the rules for a special examination of an endangered witness, may be used during the examination, and afterwards it shall be singled out from the case file and handed over to the preliminary procedure judge for safekeeping in a sealed envelope.
(5) If the public prosecutor believes that the request referred to in paragraph 1 of this Article is ungrounded, he or she shall proceed according to Article 219 of this Law.
(6) The summoning of an endangered witness in the preliminary procedure or at the main hearing shall be done through the Witness Protection Unit at the Ministry of Interior.

Article 227
Protection of an endangered witness during the preliminary procedure

(1) As soon as he or she learns about the probability of existence of the circumstances referred to in Article 226 of this Law, the public prosecutor shall undertake measures for protection of the endangered witness. The public prosecutor shall inform the endangered witness thereof.

(2) With a decision, the public prosecutor shall determine the pseudonym of the endangered witness, as well as the special manner of participation in the procedure and examination. The defendant and his or her defense counsel and the injured party and his or her attorney shall not be present during the examination of the endangered witness in the preliminary procedure.

(3) The public prosecutor shall seal the information on the endangered witness in a separate envelope and note that in the case file accordingly, using the pseudonym of the endangered witness. Only the second instance court, when ruling on an appeal, may ask for and open the sealed envelope containing the information on the endangered witness. In such an event, the opening shall be annotated on the envelope and the names of the members of the chamber who are going to be introduced to its contents shall be specified. After the members of the Chamber have been familiarized with its contents, the envelope shall be sealed again and returned to the public prosecutor.

(4) The endangered witness shall not be asked any questions, which, directly or indirectly, may discover his or her identity, place of residence, employment or family members.

(5) Any person who learns of the information on the endangered witness in any capacity shall be obliged to keep it as classified information.

Article 228
Protection of an endangered witness at the main hearing

(1) The public prosecutor shall deliver the motion for a special manner of examination of the endangered witness elaborated in writing and sealed in an envelope to the judge, i.e. to the Chamber for review of the indictment along with the submission of the indictment.

(2) The court shall rule on the public prosecutor's motion with a decision, within a period of 48 hours from the receipt of the motion at the latest.

(3) If the court approves of the public prosecutor's motion, it shall establish the pseudonym of the endangered witness with a decision, if it was not established by then, as well as the special manner of participation in the procedure and examination. An appeal against this decision of the court shall not be allowed.

(4) The special manner of examination may include hiding the identity of the witness, and in certain cases, hiding the appearance of the endangered witness (Article 229 and Article 230 of this Law).

Article 229
Examination under a pseudonym

(1) If the special manner of examination of the witness refers only to hiding personal data, the examination shall be conducted under a pseudonym, without specifying other data referred to in Article 219, paragraph 3 of this Law. As far as the rest of the examination is concerned, it shall be conducted according to the general provisions for examining witnesses.

(2) After the examination has been completed, the endangered witness shall sign the record with his or her pseudonym.

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(3) Any person who learns of the information on the endangered witness in any capacity shall be obliged to keep them as classified information.

Article 230
Examination assisted with technical devices for transfer of picture and sound

(1) If the special manner of participation in the procedure and examination of the endangered witness refers to the hiding of data as referred to in Article 219, paragraph 3 of this Law, but also to the hiding of the appearance of the endangered witness, the examination shall be conducted with the assistance of technical devices for transfer of picture and sound, whilst distorting the face and the voice of the endangered witness.
(2) During the examination, the endangered witness may be located in another room, which is physically separated from the room that houses the judge and the other participants in the proceeding.

Article 231
Rights of the defense during the examination of endangered witnesses at the main hearing

(1) During the examination of endangered witnesses at the main hearing, special attention shall be paid to the right of the defendant and his defense counsel to be provided with an adequate and sufficient opportunity to challenge and verify their statements.
(2) It shall not be possible for the verdict to be based only on the statement of the endangered witness provided for through the use of the provisions for hiding his or her identity and appearance for the purpose of his or her protection, or the protection of persons that are close to him or her.

Article 232
Examination of extremely vulnerable victims and witnesses

(1) If the entity conducting the procedure establishes that the injured party or the witness, having in mind his or her age, healthcare condition, the nature and the consequences of the criminal offense, i.e. due to other circumstances of that case, are extremely vulnerable, such as juvenile persons that are victims of human trafficking, violence or sexual abuse, and that the examination at the facilities of the entity conducting the procedure would have harmful consequences for their mental or physical health, they shall be examined in a manner as prescribed in this Article.
(2) If the entity conducting the procedure believes it necessary for the purpose of helping the injured party or the witness as referred to in paragraph 1 of this Article, it shall assign a legal representative to him or her.
(3) Any questions to the injured party and the witness referred to in paragraph 1 of this Article may be asked only through the entity conducting the procedure, which shall treat such a person with special care in order to avoid any harmful consequences of the criminal procedure on his or her personality, mental and physical health.

(4) The examination of the injured party and the witness referred to in paragraph 1 of this Article may be conducted with the assistance of a psychologist, social worker or another competent person, and the entity that conducts the procedure may decide for the person to be examined with the use of technical devices for transfer of picture and sound, without the presence of the parties and other participants in the procedure in the same room together with the injured party or the witness, whereas the parties, defense counsel and other persons that have the right, shall ask questions through the entity conducting the procedure, a psychologist, pedagogue, social worker or another competent person.

(5) The court may exclude the public during the examination of the injured party or the witness referred to in paragraph 1 of this Article.

(6) The injured party or the witness referred to in paragraph 1 of this Article shall not be confronted with the defendant, and they may be confronted with other witnesses only upon their own request.

3. Crime scene investigation and reconstruction

Article 233
Crime scene investigation

(1) Any crime scene investigation shall be conducted by the public prosecutor and with his or her authorization, also by the judicial police, if an immediate observation is required in order to establish or clarify some important fact in the procedure.

(2) The suspect, the defense counsel and the injured party shall have the right to be present at the crime scene investigation. Their absence shall not postpone the crime scene investigation.

Article 234
Reconstruction of an event

(1) For the purpose of verification of any collected evidence or establishing the facts that are of importance for the clarification of the events, the entity conducting the procedure may order reconstruction of the events, which shall be conducted by repeating the actions or situations in conditions under which, according to the collected evidence, the event has taken place. If the actions or situations have been depicted differently in the statements provided by different witnesses or suspects, i.e. defendants, the reconstruction of the incident, as a rule, shall be conducted with each of them separately.

(2) The reconstruction referred to in paragraph 1 of this Article may be performed completely or partially through the use of computer simulations.

(3) The reconstruction may not be performed in a way that would be offensive to the public order and morality or would cause danger to people’s lives and health.

(4) If needed, certain evidence may be presented again during the reconstruction.

Article 235

Participation of competent persons and experts during the crime scene investigation and reconstruction

(1) The entity that is conducting the crime scene investigation or the reconstruction may ask for assistance from a competent person of criminalist-technical, traffic or other profession, who, as the need arises, shall help in the location, safeguarding or description of traces, perform the necessary measurements and recordings, make sketches and photo-documentation or collect other data as well.

(2) An expert may also be called to attend the crime scene investigation or the reconstruction, if his or her presence would be beneficial for providing a finding or an opinion.

4. Expertise

Article 236
Commissioning an expert's report

(1) An expert's report shall be commissioned when it is necessary to get a finding or an opinion by a person who disposes of the necessary professional knowledge in order to establish or evaluate an important fact. The expertise is performed by experts that are registered in the Registry of Experts.

(2) The expert's report shall be commissioned with a written order.

(3) The order during the preliminary procedure shall be issued by the public prosecutor, and during the main hearing it will be issued by the court in accordance with Article 394, paragraph 2 of this Law.

(4) The order shall specify the facts that the expert's report should concentrate on and who is to perform the examination.

(5) If a competent academic, scientific or an expert institution exists for a certain type of expert's report, or if the expert's report may be prepared within the framework of a certain state authority, such expert's reports, and especially the more complex ones, as of a rule, shall be entrusted to such institutions or authorities. If an expert finding or an opinion made by a body of a state entity is submitted by the public prosecutor, and if the defense is questioning it, it can be suggested to the court to order an expertise that will be conducted by a different institution or a body.

(6) As of a rule, one expert shall be assigned to work on the expert's report, and if the task is a complex one, then two or more experts may be assigned to work on the expert's report.

(7) Only in exceptional cases, it shall be possible to commission an expert who lives abroad or a foreign professional institution, that according to the laws in their native countries fulfill the conditions for conducting expertise, only if there are no academic, scientific or an expert institution, individual or a company that is registered to conduct expertise i.e. certain type of expertise in the Republic of Macedonia.

(8) The entity referred to in paragraph 3 that commissioned the expert's report, having previously obtained an opinion from the expert, shall establish the deadline for the preparation and the delivery of the expert's finding or opinion,

and the deadline may be extended, only upon an elaborated request by the expert.

Article 237
Expert's duties

(1) Any person summoned as an expert shall be obliged to respond to the invitation and to provide his or her finding and opinion within the deadline established in the order. For justified reasons, the deadline established in the order may be extended.

(2) The expert shall be obliged to deliver a report to the entity that commissioned the report as referred to in article 236 paragraph 3 from this Law, and the report should contain the following: evidence that he or she reviewed; any tests conducted; his or her finding and opinion and all other relevant data, considered necessary by the expert for an equitable and objective analysis. The expert shall explain how he or she reached a certain opinion.

(3) If an expert, who has been properly summoned does not appear, and does not justify his or her absence, or refuses to produce a report or does not proceed within the deadline prescribed in the order, he or she may be punished with a fine from 500 to 1,500 Euro payable in Macedonian Denars, and in the case of a professional institution, the fine shall be 1000 to 3,000 Euro payable in Macedonian Denars. In the event of an unjustified absence, the expert may also be brought forcibly.

(4) The Chamber referred to in Article 25, paragraph 5 of this Law shall rule on the appeal against the decision for the fine.

Article 238
Exclusion of an expert

(1) A person who may not be heard as a witness (Article 213 of this Law) shall not be commissioned as an expert, or a person who has been relieved of the duty to testify (Article 214), as well as a person against whom the criminal offense was committed, and if such person has been commissioned, the court decision may not be founded on his or her finding and opinion.

(2) There would be a reason to exclude an expert also if that is a person who is working together with the defendant or the injured party in the same entity or other legal person, as well as if the person is working for the injured party or the defendant.

(3) A person, who has been heard as a witness, may not be commissioned as an expert.

(4) If a separate appeal against the decision to overrule the motion for exclusion of the expert is allowed (Article 36, paragraph 7), the appeal shall delay the preparation of the expert's report, unless there is a danger of procrastination.

Article 239
Expert's report procedure

(1) The expertise shall be managed by the entity that has ordered the expertise referred to in Article 236 paragraph 3 of this Law. Before the expertise

procedure commences, the expert shall be invited to carefully review the subject of the expertise, precisely specify everything that has been seen or noticed, and present his or her unbiased opinion, in accordance with the rules of the specific science or practice. The expert shall be specifically forewarned that providing a false statement is a criminal offense.

(2) The entity before which the procedure is taking place shall show the expert the items that are to be reviewed, ask him or her questions and whenever necessary, ask for clarifications with regards to the provided findings and opinion.

(3) The expert may be provided with some clarifications, and he or she may be also allowed insight in the case file. The expert may propose to collect additional evidence, objects and data that would be significant for the provision of a finding and opinion. If the expert was present during the crime scene investigation, reconstruction or another investigative action, he or she may suggest to clarify certain circumstances or to ask the person who is being interviewed some additional questions.

Article 240
Inspection of the object of the expert's report

(1) The expert shall inspect the object of the expert's report in the presence of the entity conducting the procedure and in the presence of the minute taker, except if the expert's report requires lengthy investigations or if the investigations are being done in some institutions or a state authority, or for reasons of morality.

(2) If it is necessary to perform an analysis of some material for the purposes of the expertise, the expert shall be given only a small portion of that material, if that is possible, and the rest shall be safeguarded in sufficient quantities, in case additional analysis are required.

Article 241
Record on the provided expert's report and the right to review it

(1) The record on the provided expert's report or the written findings and opinion shall indicate who conducted the inspection and prepared the expert's report, the number of the license of the expert and the area for which the license has been issued.

(2) After the completion of the expert's report, the body that ordered the expertise referred to in Article 236 paragraph 3 of this Law shall inform the parties and the defense counsel if they have not been present, that the expertise has been completed and that they can review the record of the expertise, i.e. the written findings and the opinion.

Article 242
Expert's report prepared in a professional institution or state body

(1) If the expert's report is to be prepared by an academic, scientific or an expert institution, or a trade company registered for conducting expertise or to a body of the state administration, the entity conducting the procedure shall warn that

neither a person as referred in Article 238 of this Law may not participate in the provision of the findings and giving an opinion, nor a person for whom there are reasons for exclusion from preparing any expert reports as prescribed by this Law, as well as about the consequences from providing false findings and opinion.

(2) The material required for the expert's report shall be placed at the disposal of the entities referred to in paragraph 1 of this Article and if necessary, it shall be proceeded in accordance with the provisions of Article 239, paragraph 4 of this Law.

(3) The entities referred to in paragraph 1 of this Article shall deliver the written findings and the opinion signed by the persons who conducted the examination.

(4) The provisions from Article 239, paragraphs 1 and 3 of this Law shall not be applied when the expert's report is to be provided by the entities referred to in paragraph 1 of this Article. The entity conducting the procedure may ask the entities referred to in paragraph 1 of this Article to provide an explanation regarding the findings and the opinion provided.

Article 243
Elimination of any deficiencies in the expert's report

If the findings or the opinion are ambiguous, incomplete or inconsistent on their own the entity conducting the procedure may order the examination to be revised by the same experts in order to eliminate any identified deficiencies.

Article 244
Nomination of technical advisors

(1) The public prosecutor, the defendant and the defense counsel shall have the right to nominate technical advisors from the registry of court approved experts, as of rule, but not more than two of them, who will help them in the gathering of information on professional issues or to contest the expert's report.

(2) The defendant and his or her counsel, in cases and under circumstances as prescribed in this Law for defense of indigent persons as referred to in Article 75 of this Law, shall have the right to be assisted by a technical advisor who will be paid from the State Budget of the Republic of Macedonia.

(3) A person who cannot be an expert pursuant to Article 238 of this Law may not be nominated as a technical advisor.

Article 245
Technical advisor's actions

(1) Upon request by the parties, the technical advisors may be present during the expertise and give suggestions to the experts, and object regarding the expert examination, which shall be put on the record.

(2) If the technical advisors have been nominated only after the expert's report has been completed, the technical advisors may review the findings and the report and ask the entity conducting the proceedings for an authorization to

examine the person, object or the location that was the subject of the expert examination.

Article 246
Corpse examination, autopsy and identification

(1) A corpse examination and autopsy shall be done if there is a suspicion that the person's death was caused by a criminal offense. If the corpse has been already buried, an exhumation shall be ordered for the purpose of its examination and autopsy.
(2) During an autopsy of a corpse, all necessary measures shall be taken in order to establish the identity of the corpse, and for that purpose, a specific description shall be provided of the external and internal physical characteristics of the corpse
(3) If necessary, professional and scientific identification methods shall be used: getting and comparing fingerprints of the corpse, DNA sample analysis and comparison of the obtained DNA profile with the DNA profile of any missing persons or other persons, blood relatives of the person that is assumed that can be identified, and as needed, performing other analysis and applying other professional and scientific methods to establish the identity of the corpse.
(4) The examination and autopsy of the corpse will be conducted by at least two doctors, from which at least one of them is an expert in forensic medicine.

Article 247
Corpse examination and autopsy outside of a professional institution and exclusion of the physician who was treating the deceased

(1) When the expert examination is not performed in a professional institution, the corpse examination and autopsy shall be performed by one, and if required by two or more physicians, who have to belong to the forensics-medical examiner's profession. The public prosecutor shall manage such an expert examination and he or she shall put the expert's findings and opinion on the record. Any corpse examination and autopsy shall have to be recorded with picture and sound, and a copy of the audio and video recording shall be annexed to the record.
(2) Any physician who was treating the deceased may not be assigned as an expert. During the corpse autopsy, for the purpose of clarification of the course and circumstances of the illness, the physician who was treating the deceased may be heard as a witness.

Article 248
Psychiatric expert examination

(1) Psychiatric expert examination of the defendant shall be requested if there are any doubts with respect to the presence or limitation of the accountability of the defendant, due to a lasting or temporary mental illness, temporary mental disorder or retarded mental development.

(2) Psychiatric expert examination of the defendant shall be requested if there are any doubts with respect to the presence or limitation of the capability of the defendant to participate in the procedure, due to a lasting or temporary mental illness, temporary mental disorder or retarded mental development, unless it is possible with certainty to establish his or her capability through an examination by a competent person.

(3) If, according to the expert, the person is to be observed for a longer period of time, the defendant shall be referred to an adequate healthcare institution for observation. The court shall enact a decision thereof. The observation may last for a month, and only upon an elaborated proposal by the head of the healthcare institution and after an opinion previously obtained from the experts, the observation may be prolonged to two months.

(4) The defendant and his or her counsel may appeal the decision as referred to in paragraph 2 of this Article, within 24 hours from the moment when the defendant, i.e. the defense counsel received the decision. The Chamber referred to in Article 25, paragraph 5 of this Law shall rule on the appeal within 48 hours. Any appeal shall not prevent the enforcement of the decision.

(5) If the experts establish that the mental state of the defendant is incoherent, they will establish the nature, type, degree and duration of the disorder and provide their opinion on the effects that such a mental state had and still has on the understanding and actions of the defendant, as well as whether and to what extent there was a disorder in the person's mental state at the time when the crime was committed.

(6) If the person who is being referred to a healthcare institution is detained, the preliminary procedure judge shall inform the institution about the reasons for detention, so as to provide for the necessary measures in order to ensure the purpose of detention.

(7) Any time spent in a healthcare institution by the defendant shall be calculated as time spent in detention, i.e. time spent in serving the sentence, if any.

Article 249
Physical examination, drawing blood samples and other medical actions

(1) A physical examination of the defendant or of other persons shall also be performed without their consent if that is necessary in order to establish the facts that are important to the criminal procedure.

(2) Taking blood samples and other medical actions, which, according to the medical science rules are taken for the purpose of an analysis, identification of persons and establishment of other facts that are important to the criminal procedure, may be undertaken also without the consent of the person who is being examined, but only if that is not harmful for the health of the person.

(3) Samples for DNA analysis may be taken, when that is necessary for identification of persons, or for comparison with other biological traces and other DNA profiles and the consent of the person shall not be required for this.

(4) It is prohibited to apply medical interventions or to give any medications to the defendant or witness that will influence their conscience and their will when they are going to be giving their statements.

(5) If a procedure is not initiated, any samples taken pursuant to this article may be kept until the criminal charges become obsolete according to the provisions of the Criminal Code.

5. Recordings and electronic evidence

Article 250
Recordings as evidence

(1) Photographs, video materials or other audio or visual recordings obtained with the usage of technical devices may be used as evidence during the criminal procedure.
(2) Any recording shall receive the same treatment as any other item that may be used as evidence, making sure that the recording is not damaged or destroyed and its contents preserved without changing the format. If necessary, any required measures shall be taken in order to preserve the content and format of the recording or to make a copy of it.
(3) Unless prescribed otherwise in this Law, the contents of the recording shall be established by playing it. The recording shall be played by competent persons.

Article 251
Electronic evidence

Unless prescribed otherwise in this Law, any electronic evidence shall be collected through the application of the provisions in Articles 198 and 199 of this Law.

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Chapter XIX

SPECIAL INVESTIGATIVE MEASURES

Article 252
Purpose and types of special investigative measures

(1) If likely to obtain data and evidence necessary for successful criminal procedure, which cannot be obtained by other means, the following special investigative measures may be ordered:

1) Monitoring and recording of the telephone and other electronic communications under a procedure as stipulated with a separate law;
2) Surveillance and recording in homes, closed up or fenced space that belongs to the home or office space designated as private or in a vehicle and the entrance of such facilities in order to create the required conditions for monitoring of communications;
3) Secret monitoring and recording of conversations with technical devices outside the residence or the office space designated as private;
4) Secret access and search of computer systems;
5) Automatic or in other way searching and comparing personal data of citizens;
6) Inspection of telephone or other electronic communications;
7) Simulated purchase of items;
8) Simulated offering and receiving bribes;
9) Controlled delivery and transport of persons and objects;
10) Use of undercover agents for surveillance and gathering information or data;
11) Opening a simulated bank account; and
12) Simulated incorporation of legal persons or using existing legal persons for the purpose of collecting data.

(2) In case when no information is available on the identity of the perpetrator of the criminal offence, the special investigative measures as referred to in paragraph 1 of this Article may be ordered also in respect of the object of the criminal offense.

Article 253
Crimes for which special investigative measures may be ordered

Special investigative measures may be ordered, when there are grounds for suspicion:

(1) for criminal offenses that entail a prison sentence of at least four years, and which have been prepared, are being committed or have been committed by an organized group, gang or other criminal enterprise;

(2) for the criminal offences of homicide as per Article 123; abduction as per Article 141; mediation in prostitution as per Article 191, paragraphs 1, 3 and 4; showing pornographic materials to a juvenile from article 193, production and distribution of child pornography from 193 –a , luring to an intercourse or other sexual acts against a juvenile who has not turned 14 years of age from article 193-b, unauthorized production and selling of narcotic drugs, psychotropic substances and precursors as per Article 215, paragraphs 1 and 3; damaging and unauthorized entry in computer systems as per Article 251, paragraphs 4

and 6; extortion as per Article 258, blackmail as per Article 259, paragraph 2; appropriation of goods under temporary protection or cultural heritage or natural rarities as per Article 265; taking out, i.e. exporting abroad goods under temporary protection or cultural heritage or natural rarities as per Article 266, paragraph 1; sale of cultural heritage of special importance owned by the state as per Article 266-a; money laundering and other proceeds from a punishable act as per Article 273, paragraphs 1, 2 and 3 and paragraphs 5, 6, 8 and 12; smuggling as per Article 278, paragraphs 3 and 5; customs fraud as per Article 278-a; misuse of an official position and authority as per Article 353; defalcation in official service as per Article 354; fraud in official service as per Article 355; stealing in official service as per Article 356; accepting a bribe as per Article 357, paragraphs 1, 4, 5 and 6; giving a bribe as per Article 358, paragraphs 1 and 4; illegal mediation as per Article 359, paragraph 6; illegal influence on witnesses as per Article 368-a, paragraph 3; establishing a criminal enterprise as per Article 394, paragraph 3; terrorist organization as per Article 394-a, paragraphs 1, 2 and 3; terrorism as per Article 394-b and financing terrorism as per Article 394-c, all of those from the Criminal Code; or

(3) for criminal offenses against the state (Chapter XXVIII), crimes against humanity and the international law (Chapter XXXIV) from the Criminal Code.

Article 254
Aiding and abetting in respect of special investigative measures

(1) By undertaking special investigative measures as referred to in Article 252, paragraph 1 one shall not incite another person to commit a crime.

(2) A person who is undertaking special investigative measures as referred to in Article 252, paragraph 1 shall not be prosecuted for actions that comprise aiding a crime and which have been performed in order to obtain data and evidence for a successful criminal procedure.

Article 255
Persons against whom special investigative measures may be ordered

(1) Pursuant to the conditions listed in Article 252, paragraph 1 of this Law, the order may pertain to a person:
   1) who committed a criminal offense as stipulated in article 253 of this Law;
   2) who undertakes activities in order to commit a criminal offense as stipulated in article 253 of this Law; and
   3) who is preparing the commission of a criminal offense as stipulated in Article 253, when such preparation is punishable according to the provisions of the Criminal Code.

(2) The order may also pertain to a person who receives or relays shipments to and from the suspect or if the suspect uses his or her communication device.

(3) If, during the implementation of the measures, communications of a person who is not a subject of the order are monitored and recorded, the public prosecutor shall be obliged to set them aside and inform the judge of the preliminary procedure thereof. Upon proposal by the public prosecutor, the preliminary procedure judge may order, only the parts that pertain to the

criminal offense for which the order had been given to be removed from the overall documentation on the implementation of the measures.

Article 256
Authorized body for ordering special investigative measures

The measures referred to in Article 252, paragraph 1, items 1, 2, 3, 4 and 5 of this Law, upon an elaborated motion by the public prosecutor shall be ordered by the preliminary procedure judge with a written order. The measures referred to in Article 252, paragraph 1, items 6, 7, 8, 9, 10, 11 and 12 of this Law shall be ordered by the public prosecutor with a written order.

Article 257
Contents of the order

(1) The order for the application of one or more special investigation measures shall contain the following:
- legal title of the criminal offense;
- the person or objects against which the measures shall be implemented;
- technical means that are going to be applied;
- scope and place of implementation of the measures;
- information and evidence on which the grounds for suspicion are based and explanation on the reasons due to which the data or evidence cannot be collected otherwise;
- the entity that has to implement the order; and
- duration of the measure.

(2) The order for monitoring and recording communications referred to in Article 252, paragraph 1, items 1 and 2 of this Law shall also contain the type of the telecommunication system, telephone number or other information required for the identification of the telecommunication interface.

Article 258
Authorized entity for the implementation of special investigative measures

(1) The measures referred to in Article 252 of this Law shall be implemented by the public prosecutor or by the judicial police, under the control of the public prosecutor. During the execution of the measure, the judicial police shall produce a report that is going to be submitted to the public prosecutor, upon his or her request.

(2) After the completion of the measures, the judicial police shall produce a separate report, which shall be delivered to the public prosecutor.

(3) The report referred to in paragraph 2 of this article shall contain the following information:
1) time of start and end of the measure;
2) number and identity of persons encompassed by the measure; and
3) short description of the course and the results achieved with the measure.

(4) The overall documentation of the technical recording shall be delivered to the public prosecutor, annexed to the special report.
(5) The public prosecutor shall deliver the special report and the entire documentation as referred to in paragraph 3 of this Article to the judge of the preliminary procedure.

Article 259
Use of special investigative measures as evidence in the criminal procedure

(1) Any data, reports, documents and objects obtained through the use of special investigative measures as referred to in Article 252 of this Law, under conditions and in a manner established in this Law, may be used as evidence in the criminal procedure.
(2) Any statements obtained by using special investigative measures from persons who, in accordance with this Law, have been relieved from the duty to testify, may not be used as evidence.
(3) Any persons who participated in the implementation of the measures as referred to in Article 252, paragraph 1, item 10 of this Law may be heard as protected witnesses under the conditions established in Articles 226 to 232 of this Law.
(4) The identity of the persons who participated in the implementation of the measures referred to in Article 252, paragraph 1, item 10, of this Law shall remain classified.
(5) If, during the implementation of the measures, the actions were not in accordance with the provisions of this Law, any obtained data may not be used as the basis for the court decision.

Article 260
Duration of the measures

(1) Any special investigative measure, shall last for not longer than 4 months.
(2) Any extension of the measures referred to in Article 252, paragraph 1, items 1, 2, 3 and 4 for a maximum additional period of up to 4 months may be approved by the preliminary procedure judge, upon an elaborated written request by the public prosecutor.
(3) For criminal offenses that entail a prison sentence of at least four years and which are suspected to have been committed by an organized group, gang or other criminal enterprise, upon a written request by the public prosecutor, and based on the assessment of the usefulness of the data obtained through the use of the measure and with a reasonable expectation that the measure may continue to result with data of interest for the procedure, the judge of the preliminary procedure may additionally extend the period referred to in paragraph 2 of this Article for another 6 months at the most.
(4) The measures referred to in article 252, paragraph 1, items 9, 10, 11 and 12 of this Law, may be extended until the goal, for which the measure has been introduced is fulfilled, and until the completion of the investigation at the latest.
(5) Upon an appeal by the public prosecutor, the Chamber of the Court as referred to in Article 25, paragraph 5 of this Law shall rule within 24 hours on

the appeal against the judge's decision to overrule the extension of the measure.

Article 261
Termination of special investigative measures

As soon as the objectives, for which the special investigative orders have been established, have been achieved or the reasons due to which they have been approved cease to exist, the entity that issued or extended the order shall be obliged to immediately order the termination of the measures. If the public prosecutor waives the right of criminal prosecution or if any collected information through the special investigative measures is not significant for the procedure, they shall be destroyed under supervision by the judge, and the public prosecutor shall produce a record thereof.

Article 262
Informing the concerned person

After the termination of the special investigative measures, and if that is not harmful to the procedure, upon request by the concerned person, the public prosecutor shall deliver the written order to him or her. The concerned person may also submit such a request to the Court.

Article 263
Extending the scope of the order

If, during the implementation of the measure, one receives information about a criminal offense that is not included in the order, the measure shall be continued only if it has to do with a criminal offense as referred to in Article 253 of this Law and any information collected in this manner may be used as evidence in the criminal procedure.

Article 264
Data protection with respect to special investigative measures

Any person who, in any way, learns about information that is related to or results from the application of special investigative measures, shall be obliged to keep it as an official secret.

Article 265
Automatic or other way of searching and comparison of citizens' personal data

The measure as referred to in item 5, paragraph 1 of Article 252 of this Law consists of automatic or other way of searching and comparison of databases of personal data of persons and other directly linked data and their comparison with certain characteristics of the person for whom it is reasonable to believe that he or she is linked to the crime, with an aim to exclude the persons who are not suspects, or in

order to establish the persons who possess the characteristics that are required for the investigation.

Article 266
Duties of database controllers

(1) Any legal entities and natural persons that are involved in personal data processing shall be obliged to allow an unobstructed enforcement of the order for the application of the measure referred to in Article 252, paragraph 1, item 5 of this Law.
(2) For the purpose of the goals referred to in paragraph 1 of this Article, any legal and natural persons shall need to make the personal data available and hand it over to the competent authorities.

Article 267
Erasing or destroying of personal data collected

If, in a time period of 15 months after the completion of the measure referred to in item 5, paragraph 1 of Article 252 of this Law, no criminal procedure is instigated, all collected data shall be erased or destroyed under the supervision of the preliminary procedure judge, the Public Prosecutor and a representative from the Directorate for Personal Data Protection and the public prosecutor shall be obligated to compile a report accordingly.

Article 268
Reasons for restricting the use of special investigative measures

(1) The measure referred to in Article 252, paragraph 1, item 2 of this Law may only be directed towards the suspect and implemented only at the home of the suspect. The measure shall be allowed in other persons' homes, only if based on a reasonable suspicion that the suspect resides there.
(2) The recording shall be stopped, if during the recording, there are indications that it might be possible for statements to be recorded, which belong in the basic sphere of private and family life. Any documentation on such statements shall be destroyed immediately.

Article 269
Undercover agents and their authorizations

(1) Undercover agents as referred to in item 10, paragraph 1, of Article 252 of this Law shall be officials from the Judicial Police or in exceptional cases, other persons, who, with an approval by the public prosecutor, conduct an investigation under a hidden or changed identity.
(2) Personal and other documents and paperwork may be prepared, changed and used, if so required by the investigators with hidden identity.
(3) Any persons as referred to in paragraph 1 of this Article shall have the right to participate in legal circulation with their changed identity.

(4) Any competent state entities and other legal persons shall be obliged to enable the provision of the documents as referred to in paragraph 2 of this Article.

(5) Any employees in the state entities and legal persons as referred to in paragraph 4 of this Article shall be obliged to keep all data and information that pertain to the provision of the documents as referred to in paragraph 2 of this article as classified information.

Article 270
Protecting the secrecy of the identity of undercover investigators

The identity of the investigators with a hidden identity shall remain a secret even after the completion of the proceedings, in order to protect the lives, physical integrity or freedom of these individuals and other people that are close to them.

Article 271
Reporting on the use of special investigative measures

(1) Once a year, the Chief Public Prosecutor of the Republic of Macedonia shall submit a report on the special investigative measures that have been requested during the previous calendar year, to the Parliament of the Republic of Macedonia.

(2) The report referred to in paragraph 1 of this Article shall specify the following:

1. number of proceedings when measures have been ordered pursuant to Article 252 of this Law;
2. the criminal offenses that provided the grounds according to the division provided in Article 253 of this Law;
3. if the procedure is related to prosecution of organized crime;
4. number of monitored facilities and number of monitored individuals for each proceeding per accused and non-accused persons;
5. duration of the special investigative measure;
6. if the monitoring produced results that are relevant to the procedure or if there is a possibility that they might be relevant for the procedure;
7. if the monitoring did not produce relevant results, the reasons thereof shall have to be differentiated, due to technical reasons and other reasons; and
8. the cost that originates from the application of the special investigative measure.

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PART TWO
COURSE OF THE PROCEDURE

SECTION A: PRELIMINARY PROCEDURE

Chapter XX

Pre-investigative procedure

1. Reasons

Article 272
Reasons for initiating a criminal procedure

The public prosecutor and the judicial police shall learn of a criminal offense committed by direct observation, heard rumors or criminal charges filed.

Article 273
Reporting crimes

(1) All state entities, public enterprises and institutions shall be obliged to report crimes that are being prosecuted ex-officio, about which they have been informed or found out about them otherwise.
(2) When filing charges, the applicants as referred to in paragraph 1 of this Article shall also specify any evidence known to them and take necessary measures to preserve any traces of the criminal offence, items that have been used while it was committed or resulted from the commission of the criminal offense and other evidence.
(3) Anyone may report a crime that is being prosecuted ex-officio.

Article 274
Filing criminal charges

(1) Any criminal charges shall be filed with the competent public prosecutor, in writing or verbally, by telephone, electronically or through the use of other technical devices and means.
(2) If the charges have been filed through an electronic device, one shall provide for its electronic record and draft a corresponding official note.
(3) If the charges have been filed verbally, the applicant shall be forewarned about the consequences of false reporting. A record shall be compiled on the verbal report, and an official note shall be drafted if the criminal charges have been notified by phone.
(4) If the charges have been filed with the police, the court or incompetent public prosecutor, they shall receive the report and immediately deliver it to the competent public prosecutor.

Article 275
Deadline for making a decision on the criminal charges

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(1) If the public prosecutor does not make a decision on the criminal charges within a period of three months from the day of receipt of the report, he or she shall be obliged to immediately inform the applicant and the higher public prosecutor thereof.
(2) The notification of the higher public prosecutor as referred to in paragraph 1 of this Article shall be accompanied by the reasons for not making a decision on the criminal charges.

2. Police actions

Article 276
Police authority

(1) Following the receipt of the criminal charges or after learning of a crime that is being prosecuted ex-officio, the police shall be obliged to take all necessary measures to find the perpetrator of the crime, to prevent the perpetrator or an accomplice to hide or flee, to discover and preserve any traces of the crime and objects that might be used as evidence, as well as to collect all possible accounts that might be useful for a successful criminal procedure.
(2) In order to perform the tasks as referred to in paragraph 1 of this Article, the police may:
1) ask for the required accounts of citizens;
2) to stop, identify and conduct any required inspection of persons, transport vehicles and luggage, if there are grounds for suspicion that some traces of the crime or objects that might be used as evidence may be found on them. The time period of their holding may not exceed 6 hours. The police may use force to a reasonable extent only as a last resort, if that is necessary in order to perform an inspection of the person, transport vehicle or luggage;
3) redirect or limit the movement of persons and transport vehicles in a certain area during a required time period, but for not longer than 6 hours;
4) take any necessary measures to establish the identity of a person or an object;
5) conduct an investigation, or issue a bolo for the person or the property and crime proceeds or the objects that are being searched after;
6) in a presence of an official or responsible person, conduct an inspection of certain facilities and premises that belong to state entities, institutions with public authority and other legal persons and to access their documentation; and
7) undertake other necessary measures and actions as provided by the law.
(3) A record shall be compiled on all facts and circumstances that have been established as a result of separate actions, which may be of interest to the criminal procedure, as well as on the objects that have been found or seized. Any persons and passengers of a transport vehicle who are being inspected or searched shall be informed that a separate record will be compiled on any action taken.
(4) During the performance of these actions, the public prosecutor shall have the right and duty to exercise permanent control over the police. The public prosecutor may also implement these measures on his or her own.

Article 277
Taking fingerprints, DNA analysis samples and taking photographs

(1) If necessary for the establishment of the identity of persons or objects or in other cases for the benefit of a successful procedure, the judicial police may take a photograph of the suspect, take a print of the papillary lines of fingers and palms, take biological material for a DNA analysis, and upon previous approval by the public prosecutor, the police may also publish the suspect's photograph. The judicial police may also take samples for DNA analysis off the suspect, in accordance with Article 249, paragraph 3 of this Law.

(2) If it is necessary to establish whom the traces left on certain objects belong to, the police may take papillary lines prints off fingers and palms, as well as biological material for DNA analysis from individuals that are likely to have had a contact with those objects.

Article 278
Identification

(1) In the event of a suspect whose identity is known to the judicial police and if he or she is available to the police, the following methods of identification by witnesses may be applied:
   a) lineup;
   b) group identification;
   c) video film; and
   d) confrontation.

(2) These types of identification shall be conducted in the presence of a public prosecutor.

(3) Prior to the commencement of the identification process, the witness shall describe the suspect and a record shall be compiled thereof.

(4) The defendant's counsel shall have the right to be present during the identification.

(5) There shall be no lineup if it is practically impossible to find enough people who look like the suspect, due to his or her unusual appearance or any other reason, in order to provide for the fairness of the procedure.

(6) A video recording or a photograph shall be made from each and every lineup.

(7) The manner of identification shall be determined by the Minister of Interior.

Article 279
Summoning citizens by the Judicial Police in order to collect information

(1) The Judicial Police may summon citizens in order to collect information on the criminal offense and the perpetrator or other important circumstances that pertain to the criminal offense.

(2) The person shall be summoned with a written invitation, which must specify the reasons for the summons and an advice of the rights referred to in Article 69 of this Law.

(3) If the summoned person refuses to give any information, he or she may not be summoned again for the same reason.

(4) The collection of information from a single person may last as long as it is necessary to get the required information, but not longer than 4 hours.
(5) Any information from the citizens shall not be collected by using either force or deceit or molestation, and the police shall be obliged to show respect for the personality and dignity of the citizen.
(6) The citizen may be summoned repeatedly for the purpose of collecting information on other crimes or perpetrators, but just once again in order to get information on the same criminal offense if there are important reasons to do so.
(7) The summoned citizen cannot be questioned by the judicial police in a capacity of a defendant, witness or as an expert person.
(8) In cases when the judicial police determines that the summoned citizen can be a suspect, it shall inform the public prosecutor thereof immediately.

Article 280
Filing criminal charges after police actions

On the basis of the information collected, the judicial police shall compile a criminal report on any actions performed, specifying all the evidence that was obtained. The report should be accompanied by any objects, sketches, photographs, and files on any actions taken, official notes, statements and the rest of the material that may be useful for a successful criminal procedure. If the judicial police additionally learns of some new circumstances, evidence or traces of the crime, it shall be obliged to collect any necessary information and inform the public prosecutor thereof immediately.

Article 281
Holding persons who are found at the crime scene

The police shall have the right to refer any persons found at the crime scene to the public prosecutor or to hold them until his or her arrival, if those persons could give some information that is significant to the criminal procedure and if it is likely that their subsequent examination later on could not be conducted, or if it would be related to significant delays and other difficulties. The person who is being held shall be informed about the reasons there for. The holding of these persons at the crime scene shall last for not more than 6 hours.

3. Collection of required information

Article 282
Informing the public prosecutor

(1) After receiving the criminal charges or after learning about the grounds for suspicion that a crime has been committed, which is being prosecuted ex-officio, without any delay, the police shall inform the public prosecutor thereof.
(2) If there are grounds for suspicion for a criminal offense that entails a prison sentence of at least 4 years or if there are any reasons for urgency, the police, i.e. the judicial police shall immediately inform the public prosecutor thereof

verbally. Any verbal notification shall have to be followed without any delays with a written notification, pursuant to paragraph 1 of this Article.

Article 283
Managing the pre-investigative procedure

(1) Following the receipt of the criminal report or after the receipt of the notification by the police, the public prosecutor shall start to manage the procedure.
(2) The judicial police shall be obliged to proceed according to the orders and instructions provided by the public prosecutor pursuant to Article 284 of this Law.
(3) The judicial police shall continue with further actions even when it has not received specific orders or instructions by the public prosecutor, and shall inform the public prosecutor about the conducted measures and activities accordingly.

Article 284
Preliminary collection of information

(1) The public prosecutor on his or her own, or through the judicial police, i.e. other individuals working at the investigative centers of the public prosecution shall collect the necessary information to decide on the criminal charges, and if necessary, this shall be done also through the police and other entities responsible for detection.
(2) The police and the other entities as referred to in paragraph 1 of this Article shall be obliged to report on the measures taken and checks made upon orders or instructions provided by the public prosecutor, within 30 days from the receipt of the order at the latest.
(3) In the order, the public prosecutor may specify the required measures in more details and order the police to inform him or her without any delays about any measures taken. If the public prosecutor wants to be present during those actions, the police shall take them in a manner that would provide for that.
(4) Only in the event of extremely complex cases of serious criminal offenses committed by several persons or by an organized crime group, the judicial police may ask for an approval by the public prosecutor for an extension of the deadline referred to in paragraph 2 of this Article. Within this additional deadline, which should not exceed 30 days, the judicial police shall be obliged to inform the public prosecutor about any measures taken so far and the achieved results.

Article 285
Public prosecutor's authorization to summon persons

(1) In order to collect any necessary information, the public prosecutor may summon the person who has filed the criminal charges, as well as other persons whose accounts he or she believes might contribute towards the assessment of the plausibility of the allegations in the criminal report or persons that he or she believes may be witnesses in the procedure, and at

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the same time notifying them about the reasons for the summons. In doing so, the provisions on summoning and examination of witnesses shall be applied accordingly.

(2) The public prosecutor may also summon the suspect and in that case, the provisions of Articles 205, 206, 207, 208, 209, 210 and 211 of this Law shall be applied accordingly.

(3) The public prosecutor shall compile a record on any collected information as referred to in paragraph 1 of this Article.

(4) With a decision by the court, one may forcibly bring in a person, only if he or she did not respond to the properly served summons or a person who is obviously trying to avoid the service of process, if the person's presence is vital to the clarification of certain circumstances that are important for the decision whether to initiate an investigation for a crime that is prosecuted ex-officio and which entails a prison sentence of more than 5 years.

Article 286
Getting information from persons in detention

(1) The public prosecutor or the police, when tasked so by the public prosecutor, with the court's approval, may also collect information from persons who are in detention, if that is required in order to explain and clarify other criminal offenses and perpetrators.

(2) The provision from Article 210 in this Law shall be applied accordingly to any collection of information from people in detention.

Article 287
Duty to deliver the requested information to the public prosecutor

(1) Upon request by the public prosecutor, state entities, units of the local self-government, organizations, natural and legal persons with public authority and other legal entities shall be obliged to deliver the information that he or she requested. The public prosecutor may ask these entities to control the work of a legal or natural person and temporary seizure of money, securities, objects and documents that may be used as evidence, until the enactment of a final and enforceable judgment, to perform tax revisions and ask for data that may serve as evidence of a committed criminal offense or property acquired through the commission of a criminal offense, perform inspection and ask for reports on information related to unusual and suspicious financial transactions.

(2) Any entities referred to in paragraph 1 of this Article shall be obliged to deliver to the public prosecutor any data, notifications, documents, objects, bank account information and files that he or she might need during the procedure. The public prosecutor shall have the right to ask for data and information, documents, files, objects and bank accounts information also from other legal persons and citizens, for whom he or she reasonably believes that they dispose of such data and information.

(3) Any entities referred to in paragraph 1 of this Article shall be obliged to undertake the necessary measures immediately and in a period not longer

than 30 days, deliver to the public prosecutor all requested data, information, documents, objects, bank accounts information or files.

(4) If the entities referred to in paragraph 1 of this Article fail to act in accordance with paragraph 3 of this article, the public prosecutor may suggest to the court to issue a fine in the amount of 2,500 to 5000 Euro payable in Macedonian Debars for the responsible person i.e. official representative person of the entities referred to in paragraph 1 of this Article.

(5) The public prosecutor on his or her own, may secure and examine the requested data, notifications, documents, objects, bank accounts or files, and if they are not provided or delivered he should inform the responsible person, i.e. the official representative person of the entity that he contacted, and the prosecutor may propose for an appropriate measures to be taken as prescribed by the law.

(6) If, in accordance with paragraph 5 of this Article, the public prosecutor proposed for an appropriate measures to be taken, the responsible person i.e. the official representative person of the entity or the person, whom he or she contacted, within a period of 30 days, shall be obliged to inform him or her about any measures that have been taken.

(7) Any access to bank accounts pursuant to paragraphs 1, 2 and 3 of this Article shall not constitute a banking secret violation.

(8) Upon request from the public prosecutor the operators of public communications networks and providers of public communication services shall be obligated to submit data on any established contacts in the communication traffic.

Article 288
Rejection of criminal charges

(1) The public prosecutor shall reject the criminal charges with a decision, if, from the criminal report itself, one may conclude that the reported crime is not a criminal offense that is being prosecuted ex-officio, or if the statute of limitation applies or if the criminal offense is subject to amnesty or pardon, or if there are other circumstances that exclude any prosecution or if there are no grounds for suspicion that the reported person has committed the crime.

(2) The decision to reject the criminal charges shall be delivered to the injured party with an advice that he or she may file an appeal within 8 days with the immediate higher prosecutor, whereas the applicant shall be informed about the reasons for the rejection.

(3) If the appeal is not allowed or untimely, the higher public prosecutor shall notify the injured party in writing thereof.

(4) The higher public prosecutor, within a period of 30 days, shall be obliged to rule on the appeal by the injured party.

(5) When proceeding as per the appeal, the higher public prosecutor may affirm the decision to reject the criminal charges or may grant the appeal and ask the lower public prosecutor to continue the procedure.

4. Secrecy and judicial control

Article 289

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Secrecy of the pre-investigative procedure

Any actions taken during the pre-investigative stage by the public prosecutor or the police shall be regarded as secret.

Article 290
Judicial control of legality

(1) Any person who believes that his or her rights have been violated by any of the actions taken, within a period of 8 days after he or she learned about that action, may file a complaint with the preliminary procedure judge, who shall be obliged, with a decision, to rule on the legality of the action or measure, which shall not limit the person's right to press criminal charges and the right to effectuate his or her legal protection through other means.

(2) Following the examination of the legality of these actions taken, the preliminary procedure judge shall enact a decision, which shall be delivered to the public prosecutor and the applicant. An appeal shall be allowed against this decision with the Chamber as referred to in Article 25, paragraph 5 of this Law, which shall be obliged to rule on the appeal in a period of 3 days.

CHAPTER XXI
INVESTIGATION PROCEDURE

1. Investigation procedure of the public prosecutor

Article 291
Goal of the investigation procedure

(1) The investigation procedure shall be initiated against a certain person when there is a grounded suspicion that the person committed a crime that is prosecuted ex-officio or upon a motion.
(2) The investigation procedure shall be conducted by the competent public prosecutor, who shall have the judicial police at his or her disposal.
(3) During the investigation procedure:
- any evidence and data required by the public prosecutor shall be collected, so that he or she may decide whether to raise an indictment or waive his or her right of criminal prosecution; and
- any evidence that might not be presented during the main hearing or evidence whose presentation would cause certain difficulties, in accordance with the articles 312, 313, 314, 315, 316, 317, and 318 from this Law shall be presented.

(4) During the investigation procedure, the public prosecutor shall be obliged to collect both incriminating and exculpatory evidence.

Article 292
Order to conduct an investigation procedure

(1) The public prosecutor shall enact an order to conduct an investigation procedure.
(2) The order to conduct an investigation procedure shall contain personal data of the suspect and a legal qualification of the offense. In the order to conduct an investigation procedure, the public prosecutor shall specify to review certain circumstances, undertake certain investigative actions and to interview certain individuals in relation to certain issues.
(3) Before enacting the order to conduct an investigation procedure, the public prosecutor may examine the person that the investigation procedure was requested for.

Article 293
Motions by the suspect, defense counsel and the injured party

During the investigation procedure, the suspect, his or her defense counsel and the injured party may put forward motions with the public prosecutor for the undertaking of certain actions and observance of their rights.

Article 294
Competency of the preliminary procedure judge

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(1) After the enactment of the order to conduct an investigation procedure, the public prosecutor may put forward, to the preliminary procedure judge, an elaborated motion for detention or other measures to ensure the presence of the defendant. The preliminary procedure judge shall be obliged, without any delays, to consider such a motion and rule on it immediately. If the preliminary procedure judge denies the motion by the public prosecutor, he or she shall enact a separate elaborated decision thereof. The public prosecutor shall have the right, within 6 hours, to appeal against such a decision with the Trial Chamber referred to in Article 25 paragraph 5 of this Law.

(2) Upon a motion by the public prosecutor, during the investigative procedure, the preliminary procedure judge shall issue search warrants for residencies, other premises and persons. If the judge denies such a motion by the public prosecutor, he or she shall ask for a ruling on this issue by the Trial Chamber referred to in Article 25, paragraph 5 of this Law, within a period of 24 hours.

(3) In cases established by law, upon a motion by the public prosecutor, the preliminary procedure judge shall issue an order for the implementation of special investigative measures.

(4) If there are grounds for suspicion that the committed criminal offense yielded certain crime proceeds, the public prosecutor may propose to the preliminary procedure judge, for the property of funds to be placed in custody of the court and to issue some of the measures for temporary safeguarding of the property or funds that are related to the crime.

(5) In cases as prescribed in this Law, upon a motion by the public prosecutor or the suspect, the preliminary procedure judge shall conduct an evidentiary hearing.

(6) The preliminary procedure judge shall proceed in a procedure for international cooperation in criminal matters according to the authority established with a separate law.

Article 295
Investigative actions

(1) During the investigation, in accordance with the provisions of this Law, the public prosecutor may undertake the following investigative actions:
- search;
- temporary safeguarding and seizure of objects or property;
- examination of the suspect;
- examination of witnesses;
- commissioning expert's reports;
- crime scene investigation and reconstruction; and
- special investigative measures.

(2) Investigative actions may be taken even before the initiation of the investigation procedure if there is a danger of procrastination, under conditions and in a procedure as provided for in this Law.

Article 296
Participation of the suspect, defense counsel and the injured party in the investigation procedure

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(1) The public prosecutor shall be obliged, in a convenient manner, to inform the defense counsel, the injured party and the suspect about the time and location of the investigative actions that they may be present at, except if there is a danger of procrastination. If the suspect has a defense counsel, as of a rule, the public prosecutor shall inform the defense counsel only.

(2) If the person who has been informed about the investigative action is not present, the action may be performed in his or her absence.

(3) Any persons, present during the investigative actions may suggest to the entity conducting the procedure to ask the suspect and the expert certain questions that might clarify the issues, and if approved by the entity conducting the procedure, they may also ask them direct questions. These individuals shall also have the right to ask for their remarks regarding the performance of certain actions to be put on the record.

Article 297
Jurisdiction over investigative actions

(1) The public prosecutor shall undertake investigative actions in the area in which he or she is competent to proceed.

(2) If required by the interests of the investigation procedure, certain investigative actions may also be performed outside the territory of their jurisdiction, but in such a case, the public prosecutor who has the jurisdiction over the territory where the investigative action is being taken shall have to be informed accordingly.

Article 298
Professional and technical assistance

(1) In order to clarify certain technical and other professional issues that pose themselves with regards to any evidence collected or during the performance of certain investigative actions, the public prosecutor may ask any competent person or an appropriate institution to provide him or her with the necessary explanations on those issues.

(2) The public prosecutor shall compile a record on the professional explanations received, which may be used during the procedure.

Article 299
Secrecy of the investigation procedure

(1) If so required by the interests of the criminal procedure, the need to keep a secret or to protect the suspect and the family life of the suspect or the injured party, the public prosecutor shall order the person who is being examined, who is present during the investigative action or who reviews the case files, to keep certain information as secret and he or she shall also forewarn the person about the consequences of any disclosure of such a secret.

(2) The order referred to in paragraph 1 of this Article shall be entered into the record separately, i.e. it shall be noted in the files that are being reviewed, with a personal signature of the person who has been forewarned about the duty of keeping a secret.

Article 300
Recess of the investigation procedure

(1) The public prosecutor shall recess the investigation procedure with an order if:
- the suspect is on the run or unavailable for the state entities;
- after the crime committed, the suspect got mentally ill, he or she suffered a breakdown or another serious illness due to which he or she can no longer participate in the procedure; or
- there are other circumstances that temporarily prevent any further criminal prosecution.

(2) Prior to the recess of the investigation procedure, the public prosecutor shall collect all the evidence related to the criminal offense and the suspect that he or she can.

(3) If the statute of limitation has become applicable during the recess of the investigation procedure, the public prosecutor shall provide a statement whereby he or she waives his or her rights of further prosecution.

(4) When the reasons that caused the recess cease to exist, the public prosecutor shall continue the investigation procedure.

Article 301
Completion of the investigation procedure

(1) The public prosecutor shall terminate the investigation procedure when he or she believes that the case has been sufficiently clarified so as to raise an indictment or terminate the investigation procedure.

(2) If the investigation procedure is not completed within 6 months from the day of enactment of the order to initiate an investigation procedure, the public prosecutor shall be obliged to inform the higher public prosecutor thereof, who, in the event of complex cases, may extend this deadline for another 6 months. In exceptional cases, this deadline may be extended for an additional 3 months by the Chief Public Prosecutor of the Republic of Macedonia.

(3) For criminal offenses in the area of organized crime, the deadline referred to in paragraph 2 of this Article may be extended for 6 more months by the Chief Public Prosecutor of the Republic of Macedonia.

(4) The suspect, his or her counsel and the injured party may complain to the higher public prosecutor in the event of any irregularities or delays of the investigation procedure. In such a case, the higher public prosecutor shall investigate the allegations in the complaint, and if he or she establishes that they are grounded, shall take any necessary measures for the completion of the investigation procedure or elimination of the irregularities.

Article 302
Notifying the suspect about the completion of the investigation procedure

(1) Prior to the expiry of the deadline as referred to in Article 301, the public prosecutor shall be obliged to deliver a notification of completion of the investigation procedure to the suspect and his or her counsel.

(2) Prior to the completion of the investigation procedure, the public prosecutor shall be obliged to examine the suspect, if he or she has not done that earlier.
(3) The notification shall contain a short description of the criminal offense that was the subject of the proceedings, the legal qualification, with an indication that all files from the investigation procedure conducted have been handed over to the records office at the Public Prosecution Office for safekeeping and that the suspect and his or her counsel shall have the right to review the files and evidence and copy them respectively.
(4) The notification shall contain a legal advice that within a period of 15 days from the receipt of the notification, the suspect has the right to file any documents, or other evidence and defense action files, or to request from the public prosecutor to collect certain evidence.
(5) The public prosecutor shall be obliged to disclose to the defendant all the evidence that was collected during the investigation procedure against him or her, as well as any exculpatory evidence that might be useful to the defense.
(6) In the event when, upon request by the suspect or his or her defense counsel, the public prosecutor is collecting certain evidence, this shall have to be completed within a period of 30 days from the day of submission of the request.

Article 303
Deadline for raising an indictment following the completion of the investigation procedure

(1) Following the completion of the investigation procedure and the expiry of the deadlines referred to in Article 302 of this Law, within a period of 15 days, the public prosecutor shall be obliged either to file an indictment or to terminate the procedure.
(2) This deadline may last up to 30 days for criminal offenses that fall within the category of organized crime.

Article 304
Termination of the investigation procedure

(1) The public prosecutor shall terminate the investigation procedure with a decision, if he or she establishes that:
- the offense that the suspect is accused of is not a crime that is being prosecuted ex-officio;
- the statute of limitation on criminal prosecution applies or the offense is subject of an act of amnesty or pardon;
- there are other circumstances that exclude any further criminal prosecution; or
- there is no evidence that the suspect committed the crime.

(2) If the suspect is in detention, he or she shall be released immediately.
(3) The termination order shall be delivered to the suspect and the injured party, with proposition that the injured party may file an objection with the immediate higher public prosecutor within eight days.
(4) If the appeal is not permissible or untimely, the immediate higher public prosecutor shall inform the injured party thereof in writing.

(5) The immediate higher prosecutor, within 30 days after the receipt, shall have to rule on the objection filed by the injured party.
(6) Acting on the objection, the higher public prosecutor may confirm the order for termination of the investigation procedure by means of a decision, or may sustain the objection and oblige the lower public prosecutor to continue the procedure.

2. Defense actions

Article 305
Defense counsel's motions for evidence collection

During the procedure, the defense counsel may give suggestions to the public prosecutor on possible investigative actions for the purpose of collecting specific evidence.

Article 306
Evidence collection by the defense

(1) The defense counsel may undertake actions in order to find and collect evidence that would be beneficial to the defense case.
(2) The authority as referred to in paragraph 1 of this Article may be utilized by the defense counsel throughout the entire procedure.
(3) Any actions as referred to in paragraph 1 of this Article may be conducted by the defense counsel, his or her deputy, authorized private detectives and if a specific specialty is needed, by the technical advisors.

Article 307
Conversations, taking statements and collecting information by the defense counsel

(1) In order to collect information, the defense counsel may talk to persons who may present circumstances that might be useful for the defense case, except with the victim and the injured party.
(2) The defense counsel may ask the person whom he or she speaks with to provide a written statement or a report, which shall be recorded in a manner as stipulated in Articles 91 and 92 of this Law.
(3) The defense counsel shall inform the persons as referred to in paragraph 1 of this Article about the following:
- his or her personal capacity and the nature of the conversation;
- if the intention is just to have a conversation or to get statements and information, then he or she shall indicate the manner and form in which they will be recorded;
- their right to choose not to respond or to refuse to give any statements; and
- the prohibition to disclose the questions asked by the police or by the public prosecutor and the answers provided.

(4) Any person who has been already interviewed or examined by the judicial police or the public prosecutor may not be asked to provide information about the questions asked and answers provided.
(5) Any statements or information obtained through violation of paragraphs 1, 2, 3 and 4 of this Article may not be used.
(6) For the purpose of getting statements or information from a person in detention, the defense counsel shall have to get a special approval by the preliminary procedure judge, but only after the person has had a conversation with his or her defense counsel and has been examined by the public prosecutor.
(7) The defense counsel shall stop collecting data from the defendant or a person who has not been accused, if he or she establishes that the provided statement is a self-incriminating one or if it may be a reason for criminal prosecution. These statements may not be used against the person who provided them.
(8) If a person who can provide information useful to the defense refuses to give any information, the defense counsel may ask the public prosecutor to summon the person for questioning. This shall not be applicable for suspects or defendants in the same procedure. Such an examination shall be conducted in the presence of the defense counsel who shall be the first one to ask questions.
(9) The defense counsel may also ask for an evidentiary hearing to be held.

Article 308
Recording statements and information

(1) Any statement as referred to in Article 307, paragraph 2 of this Law, signed by the person who provided it, shall be certified by the defense counsel. The defense counsel shall compile a note that shall contain the following:
- the date when he or she got the statement;
- personal data on himself or herself and personal data of the person who provided the statement;
- acknowledgment of the fact that he or she considered the warning as referred to in Article 307, paragraph 3 of this Law; and
- the facts that have been noted in the statement.

(2) The statement shall be annexed to the defense case file.
(3) Any information as referred to in Article 307 of this Law shall be recorded by the defense counsel or another person replacing him or her.

Article 309
Access to private premises and premises closed to the public

If it is necessary to gain access to private premises or premises that are closed to the public, in a home and other premises connected to the home, and if the holders of those spaces are not willing to grant access, upon a motion by the defense counsel, such access shall be granted by the court with an elaborated order that shall provide for the access.

Article 310

Defense case files

The defense counsel may present any information and evidence in favor of the defense case directly to the public prosecutor and to the preliminary procedure judge.

Article 311
Possibilities for preparation of the defense case

(1) For the purpose of the defense, in accordance with the law, the defense counsel may ask for information and reports from state entities, local self-government bodies, legal and natural persons with public authority and other legal entities, asking for documents, files and reports to be delivered to him or her.

(2) Any entities as referred to in paragraph 1 of this Article shall act upon the request from the defense counsel within a period of 30 days from the day of receipt of the request, and if the procedure involves a detention measure, within 7 days from the day of receipt of the request, unless determined otherwise in another law.

(3) If the entities referred to in paragraph 1 of this Article, do not respond within the deadline as referred to in paragraph 2 of this Article, the defense counsel may ask from the preliminary procedure judge to order for the requested data to be delivered to him or her, i.e. from the court, during the main hearing.

(4) If the judge, i.e. the court acts upon the request made by the defense counsel referred to in paragraph 3 from this article, and the entities referred to in paragraph 1 of this Article do not respond to the request made by the court in the deadline prescribed in paragraph 2 of this Article, the court will issue a fine to the responsible, i.e. official representative person in the entities referred to in paragraph 1 of this Article in the amount from 2500 to 5000 Euro payable in Macedonian Denars.

3. Evidentiary hearing

Article 312
Situations when one might ask for an evidentiary hearing

(1) An evidentiary hearing may be held during the investigation procedure upon a motion by the suspect or the public prosecutor. The preliminary procedure judge, within 3 days, with a decision, shall rule on such a motion by the parties.

(2) An evidentiary hearing may be held in the following situations:
- 1) If it is likely that due to an illness or death, it shall not be possible to hear the witness at the main hearing;
- 2) If an expert's report is required, and the evidence pertains to a person, object or location whose condition is susceptible to unavoidable changes; or
- 3) If there are concrete circumstances that indicate that the witness is exposed of violence, threats, promises for financial reward or other benefit, in order not to testify or to give a false testimony .

Article 313
Motion for an evidentiary hearing

Parties may move for an evidentiary hearing during the investigation procedure. The motion for an evidentiary hearing should specify the evidence that is proposed to be presented at the evidentiary hearing and the reason due to which the evidence cannot be presented during the main hearing.

Article 314
Rulings on the evidentiary hearing motion

The preliminary procedure judge, with a decision, within 3 days of the receipt of the motion for an evidentiary hearing shall decide whether to deny or grant the motion. In the decision granting the motion, the preliminary procedure judge shall specify the evidence that is to be presented at the evidentiary hearing and the date when the hearing is to be held, which shall have to take place within 10 days from the day of enactment of the decision granting the motion.

Article 315
Evidentiary hearing

(1) The evidentiary hearing shall be conducted by the preliminary procedure judge. The suspect and his or her defense counsel, the public prosecutor and the injured party shall be notified about the hearing.
(2) Any non-appearance by any of the parties who has been properly summoned, and did not justify the absence shall not prevent the evidentiary hearing to be held. The representative, i.e. the proxy of the injured party may also attend the hearing.
(3) If the suspect's defense counsel does not appear, the judge shall assign another counsel according to Article 74 of this Law.
(4) Any evidence shall be presented pursuant to the rules for presentation of evidence during the main hearing.
(5) The presentation of evidence may not be extended to facts that pertain to a suspect whose defense counsel is not present at the evidentiary hearing.
(6) If the presentation of evidence is not completed during a single hearing, the judge shall schedule another hearing within a period that shall not exceed seven days.

Article 316
Postponement of the evidentiary hearing

(1) The public prosecutor and the suspect may ask the preliminary procedure judge to postpone the evidentiary hearing, if one or more actions that are being taken as part of the investigation procedure would be endangered if the hearing is held.
(2) If the preliminary procedure judge approves the motion to postpone the evidentiary hearing, he or she shall also specify the date when the hearing is

to be held, within a period that shall not exceed the one necessary to complete the required investigative actions.

(3) The public prosecutor and the suspect may move for a postponement of the evidentiary hearing only once.

Article 317
Forcible bringing of the suspect

(1) If the suspect fails to appear at the evidentiary hearing and does not justify his or her absence, the judge may order for the suspect to be brought in by force.

(2) If the suspect is in flight, one shall apply Article 391, paragraph 3 of this Law. The preliminary procedure judge shall enact a decision to hold an evidentiary hearing in absence of the suspect.

Article 318
Use of evidence presented at the evidentiary hearing

Any evidence presented during the evidentiary hearing may be used at the main hearing only against the defendant whose defense counsel was present during the presentation of evidence at the evidentiary hearing, unless he or she explicitly waived his or her right to a defense counsel.

SECTION B: ACCUSATION

Chapter XXII
INDICTMENT AND REVIEW OF THE INDICTMENT

Article 319
Tendering the indictment

(1) After the completion of the investigation procedure, when the public prosecutor establishes that there is enough evidence to expect a conviction, he or she shall prepare and tender the indictment to the competent court.
(2) The indictment shall be delivered to the competent court in so many copies as the number of suspects that the indictment refers to and their defense counsels and one additional copy for the court.

Article 320
Jurisdiction for review of the indictment

(1) In the event the public prosecutor establishes that there is sufficient evidence to expect a conviction for a crime that entails a prison sentence of up to ten years, the indictment review judge (an individual judge) shall be competent to conduct the review of the indictment.
(2) In cases when the conditions as referred to in paragraph 1 of Article 319 of this Law have been met, and the crime committed is one that entails a prison sentence of ten years or more, the indictment review chamber shall be competent to conduct the review of the indictment.

Article 321
Contents of the indictment

(1) The indictment shall contain the following:
1) The suspect's first and last name with his or her personal data (Article 205) and data on whether and since when the person has been kept in detention or at liberty, and if the person has been released before raising the indictment, information on the time spent in detention;
2) A description of the act that indicates the presence of the legal attributes of the criminal offense, the time, the location and the manner of perpetration of the criminal offense, the object that was the subject of the criminal offense, and the means used to commit the criminal offense, as well as other circumstances that are necessary to establish the existence of the criminal offense as precise as possible;
3) The legal title of the criminal offense, with an indication of the provisions from the Criminal Code that have to be applied upon proposal by the plaintiff;
4) An indication of the court where the main hearing is to be held;
5) The evidence that the indictment is based upon;
(2) In addition to the indictment, the public prosecutor is to annex all the material evidence, minutes and recordings form the examination of the persons and a list of evidence that he or she moves to be presented during the main hearing.

(3) If the suspect is at large, in the indictment, one may move for a measure to ensure the person's presence. If the suspect is in detention or house detention, the prosecutor shall be obliged to move for an extension of the detention or house detention or for the suspect to be released.

(4) Several criminal offenses or several suspects may be covered in a single indictment, only if it is possible to conduct a single procedure and pass a single judgment, pursuant to the provisions of Article 28 of this Law.

Article 322
Detaining the suspect

(1) If the indictment contains a proposal for the suspect to be detained, or to extend the previously imposed detention, or to release the suspect, or to impose a measure in order to ensure the presence of the suspect, the Chamber referred to Article 25, paragraph 5 shall rule on that issue immediately and within 24 hours at the latest.

(2) If the suspect is kept in detention, the indictment review chamber, upon proposal by the public prosecutor, within 24 hours from the day of the receipt of the indictment shall refer the indictment to the Chamber referred to Article 25, paragraph 5 in order to find out whether the reasons for detention still exist and to enact a decision for extension or cancellation of the detention. Any appeal against this decision shall not prevent the enforcement of the decision.

Article 323
Technical deficiencies of the indictment

(1) If, after receiving the indictment, the individual judge or the indictment review chamber notices that the indictment contains obvious technical deficiencies, the indictment shall be returned to the public prosecutor.

(2) The public prosecutor shall be obliged to correct any deficiencies within a period of 3 days.

Article 324
Non-jurisdiction

If the individual judge or the indictment review chamber establishes that the criminal offense that is the object of the indictment falls within the subject-matter jurisdiction or territorial jurisdiction of another court, it shall declare itself non-competent and shall refer the case to the competent court, after the decision enters into full effect.

Article 325
Effecting service of an indictment

(1) The judge or the indictment review chamber shall serve the indictment to the suspect who is at large without any delay, and if the suspect is kept in detention, within 24 hours from the receipt of the indictment by the judge or the indictment review chamber.

(2) If the suspect has been detained with a decision by the preliminary procedure judge or the Chamber as referred to in Article 25, paragraph 5, the indictment shall be served to the suspect at the time when he or she is taken into custody, along with the detention decision.
(3) The judge or the indictment review chamber shall deliver the indictment to the suspect with an advice of his or her right to appeal against the indictment.

Article 326
Actions by the suspect after receiving the indictment

(1) After receiving the indictment, the suspect may:
1) file an objection against the indictment in accordance with Article 327 of this Law; or
2) file a guilty plea in accordance with Article 329 of this Law; or
3) submit a list of evidence that he or she proposes to be presented during the main hearing.
(2) The court is obligated without any delay to submit the list referred to in item 3, paragraph 1 of this Article to the public prosecutor.

Article 327
Objection against the indictment

(1) The suspect shall have a right to file a written objection against the indictment within 8 days from the receipt of the indictment.
(2) An objection against the indictment may also be filed by the suspect's defense counsel without an explicit authorization by the suspect, but not against his or her will.

Article 328
Review of the objection

(1) After the receipt of the objection, the judge or the indictment review chamber shall evaluate whether the objection has been timely and filed by an authorized person.
(2) Any untimely and inadmissible objection shall be dismissed with a decision.
(3) If the judge or the indictment review chamber does not enact a decision as referred to in paragraph 2 of this Article, he/it shall commence with the review of the indictment.

Article 329
A guilty plea

Within 8 days from the receipt of the indictment, the defendant may file a guilty plea with respect to all or certain counts, i.e. crimes contained in the indictment.

Article 330
Indictment review proceedings

(1) The indictment review judge shall perform the indictment review independently, whilst the indictment review chamber shall perform it at a session of the chamber.
(2) The judge or the indictment review chamber may also review the indictment at a hearing.
(3) A hearing for the review of the indictment shall be held when the judge or the indictment review chamber deems it necessary or when the suspect, in the objection filed against the indictment, has indicated his or her readiness to give a statement and plead guilty in regard to all or certain counts of the indictment.

Article 331
Session of the indictment review chamber

(1) The chamber shall schedule a session, within a period not longer than 8 days following the receipt of the objection against the indictment i.e. after the deadline for submission of an objection against the indictment has expired.
(2) At the session, the chamber shall evaluate the allegations in the objection against the indictment and the adequacy of the indictment with regards to the case file and the supplementing evidence provided by the public prosecutor.
(3) After the session, the Chamber may enact one of the decisions as referred to in Articles 336 and 337 of this Law.

Article 332
Indictment review hearing

(1) If the judge or the indictment review chamber believes it necessary to hold a hearing in order to review the indictment, it shall schedule a hearing within a period not longer than 15 days from the receipt of the objection against the indictment, i.e. after the deadline for submission of an objection against the indictment has expired.
(2) The public prosecutor, the suspect and the defense counsel, if the suspect has a defense counsel, shall be invited to the hearing. The invited parties shall be warned that if they fail to show up, although regularly summoned, the hearing shall still take place. If the invited parties have not been properly summoned, the hearing shall be postponed for 15 days.
(3) Upon exception from paragraph 2 of this Article, if the suspect could not have been served a summon due to a change of address, the hearing shall be held in his or her absence.

Article 333
Course of the hearing

(1) The public prosecutor shall briefly present the results of the investigation procedure, the evidence that the indictment is based on and which justifies its submission.
(2) The suspect and his or her defense counsel shall elaborate on the objection filed against the indictment, and if no objection has been filed, they may point out any exculpatory evidence, any weaknesses of the investigation or illegally

obtained evidence, at the same time indicating which part of the indictment is being challenged. At the hearing, the defense may propose a list of evidence, requested to be presented at the main hearing.

(3) At the hearing, the suspect may give a statement and plead guilty with respect to all or certain counts of the indictment. In such an event, the hearing shall continue pursuant to the provisions of Article 334 of this Law.

(4) The public prosecutor and the defense counsel may respond to the submissions by the opposite party only once.

(5) The judge or the indictment review chamber shall declare an adjournment of the hearing if the judge or the indictment review chamber believes that it can make a ruling with respect to the adequacy of the indictment.

Article 334
Course of the hearing in the event of a guilty plea

(1) If the suspect who has a defense counsel, gives a statement and pleads guilty with respect to all or certain counts of the indictment, or if he or she pleaded guilty at the hearing, the judge or the indictment review chamber shall check the following:
   1) whether the guilty plea has been given voluntarily, advisedly and with full understanding of the consequences, including the consequences related to any property-legal claim and the expenses of the criminal proceedings; and
   2) whether there is sufficient evidence to prove the suspect's guilt.

(2) The statement of admission of guilt, i.e. the guilty plea shall be entered into the record.

(3) If the judge or the indictment review chamber accepts the guilty plea, upon a motion by the suspect and his or hers defense counsel or upon a motion by the public prosecutor, it shall be possible to ask for postponement of the hearing in order to conduct a plea bargaining procedure and file a plea bargaining agreement in accordance with the provisions of Article 483 to Article 490 of this Law.

(4) In the event of a motion as referred to in paragraph 3 of this Article, the judge or the indictment review chamber shall postpone the hearing for a period of 15 days and set the date for the next hearing.

(5) If the judge or the indictment review chamber does not accept the guilty plea, the judge or the chamber shall note that in the record, inform the present parties accordingly and the indictment review hearing shall continue.

(6) The guilty plea, i.e. the record that contains the guilty plea, which was not accepted by the judge or the indictment review chamber, may not be used as evidence in the further criminal proceedings. The judge or the indictment review chamber shall make sure that the motion, i.e. the record with the guilty plea is placed in a separate file and kept apart from the case file.

Article 335
Filing a plea agreement motion

(1) If, at the plea bargaining motion hearing, the public prosecutor and the suspect and his or her defense counsel file a motion for a plea bargaining

agreement, with elements as provided for in Article 485 of this Law, the judge or the indictment review chamber shall review the proposed plea agreement.

(2) If the judge or the indictment review chamber accepts the plea bargaining agreement, it shall enact a decision pursuant to Article 490 of this Law.

(3) If the judge or the indictment review chamber does not accept the plea bargaining agreement, it shall enact a decision for non-acceptance of the plea-bargaining agreement and it shall rule relative to the indictment.

(4) Any plea bargaining agreement that was not accepted may not be used as evidence in the further criminal proceedings. The judge or the indictment review chamber shall make sure that the record with the guilty plea and the proposed plea bargaining agreement are placed in a separate file and kept apart from the case file, as referred to in Article 334, paragraph 6 of this Law.

Article 336
Review of the indictment

(1) The judge or the indictment review chamber shall review the adequacy of the indictment in respect of all counts, if the suspect did not plead guilty in the objection against the indictment, or if the plea of guilty was not accepted.

(2) The judge or the indictment review chamber shall review only certain counts of the indictment, if, on the basis of an accepted motion for a plea bargaining agreement, the indictment review chamber, relative to certain counts of the indictment has ruled as referred to in Article 490 of this Law.

(3) In reviewing the indictment, the judge or the indictment review chamber shall review the indictment from the point of view of the allegations listed in the objection against the indictment, the case file and any evidence submitted in support of the indictment.

(4) If the judge or the indictment review chamber, ex-officio or upon a motion by the defense, establishes that the case file includes evidence as referred to in Article 12, paragraph 2 of this Law, the judge or the indictment review chamber shall enact a decision to separate them from the rest of the case file. The judge or the indictment review chamber shall make sure that any separated evidence is sealed in a separate envelope and kept by the preliminary procedure judge. Any separated evidence may neither be reviewed, nor used in the procedure.

(5) An appeal with the chamber of the higher court shall be allowed against the decision for separation of evidence.

(6) If the indictment has been approved in respect of certain counts, the judge or the indictment review chamber shall enact a decision for separation of the proceedings in regards to those criminal offenses or those suspects in respect to which the indictment has been confirmed.

(7) The judge or the indictment review chamber, when approving all or certain counts of the indictment, with a separate decision shall also rule on any motions for joiner or separation of the procedure. A separate appeal shall not be allowed against this decision.

Article 337
Grounds for rejection of the indictment as an ungrounded one

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(1) The judge or the indictment review chamber, with a separate decision, shall reject the indictment as being ungrounded with regards to all or certain counts, if it establishes that:
1) the offense that is an object of the indictment is not a criminal offense;
2) there are circumstances that exclude any criminal liability, and there are no grounds for applying security measures;
3) there is no request by an authorized plaintiff, a motion by the injured party or approval by a competent state entity, if this is required pursuant to the law, or that there are circumstances that would exclude prosecution; or
4) there is insufficient evidence in support of the indictment.
(2) When the judge or the indictment review chamber enacts a decision as referred to in paragraph 1 of this Article, he/it will return the case file to the public prosecutor.

Article 338
Rationale of the indictment admissibility decision

(1) The decision by which the judge or the indictment review chamber partially or entirely approves the indictment shall have to be elaborated. The rationale must not contain any prejudice relative to the issues that are going to be deliberated and evaluated at the main hearing.
(2) When enacting the decision for approval of the indictment, the judge or the indictment review chamber shall not be bound by the legal qualification of the offense, indicated by the public prosecutor in the indictment.

Article 339
Indictment admissibility clause

If an objection against the indictment has not been filed, and the judge or the indictment review chamber did not establish the need for a hearing, following the expiry of a period of 8 days from the act of delivery of the indictment to the suspect, the judge or the indictment review chamber shall approve the indictment with an admissibility clause.

Article 340
Right of an appeal by the public prosecutor

The public prosecutor may appeal the decision of the judge or the indictment review chamber, by which the judge or the chamber declared itself to be non-competent or found the indictment to be ungrounded with respect to all or certain counts, before the chamber of the higher court.

Article 341
Withdrawing the indictment

(1) The public prosecutor may withdraw the indictment, prior to the enactment of the decision on its approval.
(2) Following the withdrawal of the public prosecutor as referred to in paragraph 1 of this Article, the judge i.e. the indictment review chamber shall enact a

decision for termination of the procedure, immediately informing the suspect and his or her defense counsel thereof.

(3) The decision on termination of the procedure referred to in paragraph 2 of this Article shall be delivered to the injured party with an advice that he or she may appeal the decision with the immediate higher public prosecutor within a period of 8 days.

Article 342
Cohesion privilege (*Beneficium cohaesionis*)

If there are several suspects, but only a few of them filed an objection against the indictment, whilst the reasons due to which the judge or the indictment review chamber found the indictment to be ungrounded also benefit some of the suspects who did not file an objection, the judge or the indictment review chamber, *ex-officio*, shall proceed as if they also filed an objection.

Article 343
Entering of the indictment into legal force

The indictment shall enter into legal force on the day of enactment of the decision for its approval, i.e. on the day of the entry of the indictment admissibility clause.

Article 344
Referral to trial

(1) The indictment, the decision on its approval, any material evidence submitted and the list of evidence suggested by the parties to be presented, shall be delivered to the competent court.

(2) Any records and recordings from the examination of any persons shall be returned to the public prosecutor.

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SECTION C: MAIN HEARING AND THE VERDICT

Chapter XXIII
PREPARATIONS FOR THE MAIN HEARING

Article 345
Scheduling of the main hearing

(1) The Presiding Judge of the Trial Chamber shall determine the day, time and the location of the main hearing by means of an order.

(2) The Presiding Judge of the Trial Chamber shall schedule the main hearing within a period of 30 days from the date of receipt of the indictment at the court at the latest and for offenses that belong to organized crime within 60 days from the date of receipt of the indictment at the court at the latest. If the Presiding Judge of the Trial Chamber does not schedule the main hearing within this deadline, he or she shall inform the President of the Court in writing about the reasons due to which the main hearing was not scheduled. The President of the Court shall take measures as required, in order to schedule the main hearing.

(3) If the Presiding Judge of the Trial Chamber establishes that the case file includes records or notifications as referred to in Article 94 of this Law, he or she shall enact a decision for their separation, before scheduling the main hearing, and after the decision comes into full effect, he or she shall separate them in a separate file and hand them over to the competent public prosecutor, so that they can be kept apart from the other filings.

Article 346
Location of the main hearing

(1) The main hearing shall be held at the court seat and in the court building.

(2) In the event that the facilities at the court building are not suitable for the main hearing, the President of the Court may specify for the main hearing to be held in another building.

(3) The main hearing may also take place at another location on the territory that is under the jurisdiction of the competent court, if allowed by the President of the higher court upon an elaborated proposal by the President of the Court.

Article 347
Rejection of tendered evidence

(1) The Presiding Judge of the Trial Chamber may reject any tendered evidence:

1) if the proposal refers to a manner of gathering evidence that is prohibited by law, to evidence whose use is not allowed by the law or to a fact that cannot be proven under the law (unlawful proposal);

2) if it is unclear, incomplete or aimed towards a significant postponement of the procedure; or

3) if the facts that need to be established according to the proposal are not relevant to the decision making, i.e. if there is no connection between the

facts that need to be established and the decisive facts, or if such a connection cannot be established due to legal reasons (irrelevant proposal) .

(2) The Presiding Judge of the Trial Chamber may summon the parties to appear before the court on a specific date in order to elaborate their proposals i.e. their objections in regard to any proposed evidence.

(3) The decision rejecting the proposal for presenting evidence must be elaborated. Upon proposal from the parties, the Trial Chamber may alter or withdraw this decision in the later stages of the procedure.

Article 348
Summoning persons at the main hearing

(1) The defendant and his or her defense counsel, the plaintiff and the injured party and their legal representatives and proxies, as well as an interpreter shall be summoned to the main hearing. In addition, any witnesses, expert witnesses and technical advisors, proposed by the plaintiff in the indictment, i.e. by the defendant in the objection to the indictment or in a separate brief as referred to in Article 326 of this Law shall be summoned to the main hearing, except the ones that are going to be overruled by the Presiding Judge of the Trial Chamber as referred to in Article 347 of this Law. At the main hearing, the plaintiff and the defendant shall have the right to repeat their motions that have been previously overruled by the Presiding Judge of the Trial Chamber.

(2) The provisions of Articles 11 and 145 of this Law shall be applicable in respect of the contents of the court summons for the persons as referred to in paragraph 1 of this Article. If the presence of a defense counsel is not mandatory, in the summons, the defendant shall be advised of his or her right to a defense counsel, but also informed about the fact that the main hearing shall not be adjourned because of non-appearance of the defense counsel at the main hearing or because the defendant appointed a defense counsel only at the main hearing.

(3) The defendant shall be served with the summons so that there is enough time between the service of the summons and the main hearing date to prepare the defense case, or at least eight days. Upon request by the defendant or the plaintiff, and with the defendant's consent, this deadline may be reduced.

(4) In the summons, the court shall inform any injured parties that are not invited as witnesses, that the main hearing shall be held regardless of their absence, whilst reading their property or legal claim statement.

(5) In the summons, the private plaintiff shall be forewarned that it will be considered as if he or she has dropped the charges if they fail to appear at the main hearing, or fail to send their legal representative.

(8) In the summons, the defendant, the defense counsel, the witness and the expert witness shall be forewarned about the consequences of non-appearance at the main hearing (Articles 365 and 368 of this Law).

Article 349
Additional judges and lay judges

If it is likely for the main hearing to last longer, the Presiding Judge of the Trial Chamber may ask the President of the Court to assign one or two judges, i.e. lay

judges, to attend the main hearing and replace any members of the Trial Chamber if they are prevented from attending the hearing.

Article 350
Examination of witnesses outside the court

(1) If it is learned that some witness, who has been summoned to the main hearing, but not examined yet, will not be able to attend the main hearing because of prolonged illness or immovability, the witness may be examined at his or her current location.
(2) The Presiding Judge of the Trial Chamber or a judge – member of the Trial Chamber shall examine the witness i.e. the expert witness and take his or her oath as necessary, or the examination of the witness shall be conducted through the judge of the preliminary procedure of the court which has jurisdiction over the witness.
(3) The parties and the defense counsel shall be informed about the time and location of the examination, and the injured party shall be informed if possible, considering the urgency of the proceedings. If the defendant is held in detention, the Presiding Judge of the Trial Chamber shall decide on the need for his or her presence at the hearing. When the parties and the injured party are present at the hearing, they shall have the rights as referred to in Article 219, paragraph 7 of this Law.

Article 351
Postponement of the main hearing

(1) Upon an elaborated motion by the parties, the Presiding Judge of the Trial Chamber may postpone the date for the main hearing by means of a decision.
(2) The main hearing may be also postponed ex-officio due to health related or other justified reasons.
(3) The reasons for the postponement and the explanation hereof shall be entered in the postponement order, i.e. the record.

Article 352
Termination of the procedure prior to the commencement of the main hearing after the plaintiff has dropped the charges

If the plaintiff withdraws the indictment before the commencement of the main hearing, the Presiding Judge of the Trial Chamber shall discontinue the criminal proceedings with a decision and shall deliver the decision to the parties and the injured party, informing any persons who have been summoned to the main hearing thereof, if the main hearing has already been scheduled.

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Chapter XXIV

MAIN HEARING

1. Principle of publicity of the main hearing

Article 353
Publicity of the main hearing

(1) The main hearing shall be open to the public.
(2) Only persons of age may attend the main hearing.
(3) Any persons attending the main hearing shall not be allowed to carry weapons or dangerous utensils, other than the members of the judicial police, the police and the service for escort and security of the defendants from the penal and correctional institutions.

Article 354
Exclusion of the public

At any moment, from the beginning of the session until the end of the main hearing, ex-officio, or upon a motion by the parties or the injured party, the Trial Chamber may exclude the public from a part of the main hearing or during the entire main hearing, if that is necessary in order to protect a state, military, official or an important business secret, preserve public order, protect the privacy of the defendant, witness or injured party, protect the safety of the witness or the victim and/or to protect the interests of a juvenile person.

Article 355
Persons that the exclusion of the public does not refer to

(1) The exclusion of the public shall not refer to the parties, injured party, their legal representatives and proxies, as well as to the defense counsel, except in cases as determined by law.
(2) At the main hearing where the public has been excluded, the Trial Chamber may allow for the presence of certain officials, scientific and public workers, and upon a motion by the defendant, this may be allowed for his or her spouse, i.e. illegitimate partner and close relatives of the defendant as referred to in Article 353, paragraph 2 of this Law.
(3) The Presiding Judge of the Trial Chamber shall forewarn the persons who are present at the main hearing, during which the public has been excluded, about their obligation to keep as a secret anything they have learned during the hearing and indicate that letting out secrets represents a criminal offense.

Article 356
Decision for exclusion of the public

The Trial Chamber shall rule on the exclusion of the public with a decision, which has to be elaborated and publicly pronounced.

2. Managing the main hearing

Article 357
Compulsory presence at the main hearing

(1) The continuous presence at the main hearing shall be compulsory for the Presiding Judge and the members of the Trial Chamber, as well as for the judges and lay judges as referred to in Article 26 of this Law.
(2) The Presiding Judge of the Trial Chamber shall have the duty to establish whether the Trial Chamber is composed pursuant to the law and whether there are any reasons that might call for exclusion of any of the members of the Trial Chamber or the court recorder (Article 33, items 1, 2, 3, 4 and 5 of this Law).

Article 358
Responsibilities of the Presiding Judge of the Trial Chamber

(1) The Presiding Judge of the Trial Chamber shall preside over the main hearing.
(2) It shall be the duty of the Presiding Judge of the Trial Chamber to ensure comprehensive deliberations on the case and to eliminate anything that might delay the proceedings and does not serve the purpose of clarifying the issues.
(3) The presiding judge shall rule on any motions by the parties, if such motions are not ruled upon by the Trial Chamber.
(4) The Trial Chamber shall rule on any motions for which there is no agreement between the parties and motions that have been agreed between the parties, but overruled by the presiding judge.
(5) The trial chamber's decisions shall always be pronounced and entered into the record with a brief rationale.

Article 359
Course of the main hearing

(1) The main hearing shall be uninterrupted and it shall follow the course as determined by this Law. If it is not possible to complete the main hearing during a single session, the presiding judge shall decide for the main hearing to be continued the following working day.
(2) The presiding judge may decide to digress from the regular course of events during the hearing due to special circumstances, and in particular owing to the number of defendants, number of criminal offenses and volume of evidence.

Article 360
Maintaining order in the courtroom

(1) The Presiding Judge of the Trial Chamber shall have the duty to ensure that the order in the courtroom and the dignity of the court are being maintained. Immediately after opening the session, the presiding judge shall instruct any persons present at the main hearing to behave decently and not obstruct the

work of the court. The presiding judge may order a search of any person present at the main hearing.

(2) The Trial Chamber may order certain persons, who have been attending the main hearing as observers, to be removed from the session, if they continue to obstruct the main hearing even after being warned.

(3) Film and television recording shall not be allowed inside the courtroom. As an exception, the President of the Supreme Court of the Republic of Macedonia may allow such recording at a specific main hearing. If the recording has been approved, due to justified reasons, the Trial Chamber can still decide for specific parts of the main hearing not to be recorded.

Article 361
Punishment for violations of the order and discipline

(1) The Presiding Judge of the Trial Chamber shall forewarn any public prosecutor, defendant, defense counsel, injured party, legal representative, proxy, witness, expert witness, translator, i.e. interpreter or any another person who attends the main hearing and disturbs the order or does not yield to the orders of the presiding judge for the purpose of maintaining the order. If such a warning is ineffective, the Trial Chamber may order for the defendant to be removed from the courtroom, whilst all other persons present may not just be removed, but the Trial Chamber may also impose a fine as provided for in Article 88, paragraph 1 of this Law.

(2) Following a decision by the Trial Chamber, the defendant may be removed from the courtroom for a certain time, and if he or she disturbs the order at the main hearing again, the defendant shall be removed for the remainder of the duration of the evidentiary hearing. Before the evidentiary proceeding is over, the Presiding Judge of the Trial Chamber shall summon the defendant and inform him or her about the course of the main hearing. If the defendant continues to disturb the order and insults the dignity of the court, the Trial Chamber may remove him or her from the session again. In such an event, the main hearing shall be completed in the absence of the defendant, and he or she shall be notified about the judgment by the Presiding Judge or a member of the Trial Chamber, in the presence of the court recorder.

(3) The Trial Chamber may deprive the defense counsel or the proxy from any further defense, i.e. representation at the main hearing, if, after being fined, he or she continues to disturb the order. In such an event, the party shall be invited to appoint another defense counsel i.e. proxy. If it is not possible for the defendant or the injured party to do so immediately, without any detriment to their interests, or, if a new defense counsel or a proxy may not be appointed immediately in a case of mandatory defense, the main hearing shall be adjourned or postponed, and the defense counsel, i.e. the proxy shall be ordered to pay all the expenses incurred as a result of the adjournment or postponement.

(4) If the Court removes the private plaintiff or his or her legal representative from the courtroom, the main hearing shall continue in their absence, but the court shall advise them about their right to a proxy.

(5) If the public prosecutor disturbs the order, the presiding judge shall inform the basic public prosecutor thereof, and he or she may also adjourn the main

hearing and ask the basic public prosecutor to assign another person to plead the prosecution case.

(6) Whenever the court penalizes an attorney who has disturbed the order, it shall inform the Bar Chamber of the Republic of Macedonia accordingly.

(7) An appeal with the higher court shall be allowed against the penalizing decision.

(8) Any specific appeal against other decisions that pertain to maintaining the order and presiding over the main hearing shall not be allowed.

Article 362
Criminal offense committed at the main hearing

(1) If a defendant commits a criminal offense at the main hearing, the proceedings shall continue pursuant to the provisions of Article 393 of this Law.

(2) If someone else commits a criminal offense during the main hearing, the Trial Chamber may adjourn the main hearing and, following a verbal accusation by the plaintiff, it may adjudicate relative to the criminal offense committed immediately, or it may do so, after the completion of the already commenced main hearing.

(3) If there are grounds for suspicion that a witness or an expert witness has given a false statement at the main hearing, this shall be a criminal offense that cannot be adjudicated immediately. In such an event, the presiding judge may order for a separate record to be compiled relative to the statement by the witness, i.e. expert witness, which shall be delivered to the public prosecutor. The witness or expert witness under examination shall sign this report.

(4) The competent public prosecutor shall be informed if it is not possible for the perpetrator of the criminal offense that is being prosecuted ex officio to stand trial immediately, for the purpose of any further proceedings.

3. Preconditions for the main hearing

Article 363
Opening of the session

The Presiding Judge of the Trial Chamber shall open the session and call the case of the main hearing and announce the composition of the Trial Chamber. Afterwards, the presiding judge shall establish the presence of all summoned persons, and if they are not present, he or she shall check whether they have been summoned properly and whether they have justified their absence.

Article 364
Non-appearance of the plaintiff at the main hearing

(1) The main hearing shall be postponed and the public prosecutor shall be punished with a fine as referred to in Article 89 of this Law, if the public prosecutor, although regularly summoned, fails to appear at the main hearing that has been scheduled on the basis of an indictment tendered by the public

prosecutor and he or she does not inform the court about the reasons of his or her unavailability.

(2) If either the private plaintiff, or his or her legal representative, fails to appear at the main hearing, although regularly summoned, the Presiding judge of the Trial Chamber or the individual judge shall adjourn the proceedings with a decision.

Article 365
Non-appearance of the defendant at the main hearing

(1) If the defendant is regularly summoned, but fails to appear at the main hearing, and fails to justify his or hers absence or he or she may not be effected service, and the circumstances clearly show that he or she is avoiding to receive the summons, the Trial Chamber shall order for the defendant to be brought before the court forcibly, as referred to in Article 157 of this Law. If the defendant cannot be brought immediately, the trial chamber shall decide to cancel the main hearing and order for the defendant to be brought before the court forcibly at the next hearing. If the defendant justifies the absence before he or she is brought before the court, the presiding judge shall cancel the order for forcible bringing of the defendant.

(2) If it is obvious that the defendant who has been regularly summoned avoids to appear at the main hearing, or if the Court has already made two attempts for his or her proper summons, and all circumstances show that he or she is obviously avoiding to receive the summons, the Trial Chamber may order for the person to be detained, in accordance with Article 165, paragraph 1, item 4 of this Law.

(3) The defendant may be tried in his or her absence only if he or she has fled or is otherwise inaccessible to the state institutions, in the event when there are especially important reasons for the person to be tried, although he or she is absent.

(4) Upon a motion by the plaintiff, the Trial Chamber shall enact a decision to try the defendant in his or hers absence. Any appeal shall not prevent the enforcement of the decision.

Article 366
Non-appearance of the defense counsel at the main hearing

If the defense counsel fails to appear at the main hearing, although regularly summoned, and fails to inform the court about the reasons thereof, as soon as he or she becomes aware of those reasons, or if the defense counsel leaves the main hearing without an approval, and there is no possibility to assign a new counsel immediately without any detriment to the defense, upon a motion by the defendant, the main hearing shall be postponed, but it can also be held in the absence of a defense counsel, if the defense is not mandatory. In the event of a postponement, the Trial Chamber shall decide, with a decision, for the defense counsel to bear all the expenses that have been incurred as a result of the postponement, if he or she can be considered responsible.

Article 367

Holding a main hearing regardless of the non-appearance of the defendant or the absence of the defense counsel

If, pursuant to the provisions of Articles 70, 71 and 77 of this Law, the conditions are met to postpone the main hearing due to non-appearance of the defendant i.e. due to the absence of the defense counsel, the Trial Chamber may still decide for the main hearing to be held, if, considering the evidence to be found in the case file, it is obvious that the Trial Chamber would have to pass a verdict, whereby rejecting the charges.

Article 368
Non-appearance of a witness or an expert witness at the main hearing

(1) If a witness or an expert witness fails to appear, although he or she has been regularly summoned, or obviously avoids appearing at the main hearing, the Trial Chamber may order for the person to be brought before the court forcibly and immediately.
(2) The main hearing may commence in the absence of a summoned witness or an expert witness, and in such an event, during the main hearing, the Trial Chamber shall decide whether to adjourn or postpone the main hearing, due to the absence of the witness or expert witness.
(3) The Trial Chamber may punish any witness or expert witness, who has been regularly summoned but did not justify his or her absence, with a fine as provided for in Articles 224 and 237 of this Law, and it can order for the person to be brought at the new hearing forcibly. If justifiable, the Trial Chamber may withdraw the penalty decision.

Article 369
Examination of a witness or an expert witness through a telephone or videoconference

A witness or an expert witness may be examined through a telephone or videoconference when he or she is located on the territory of another country.

4. Postponement and adjournment of the main hearing

Article 370
Reasons for postponement of the main hearing

(1) The Court shall decide on the postponement or adjournment of the main hearing.
(2) Apart from the cases specially provided for in this Law, upon a motion by the parties, defense counsel or ex officio, the main hearing shall be postponed with a decision by the Presiding Judge of the Trial Chamber, if a longer time period is necessary to collect new evidence, or, if during the main hearing it is determined that after the criminal offense has been committed, the defendant became mentally ill or mentally incoherent, or if there are other serious inhibitions for the main hearing to be held.

(3) The main hearing shall be postponed only for a time period equal to the duration of the inhibition i.e. the reasons that caused the postponement, and the Presiding Judge of the Trial Chamber shall be obliged to inform the President of the Court, each subsequent month, whether the reasons for the postponement still exist or not. The President of the Court shall take any required measures, in order to speed up the proceedings.

(4) As a rule, the date and time for the continuation of the main hearing shall be specified in the decision for the postponement of the main hearing. The presiding judge shall use the same decision to order proper safeguarding of the evidence, which may be lost or destroyed because of the postponement of the main hearing.

(5) An appeal against the decision as referred to in paragraph 4 of this Article shall not be allowed.

Article 371
Continuance of a postponed main hearing

(1) If the main hearing that has been postponed takes place before the same judge i.e. Trial Chamber, the hearing shall continue. The presiding judge may decide for the main hearing to begin afresh.

(2) The main hearing shall start from the very beginning if the individual judge or the composition of the Trial Chamber has changed. With the parties' consent, the Trial Chamber may decide not to examine certain witnesses and expert witnesses again, but to read their statements that have been put on record during the previous main hearing.

(3) If the delay lasted for more than 90 days the main hearing shall have to start from the very beginning and all the evidence shall have to be presented again. After hearing the parties, the judge i.e. the Trial Chamber may decide not to examine the witnesses and expert witnesses again, but to read their statements that have been put on record during the previous main hearing.

(4) In the event when the presence of the defense counsel is compulsory, the defendant has cancelled the proxy during the main hearing or it has been cancelled by the defense counsel, if he or she fails to appear at the main hearing for no apparent reason or leaves the proceedings early, the presiding judge shall immediately oblige the defendant to appoint another defense counsel and provide a period of at least 15 days for the preparation of the defense case, and the main hearing shall continue afterwards. In the further course of the main hearing, a repeated cancellation or revocation of the proxy shall be only allowed with a decision by the Trial Chamber, if established that it is not being done in order to delay the proceedings.

(5) If the defendant gives power of attorney to a new defense counsel apart from the cases as referred to in paragraph 4 of this Article, the main hearing shall continue without any delay.

Article372
Adjournment of the main hearing

(1) Apart from the cases provided for in this Law, the judge i.e. the President of the Trial Chamber may adjourn the main hearing for pause and rest or

because of the end of working hours, or in order to collect certain evidence in a short period of time or for the purpose of preparation of the prosecution case or the defense case.

(2) Any recess of the main hearing shall always resume before the same judge, i.e. Trial Chamber.

(3) If it is not possible for the main hearing to be resumed before the same judge i.e. Trial Chamber, or if the main hearing was in recess for longer than eight days, it shall be proceeded according to the provisions of Article 371 of this Law.

Article 373
Re-commencement of the main hearing in the event of modifications to the indictment

(1) If, during a main hearing before a Trial Chamber composed of one judge and two lay judges, the indictment is modified for a criminal offense that should be tried by a Trial Chamber composed of two judges and three lay judges, the Trial Chamber shall be complemented and the main hearing shall commence from the beginning.

(2) Even without the consent by the parties, i.e. the defense counsel, however, after they have been heard, the Trial Chamber may decide not to examine certain witnesses and expert witnesses, but to read the examination records for those witnesses and expert witnesses.

5. Record of the main hearing

Article 374
Manner of keeping the record of the main hearing

(1) An audio recording or a visual-audio recording shall be made of the course of the proceedings at the main hearing.

(2) At the beginning of the hearing, the President of the Chamber shall inform the present parties and all other participants in the procedure that the discussion is being recorded and that the recording is an audio or audio-visual recording of the hearing.

(3) In cases when there are no technical conditions to do the audio or visual-audio recording of the course of the proceedings at the main hearing, the President of the Chamber may order for a stenographer's record to be maintained.

(4) Within 48 hours of the main hearing, the stenographer's record of the main hearing shall be decoded and reviewed, signed by the person that is maintaining it, the parties, the individual judge, i.e. the Presiding Judge of the Trial Chamber and annexed to the rest of the case file.

(5) The audio or the visual-audio recording of the proceedings at the main hearing is part of the court case, which is included into the automated case management information system (ACMIS).

(6) The audio or the visual-audio recording must not be made public, broadcasted or to be used for aims and purposes outside of the criminal procedure.

(7) The parties and the defense counsel shall have the right to get a copy of the audio or visual-audio recording or the stenographer's record within three days of the main hearing, in a hard copy or an electronic format. The copy of the recording shall be provided immediately, and not later than 24 hours.

Article 375
Entering the verdict into the record

(1) The entire pronouncement of the verdict shall be put on the main hearing record, with an indication that the verdict was publicly declared. The pronouncement of the verdict, contained in the main hearing record shall represent the authentic script.
(2) If a detention decision is enacted, it shall also be put on the main hearing record.

6. Commencement of the main hearing

Article 376
Entrance of the judge, i.e. the Trial Chamber into the courtroom

(1) The parties and everybody else present in the courtroom shall meet the trial chamber standing.
(2) The parties and any other participants in the proceedings shall be obliged to rise when addressing the court, except if there are justified reasons for the contrary.
(3) In the courtroom that houses the main hearing, the parties shall sit across the presiding judge of the trial chamber as follows: the defendant and his or her defense counsel on his or her left, and the public prosecutor or the authorized plaintiff, the injured party and his or her legal representative, on his or her right-hand side.
(4) The defendant, any witnesses and expert witnesses shall be examined at a position located on the right-hand side of the presiding judge, and they shall be turned towards the prosecutor and the defendant.

Article 377
Requirements for the main hearing

After the presiding judge establishes that all summoned persons have appeared for the main hearing, or when the Trial Chamber decides that the main hearing may commence in the absence of some of the summoned persons, the presiding judge shall call the defendant and take his or hers personal data in order to establish his or her identity.

Article 378
Establishing the identity of the defendant and giving instructions

(1) After the identity of the defendant has been established, the Presiding Judge of the Trial Chamber shall direct the witnesses to the position provided for

them, where they shall wait until called for examination. Any expert witnesses may stay in the courtroom and they can follow the course of the main hearing.

(2) All defendants shall remain in the courtroom for the entire duration of the main hearing.

(3) If the private plaintiff has to be examined as a witness, he or she shall not be removed from the courtroom.

(4) The Presiding Judge of the Trial Chamber may undertake any necessary measures in order to prevent any consultations and arrangements amongst the witnesses, expert witnesses and the parties.

Article 379
Opening statements by the parties

(1) The main hearing shall commence with opening statements by the parties. The plaintiff shall speak first, followed by the defense counsel or the defendant.

(2) The defendant shall have the right not to give an opening statement.

(3) In their statements, the parties may present which are the decisive facts they intend to prove, they may speak about the evidence that will be presented and establish the legal issues that are going to be subject of deliberation. Presentation of facts regarding any prior convictions of the defendant shall not be permitted as part of the statements.

(4) In their opening statements, the parties shall not be allowed to comment on the allegations and proposed evidence by the other party.

(5) If the injured party or his or her legal representative is present, they shall give notice of any legal or property claims.

(6) The Presiding Judge of the Trial Chamber may introduce a time limit for the duration of the opening statements by the parties.

Article 380
Advising the defendant about his or hers rights and possible guilty plea

(1) Following the opening statement by the plaintiff, the presiding judge shall ask the defendant if he or she understands the accusation, and if convinced that the defendant does not understand the accusation, the judge shall briefly present the contents of the accusation again, in the most understandable manner for the defendant.

(2) The presiding judge shall advise the defendant of his or her right to keep silent or give a statement and shall instruct him or her to carefully follow the course of the main hearing, indicating that he or she has the right to present evidence in his or her defense, to put questions to co-defendants, witnesses and expert witnesses and to object with respect to their testimony.

(3) The Presiding Judge of the Trial Chamber shall invite the defendant to plead with respect to all counts of the indictment, that is, whether he or she feels guilty or not.

Article 381
Passing a verdict on the basis of a guilty plea during the main hearing

(1) After the defendant has been advised of his or her rights, regardless of the nature and severity of the crime at hand, the defendant may plead guilty voluntarily, in respect of one or more criminal offenses, i.e. counts of the indictment.
(2) Following such a guilty plea, the individual judge. i.e. the Presiding Judge of the Trial Chamber shall be obliged to confirm that it was a voluntary confession, that the defendant is fully aware of the consequences of the guilty plea, any consequences related to a possible property or legal claim and the expenses of the criminal procedure.
(3) After the court has completed the actions as referred to in paragraph 2 of this Article, in an evidentiary procedure, the court shall present only the evidence that pertains to the ruling on the sanction.
(4) The defendant shall not be allowed to appeal the verdict or part of the verdict that was passed as a result of the guilty plea by the defendant during the main hearing, claiming that the facts or the case have been wrongly established.

7. Evidentiary procedure

Article 382
Presenting evidence

(1) The evidence shall be presented in the following sequence:
   1) prosecution case evidence and evidence related to the property or legal claim;
   2) defense case evidence;
   3) prosecution evidence in rebuttal; and
   4) defense evidence in rejoinder;
(2) During the main hearing, each of the parties, with consent by the other one, may withdraw the presentation of some evidence that was previously tendered.

Article 383
Examination methods

(1) In hearing a case, examination in direct, cross-examination and re-direct examination shall be allowed.
(2) The party that has called the witness i.e. expert witness or the technical advisor in support of its case shall conduct the direct examination.
(3) The opposing party shall conduct the cross-examination.
(4) The party that has called the witness i.e. expert witness shall conduct the re-direct examination and the questions asked during this examination shall be limited to the questions that have been asked during the examination by the opposing party.
(5) After the completion of the examination by the parties, the Presiding Judge of the Trial Chamber may ask questions of the witness i.e. the expert witness.

Article 384
Direct, cross and re-direct examination of witnesses

(1) The witness shall be examined by the party that has called the witness pursuant to article 383 paragraph 2 of this article. The questions for the witness by the other party shall be limited and refer only to the questions that have been asked earlier during the examination of the same witness by the party that called him or her. The questions of the re-direct examination of the witness by the party that has called him or her shall be limited and refer only to the questions asked by the other party during the examination of the witness.

(2) Leading questions shall not be allowed during the direct examination, except in cases when it is necessary to clarify some statements by the witness. As of a rule, leading questions shall be allowed only during the cross-examination.

Article 385
Rules of the court for the evidentiary hearing

(1) The Presiding Judge of the Trial Chamber shall control the manner and order of examination of witnesses and expert witnesses and the presentation of evidence, providing for the efficiency, economics of the proceedings and as the need arises, for the establishing of the truth.

(2) Upon objection, the Presiding Judge of the Trial Chamber shall prohibit questions and answers to questions that have been previously asked, if he or she considers it inadmissible or irrelevant for the case.

(3) The Presiding Judge of the Trial Chamber shall refuse presentation of evidence if he or she considers it unnecessary and of no importance for the case and shall briefly explain the reasons for it.

(4) Upon an objection by the parties, the Presiding Judge of the Trial Chamber shall prohibit asking questions that contain both a question and an answer within, i.e. leading questions, except during cross-examination.

(5) The Presiding Judge of the Trial Chamber shall approve a cross-examination of the witness as suggested by the party that summoned that witness, if as a result of his or her testimony, he or she can no longer be considered as a witness of the party that summoned him or her.

(6) During the evidentiary hearing, the Presiding Judge of the Trial Chamber shall attend to the dignity of the parties, the defendant, witnesses and expert witnesses.

(7) During the entire evidentiary proceeding, the court i.e. the Presiding Judge of the Trial Chamber shall take care of the admissibility of questions, validity of answers, fair examination and justification of objections.

(8) The judge shall rule immediately, with a decision, on any objections raised verbally during the process of examination of witnesses, expert witnesses and the injured party at the main hearing.

Article 386
Examination of witnesses

(1) Before examining a witness, the presiding judge shall warn the witness about the duty to present to the court everything that he or she knows about the case, warning him or her that perjury is a criminal offense.

(2) The witness shall give a solemn declaration before his or her testimony as follows: “I swear on my honor that I will say the truth about everything that I will be asked of and I will not elide anything that I might have seen or heard”.

(3) The Presiding Judge of the Trial Chamber shall warn or fine any participant in the proceedings or any other person who threatens insults or endangers the safety of the witness. Upon a motion by the parties, the court may order the police authorities to undertake any necessary measures to protect the witness.

(4) The court shall inform the competent public prosecutor if a criminal offense that is prosecuted ex-officio is committed during the activities as referred to in paragraph 4 of this Article.

Article 387
Examination of an expert witness and a technical advisor

(1) Before examining an expert witness, the court shall warn the expert witness about the duty to present the opinion in a clear manner and in accordance with the rules of the profession and shall warn him or her that giving false statements on the findings or opinion is a criminal offense.

(2) Before testifying, the expert witness shall give a solemn declaration as follows: “I swear on my honor that I performed the expert examination conscientiously and according to the rules of my profession and that everything I declare in that respect is true and correct.”

(3) If requested by any of the parties for the expert witness to be examined during the main hearing, the written findings and the opinion shall be admitted into evidence only if the expert witness who has prepared the expert report has given his or hers statement and was cross-examined at the main hearing.

(4) The provisions used for examining an expert witness shall be applied accordingly also for examining technical advisors.

Article 388
Exception from direct presentation of evidence

(1) If the establishment of a fact is based on a person’s observation, the same person shall have to be examined at the main hearing in person, except in the case of an examination of a protected witness pursuant to Article 228 of this Law. The examination may not be replaced either by reading out loud a record of a statement that the person provided earlier, or a written statement.

(2) Any statements given by witnesses during the investigation procedure and statements obtained through the actions of the defense during the investigation may be used during the cross-examination or to disprove any of the findings presented or in reply to the disproof, in order to evaluate the validity of the testimonies during the main hearing.

(3) With a decision by the court, any records on statements provided during the evidentiary hearing, may be presented as evidence by reading or reproducing them.

(4) If after the start of main hearing concrete evidences emerge upon which one can conclude that the witness was exposed to violence, threats, promises of financial rewards or other benefits in order not to testify or to give a false

testimony during the main hearing, any statements given in front of the public prosecutor during the preliminary procedure, with a decision by the court, can be presented as evidence.

(5) Upon exception from paragraph 1 of this Article, any records on given statements before a public prosecutor, may be read or reproduced and presented as evidence with a decision by the court, if the person who gave the statement has died in the meantime, became mentally ill, or remains unavailable to the court irrespective of all the means applied in order to find the person, as provided for in the law.

Article 389
Proceeding with examined witnesses and expert witnesses

(1) The examined witnesses and expert witnesses shall remain in the courtroom, unless the Presiding Judge of the Trial Chamber decides to let them go or remove them temporarily from the courtroom.

(2) Upon a motion by the parties or ex-officio, the court may order the examined witnesses and expert witnesses to be removed from the courtroom and called back later on and examined again in the presence or absence of other witnesses or expert witnesses.

Article 390
Examination of a witness who cannot appear before the court

(1) If, during the main hearing, it is ascertained that the witness cannot appear before the court or his or her appearance would be significantly difficult, if it believes that his or her testimony is important, the Trial Chamber may order for the witness to be examined through a video-conference link pursuant to Articles 82 and 83 of this Law, or for the witness to be examined outside the main hearing, by the presiding judge or another member of the Trial Chamber.

(2) The presiding judge or another judge member of the Trial Chamber shall conduct any crime scene inspection or reconstruction that might be necessary to be conducted outside of the main hearing.

(3) The parties and the injured party shall always be informed about the time and the place of examination of the witness, i.e. the time and place of any crime scene inspection or reconstruction, with an obligatory presence of the parties during such actions.

Article 391
Examination of the defendant

(1) The defendant shall be examined upon a proposal by the defense.

(2) The examination starts with the questions asked by the defense counsel and then the questions are being asked by the prosecutor, the injured party and the codefendants in accordance with article 384 from this Law.

(3) If during the main hearing the defendant does not give a statement or gives a different statement for certain facts or circumstances, the public prosecutor can request that the statement that was given in the previous procedure be read or reproduced in accordance with Article 207 of this Law.

(4) The Trial Chamber may as an exception decide to temporary remove the defendant from the courtroom, if the codefendant or the witness are refusing to make a statement in his/her presence or if the circumstances are showing that in his/ her presence they will not speak the truth. After the witness returns to the courtroom the testimony given by the witness or the codefendant will be read back to him/her.

Article 392
Exhibit records

(1) Any exhibits such as inspection protocols, receipts for seized and returned items, books, files and all other non-repeatable items at the main hearing shall be entered into the main hearing record.
(2) Any exhibits as referred to in paragraph 1 of this Article shall be tendered in the original.
(3) As an exception from paragraph 2 of this Article, a certified copy or transcript of the original may also be used as a proof.
(4) Any exhibits as referred to in paragraph 1 of this Article shall be read, unless agreed otherwise by the parties.

Article 393
Amendment and extensions of the indictment

(1) If the public prosecutor believes that the presented evidence shows that the facts of the case as presented in the indictment have changed, he or she may amend the indictment at the main hearing. The main hearing may be postponed for the preparation of the defense case. In such an event, there shall be no confirmation of the indictment.
(2) If the defendant commits a criminal offense during a session of the main hearing or a prior criminal offense committed by the defendant is discovered during the main hearing, as of a rule, upon an accusation by the authorized plaintiff, which may be delivered verbally, the Trial Chamber shall expand the main hearing as to encompass that criminal offense as well. An objection shall not be allowed against such an accusation.
(3) In order to prepare the case of the defense, in events as referred to in paragraph (2) of this Article, the court may adjourn the main hearing and after the parties have been heard, it may rule for a separate trial to be held for the criminal offense as referred to in paragraph 2 of this Article.

Article 394
Complementing the evidentiary hearing

(1) After the completion of the evidentiary hearing, the parties and the injured party may put forward motions for additions to the evidentiary hearing, due to new circumstances established during the main hearing.
(2) In order to eliminate any inconsistencies in the findings and reports by professional and expert persons, upon proposal by the parties or ex-officio, the court may ask for a supra expert examination. The supra expert examination shall be determined by the court electronically by applying the

rule of random selection from the register of expert witnesses, in the presence of both parties, i.e. the plaintiff and the defense counsel.

(3) If there are no motions for additions to the evidentiary hearing, or if the motion is denied, the Trial Chamber, i.e. the Presiding Judge of the Trial Chamber shall declare the completion of the evidentiary hearing.

Article 395
Closing arguments

(1) After the completion of the evidentiary hearing, the court shall invite the prosecutor, the injured party, the defense counsel and the defendant to make their closing arguments.

(2) If several prosecutors are pleading the case, or if the defendant has several defense counsels, they shall all be allowed to make their closing arguments, but shall not be allowed to recur and their arguments may be time limited.

Article 396
Completion of the main hearing

(1) Following the closing arguments by the parties, the presiding judge shall declare the completion of the main hearing and enter the time of the completion of the hearing into the record.

(2) The Trial Chamber shall then recede to confer and vote, in order to reach a verdict.

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Chapter XXV

VERDICT

1. Passing a verdict

Article 397
Passing a verdict

(1) If, during the conference, the court determines that it is not necessary to open the main hearing again in order to supplement the proceedings or to clarify certain issues, it shall pass a verdict.
(2) The verdict shall be passed and publicly declared on behalf of the citizens of the Republic of Macedonia.

Article 398
Relationship between the verdict and the accusation (objective and subjective identity)

(1) The verdict may relate only to the person accused and only to the criminal offense that is the object of the accusation contained in the filled indictment, i.e. the amended and expanded indictment at the main hearing.
(2) The court shall not be obliged to accept the plaintiff's motions relative to the legal qualification of the criminal offense.

Article 399
Evidence on which the verdict is based upon

(1) The court shall base its verdict only on the facts and evidence presented during the main hearing.
(2) The court shall be obliged to conscientiously evaluate each piece of evidence individually and also in relation to all other evidence and, on the basis of such an evaluation, to draw a conclusion whether a certain fact has been proven or not.

Article 400
Evidence on which the verdict may not be based upon

(1) A verdict shall not be based solely on a statement of an endangered witness, obtained through the use of the provisions on hiding of his or her identity or appearance, for the purpose of his or her protection or protection of persons that are close to him or her.
(2) A verdict shall not be based solely on a statement presented in accordance with Article 388, paragraphs 2 and 3 of this Law.

2. Types of verdicts

Article 401
Types of verdicts

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(1) With the verdict, the accusation shall be rejected or the defendant shall be acquitted or found guilty.
(2) If the indictment encompasses several criminal offenses, the verdict shall indicate whether and for which of the criminal offenses the accusation is rejected, the defendant is acquitted or found guilty.

Article 402
Rejection verdict

The court shall pass a rejection verdict if:
1) the court does not have a subject-matter jurisdiction to adjudicate;
2) the proceedings have been conducted without a request by an authorized plaintiff;
3) the plaintiff has dropped the charges in the period between the commencement and the completion of the main hearing;
4) there was no requisite motion, approval, or if the competent state body has dropped the motion, i.e. approval or if the injured party has dropped the motion;
5) the defendant has already been effectually convicted for the same criminal offense, relieved of all charges or the proceedings against him or her have been suspended with a decision that went into effect; and
6) the defendant has been exempted from prosecution by an act of amnesty or pardon or if the criminal prosecution is not possible due to statute of limitation, or if there are any other circumstances that preclude criminal prosecution.

Article 403
Acquittal verdict

The court shall pass an acquittal verdict, if:
1) the act that the person has been accused of is not a criminal offense according to the law;
2) there are circumstances that preclude criminal liability; and
3) the public prosecutor or the plaintiff failed to prove beyond any reasonable doubt that the defendant committed the crime that he or she is accused of.

Article 404
Conviction verdict

(1) In a conviction verdict, the court shall be obliged to pronounce the following:
   1) what is the criminal offense that the person has been found guilty of, by indicating the facts and circumstances that represent the attributes of the specific crime, as well as those on which it depends, which of the provisions of the Criminal Code shall be applied.
   2) the legal title of the criminal offense and the provisions of the Criminal Code that have been applied.
   3) what is the sentence for the defendant or if he or she is relieved from any sentence according to the Criminal Code provisions.
   4) an alternative measure decision.

5) a decision on any safety measures, forfeiture of property and crime proceeds and seizure of objects.
6) a decision on the inclusion of any time spent in custody, in detention or time already served; and
7) a decision on the expenses of the criminal proceedings, about the property-legal claim, as well as about the requirement for the verdict that has entered into force to be declared in the press, on the radio or television.

(2) If the defendant has been sentenced to a fine, the verdict shall indicate the deadline within which the fine has to be paid and the manner of substitution of the fine if it cannot be collected even per force.

3. Proclamation of the verdict

Article 405
Proclamation of the verdict

(1) The Presiding Judge of the Trial Chamber shall immediately declare the verdict, after the court has pronounced it. If the court is not capable to pronounce the verdict the very same day after the completion of the main hearing, it shall postpone the proclamation of the verdict for not more than three days and it shall determine the time and location of the proclamation of the verdict.
(2) In the presence of the parties, their legal representatives, proxies and counsels, the Presiding Judge of the Trial Chamber shall read the verdict and briefly announce the reasoning behind the judgment.
(3) The verdict shall be declared even when the party, the legal representative, the proxy or the defense counsel is absent. The Trial Chamber may order for the verdict to be verbally announced to the defendant, if he or she is absent, by the Presiding Judge of the Trial Chamber, or just delivered to the defendant.
(4) If the public was excluded from the main hearing, the verdict shall always be read at a public session. The Trial Chamber shall decide whether and for how long it shall exclude the public during the explanation of the reasoning behind the verdict.
(5) Everybody present shall stand while listening to the verdict being read.

Article 406
Instructions and warnings

(1) After the verdict has been declared, the Presiding Judge of the Trial Chamber shall advise the parties about their right to appeal, as well as about their right to respond to the appeal.
(2) If the defendant was sentenced to probation, he or she shall be warned by the Presiding judge about the meaning of the probation sentence and the conditions that the person has to observe.
(3) The Presiding Judge of the Trial Chamber shall warn the parties about their obligation to inform the court about any change of address until the final completion of the proceedings.

4. Preparation of the verdict in writing and delivery

Article 407
Preparation and delivery of the verdict

(1) Any declared verdict shall be prepared in writing within 15 days after it has been declared, and in the event of a complex case, as an exception in a period of 60 days, and these are deadlines that cannot be exceeded.

(2) The Presiding Judge of the Trial Chamber and the court recorder shall sign the verdict.

(3) A certified transcript of the verdict shall be delivered to the plaintiff, whilst in respect of the defendant and the defense counsel; this shall be done pursuant to Article 130 of this Law. If the defendant is kept in detention, the certified transcripts of the verdict shall have to be sent within the deadlines as stipulated in paragraph 1 of this Article.

(4) Instructions on the right to appeal shall be also delivered to the defendant, the private plaintiff and the injured party.

(5) The court shall deliver a certified transcript of the verdict with instructions on the right to appeal to the injured party, if the party has the right to appeal, to the person whose property has been dispossessed with that verdict, as well as to the legal person whose property or proceeds have been dispossessed with the verdict. A transcript of the verdict shall be delivered to the injured party who does not have the right to appeal in the event as referred to in Article 63, paragraph 2 of this Law, with an instruction about his or hers right to demand restoration of the previous state of affairs. The verdict that already entered into effect shall be delivered to the injured party if he or she so requires.

(6) If the court has sentenced the defendant by applying the provisions for concurrent sentencing, taking into account any judgments by other courts, the court shall then deliver a certified transcript of the verdict that has entered into effect to those courts.

Article 408
Contents of the judgment prepared in writing

(1) The judgment prepared in writing shall be fully correspondent with the judgment that was proclaimed. The judgment shall have an introduction, a verdict and rationale.

(2) The introduction of the judgment shall contain the following: an indication that the verdict is passed on behalf of the citizens of the Republic of Macedonia, the name of the court, first and last names of the presiding judge, the members of the Trial Chamber and the court recorder, the defendant's first and last name, the criminal offense that the defendant has been charged with and whether he or she was present at the main hearing, the date of the main hearing and whether it was a public one or not, first and last name of the plaintiff, the defense counsel, the legal representative and the proxy, who were present at the main hearing and the date of proclamation of the verdict.

(3) The verdict shall contain the defendant's personal data (Article 205, paragraph 1) and the decision by which the defendant has been found guilty of the crime as charged or by which the defendant has been relieved from the accusation for that crime or by which the accusation has been rejected.

(4) If the defendant is found guilty, the verdict shall encompass the necessary data as stipulated in Article 404 of this Law, and if the defendant is relieved from the accusation or if the accusation has been rejected, the verdict shall encompass the description of the crime that the defendant has been accused of and a decision on the expenses of the criminal proceedings and the property-legal claim, if pursued.

(5) In the event of concurrent criminal offenses, the court shall include the prescribed sentences for each of the individual criminal offenses in the verdict, followed by the sentence that was imposed for the concurrent criminal offenses.

(6) In the rationale of the judgment, the court shall present the reasons for each item in the verdict, and especially the facts that are deemed proven or unsubstantiated, the evidence that was considered to establish those facts, the reasons for denying certain motions by the parties, the reasons that guided the court in making decisions on legal issues and the circumstances taken into consideration in apportioning the sentence.

(7) If the defendant is relieved of the accusation, the rationale shall especially indicate the reasons as referred to in Article 403 of this Law, for doing so.

(8) In the rationale of the judgment by which the accusation is rejected, the court shall not indulge in the evaluation of the main issue, but limit itself only to the reasons for the rejection of the accusation.

(9) The parties and the injured party may waive their right to appeal immediately after the verdict has been proclaimed. In such an event, the transcript of the judgment shall be delivered to the parties and the injured party, only upon their own request. If both parties and the injured party have waived their right to appeal after the proclamation of the judgment and if none of them asked for delivery of the judgment, no rationale shall be required to be contained in the judgment prepared in writing.

Article 409
Omissions in the verdict

(1) Upon request by the parties or ex-officio, the Presiding Judge of the Trial Chamber, with a separate decision, shall rectify any omissions in the names or numbers, as well as other obvious omissions in the text or calculations, any deficiencies in the form or incompatibilities with the authentic script.

(2) If there are any incompatibilities between the verdict prepared in writing and its authentic script with respect to the data as referred to in Article 404, paragraph 1, items 1, 2, 3, 4, 5 and 7 of this Law, the rectification decision shall be delivered to the persons as referred to in Article 407 of this Law. In such an event, the deadline for an appeal against the verdict shall be counted from the date of the delivery of that decision, against which a separate appeal shall not be allowed.

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SECTION D: LEGAL REMEDIES

Chapter XXVI

REGULAR LEGAL REMEDIES

1. Appealing the verdict of the first instance court

Article 410
Right of appeal and filing deadline

(1) Any authorized person may file an appeal against the first instance verdict, within fifteen days from the day of receipt of the certified copy of the verdict.
(2) Any timely appeal by an authorized person shall delay the enforcement of the verdict.

Article 411
Entities that may file an appeal

(1) An appeal may be filed by the parties, the defense counsel, the authorized representative of the defendant and the injured party.
(2) In favor of the accused, an appeal may be also filed by his or her marital i.e. illegitimate spouse, blood relative in first line, adopted child, foster parent, brother, sister and any person providing subsistence. In that case also, the deadline for the appeal starts from the day when a copy of the verdict has been delivered to the defendant, i.e. to his or her counsel.
(3) The public prosecutor may appeal the verdict both in favor and to the detriment of the accused.
(4) The injured party may dispute the verdict with respect to the decision on the criminal procedure expenses, and also with respect to any property or legal claims, if awarded.
(5) An appeal may also be filed by a person whose object was confiscated or who was deprived from his or her property or crime proceeds, as well as by a legal person whose property or crime proceeds have been seized with the verdict.
(6) The defense counsel and the persons as referred to in paragraph 2 of this Article may file an appeal without any specific authorization by the defendant, but not against his or her will.

Article 412
Renouncing the right of appeal and withdrawal

(1) The defendant may renounce the right of an appeal, only after the verdict has been delivered to him or her. The defendant may also renounce the right of an appeal earlier, if the plaintiff and the injured party, when they have the right to file an appeal on all grounds (Article 407, paragraph 4), have renounced their right of appeal, except, if according to the judgment, the defendant is supposed to serve a prison sentence. The defendant may withdraw any appeal already filed, until the decision of the second instance court has been

brought. The defendant may also withdraw any appeal filed by his defense counsel or by the persons referred to in Article 411, paragraph 2 of this Law.

(2) The plaintiff and the injured party may waive their right of appeal as of the moment of the proclamation of the verdict until the expiry of the deadline for an appeal, and they may withdraw any appeal that has been already filed before the enactment of the decision by the second instance court.

(3) Any renunciation and withdrawal of the appeal may not be recalled.

Article 413
Contents of the appeal

(1) The appeal shall have to contain:
1) designation of the verdict that the appeal is filed against;
2) grounds for an annulment of the verdict;
3) rationale of the appeal;
4) a motion for the disputed verdict to be completely or partially nullified or reversed; and
5) signature of the person filing the appeal.

(2) If the appeal was filed by the defendant or any other person as referred to in Article 411, paragraph 2 of this Law, and the defendant does not have a counsel or if the appeal has been filed by the injured party, or by a private plaintiff without an attorney, and the appeal has not been compiled according to the provisions of paragraph 1 of this Article, the first instance court shall call the applicant to complement the appeal within a certain deadline with a written brief or on record with the same court. If the applicant does not respond, the court shall overrule the appeal if it does not contain the data as referred to under items 2, 3 and 5, paragraph 1 of this Article and if the appeal does not contain the data as referred to under item 1, paragraph 1 of this Article, if it cannot be established what verdict it refers to, it shall be overruled in the same manner. If an appeal is filed in favor of the defendant, the court shall deliver it to the second instance court, if possible to establish what verdict it refers to, and if this cannot be established, the court shall overrule the appeal.

(3) If the appeal has been filed by the injured party or a private plaintiff who has an attorney or by the public prosecutor, and the appeal does not contain the data as referred to under items 2, 3 and 5, paragraph 1 of this Article or the appeal does not contain the data as referred to under item 1, paragraph 1 of this Article and it cannot be established which verdict it refers to, the court shall overrule the appeal. Any appeal with such deficiencies filed in favor of the defendant who has a defense counsel shall be delivered by the court to the second instance court if it is possible to establish what verdict it refers to and if this cannot be established, the court shall overrule the appeal.

(4) One may not specify new facts and evidence in the appeal, except those for which the parties can prove that they could not have been presented prior to the completion of the evidentiary hearing during the main hearing, because they were not known or available to them at that time.

Article 414
Grounds for an appeal

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The verdict may be disputed:

1) due to an essential violation of the provisions of the criminal procedure;
2) due to wrongly established facts of the case;
3) due to violation of the Criminal Code; and
4) due to a decision on criminal sanctions, crime proceeds forfeiture, criminal procedure expenses, property and legal claims, as well as due to a decision for proclamation of the verdict through the press, radio or television.

Article 415
Essential violation of the criminal procedure

(1) There shall be an essential violation of the criminal procedure provisions, if:

1) the court was irregularly composed or if a judge or a lay judge who did not participate at the main hearing or who has been excluded from the trial with a final and valid decision, participated in the passing of the verdict;
2) a judge or a lay judge who had to be excluded participated at the main hearing (Article 33, items 1, 2, 3, 4 and 5);
3) the main hearing was held in the absence of any person whose presence at the trial is compulsory according to the law;
4) the public was excluded from the main hearing contrary to the law;
5) the criminal procedure regulations have been violated with respect to the question whether the charges have been raised by an authorized plaintiff or upon a motion by the injured party, i.e. with an approval by the competent entity;
6) the verdict was passed by a court which should not have adjudicated that case due to its subject-matter jurisdiction, or if the court wrongfully overruled the accusation due to the subject-matter non-jurisdiction;
7) the court has not fully resolved the object of the accusation with its verdict;
8) the verdict is based on evidence, on which, according to the provisions of this Law, the verdict cannot be based, unless, in view of any other evidence available, it is obvious that the same verdict would have also been passed without that evidence;
9) the accusation has been exceeded (Article 398, paragraph 1);
10) the verdict means a violation of the provision contained in Article 428 of this Law;
11) the verdict is unclear and contradictory within itself, or if it does not specify the reasons for the decisive facts or evidence presented at the main hearing; or
12) the court violated the provisions regarding the use of languages during the court proceedings as provided by this Law.

(2) There shall be an essential violation of the provisions of the criminal procedure also if the court, during the preparation of the main hearing, or during the main hearing, or during the deliberations on the verdict, did not apply or wrongly applied some of the provisions of this Law, if that had an effect or could have had an effect on the legality and regularity of the verdict.

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(3) There shall be an essential violation of the provisions of the criminal procedure also if the rights of the defense have been violated, and that had an effect or could have had an effect on the legality and regularity of the verdict or the right of the defendant to a fair trial.

Article 416
Violation of the Criminal Code

There shall be a violation of the Criminal Code, if:

1) the offense the defendant is being prosecuted for is not a crime;
2) there are any circumstances that exclude criminal liability;
3) there are any circumstances that exclude criminal prosecution and particularly if any statute of limitation applies to the criminal prosecution or the prosecution has been excluded due to amnesty or pardon or the matter is already adjudicated with a final and valid judgment;
4) a law that cannot be applied has been applied in respect of the criminal offense that is the subject of the accusation;
5) the court has exceeded its authority provided for by the law with the sentencing decision, the probation decision or court reprimand, i.e. the decision on any security measure or forfeiture of crime proceeds; and
6) the provisions on computation of the time spent in detention have been violated, or for any other deprivation of liberty in relation to the criminal offense and time served.

Article 417
Wrongly established facts of the case

(1) The verdict may be disputed due to wrongly established facts of the case, when some of the decisive facts have been wrongly established or have not been established at all.
(2) It shall be considered that the facts of the case have been wrongly established also when some new facts or evidence point to this conclusion as referred to in Article 413, paragraph 4 of this Law.

Article 418
Sentencing, probation and court reprimand, security measures or forfeiture of crime proceeds and proclamation of the verdict

(1) Any verdict i.e. any decision for a court reprimand may be disputed due to the decision on the sentence, probation and court reprimand, when the decision did not exceed any legal authority (Article 416, item 5), but the court has not apportioned a proper sentence, in view of the circumstances that would influence a less or more severe sentence and due to the fact whether the court has applied the provisions for more lenient sentence or not, sentence release, probation or court reprimand, although the appropriate legal conditions were present.
(2) Any decision on a security measure or forfeiture of crime proceeds may be disputed if there is no violation of the law as referred to in Article 416, item 5 of this Law, but the court has improperly brought this decision or did not issue

a security measure i.e. crime proceeds forfeiture, although the appropriate legal conditions were present. Any decisions regarding the criminal procedure expenses may be disputed on the same grounds.

(3) Any decision for proclamation of the verdict through the press, radio or television may be disputed, if the court has made a decision on these issues, contrary to the legal provisions.

2. Appeal procedure

Article 419
Filing an appeal

(1) The appeal shall be filed with the court that passed the first instance judgment in a sufficient number of copies for the court, the opposing party and the defense counsel for the purpose of responding.

(2) The Presiding Judge of the Trial Chamber at the first instance court, with a decision, shall overrule any untimely (Article 410) and inadmissible (Article 411) appeals.

Article 420
Response to an appeal

(1) Without any delays, the first instance court shall deliver one copy of the appellant's brief to the respondent (Articles 130 and 131), who shall be obliged to file a respondent's brief with the court within eight days after receiving a copy of the appeal.

(2) The first instance court shall deliver the appellant's and the respondent's briefs along with the rest of the case file to the second instance court within three days of the receipt of the respondent's brief, i.e. after the response deadline has expired.

Article 421
Reporting judge

(1) When the appeal files arrive at the second instance court, a reporting judge shall be assigned within three days of their receipt. If the files are related to a crime that is being prosecuted upon a motion by a public prosecutor, the reporting judge, without any delays, shall deliver the files to the competent public prosecutor who shall be obliged to review them and without any delays, or within 15 days at the latest, or in the event of a more complex case within 30 days, return them to the court.

(2) When returning the files, the public prosecutor shall notify the court about any written motion to be put forward during the session of the chamber.

(3) A notification about the session of the Chamber shall be provided to the public prosecutor and any defendant and his or her defense counsel, or the private plaintiff who requested to be notified about the session or proposed a hearing to be held before the second instance court within the deadline prescribed for an appeal.

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(4) The session of the chamber of the second instance court shall be a public one, upon request of the parties for a crime that entails a prison sentence of more than five years.

(5) If necessary, the reporting judge may obtain a report on any violations of the criminal procedure provisions from the first instance court, and through that same court or through the preliminary procedure judge of the court on whose territory the action is to be performed or otherwise, he or she may check and verify any allegations in the appeal with respect to any new evidence or facts, or may also collect any additional necessary reports or files from other entities or legal persons. The first instance court, i.e. the public prosecutor who was leading the investigation, whom the reporting judge is asking for reports or actions, shall be obliged to act upon such a request in a period that shall not exceed 30 days.

(6) If the reporting judge establishes that the records and reports as provided for in Article 93 of this Law are to be found among the case files, without any delays, he or she shall deliver the case files to the first instance court prior to the session of the second instance chamber, so that the presiding judge of the first instance trial chamber may enact a decision on their separation from the case file and following the entry into force of that decision, to deliver them to the preliminary procedure judge in a sealed envelope for safe keeping apart from the rest of the files.

Article 422
Session of the chamber

(1) If the defendant is in detention or serving a sentence, and he or she has a defense counsel, the presence of the defendant shall be provided for only if the presiding judge or the trial chamber believes it to be expedient.

(2) The session of the chamber shall commence with a report on the issue at hand by the reporting judge. The appellant shall then explain the appellant's brief, and the opposing party shall then get the floor in order to respond to the allegations in the appellant's brief, i.e. to explain the respondent's brief, not repeating anything contained in the report. For the purpose of completion of the report, one may ask for certain files to be read.

(3) Any non-appearance by the parties, who have been regularly summoned, shall not prevent the session of the chamber to be held. If the defendant failed to notify the court about any change of temporary or permanent residence, the session of the chamber may be held, although the defendant has not been notified thereof.

(4) The public may be excluded from the session of the chamber that the parties attend, only under the conditions as provided for in Articles 353, 354, 355 and 356 of this Law.

(5) The record of the session of the chamber shall be annexed to the rest of the case file from the first and second instance courts.

(6) Any decisions as referred to in Articles 432 and 433 of this Law may be enacted without notifying the parties about the session of the chamber.

Article 423
Rulings of the second instance court

(1) The second instance court shall rule at the session of the chamber or on the basis of a hearing already held.
(2) At a session of the chamber held as referred to in Article 422 of this Law, if the chamber finds it necessary to hold a hearing, it shall be scheduled within 15 days from the date of the session of the chamber at the latest.

Article 424
Hearing before the chamber of the second instance court

(1) A hearing before the chamber of the second instance court shall be held, if:
1) it is established that there was an essential violation of the criminal procedure provisions as referred to in Article 415, paragraph 1 of this Law, which, according to the chamber's opinion, may be corrected by holding a main hearing; or
2) it is established that the facts of the case have been wrongly established during the first instance procedure or when any new facts and evidence, presented in the appellant's brief for the first time have been evaluated as admissible.
(2) The provisions that refer to the main hearing in the first instance procedure shall be correspondingly applied in the event of a hearing before the chamber of a second instance court, unless provided for otherwise in this Law.
(3) The defendant and his or her counsel, the plaintiff, injured party, any legal representatives and attorneys of the injured party and the private plaintiff, as well as any witnesses and expert witnesses that are to be heard as decided by the court, shall be summoned for the hearing before the second instance court.
(4) Any evidence that was not known or available during the first instance procedure shall be presented during the hearing, as well as those deemed necessary to be presented by the chamber, in order to properly establish the facts of the case.

Article 425
Course of the hearing before the Chamber of the second instance court

(1) The hearing before the second instance court shall commence with a report provided by the reporting judge who shall present the issue at hand, without providing his or her opinion on the adequacy of the appeal.
(2) Upon a motion or ex-officio, one shall also read the judgment or the specific part of the judgment that the appeal refers to, and the record of the main haring if necessary.
(3) The applicant shall be invited next to explain the appellant's brief, and then the floor shall be given to the opposing party to respond to the allegations in the appeal. The defendant and his or her defense counsel shall always speak the last.
(4) In view of the results from the hearing, the plaintiff may completely or partially withdraw the indictment or amend the indictment in favor of the defendant.

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Article 426
Judgment by the Chamber of the second instance court

(1) Following the hearing, the chamber of the second instance court shall pass a verdict in accordance with the provisions of Articles 434 to 437 of this Law.
(2) As regards to producing a written judgment, the chamber of the second instance court shall be bound to the deadlines as referred to in Article 407 of this Law.
(3) In passing the verdict, the chamber shall be bound by the prohibition as prescribed in Article 428 of this Law.
(4) If the defendant is kept in detention, the chamber shall be obliged to proceed pursuant to Article 438, paragraph 3 of this Law.

Article 427
Limits of examination of the first instance judgment

(1) The second instance court shall examine only the part of the judgment that is being disputed with the appeal, however, ex-officio, it shall always be obliged to examine the following:
1) if there is any violation of the criminal procedure provisions of Article 415, paragraph 1, items 1, 5, 6, 8, 9, 10 and 11 of this Law and whether the main hearing, contrary to the provisions of this Law, has been held in the absence of the defendant, and in the event of a mandatory defense, also in the absence of the defendant's counsel; and
2) if there are any violations of the Criminal Code to the detriment of the defendant (Article 416).
(2) If any appeal filed in favor of the defendant does not contain the data as referred to in Article 413, paragraph 1, items 2 and 3 of this Law, the second instance court shall limit itself only to the examination of any violations as referred to in items 1 and 2, paragraph 1 of this Article, as well as on the sentence, security measures and forfeiture of crime proceeds (Article 418).
(3) In the appellant's brief, the appellant may claim a violation of the law as referred to in Article 415, paragraph 1, item 2 of this Law, only if he or she was not able to indicate that violation during the main hearing, or if he or she indicated it, but the first instance court did not take it under consideration.

Article 428
Prohibition of amendments for the worse

If an appeal has been filed in favor of the defendant only, the judgment may not be amended to his or her detriment, with regards to the legal qualification of the criminal offense and the criminal sanction.

Article 429
Extended effect of the appeal

Any appeal due to wrongly established facts of the case or due to violation of the Criminal Code filed in favor of the defendant, shall also contain an appeal in respect

of the decision on the criminal sanction and forfeiture of crime proceeds (Article 418 of this Law).

Article 430
Privilege of cohesion (*Beneficium cohaesionis*)

If the second instance court, when proceeding upon any appeal, establishes that the circumstances for the favorable decision for the defendant in that case might be also beneficial for some other co-defendants who did not appeal the judgment or appealed it in respect of other issues, it shall proceed ex-officio as if such an appeal existed.

Article 431
Judgments of the second instance court upon appeal

(1) The second instance court, during a session of the chamber may overrule the appeal as an untimely or inadmissible one, or it may reject the appeal as being ungrounded and affirm the judgment of the first instance court, it may reverse the first instance judgment, nullify it due to essential violations and return the case for repeated adjudication or it may nullify the first instance judgment and hold a hearing.
(2) The second instance court shall pass a single judgment for all appeals that refer to a same judgment.
(3) In the rationale of the judgment, i.e. the decision, the second instance court shall evaluate the allegations in the appeal and specify any violations of the law that the court considered ex-officio.

Article 432
Overruling an appeal as an untimely one

Any appeal shall be overruled with a decision as an untimely one, if it is established that it was not filed within the legally prescribed deadline.

Article 433
Overruling an appeal due to inadmissibility

Any appeal shall be overruled with a decision as inadmissible, if it is established that the appeal was filed by a person who is not authorized to file an appeal or a person who waived the right to appeal or if it is established that the person withdrew the appeal, or filed another appeal following the previous withdrawal or if an appeal is not allowed according to the law.

Article 434
Rejecting an appeal as an ungrounded one

With a decision, the second instance court shall reject the appeal as an ungrounded one and affirm the judgment of the first instance court if it is established that there are neither reasons for the judgment to be disputed nor violations of the law as referred to in Article 427, paragraph 1 of this Law.

Article 435
Reversing a judgment

(1) The second instance court, granting the appeal or ex-officio, with a decision, shall reverse the first instance judgment if it establishes that the decisive facts in the first instance judgment have been properly established and that considering the established facts of the case, following the correct application of the law, one should pass a different verdict, in accordance with the circumstances of the case and in the event of any violations as referred to in Article 415, paragraph 1, items 5, 9 and 10 of this Law.

(2) If the second instance court finds that the legal conditions for a court reprimand have been met, with a decision, it shall reverse the first instance judgment and pass a court reprimand.

(3) If the reversal of the first instance judgment created the necessary conditions to impose or cancel detention on the basis of Article 174, paragraph 1, item 5 and Article 175, paragraphs 1 and 5 of this Law, the second instance court shall enact a separate decision herein, and no appeal shall be allowed against it.

Article 436
Nullification due to essential violations

(1) The second instance court, granting the appeal or ex-officio, with a decision, shall nullify the first instance judgment and return the case for a retrial, if it establishes that there was an essential violation of the criminal procedure provisions, unless it decides to hold a hearing before the second instance court.

(2) The second instance court may order for a new main hearing to be held before the first instance court and a completely different trial chamber.

(3) The second instance court may also partially nullify the first instance judgment, if certain parts of the judgment may be set aside without any detriment to the proper adjudication.

(4) If the first instance judgment is nullified due to essential violations of the criminal procedure provisions, the rationale shall have to specify which provisions have been violated and how.

(5) If the defendant is kept in detention, the second instance court shall investigate whether the reasons for detention still exist and pass a decision for extension or cancellation of the detention. An appeal against this decision shall not be allowed.

Article 437
Nullification of the first instance judgment and holding a hearing

(1) The second instance court, granting the appeal or ex-officio, with a decision, shall nullify the first instance judgment and order for a hearing to be held, if the conditions as referred to in Article 424 of this Law are met.

(2) The second instance court may also partially nullify the first instance judgment, if certain parts of the judgment may be set aside without any

detriment to the proper adjudication and hold a hearing in respect of those parts.

(3) If the defendant is kept in detention, the second instance court shall investigate whether the reasons for detention still exist and pass a decision for extension or cancellation of the detention. An appeal against this decision shall not be allowed.

(4) If the appealed judgment has already been nullified once, the second instance court shall then hold a hearing and rule on the merits of the case.

Article 438
Returning the case file to the first instance court

(1) The second instance court shall return all case files to the first instance court along with its judgment, in a sufficient number of certified copies to be delivered to the parties and other interested persons.

(2) If the defendant is kept in detention, the second instance court shall be obliged to deliver its judgment along with the rest of the case files to the first instance court within 45 days at the latest, and in more complex cases, within 60 days from the day when the court received the case files from the public prosecutor.

3. Appealing the judgment of the second instance court

Article 439
Admissibility of appeal

(1) An appeal against the judgment of the second instance court with the court that adjudicates in third instance shall only be allowed in the following instances:

1) if the second instance court passed a sentence of life imprisonment, or if it affirmed such a sentence passed by first instance court's judgment;

2) if the second instance court passed a verdict on the basis of a hearing held; and

3) if the second instance court reversed the judgment of the first instance court whereby all charges have been dropped against the defendant and then passed a verdict declaring the defendant guilty.

(2) The third instance court shall rule on the appeal against the second instance judgment during a session of the chamber in accordance with the provisions that are applicable to the second instance procedure. There shall be no hearing before this court.

(3) The provisions of Article 435 of this Law shall also be applicable in the case of any co-defendants who did not have the right to appeal the second instance judgment.

4. Appealing a decision

Article 440
Admissibility of an appeal against a decision

(1) Any parties or persons whose rights have been violated may appeal against the decision by the preliminary procedure judge and other court's decisions in first instance, unless explicitly stipulated in this Law that a separate appeal shall not be allowed.
(2) A separate appeal against the decision of the chamber as referred to in Article 25, paragraph 5 of this Law brought before and during the investigation shall not be allowed, unless established otherwise in this Law. Whenever this Law stipulates that a separate appeal is not allowed, any decision may be disputed through an appeal against the judgment.
(3) Any decisions brought for the purpose of the preparation of the main hearing and the verdicts may be disputed only through an appeal against the judgment.

Article 441
Filing an appeal

(1) An appeal shall be filed with the court that enacted the decision.
(2) Unless established otherwise in this Law, any appeal against a decision shall be filed within three days from the date of receipt of the decision.

Article 442
Suspensive action of an appeal

Unless established otherwise in this Law, the act of filing an appeal against a decision shall delay the enforcement of the decision that is being appealed.

Article 443
Competent entity to rule on the appeal

(1) The second instance court in a session of the chamber shall rule on any appeal against the decisions of the first instance court, unless established otherwise in this Law.
(2) The trial chamber referred to in Article 25, paragraph 5, shall rule on any appeals against the decisions by the preliminary procedure judge, unless established otherwise in this Law.
(3) When ruling on an appeal, the court may overrule the appeal with a decision as untimely or inadmissible, it may reject the appeal as an ungrounded one, or it may grant the appeal and reverse or nullify the decision and if necessary refer the case back for retrial.

Article 444
Appropriate application of the provisions on appealing a first instance court judgment

(1) The provisions of Articles 411, 413, 419, 421 paragraphs 1, 4 and 5, Article 427, paragraph 1, item 1 and Articles 428 and 430 of this Law shall be applied correspondingly to the appeal procedures against any decisions.
(2) If an appeal has been filed against a decision as referred to in Article 522 of this Law, the public prosecutor shall be notified about the session of the

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camber, and any other persons under the conditions provided for in Article 422 of this Law.

Article 445
Appropriate application of the provisions on appealing a decision

Unless established otherwise in this Law, the provisions of Articles 440 and 445 of this Law shall be correspondingly applied to all other decisions that are being enacted in accordance with this Law.

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Chapter XXVII

EXTRAORDINARY LEGAL REMEDIES

1. Repetition of the criminal procedure

Article 446
General provision

Any criminal procedure that has ended with a decision or judgment that has entered into effect, upon a motion by an authorized person, may be repeated only in the instances and under the conditions as prescribed in this Law.

Article 447
Reversing a judgment that entered into effect without repeating the procedure

(1) A judgment that has entered into effect may be reversed without repeating the criminal procedure in the following situations:

1) If several sentences have been provided for the same convicted person in two or more judgments that have entered into effect, and the provisions for a single sentence for concurrent crimes have not been applied;
2) If, when a single sentence has been provided for by applying the concurrent crime provisions, the sentence according to the concurrent crime provisions from an earlier conviction has been taken as the established one;
3) If, after the judgment has entered into effect, certain circumstances have occurred that were missing at the time of the verdict or they were not known although existed, which obviously would have provided for a more lenient conviction;
4) If a judgment that entered into effect, which provided for a single sentence for several crimes, could not be enforced in one part due to amnesty, pardon or for any other reason;
5) If, following a conviction verdict that entered into effect, whereby the defendant was found guilty of a continuous crime, additional injured parties appear, the first instance court shall reverse its verdict regarding the legal and property claim, and the procedure shall be initiated upon a motion by the injured parties within a period of three moths from the date when they have learned about the verdict.

(2) In the event as referred to in item 1, paragraph 1 of this Article, with a new judgment, the court shall reverse any earlier judgments regarding the sentence and impose a single sentence. The first instance court that proceeded in the case that produced the most severe sentence shall be the competent one to pass a new verdict, and if the sentences were of the same type – the court that issued the longest sentence, and if the sentences were equal – the court that was the last to issue a sentence.

(3) In the event as referred to in item 2, paragraph 1 of this Article, the court that wrongly took into consideration a sentence that was previously already covered by an earlier judgment when passing a single sentence shall be obliged to reverse its judgment.

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(4) In the event as referred to in paragraph 1, items 3 and 4 of this Article, the court shall reverse the earlier judgment regarding the sentence and pass a new sentence, or it will reduce the earlier sentence or establish how much of the sentence passed with the previous judgment will be actually served.

(5) The new verdict shall be passed by the court in a session of the Chamber, upon a motion by the public prosecutor or the convicted person, after the opposing party has been heard.

(6) If, in the events as referred to in items 1 and 2 of paragraph 1 of this Article, judgment by other courts have been taken under consideration when passing the sentence, a certified copy of the new judgment that has entered into effect shall also be delivered to those courts.

Article 448
Continuation of the criminal procedure

(1) If the court rejected the indictment as an ungrounded one, and if the charges have been dropped or rejected before the commencement of the main hearing or if the procedure has been legally and validly terminated with a decision, upon a motion by the authorized plaintiff, one may allow for a repetition of the criminal procedure (Article 453, paragraph 3) if new evidence is tendered, on which basis the court may be convinced that the necessary conditions for re-initiation of the criminal procedure have been met.

(2) Any criminal procedure that was validly terminated prior to the commencement of the main hearing may be repeated, if the public prosecutor waived his or her right of criminal prosecution, or if it is proved that such a waiver was a result of a committed crime. The provisions of Article 450, paragraph 2 of this Law shall be applicable in respect of any crime committed by the public prosecutor and its proof.

Article 449
Repeating the procedure in favor of the convicted

(1) Any criminal procedure that ended with a judgment that entered into effect may be repeated in favor of the convicted person in the following situations:

1) If it is possible to prove that the verdict was based on a false document, visual-audio recording or a false statement by a witness, expert witness, translator or interpreter;

2) If it is possible to prove that the verdict was caused by a criminal offense committed by the judge, lay-judge or any person involved in the investigative actions;

3) If new facts or evidence are presented, which are sufficient on their own or in relation to the former evidence, to cause an acquittal of the person who was earlier convicted or his or her conviction according to a more lenient criminal law provisions;

4) If a person was tried several times for the same crime or if several persons have been convicted for the same crime that could have been committed by only one person or some of them;

5) If new facts or evidence is presented in the event of a conviction for a continuous crime or another crime that covers several actions of the same or

different type according to the law, which show that the convicted person did not perform the action covered by the crime of the conviction, and the existence of those facts would have an essential influence over the sentencing.

6) If the European Court of Human Rights establishes with a decision that has entered into effect, any violations of the human rights and fundamental freedoms during the procedure.

(2) In the events as referred to in items 1 and 2 of paragraph 1 of this Article, one shall have to prove with a judgment that entered into effect that the specified persons have been found guilty of the specific crimes. If the procedure against these individuals is impossible because they have died or due to circumstances that would exclude any criminal prosecution, the facts as referred to in items 1, 2 and 3 in paragraph 1 of this Article, may also be established though other evidence.

Article 450
Repeating the procedure to the detriment of the convicted

In exceptional cases, the criminal procedure may be repeated to the detriment of the convicted person, if the verdict that overruled the indictment has been passed due to subject-matter non-jurisdiction of the court and the public prosecutor initiated a procedure before a competent court asking for the procedure to be repeated.

Article 451
Authorized persons to file a motion for repetition of the procedure

(1) The parties and the defense counsel may put a motion for repetition of the criminal procedure, and after the death of the convicted person, the same may be done by the public prosecutor, if the procedure was conducted upon his or her request, or of the persons as referred to in Article 411, paragraph 2 of this Law.

(2) A motion for repetition of the criminal procedure may also be put after the convicted person has already served his or her sentence, regardless of any statute of limitation, amnesty or pardon.

(3) If the court, which would be competent to rule on a motion for repetition of the criminal procedure (Article 452 of this Law), learns of any reasons for repetition of the criminal procedure, it shall notify the convicted person thereof, i.e. the person who is authorized to put forward such motion.

Article 452
The court that rules on the motion and its contents

(1) The Chamber referred to in Article 25, paragraph 5 of the court that was adjudicating in the first instance in the previous procedure shall rule on the motion for repetition of the criminal procedure.

(2) The motion shall have to specify the legal grounds that the repetition is requested on, and what is the evidence in support of the facts that provide the grounds for the motion. If the motion does not contain this data, the court shall invite the applicant to complete the motion within a certain deadline.

(3) When ruling on the motion, the judge who participated in passing the verdict in the previous procedure shall not be a member of the Chamber.

Article 453
Ruling on the motion for repetition of the procedure

(1) With a decision, the court shall deny the motion, if it establishes on the basis of the motion and the case file of the previous procedure that the motion was put by an unauthorized person or there are no legal grounds for repetition of the procedure, or that the facts and evidence that the motion is based upon were already presented in a former motion to repeat the procedure that was denied with a court decision that entered into effect, or that the facts and evidence are obviously not suitable to be used as a basis for repetition or if it establishes an existence of a false document, or a false statement by a witness or an expert witness, or that the applicant did not proceed in accordance with Article 452, paragraph 2 of this Law.

(2) If the court does not deny the motion, it shall deliver a copy of the motion to the opposing party, which shall have a right to respond within a period of eight days. After the court has received the response to the motion or after the deadline for responding has expired, the presiding judge of the chamber shall order for the facts to be examined and evidence collected that are being referred to in the motion and the reply.

(3) After completing the examination, with a decision, the court shall immediately rule on the motion for repetition of the procedure in accordance with Article 448 of this Law. In other situations, which involve criminal offenses that are being prosecuted ex-officio, the presiding judge shall order for the case file to be sent to the public prosecutor, who shall then return the case file along with his or her opinion on the case, without any delay.

Article 454
Granting the repetition or denying the motion for repetition of the procedure

(1) After the public prosecutor has returned the case file, if not decided for the examination to be supplemented on the basis of the results of the initial examination, the court shall grant the motion and allow for the criminal procedure to be repeated, or it shall deny the motion if the new evidence provided is not suitable and sufficient for the repetition of the criminal procedure.

(2) If the court finds that the reasons for repetition of the criminal procedure apply also to some of the other co-defendants, who did not put a motion for repetition of the criminal procedure, the court shall proceed ex-officio, as if such a motion existed.

(3) In the decision for the repetition of the criminal procedure the court shall rule for a new main hearing date to be set immediately, or the case to be returned in the investigation procedure stage, i.e. to conduct an investigation procedure if one was not conducted earlier.

(4) If the court believes that bearing in mind the evidence presented, at the end of the repeated procedure the earlier convicted person may receive a sentence, which, along with the sentence already served, would mean that the person

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will have to be released, or that all charges might be dropped against him or her or that the indictment might be overruled, it shall rule for the enforcement of the verdict to be postponed, i.e. terminated.

(5) As soon as the decision granting the repetition of the criminal procedure enters into effect, the person shall stop serving the sentence, but the court, upon a motion by the public prosecutor, shall rule on detention if the conditions are met as referred to in Article 165 of this Law.

Article 455
Rules for the new procedure

(1) The same provisions as for the initial procedure shall be applicable to the new procedure conducted on the basis of the decision granting the repetition of the criminal procedure. During the new procedure, the court shall not be bound by any decisions enacted during the previous procedure.

(2) If the new procedure is cancelled prior to the commencement of the main hearing, the court shall nullify any previous verdict with the decision on termination of the procedure.

(3) When the court passes a verdict in the new procedure, it shall declare partial or complete nullification of the former verdict or its further validity. Any time already served by the defendant shall be taken into account by the court when sentencing the person again, and if the repetition has been granted only for some of the crimes that the defendant was convicted of, the court shall pass a new single sentence in accordance with the provisions of the Criminal Code.

(4) During the new procedure, the court shall be bound with the prohibition as prescribed in Article 428 of this Law.

Article 456
Repetition of the procedure for a person convicted in absence

(1) Any criminal procedure whereby a person was convicted in absence (Article 365 of this Law) and there is a possibility for the person to be tried in his or her presence shall be repeated also apart from the conditions prescribed in Article 364 of this Law, if the defendant or his or her counsel puts a motion for repetition of the criminal procedure within one year as of the day when the convicted person learned of the conviction in his or her absence.

(2) Apart from the situations as provided for in paragraph 1 of this Article, in any event, the court shall allow for repetition of the criminal procedure if there is an ongoing procedure for extradition of the person convicted in his or her absence and if the state where the person resides is asking for guarantees that the person shall be granted the right to be tried again in his or her presence.

(3) In the decision granting the repetition of the criminal procedure in accordance with the provision in paragraph 1 of this Article, the court shall order for the indictment to be delivered to the convicted person, if it has not been done previously, and it may also decide for the case to be returned to the investigation procedure stage, i.e. to conduct an investigation, if one has not been conducted previously.

(4) The court shall not allow for a defendant to be tried again in his or her absence, when the person's motion for repetition of the criminal procedure due to a trial in absence was granted, if the person becomes unavailable to the law enforcement entities during the repeated procedure.

2. Motion for protection of legality

Article 457
Grounds for the motion

The Chief Public Prosecutor of the Republic of Macedonia may file a motion for protection of legality against judicial verdicts that have entered into effect if there was a violation of the Constitution, the law or an international agreement that was ratified in accordance with the Constitution of the Republic of Macedonia.

Article 458
Ruling on the motion for protection of legality against judicial decisions that have entered into effect

(1) Any motion for protection of legality put by the Chief Public Prosecutor of the Republic of Macedonia as referred to in Article 457 of this Law shall be filed with the Supreme Court of the Republic of Macedonia.
(2) The Supreme Court of the Republic of Macedonia shall rule on the motion at a session.
(3) Before the court rules on the case, if required, the reporting judge assigned, may collect information on the alleged violations of the law.
(4) The public prosecutor shall always be notified about the session.

Article 459
Privilege of cohesion (*Beneficium cohaesionis*) and prohibition of changes for the worse

(1) When ruling on the motion for protection of legality, the court shall limit itself only to the examination of violations of the law referred to by the applicant in the motion itself.
(2) If the court finds that any of the reasons for the decision in favor of the convicted person are applicable to any of the co-convicted persons in relation to whom there was no motion for protection of legality, ex-officio, the court shall proceed as if such a motion existed.
(3) If the motion for protection of legality was put in favor of the convicted person, when ruling on the motion, the court shall be bound by the prohibition as stipulated in Article 428 of this Law.

Article 460
Denying or rejecting the motion

(1) If the public prosecutor withdraws the motion for protection of legality, the court shall reject the motion with a decision.

(2) The court shall deny the motion for protection of legality as ungrounded with a verdict, if it establishes that there is no violation of the law as referred by the public prosecutor in his or her motion.

Article 461
Evaluating the motion as a grounded one

(1) If the court finds the motion for protection of legality to be grounded, it shall pass a verdict in accordance with the nature of the violation and it shall reverse the decision that entered into effect, or it shall completely or partially nullify the decisions of the first instance and the higher court, or the decision of the higher court only, and return the case to be adjudicated again or to be tried by the first instance or the higher court, or the court shall limit itself only to the establishment of any violations of the law.
(2) If a motion for protection of legality was put to the detriment of the convicted person, and if the court believes that it is grounded, it shall only establish the violation of the law, without discussing the enforceable decision.
(3) If, according to the provisions of this Law, the second instance court was not authorized to eliminate any violation of the law done by the first instance decision or during the judicial proceedings that preceded it, and if the court that rules on the motion for protection of legality put in favor of the convicted person, finds that the motion is grounded and that the first instance decision is to the nullified or reversed in order to eliminate any violation of the law, it shall also nullify or reverse the second instance decision, although it did not cause any violations of the law.

Article 462
Rules of the new procedure

(1) If the judgment that entered into effect has been nullified and the case returned to be tried again, the former indictment shall be taken as the basis, or one of its parts that refers to the part of the judgment that has been nullified.
(2) Before the first instance, i.e. second instance court the parties may present new facts and tender new evidence and move for additional procedural actions in order for the issues identified by the Supreme Court of the Republic of Macedonia in its decision to be clarified.
(3) When enacting the new decision, the court shall be bound by the prohibition stipulated in Article 428 of this Law.
(4) If the decision of the higher court has been nullified along with the decision of the lower court, the case shall be referred back to the lower court, through the higher court.

3. Motion for exceptional re-examination of the verdict that entered into effect

Article 463
Conditions for the motion

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(1) Any person validly convicted to an unconditional prison sentence or juvenile prison of at least one year and his or her defense counsel may put forward a motion for exceptional re-examination of the judgment that entered into effect, due to violations of the law in the situations as provided for in this Law.
(2) Any motion for exceptional re-examination of a judgment that entered into effect shall be filed within 30 days from the day when the defendant received the final and enforceable judgment.
(3) Any convicted person who did not use a regular legal remedy against the judgment may not put forward a motion for exceptional re-examination of an enforceable judgment, except if the judgment of the second instance court, instead of acquittal, court reprimand, probation or a fine, provided for a prison sentence, i.e. juvenile prison instead of an educational measure.
(4) A motion for an exceptional re-examination of a final and enforceable decision may not be put forward against a judgment of the Supreme Court of the Republic of Macedonia.

Article 464
Competent court

The Supreme Court of the Republic of Macedonia shall rule on any motions for exceptional re-examination of a final and enforceable judgment.

Article 465
Grounds for the motion

A motion for an exceptional re-examination of a judgment that entered into effect may be put forward:
1) due to a violation of the Criminal Code to the detriment of the convicted person as provided in Article 416, items 1, 2, 3 and 4 of this Law or due to a violation as referred to in item 5 of Article 416 if the exceeded authority refers to the sentencing judgment, alternative measure or forfeiture of property and crime proceeds and seizure of objects or seizure of crime proceeds;
2) due to a violation of the criminal procedure provisions prescribed in Article 415, paragraph 1, items 1, 5, 8, 9 and 10 of this Law; and
3) due to violation of the rights of the defense or due to a violation of the criminal procedure provisions during the appeal procedure, if the violation influenced or could have influenced the lawful and just enactment of the judgment or the right of the defendant to a fair trial.

Article 466
Ruling on the motion

(1) The motion for an exceptional re-examination of a judgment that entered into effect shall be filed with the court that enacted the judgment in the first instance.
(2) Any motion that was not filed on time or filed by an unauthorized person, or if filed in a case of a criminal sanction conviction, due to which it is not possible to file a motion (Article 463, paragraph 1) or it is not allowed according to the law, or if the applicant withdraws the motion, shall be denied with a decision

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by the Presiding Judge of the Trial Chamber of the first instance court or the court that is competent to rule on the motion.

(3) The court that is competent to rule on the motion shall deliver a copy of the motion and the case files to the plaintiff that proceeds before that court, who may file a reply within 15 days of the day when he or she received the motion.

(4) The first instance court or the court that is competent to rule on the motion, depending on the contents of the motion, may decide to postpone, i.e. to cancel the enforcement of the judgment that entered into effect.

Article 467
Appropriate application of other provisions of this Law

The provisions of Article 458, paragraphs 1, 2 and 3, Articles 459, 460 and Article 461, paragraphs 1 and 2 of this Law shall be applied correspondingly in respect of the motion for an exceptional re-examination of a judgment that has entered into effect. When applying Article 461, paragraph 1 of this Law, the court may not limit itself only on establishing the violation of the law, and the provision of Article 461 paragraph 2 of this Law shall be applied only in respect of the sentencing.

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SECTION E: EXPEDITED PROCEDURES

Chapter XXVIII

SUMMARY PROCEDURE

Article 468
Crimes that are subject of a summary procedure

The provisions from Articles 469, 470, 471, 472, 473, 474, 475, 476, 477, 478, 479, 489 and 481 of this Law shall be applied during the procedure conducted in the first instance for crimes that entail a monetary fine or imprisonment of up to five years as the main sentences, and if nothing specific is provided for in those provisions, the other provisions of this Law shall be applicable accordingly.

Article 469
Initiation of a summary procedure

(1) A criminal procedure shall be initiated on the basis of an indictment application by the public prosecutor or on the basis of personal legal action.
(2) The indictment application and the personal legal action shall be filed in a sufficient number of copies for the court and the suspect.

Article 470
Determining Detention

(1) A person may be detained if there are grounds for suspicion that he or she committed a crime and:
1) if the person is hiding and if his or her identity cannot be established or if there are other circumstances that indicate an apparent danger of flight; and
2) if a crime has been committed against public order and moral, and there are specific circumstances that justify the fear that the suspect might repeat the crime or that the person is going to commit the crime that he or she was threatening with.
(2) The preliminary procedure judge shall rule on detention prior to the filing of the indictment application, and after it has been filed, the same shall be done by the competent individual judge.
(3) The detention shall last for not more than eight days prior to the filing of the indictment application. The Chamber referred to in Article 25, paragraph 5, shall rule on any appeal against the decision.
(4) Any detention imposed after the indictment application has been filed and before the end of the main hearing, shall last for not more than 60 days.
(5) When the defendant is kept in detention, the court shall be obliged to proceed with the utmost urgency.

Article 471
Elements of the indictment application

(1) The indictment application, i.e. the personal legal action shall contain the following: first name and surname of the suspect with his or her personal data, if known, short description of the criminal offense, designation of the court that the main hearing will be held before, proposed evidence to be presented during the main hearing and a motion for the suspect to be found guilty and convicted in accordance with the law.

(2) The indictment application may contain a proposal for a measure to ensure the presence of the suspect. If the suspect is kept in detention or house detention, the indictment application shall specify the day ad time when the suspect has been placed in detention or house detention.

Article 472
Receiving the accusation at the court

(1) When the court receives the indictment application or the personal legal action, the judge shall initially investigate whether the court has proper jurisdiction and whether there are any reasons to reject the indictment application, i.e. the personal legal action.

(2) If the judge does not pass a decision as referred to in paragraph 1 of this Article, he or she shall set a date for the main hearing.

Article 473
Non-jurisdiction

(1) If the judge finds another court to be competent for the trial, he or she shall transfer the case to that court.

(2) After setting a date for the main hearing, it shall not be possible for the court to declare itself non-competent ex-officio, due to lack of territorial jurisdiction.

Article 474
Rejecting the accusation

(1) The judge shall reject the indictment application or the personal legal action, if he or she finds that some of the grounds as referred to in Article 337 of this Law are present.

(2) The decision shall be delivered to the public prosecutor or to the private plaintiff.

Article 475
Reconciliation hearing

(1) Before scheduling a date for the main hearing for crimes that are to be tried by an individual judge and prosecuted upon private lawsuit, the individual judge may summon the private plaintiff and the accused only, to come to the court at a specified date in order to initially clarify certain issues, if he or she believes that it might be expedient for a quicker completion of the procedure. Along with the summons, the accused shall also receive a copy of the private lawsuit.

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(2) At this hearing, the individual judge may propose for the private plaintiff and the accused to be referred to a mediation procedure, if both parties agree.
(3) If the parties agree to be referred to a mediation procedure, the individual judge shall enact a decision for referral to mediation and the procedure shall proceed according to the provisions of Articles 491, 492, 493, 494, 495 and 496 of this Law.
(4) If the parties do not agree to be referred to a mediation procedure, and if they do not reconcile and if the personal legal action is not withdrawn during the reconciliation hearing, the judge shall take statements from the parties and call them to put their motions forward, with respect to any evidence to be collected.
(5) If the individual judge does not find any reasons to reject the action, as of a rule, he or she shall set a date for the main hearing immediately and inform the parties thereof.
(6) The individual judge may start the main hearing immediately and after the presentation of the evidence to rule on the personal legal action. In the summons, the private plaintiff and the accused shall be forewarned about this.
(7) The provision of Article 63 of this Law shall be applicable in the event of non-response by the private plaintiff to the summons as referred to in paragraph 1 of this Article.
(8) If the accused fails to appear and the judge decided to start the main hearing, the provision of Article 366, paragraph 4 of this Law shall be applied.

Article 476
Persons that are summoned to the main hearing

(1) The judge shall summon the accused and his or her defense counsel, the plaintiff, the injured party and their legal representatives and attorneys, witnesses, expert witnesses and an interpreter to the main hearing.
(2) The accused shall be informed in the summons, that he or she can come to the main hearing with evidence in his or her defense. In the summons, the accused shall be forewarned that the main hearing shall be held also in his or her absence if the appropriate legal conditions are met (Article 365). Along with the summons, the accused shall receive a copy of the indictment application, i.e. personal legal action and he or she shall be advised of the right to a defense counsel, however, in the event when the defense is not mandatory, one must not postpone the hearing in the event of non-appearance of the defense counsel at the main hearing or assigning a counsel only at the main hearing.
(3) The summons shall be delivered to the accused so as to allow enough time between the delivery of the summons and the day of the main hearing for preparation of the defense, which should be at least eight days. With an ascent of the accused, this period may be shortened.

Article 477
Location of the main hearing

The main hearing shall be held at the location of the court. In emergencies, especially when one needs to conduct a crime scene investigation or when that is in

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the interest of conducting an easier evidentiary procedure, upon approval by the President of the Court, the main hearing may be held at the place where the criminal offense has been committed or where the investigation took place, if those places fall within the territorial jurisdiction of that court.

Article 478
Objection due to lack of territorial jurisdiction

An objection regarding the territorial jurisdiction shall be possible by the beginning of the main hearing at the latest.

Article 479
Preconditions for the main hearing

(1) The main hearing shall be conducted in the presence of the public prosecutor i.e. the private plaintiff and the defendant.
(2) In the event of criminal offenses that entail a fine or a prison sentence of up to 3 years, if the defendant does not appear at the main hearing, although regularly summoned or if the service of process could not have been properly effectuated since it is obvious that the defendant is avoiding to receive the summons, the court may decide for the main hearing to be held in his or her absence. For all other crimes that are being dealt with in a summary procedure, the presence of the defendant at the main hearing shall be compulsory.

Article 480
Course of the main hearing

(1) The main hearing shall commence with a presentation of the contents of the indictment. Any main hearing that has been commenced shall be completed, if possible, without any interruptions.
(2) If the defendant pleads guilty during the main hearing, one shall proceed in accordance with Article 381 of this Law.

Article 481
Announcing the verdict

(1) After the completion of the main hearing, the court shall immediately announce the verdict and proclaim it along with the essential reasons. The verdict shall have to be prepared in a written form within eight days of its proclamation.
(2) An appeal may be filed against the verdict within eight days from the day of delivery of the copy of the verdict.
(3) The provisions of Article 174 of this Law shall be applied correspondingly also in respect of any cancellation of detention after the announcement of the verdict.
(4) If the court provides for a prison sentence in its judgment, it may order for the defendant to be detained, i.e. to remain in detention, if the reasons as referred to in Article 165, paragraph 1, items 1, 2 and 3 of this Law exist. In such an

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event, the detention may last until the judgment enters into full effect, but for not longer than 60 days.

Article 482
Notification of the session of the Chamber at the second instance court

(1) When a second instance court is ruling on an appeal against a judgment of a first instance court enacted in a summary procedure, both parties shall be notified about the session of the Chamber at the second instance court, only if the Presiding Judge or the Chamber believes that the presence of the parties would be useful for further clarification of the issues.

(2) If the criminal offense at hand is one that requires the procedure to be conducted upon a motion by the public prosecutor, the Presiding Judge of the Chamber, before the session of the Chamber, shall deliver the case file to the public prosecutor, who can then put forward his or her written motion within a period of eight days.

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Chapter XXIX

REACHING A JUDGMENT ON THE BASIS OF A PLEA AGREEMENT BETWEEN THE PUBLIC PROSECUTOR AND THE SUSPECT

Article 483
Filing draft plea agreement

(1) Before raising the indictment, the public prosecutor and the suspect may submit a draft plea agreement requesting from the preliminary procedure judge to impose a criminal sanction determined by type and duration within the legally prescribed limits for the specific criminal offence, however, not lower than the limits for mitigation of the sentence as defined by the Criminal Code.

(2) The Public Prosecutor shall be obliged, along with the draft plea agreement, and together with all the evidence, to enclose a written statement signed by the injured party regarding the type and amount of any legal or property indemnification claim.

(3) The plea agreement procedure shall be conducted between the competent public prosecutor and the suspect, in the presence of his or her defense counsel.

Article 484
Subject of the plea agreement

The subject of the plea agreement shall be the type and duration of the criminal sanction to be proposed in the draft plea agreement, and if consented by the accused, the subject of the plea agreement may also be the legal or property indemnification claim of the injured party.

Article485
Elements of the draft plea agreement

(1) Any submitted draft plea agreement, as referred to in Article 483 of this Law shall have to contain the following:
   1) Data on the public prosecutor, the suspect and his or her defense counsel.
   2) Description and legal qualification of the criminal offences covered by the draft plea agreement.
   3) Proposed criminal sanction by type and duration.
   4) Type and amount of any legal or property claims and the manner of its effectuation.
   5) Statement by the suspect that he or she is consciously and voluntarily accepting the draft plea agreement and any consequences derived thereof.
   6) A statement by the public prosecutor and the suspect that they waive their right to an appeal, provided a judgment accepting the draft plea agreement is passed.
   7) The costs for the procedure.

8) Signatures of the public prosecutor, the suspect and his or her defense counsel.
9) Date and venue of concluding the draft plea agreement.

Article 486
Participation of the counsel of the suspect in the plea agreement procedure

(1) The suspect must have a defense counsel present from the moment of commencing the plea agreement procedure.
(2) The suspect shall have a counsel of his or her own choosing. If he or she fails to choose one himself, the president of the competent court shall appoint a counsel ex officio.

Article 487
Non participation of the court in the plea agreement procedure

The judge of the preliminary procedure shall not participate in the plea agreement procedure between the public prosecutor and the suspect and his or her defense counsel.

Article 488
Acting upon the draft plea agreement

(1) The judge of the preliminary procedure shall schedule a hearing for assessment of the draft plea agreement within three days from the receipt of the draft plea agreement.
(2) The judge shall summon at the hearing the persons who filed the draft plea agreement and is obliged to examine if it has been submitted voluntarily, whether the suspect is aware of the legal consequences from its acceptance, any consequences related to any legal or property claims and the costs for the criminal procedure.
(3) Throughout the hearing, the public prosecutor, the suspect and his or her defense counsel must not put forward a motion for a criminal sanction that is different to the criminal sanction contained in the draft plea agreement. If the public prosecutor or the suspect and his or her counsel put such a motion, they shall be considered to have desisted from the draft plea agreement and the judge of the preliminary procedure shall issue a ruling as referred to in paragraph 1 of Article 489 of this Law.
(4) The preliminary procedure judge shall advise the public prosecutor and the suspect and his or her defense counsel of their right to withdraw from the draft plea agreement before the ruling is made.
(5) The preliminary procedure judge shall advise the public prosecutor and the suspect and his or her defense counsel that the acceptance of the draft plea agreement shall be considered as waiving the right of appeal against any judgment reached on the basis of the draft plea agreement.

Article 489
Rejecting the draft plea agreement

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(1) If the preliminary procedure judge finds that the collected evidence regarding the facts relevant for selecting and determining the criminal sanction do not justify the pronouncing of the proposed criminal sanction, i.e. that the public prosecutor, the suspect and his or her defense counsel filed a motion during the hearing for a criminal sanction that is different than the one contained in the draft plea agreement, he or she shall enact a decision rejecting the draft plea agreement and submit the case files to the public prosecutor.

(2) In the event of reaching a decision as referred to in paragraph 1 of this Article, the records from the held hearing and the draft plea agreement may not be used in the further course of the procedure, and they shall be treated as provided for in Article 336, paragraph 4 of this Law.

(3) An appeal against the decision reached as referred to in paragraph 1 of this Article shall not be allowed.

Article 490
Judgment on the basis of a draft plea agreement

(1) If the preliminary procedure judge accepts the draft plea agreement, he or she shall pronounce a judgment where he or she must not pronounce a criminal sanction different to the criminal sanction contained in the draft plea agreement.

(2) The judgment shall contain the elements of a judgment of conviction pursuant to Article 404 of this Law.

(3) The judgment shall be announced immediately and prepared in writing within three days of its announcement. The judgment shall be delivered to the public prosecutor, the suspect and his or her defense counsel without any delay.

(4) The injured party shall also receive a copy of the judgment without any delay. If the injured party is dissatisfied with the type and amount of the legal or property indemnification claim awarded with the judgment, he or she may effectuate such right through dispute litigation.

Chapter XXX
MEDIATION PROCEDURE

Article 491
Mediation conditions

(1) In the event when a criminal offense is prosecuted upon a personal legal action, the competent individual judge, at the reconciliation hearing and for the purpose of expedience, may propose to the parties to agree on referral to mediation.
(2) The parties in the mediation procedure shall be the suspect, his or her defense counsel and the injured party and his or her attorney.
(3) The consent may be provided on the record before the individual judge or in a written form, jointly or each of the parties separately. Any consent shall be given not later than three days from the day when the referral to mediation has been proposed.
(4) After the parties have given their consent, the individual judge shall enact a decision, thus referring the parties to mediation.
(5) If the parties do not give consent within the prescribed deadline, the individual judge shall enact a decision, noting that the mediation referral proposal has not been accepted and he or she shall set a date for the main hearing according to the summary procedure provisions.

Article 492
Nomination of a mediator

Within three days from the given consent, the parties shall jointly nominate one or more mediators from the Directory of Mediators and notify the individual judge thereof.

Article 493
Duration of the mediation procedure

The mediation procedure shall last no longer than 45 days from the day when the parties gave their consent to the competent individual judge.

Article 494
Conducting a mediation procedure until an agreement is reached

(1) The mediator shall conduct the mediation procedure until a written agreement has been signed, in accordance with the provisions of the Mediation Law.
(2) In agreement with the parties, the mediator shall set the terms for the mediation. The mediator shall communicate with the parties together or separately. The presence of the parties during the course of the mediation procedure shall be obligatory.
(3) Before the commencement of the mediation procedure, the mediator shall be obliged to introduce the parties to the principles, rules and expenses of the procedure.

Article 495
Completion of the mediation procedure

(1) The mediation procedure may end by signing a written agreement, where the provisions of Articles 495 and 496 of this Law shall be applicable.

(2) Other than with a written agreement, the mediation procedure may also end with the following:
   1) a written statement by the mediator, after consultations with the parties confirming that any further attempts for mediation are not justified, on the day of submission of the statement;
   2) after the expiry of 45 days, confirmed by a notification by the mediator;
   3) if the parties withdraw from the mediation procedure at any time without providing the reasons thereof. It shall be considered that the parties withdrew as of the day when the withdrawal statement has been filed; and
   4) the mediator terminates the mediation procedure with a decision, believing that the agreement reached is unlawful or inappropriate for enforcement.

(3) The written statement, the notification or the decision enacted by the mediator, i.e. the statement of withdrawal by the parties as referred to in paragraph 2 of this Article, shall be delivered to the individual judge without any delays and he or she shall set a date for the main hearing according to the summary procedure provisions.

Article 496
Signing a written agreement

(1) If the mediation procedure ends by signing a written agreement between the mediator and the parties, such an agreement shall have to contain at least the following elements:
   1) information on the suspect, i.e. on the defendant and his or her counsel;
   2) information on the injured party, i.e. the private plaintiff;
   3) description of the incident and the legal qualification of the crime;
   4) the date of commencement of the mediation procedure;
   5) total number of meetings held with the parties together or separately;
   6) subject of the agreement – claim for damages, performing certain duties by the perpetrator, i.e. the defendant for the benefit of the injured party, an apology by the perpetrator, i.e. the defendant to the injured party, returning objects or anything else that was the subject of an agreement between the parties;
   7) a deadline for fulfillment of the obligations not longer than three months;
   8) decision on the payment of the procedure expenses;
   9) date of compilation of the written agreement;
   10) signature by the parties involved in the mediation process; and
   11) certification of the agreement by the mediator with a signature and seal issued by the Mediator's Chamber.

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(2) Any signed written agreement shall be delivered to the competent court without any delays.

(3) Before the deadline for fulfillment of the obligations has expired, the suspect shall be obliged to show proof of fulfillment of the obligations and payment of the procedural expenses to the competent individual judge.

(4) After receiving the proof and receipt for the procedural expenses paid as referred to in paragraph 3 of this Article, the individual judge shall enact a decision for termination of the procedure.

(5) Any decision enacted as referred to in paragraph 4 of this Article shall be delivered to the suspect and the injured party.

(6) If, after the expiry of the deadline for fulfillment of the obligations, the suspect does not show any proof that he or she fulfilled any obligations provided for in the written agreement, the individual judge shall set a date for the main hearing in accordance with the summary procedure provisions.

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Chapter XXXI

PROCEDURE FOR ISSUING A PENAL WARRANT

Article 497
Conditions for issuing a penal warrant

(1) The public prosecutor may put forward a motion for issuing a penal warrant for criminal offenses that are under the competence of an individual judge, when the public prosecutor has enough evidence at his or her disposal.

(2) Any motion for issuing a penal warrant shall contain the following:
1) personal data on the defendant;
2) description of the criminal offense that he or she is accused of;
3) legal qualification of the crime;
4) evidence that the prosecution disposes of; and
5) type and duration of the criminal sanction or another measure that is being proposed to the court.

(3) Along with the motion for issuing a penal warrant, the public prosecutor shall propose to the court to issue one or more of the following criminal sanctions or measures:
1) a fine in the amount of 10 to 100 daily mulcts;
2) probation with an established prison sentence of up to three months or a monetary fine;
3) a ban on driving motor vehicles for up to two years; and
4) forfeiture of assets and property as crime proceeds and seizure of objects.

(4) A private plaintiff, with a private claim may also put forward a motion for issuing a penalty warrant.

Article 498
Denying a motion for issuing a penal warrant

(1) An individual judge shall deny a motion for issuing a penal warrant if the criminal offense at hand is one that does not provide for issuance of such a motion. The Chamber referred to in Article 25, paragraph 5 of this Law shall rule on the appeal by the public prosecutor against the decision for denial, within a period of 48 hours.

(2) If the individual judge believes that the data given in the motion for issuing a penal warrant does not provide sufficient grounds to issue a penal warrant and if, according to that data the judge might expect for some other criminal sanction or measure to be issued, and not the one proposed by the public prosecutor, after the receipt of the indictment application, he or she shall set a date for the main hearing according to the summary procedure provisions.

Article 499
Issuing a penal warrant with a judgment

(1) If the individual judge agrees with the motion as referred to in Article 497 of this Law, he or she shall issue a penal warrant with a verdict, thus imposing

the criminal sanctions or any other measures proposed by the public prosecutor.

(2) Any verdict as referred to in paragraph 1 of this Article shall also contain any decision on a legal and property claim, if such a request exists. The rationale shall list only the evidence that justifies the issuance of the penal warrant.

(3) The verdict shall contain an advice for the defendant, as referred to in Article 501, paragraph 2 of this Law, that the verdict shall enter into effect following the expiry of the objection deadline, if an objection has not been filed.

Article 500
Delivery of penal warrants and the right of appeal

(1) The judgment that the penal warrant has been issued with shall be delivered to the defendant and his or her defense counsel if any.

(2) Within eight days from the day of receipt of the judgment, the defendant and his or her defense counsel may file an objection against the judgment in a written form or verbally or on the record at the court. The objection does not have to have a rationale, but it may contain evidence in favor of the defense. The defendant may waive his or her right to object until the moment when the main hearing is set. Any payment of a fine before the expiry of the objection deadline shall not be considered as a waiver of the objection right.

(3) If the defendant misses the deadline for objection for justified reasons, the individual judge shall allow for the return of the previous state of affairs, by applying the provisions of Articles 99, 100 and 101 of this Law.

(4) If the individual judge denies the objection as an untimely or one filed by an unauthorized person, the defendant or the person who filed the objection shall have a right of appeal within a period of three days with the Chamber referred to in Article 25, paragraph 5 of this Law.

(5) If the judge does not deny the objection, he or she shall set a date for the main hearing in accordance with the summary procedure provisions (Articles 468, 469, 470, 471, 472, 473, 474, 475, 476, 477, 478, 479, 480, 481 and 482 of this Law). In doing so, the individual judge shall not be bound by any proposed criminal sanctions or other measures contained in the public prosecutor's motion for issuing a penal warranty.

(6) As soon as a date for the main hearing is set, it shall be considered as if the judgment for issuing a penal warrant has never been enacted.

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PART THREE
SPECIFIC PROCEDURES

Chapter XXXII

PROCEDURE FOR ISSUING ALTERNATIVE MEASURES

Article 501
Issuing a court reprimand

(1) A court reprimand shall be issued with a decision.
(2) Unless provided otherwise in this Chapter, the provisions of this Law that refer to a guilty verdict shall correspondingly be applicable to the court reprimand decision.

Article 502
Court reprimand decision

(1) The court reprimand decision shall be proclaimed immediately after the completion of the main hearing along with the essential reasons thereof. In such an event, the presiding judge shall forewarn the defendant that he or she shall not be sentenced for the committed criminal offense, since it is expected for the court reprimand to have sufficient influence over him or her not to commit any further crimes. If the court reprimand decision is proclaimed in the defendant's absence, the court shall incorporate such a warning in the rationale to the decision. In the event of any waiver of the right to appeal or with regards to the drafting of the written decision one shall apply the provision of Article 486, paragraph 2 of this Law accordingly.
(2) The court reprimand decision, besides the personal data on the defendant, shall also specify that the defendant is being reprimanded by the court for the criminal offense that he or she has been indicted for and the legal title of the criminal offense. The court reprimand decision shall also comprise the required data as referred to in Article 404, paragraph 1, items 5 and 7 of this Law.
(3) The court shall present the reasons for the enactment of the court reprimand in the rationale of the decision.

Article 503
Disproving the court reprimand decision

(1) The court reprimand decision may be disproved on the grounds as referred to in Article 414, items 1, 2 and 3 of this Law, as well as due to non-existence of any circumstances that would justify the issuance of a court reprimand.
(2) If the court reprimand decision contains a decision for security measures, forfeiture of property and crime proceeds and seizure of objects, criminal procedure expenses or for any legal or property claim, such a decision may be disputed on the grounds that the court did not apply correctly the security measure or the one for forfeiture of crime proceeds, i.e. that the court enacted

the decision on the criminal procedure expenses or on the legal or property claim contrary to the legal provisions.

Article 504
Violation of the Criminal Code when issuing a court reprimand

There shall be a violation of the Criminal Code if a court reprimand has been issued, except in the situations as referred to in Article 416, items 1, 2, 3, 4, 5 and 6 of this Law, also when the authority of the court provided by the law has been exceeded by the court reprimand decision, or a decision for the issuance of a security measure or forfeiture of property and crime proceeds and seizure of objects.

Article 505
Appealing the court reprimand decision

(1) If the appeal against the court reprimand decision was filed by the plaintiff to the detriment of the defendant, the second instance court may pass a judgment, thus finding the defendant guilty and sentencing him or her to prison or to probation, if it finds that the first instance court has properly established the decisive facts, however, following the correct application of the law, the person should have been sentenced.
(2) Upon an appeal against the court reprimand decision by any of the parties, the second instance court may pass a judgment, thus overruling the indictment or dropping all charges against the defendant, if it finds that the first instance court has properly established the decisive facts, and following the correct application of the law, the passing of one of those verdicts has been vouched for.
(3) If the conditions as referred to in Article 434 of this Law are met, the second instance court shall enact a decision, thus rejecting the appeal as an ungrounded one and affirming the court reprimand decision of the first instance court.

Article 506
Passing alternative measures

(1) In the event of the following alternative measures that may be passed for certain crimes: community work, conditional termination of the criminal procedure and house detention, upon a motion by the public prosecutor, and if the conditions for the application of these criminal sanctions provided for in the Criminal Code have been met, the court may pass these measures without holding a main hearing.
(2) Any private plaintiff may also put forward a motion for passing of alternative measures.
(3) Before passing the verdict, the individual judge shall summon the parties. If the defendant, before the court, objects the enactment of a verdict passing alternative measures, the court shall open up a main hearing and the procedure shall continue pursuant to the provisions on the main hearing in accordance with this Law.
(4) If the defendant agrees with the motion, the court shall pass a verdict, thus

imposing the proposed alternative measure.

(5) In its verdict that provides for useful community work as a primary criminal sanction, the court shall specify the following:
   a) what is the crime that the person has been found guilty of, by indicating the facts and circumstances that characterize the criminal offense, as well as the ones that the application of a specific provision of the Criminal Code depends on;
   b) legal title of the criminal offense and the provisions of the Criminal Code that have been applied;
   c) total number of hours of useful community work;
   d) total number of hours that have to be completed during a single week;
   e) location of performing useful community work;
   f) any consequences in the event of non-observance of the measure and the manner of replacement of community work with a prison sentence.

(6) If the court, in its verdict, issued a fine of up to 90 daily mulct or a prison sentence of up to three months and the defendant put forward a motion for replacement with an alternative measure of useful community work as referred to in Article 58-a, paragraph 3 of the Criminal Code, the court shall enact a decision on the manner of replacement of the fine, i.e. the prison sentence with useful community work.

(7) Besides the alternative measures in the verdict as referred to in paragraph 4 of this Article, the court may also pass a measure of forfeiture of property and crime proceeds and seizure of objects when the legal conditions for those measures have been met and the court may rule on any legal or property claims by the injured party.

(8) If a verdict as referred to in paragraph 4 of this Article has been passed, it shall be considered as if the parties have waived their right of appeal.

Article 507
Decision on termination of procedure

(1) When the legal conditions for conditional termination of the criminal procedure have been met (Article 58-a of the Criminal Code), upon a motion by the authorized plaintiff, the court shall enact a decision for termination of the procedure, thus establishing the deadline for termination of the procedure and the duty of the perpetrator not to commit any new criminal offense during that period and to fulfill all other prescribed obligations.

(2) After the termination period has expired, the court shall enact a decision for termination of the procedure if the perpetrator observed the conditions and obligations as determined in the termination of procedure decision.

(3) Within a period of eight days, the parties shall have a right to appeal against the decision referred to in paragraph 1 of this Article.

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Chapter XXXIII

PROCEDURE AGAINST LEGAL PERSONS

1. General provisions

Article 508
Application of the procedure

(1) The provisions of this Chapter shall be applied in the procedure of establishing criminal responsibility and sentencing and imposing other measures for legal persons as perpetrators of criminal acts.

(2) If not determined otherwise with the provisions of this Chapter, in the procedure against legal persons, one shall appropriately apply the provisions of this Law on: the basic principles; territorial jurisdiction; consequences of non-jurisdiction and conflict of jurisdiction; exclusion; defendant; defense counsel; petitions; records; deadlines; reinstatement of prior state of affairs; costs; claims for indemnification; rendering and pronouncing decisions; service of process; summoning; holding in custody; guarantees and seizure of travel documents; detention; proof ability; summary procedure, pronouncement of the measure forfeiture of property and crime proceeds and seizure of objects; regular and extra-ordinary legal remedies and on the procedure for compensation of damages in the event of unjustifiably convicted persons.

Article 509
Expediency of initiating a criminal procedure

(1) When a criminal report is submitted against a responsible person or representative of a legal person, if there are grounds for suspicion that the conditions for criminal responsibility of the legal persons as determined with the Criminal Code are met, the public prosecutor, ex officio, may request an initiation of a criminal procedure for the same criminal offense also against the legal person.

(2) The public prosecutor may decide not to prosecute or to waive the right of criminal prosecution in accordance with Article 45 of this Law, if the legal person doesn't have any property, or the property is so limited, that it cannot cover even the costs of the criminal procedure, or if a bankruptcy procedure is conducted against the legal person.

(3) A single procedure shall be conducted for the legal person and the responsible person of the legal person, but if there are justifiable reasons, the procedures may be conducted separately.

Article 510
Court jurisdiction

(1) The Court where the seat of the legal person, i.e. the representative office of the foreign legal person is located shall be competent for any criminal procedures against the legal person.

(2) If a foreign legal person doesn't have a representative office on the territory of Republic of Macedonia, or if a single procedure against the legal person and the responsible person of the legal person is being conducted, the jurisdiction of the Court shall be established according to the general provisions on territorial jurisdiction of this Law.

Article 511
Representative of a legal person in the criminal proceedings

(1) Any authorized representative of the legal person who has all the rights and can undertake any actions that the defendant is authorized to undertake in the criminal procedure shall participate in the procedure against the legal person.

(2) An authorized representative of the legal person shall be the responsible person in the legal person as determined by the law, a decision based on the law, statute or other general act of the managing bodies of the legal person. If the authorized representative is also accused for the criminal offense, for which a procedure against the legal person is conducted too, or if he or she is summoned as a witness in the procedure, or there are existing factual or legal obstacles for him or her to represent the legal person, the legal person shall be obliged to assign, with a written letter of attorney, another representative from amongst the responsible persons or employees of the legal person. The written power of attorney may be also given on record before the court that is conducting the procedure.

(3) The legal person shall be obliged to deliver to the court a brief on the power of attorney of his representative, as well as proof of his authorization. The court, before the commencement of the main hearing shall establish the identity of the legal person's representative and his authorization for participation in the procedure.

(4) Any legal person shall be obliged to assign a representative within 8 days from the day of receipt of the summons for the main hearing. If the legal person, within this deadline, does not assign a representative and does not inform the court thereof, the court before which the procedure is being conducted shall assign a representative of the legal person ex-officio and inform the legal person accordingly.

(5) The ex-officio representative shall be assigned by the court from amongst the responsible persons or employees at the legal person, and if that is not possible from amongst its attorneys.

(6) The court shall also assign an ex officio representative when the legal person ceased to exist before the final completion of the criminal procedure, if, within 8 days from the termination of the legal person, the representative did not nominate his or her legal successor.

(7) If the legal person assigns as a representative a person who cannot assume that kind of capacity according to the provisions in paragraph 2 of this Article, the court shall oblige it to assign another representative within 8 days. If the legal person does not assign a new representative within 8 days, or if it cancels the power of attorney of the already assigned representative, the court shall assign a representative ex officio.

(8) The court shall assign the ex-officio representative with a decision, that may be appealed by the legal person and the assigned representative by that legal person, which shall not prevent its enforcement.
(9) Any necessary expenses for the representative of the legal person, as well as the award for the representative assigned ex-officio shall become part of the overall expenses of the criminal procedure.

Article 512
Defense counsel of a legal person in a criminal procedure

(1) Any accused legal person may have a defense counsel selected by the authorized representative of the legal person. When an attorney has been assigned as an ex-officio representative of the legal person, he or she shall also be defending the accused legal person.
(2) Any legal and responsible persons against whom a single procedure is being conducted for the same criminal offense, may have a common defense counsel, if that is not contrary to the interests of their defense.

Article 513
Delivery of writs

(1) Any summons and legal notices, as well as any decisions shall be delivered to the address of the registered seat of the legal person, i.e. the address of the representative of the legal person. If, during the criminal proceedings, the legal person changed its seat, it is obliged within 3 days to inform the court about the new seat and address, otherwise, any service of process at the previously known address shall be considered as appropriate.
(2) Any sentencing verdict of the legal person shall be delivered to the representative of the legal person in person. If the service of process in person is not successful, an appropriate service of process shall be considered if sent by registered mail to the address of the registered seat of the legal person or to the address of its representative.

Article 514
Apprehension

If a regularly summoned representative of a legal person does not respond to the summons and does not justify his or her absence, the court may order for the person to be brought in to the court.

2. Accusation and main hearing

Article 515
Contents of the indictment

Any indictment against a legal person has to also contain the name of the accused legal person, its seat according to the data in the Central Registry of the Republic of Macedonia, its registry number, first name and surname of its representative and his

or her address, as well as the citizenship and passport number of the foreign person assigned as a representative of the legal person.

Article 516
Examination and closing arguments

(1) At the main hearing, in a single procedure against the legal and responsible person, the responsible person shall be examined first, for every single count of the indictment, followed by the representative of the legal person.
(2) The court shall establish the order of presentation of evidence, starting with any evidence that refers to the responsible person.
(3) After the closing arguments of the defense counsel and the representative of the legal person, closing arguments shall be presented by the defense counsel of the responsible person and the responsible person.
(4) The provisions on passing a verdict without a main hearing (Article 497 of this Law) shall also be applicable in any criminal procedure against legal persons.
(5) If a defense counsel is provided for, the court may decide for the main hearing to be held without the presence of a representative of the legal person, if he or she has been regularly summoned and did not justify his or her absence, if it believes that his or her presence is not essential.

Article 517
Safeguarding measures

(1) During the proceedings, upon a motion by the public prosecutor, the court may impose one or more temporary measures in accordance with the provisions on temporary safeguarding or seizure of objects or property as referred to in Articles 194, 195, 196, 197, 198, 199, 200, 201, 202, 203 and 204 of this Law, as well as a prohibition of performing certain activities or all activities of the legal person until the completion of the proceedings and a ban on any statutory changes at the legal person. Any prohibitions shall be recorded in the registry of the court or other registries.
(2) Any prohibitions as referred to in paragraph 1 of this article shall be imposed with a decision, which may be appealed by the representative of the legal person within 3 days with the trial Chamber as referred to in Article 25, paragraph 5 of this Law. Any appeal shall not prevent the enforcement of the decision.

3. Verdict and legal remedies

Article 518
Contents of the verdict for the legal person

Any verdict against a legal person shall have to contain the name of the legal person and its seat, registry number, first name and surname of its representative and address, as well as the citizenship and the number of the travel document of the foreign national who has been nominated as a representative of the legal person.

Article 519

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Termination of the procedure

The court, with a decision, shall terminate the procedure if the legal person ceased to exist during the procedure, and there are no conditions for sentencing or a measure of forfeiture of property and crime proceeds or seizure of objects.

Article 520
Registration and delivery of temporary or permanent prohibitions to perform certain operations

(1) The final and enforceable judgment that provides for temporary or permanent prohibition of the legal entity to perform a specific activity, ex-officio, without any delay, shall be delivered by the court of first instance to the Central Registry of the Republic of Macedonia in order for the sentence to be registered.

(2) When the verdict provides for termination of the legal person, after it enters fully into effect, without any delay, it shall be delivered to the court that is competent for the procedure for termination of the legal person.

Article 521
Extraordinary legal remedies

In a criminal procedure against a legal person, one may use the extraordinary legal remedies of a motion for repetition of the procedure and motion for protection of legality.

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Chapter XXXIV
PROCEDURE FOR APPLICATION OF SAFEGUARDING MEASURES, FORFEITURE OF PROPERTY AND CRIME PROCEEDS, SEIZURE OF OBJECTS AND REVOCATION OF SUSPENDED SENTENCES

1. Procedure for the application of safeguarding measures

Article 522
General provisions on safeguarding measures

(1) If the defendant committed a criminal offense in a morally irresponsible state, the public prosecutor shall put forward to the court a motion for a safeguarding measure of compulsory psychiatric treatment and placement of the perpetrator in a healthcare institution, i.e. a motion for a compulsory psychiatric treatment of the perpetrator at liberty, if the conditions for such a measure as provided for in the Criminal Code have been met.

(2) In such an event, if the defendant is detained, the detention shall be recalled with a decision, and the person shall not be released but temporarily placed in an appropriate healthcare institution or another appropriate facility until the completion of the procedure for the application of the safeguarding measures.

(3) Along with the measure as referred to in paragraph 1 of this Article, the court may also impose a temporary prohibition on performing a specific profession, activity or duty or a ban on driving a motor vehicle. The court's decision shall be delivered to the competent authorities or organizations that the perpetrator works for, or which are competent for the supervision of the prohibition implementation.

(4) The defendant shall have to have a defense counsel as of the moment when the motion as referred to in paragraph 1 of this Article is put forward.

Article 523
Passing a safeguarding measure and termination of the procedure for its application

(1) Following the main hearing, the court that is competent for adjudication in the first instance shall rule on the application of any safeguarding measures of compulsory psychiatric treatment and placement in a healthcare institution or compulsory psychiatric treatment at liberty.

(2) Apart from the persons that are to be regularly summoned, physicians-psychiatrists shall be also summoned at the main hearing, from the healthcare institution that has been tasked with preparing an expert report on the sanity of the defendant. The defendant shall be summoned, if his or her condition provide for his or her presence at the main hearing. The spouse, i.e. extra-marital partner of the defendant shall be notified about the main hearing, as well as his or her parents or custodian, and other close relatives if so required by the circumstances.

(3) If the court, on the basis of any presented evidence, establishes that the defendant committed a specific criminal offense, and that he or she was morally insane at the time when the criminal offense was committed, it shall decide, on the basis of the examination of the summoned persons and the

findings and opinions by the expert witnesses, whether the defendant should be issued a safeguarding measure of compulsory psychiatric treatment and placement in a healthcare institution, i.e. a compulsory psychiatric treatment at liberty. When deciding which of the safeguarding measures is to be applied, the court shall not be bound by the motion by the public prosecutor.

(4) If the court declares the defendant to be insane, it shall terminate the procedure for application of safeguarding measures.

(5) Any person who has the right to appeal the verdict (Article 411 of this Law), except the injured party, shall have the right to appeal against the court's decision within a period of eight days after its receipt.

Article 524
Motion for a safeguarding measure for the purpose of amending the indictment

Any of the measures as referred to in Article 522, paragraph 1 of this Law may also be passed when the public prosecutor amends the indictment, i.e. the indictment application at the main hearing, by putting forward a motion for passing such measures.

Article 525
Passing a safeguarding measure in a case of a significantly reduced sanity

When the court sentences a person who committed a criminal offense in a state of a significantly reduced sanity, the same verdict shall also provide for a safeguarding measure of compulsory psychiatric treatment and placement in a healthcare institution or compulsory psychiatric treatment at liberty or a compulsory treatment of alcohol and drug addicts, if the court establishes that the legal conditions thereof have been met.

Article 526
Delivery of the enforceable decision to the court that is competent to rule on deprivation of work competence

The final and enforceable decision for the safeguarding measure of compulsory psychiatric treatment and placement in a healthcare institution, i.e. compulsory psychiatric treatment at liberty, in accordance with Articles 523 and 525 of this Law shall be delivered to the court, which is competent to rule on any deprivation of work competence. The entity for custody shall also be notified about the decision.

Article 527
Supervision of the implementation of the safeguarding measure of compulsory psychiatric treatment and placement in a healthcare institution and discharge of the perpetrator

(1) Ex-officio or upon proposal by a healthcare institution or the entity for custody, and after interviewing the public prosecutor, the court that passed the safeguarding measure of compulsory psychiatric treatment and placement in a healthcare institution in the first instance shall recall this measure and order

for the perpetrator to be discharged from the healthcare institution, if it establishes, on the basis of the opinion provided by the physician, that there is no more need for treatment and holding of the perpetrator at the institution, and it may also order for compulsory psychiatric treatment of the person at liberty.

(2) If a person whose sanity was significantly reduced is being discharged from a healthcare institution, and if he or she spent less time at the institution then the prison sentence he or she was convicted of, with a discharge decision, the court shall decide whether the person will serve the rest of the sentence or he or she shall be released on probation. Any person released on probation may be issued with a safeguarding measure of compulsory psychiatric treatment at liberty, if the legal conditions thereof have been met.

(3) Ex-officio or upon proposal by the management of the healthcare institution where the defendant was treated or was supposed to be treated, and after interviewing the public prosecutor, the court may impose a safeguarding measure of compulsory psychiatric treatment and placement in a healthcare institution on a perpetrator who has been previously issued with a measure of compulsory psychiatric treatment at liberty, if it establishes that the perpetrator did not undergo any treatment or has self-willingly abandoned it, or that regardless of the treatment, the person remains so dangerous for his or her surroundings, that his or her placement and treatment in a healthcare institutions is still vouched for. Before passing a decision, if necessary, the court shall obtain an opinion by a doctor, and the defendant shall be heard if his or her conditions allow it.

Article 528
Implementation of the safeguarding measure of compulsory treatment of alcohol and drug addicts

(1) The court shall rule on the possible implementation of the safeguarding measure of compulsory treatment of alcohol and drug addicts, after it has obtained a finding and opinion by an expert person. The expert should also provide an opinion regarding the possibilities for treatment of the defendant.

(2) If, when sentenced to probation, the perpetrator has been ordered to get some treatment while at liberty, and he or she did not undergo any treatment or has self-willingly abandoned it, the court, ex-officio, or upon proposal by the institution where the perpetrator was treated or was supposed to be treated, and after examining the public prosecutor and the perpetrator, may decide to recall the probation or order forcible enforcement of the imposed measure of compulsory treatment of alcohol and drug addicts in a healthcare institution or another specialized institution. If necessary, before making its decision, the court shall obtain an opinion from a doctor.

2. Procedure for seizure of objects and forfeiture of assets and crime proceeds

Article 529
Seizure of objects

(1) Any objects that have to be seized according to the Criminal Code shall also be seized even in the event when the criminal procedure has not ended with a conviction of the defendant.
(2) The entity before which the procedure was being conducted at the moment when the procedure was completed i.e. discontinued shall enact a separate decision thereof.
(3) The decision for seizure of the objects as referred to in paragraph 1 of this Article shall be enacted by the court, even if the verdict of conviction does not provide for such a decision.
(4) A certified copy of the decision for seizure of objects shall be delivered to the owner of the objects, if known.
(5) The owner of the objects shall have a right to appeal against the decision as referred to in paragraphs 2 and 3 of this Article, due to lack of legal grounds for the seizure of the objects. If the decision as referred to in paragraph 2 of this Article was not passed by the court, the appeal shall be ruled on by the Trial Chamber referred to in Article 25, paragraph 5 of this Law, of the court that was competent for adjudicating in the first instance.

Article 530
General provisions on forfeiture of assets and crime proceeds

(1) Any assets and crime proceeds that originate from the crime shall be established in a criminal procedure.
(2) During the procedure, the public prosecutor shall be obliged to collect evidence and inspect all circumstances, which are important for the establishment of assets and crime proceeds and to propose any measures as referred to in Article 202, paragraph 1 of this Law.
(3) If the injured party claimed any damages in view of returning the objects obtained with the criminal offense, i.e. in view of the amount that is equivalent to the value of the objects, the crime proceeds shall be established only for the part that is not covered with the legal or property claim.

Article 531
Procedure for forfeiture of assets and crime proceeds

(1) When performing forfeiture of assets and crime proceeds, the person to whom the crime proceeds have been transferred, as well as the representative of the legal person shall be summoned to be heard during the preliminary procedure and at the main hearing. In the summons, they shall be forewarned that the procedure shall be also conducted in their absence.
(2) Any representative of a legal person shall be examined at the main hearing after the defendant. It shall be proceeded in the same manner in reference of the person to whom the crime proceeds have been transferred, if he or she has not been summoned as a witness.
(3) Any person that the property interest has been transferred to, as well as any representative of a legal person, in reference to the establishment of the crime proceeds, shall be authorized to tender evidence and upon authorization of the Presiding Judge of the Trial Chamber to question the defendant, the witnesses and expert witnesses.

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(4) Any exclusion of the public from the main hearing shall not refer to the person that the assets and crime proceeds have been transferred to and to the representative of the legal person.

(5) If, during the main hearing, it is established that forfeiture of assets and crime proceeds is possible, the public prosecutor shall propose for the main hearing to be adjourned and summon the person that the assets and crime proceeds have been transferred to, as well as the representative of the legal person.

Article 532
Establishing the amount of the value of the assets and crime proceeds

(1) In collecting the required evidence for the establishment of the correct amount of the assets and crime proceeds, the public prosecutor may ask for any necessary information from other state entities, financial institutions, other legal persons and citizens who shall be obliged to submit them without any delay.

(2) If there are any suspicions that the assets have been moved abroad, the court shall be obliged to issue an international warrant or notification.

Article 533
Extended forfeiture

(1) The court shall provide for an extended forfeiture under the terms prescribed in the Criminal Code, if the defendant cannot prove that he has lawfully acquired the assets or property within one year as of the day of the commencement of the main hearing.

(2) If the court reaches a judgment in the first instance regarding the criminal offense within a term shorter than the one stipulated in paragraph 1 of this Article, when the legal conditions for the measure of extended forfeiture are met, the court shall provide for such a measure with a supplementary judgment that may be appealed in accordance with the provisions of this Law.

Article 534
Issuing a measure of extended forfeiture against a third party

(1) The court shall also order the measure of extended forfeiture against a third party by means of a decision under the terms prescribed in the Criminal Code, if within two years as of the day of commencement of the specific forfeiture procedure, the person cannot prove that he or she has indemnified the asset or property according to their value.

(2) The procedure for the measure of extended forfeiture shall be conducted upon a motion by the public prosecutor.

(3) The person shall have a right to file an appeal against the decision referred to in paragraph 1 of this Article within eight days, with the immediate superior court.

Article 535
Providing temporary safeguarding measures

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(1) When the conditions for forfeiture or extended forfeiture of assets and crime proceeds are met, the court, upon a motion by the public prosecutor, shall order temporary safeguarding measures as provided for in Article 194 of this Law.
(2) The court may order the measures as referred to in paragraph 1 of this Article, against third parties, who are suspected recipients of assets and property resulting from a criminal offense, without appropriate reimbursement.
(3) One may appeal the decision of the court ordering temporary safeguarding measures, within 8 days.
(4) The immediate superior court shall rule on the appeal within a period of 8 days.

Article 536
Contents of the decision for forfeiture of assets and crime proceeds

(1) The court may provide for forfeiture of crime proceeds in the guilty verdict for the defendant, in the decision for court reprimand or in the decision for application of an educational measure, as well as in the decision imposing a safeguarding measure.
(2) In the verdict or in the decision, the court shall indicate the piece of property or an object, or the monetary amount that is being forfeited.
(3) A certified copy of the verdict i.e. the decision shall also be submitted to the person that the crime proceeds have been transferred to, as well as to the representative of the legal person, if the court ordered forfeiture of assets and crime proceeds that belong to that person i.e. to that legal person.

Article 537
Motion for repetition of the procedure in view of the decision for forfeiture of assets and crime proceeds

The person as referred to in Article 531 of this Law may file a motion for repetition of the criminal procedure in accordance with Article 449 of this Law, with respect to the decision for forfeiture of assets and crime proceeds.

Article 538
Appropriate application of the provisions of this Law in respect of the appeal

The provisions of Article 412, paragraphs 2 and 3 of this Law and Articles 420 and 424 of this Law shall be applicable in respect of the appeal against the decision for forfeiture of assets and crime proceeds accordingly.

Article 539
Appropriate application of the other provisions of this Law

If the provisions of this Chapter do not provide otherwise with respect to the procedure for application of safeguarding measures or for forfeiture of assets and crime proceeds, the other provisions of this Law shall be applicable accordingly, if not established otherwise in the provisions of this Law.

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Article 540
Special procedure for forfeiture of assets and crime proceeds and seizure of objects

(1) When there are factual and legal impediments for conducting a criminal procedure against a perpetrator of a crime, upon a motion by the public prosecutor, the court shall conduct a special procedure for forfeiture of assets and crime proceeds and seizure of objects, if the conditions provided for in the Criminal Code are met.
(2) In the procedure as referred to in paragraph 1 of this Article, upon proposal by the public prosecutor, the necessary evidence shall be presented. By means of a decision, the court shall order the measure of forfeiture of assets and crime proceeds and seizure of objects if it is proven that the assets and the property have been obtained with the commission of a criminal offense or that the objects have been used to commit the criminal offense or have resulted from it, or that they have to be forfeited according to the provisions of the Criminal Code.
(3) The person whose assets and property have been forfeited may appeal the decision of the court referred to in paragraph 2 of this Article within eight days, with the immediate superior court.

Article 541
Enforcement of forfeiture of assets and crime proceeds

(1) The forfeiture of assets and crime proceeds shall be enforced within 30 days after the judgment enters into full effect.
(2) The enforcement order shall be issued by the court, which has passed the first instance judgment.
(3) The enforcement shall be executed against the assets and crime proceeds as defined in the court decision, and if that is partially or entirely impossible to be accomplished, the enforcement shall be executed against the remaining part of the property owned by the person against whom such a measure has been issued.
(4) An objection to the enforceability shall not be allowed, and any forcible enforcement shall be stopped only if the person voluntarily returns the property or deposits the appropriate amount of the property value in the account of the court. Any banks and other financial institutions, which hold the account that is subject of this measure, shall be obliged to enforce it without any delay and prevent any possible transfers or financial transactions.
(5) All legal acts concluded after the criminal offense was committed, with intent to reduce the value of the assets or property that is subject to forfeiture, shall be considered invalid.
(6) An objection shall be allowed only against the court order for enforcement of forfeiture of the remaining property.
(7) Any objection shall be filed within a period of eight days with the immediate superior court, which shall have to rule on the objection within eight days.

3. Procedure for recalling probation

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Article 542
General provision

(1) When the probation judgment provides for the enforcement of the sentence only if the convicted person does not return the crime proceeds, does not compensate for any damages or does not fulfill other obligations, and the convicted person does not fulfill those obligations within the prescribed deadline, the court that adjudicated in the first instance shall conduct a procedure to recall the probation upon a motion by the authorized plaintiff, or ex-officio.

(2) Any judge assigned for that task shall hear the convicted person if he or she is available and conduct all necessary investigations in order to establish the facts and collect the evidence that is essential for the decision.

(3) The presiding judge shall then schedule a session of the Trial Chamber and notify the plaintiff, the convicted person and the injured party thereof. Any non-appearance by the parties and the injured party, although regularly summoned, shall not prevent the session of the Chamber to be held.

(4) If the court establishes that the convicted person did not fulfill the obligation imposed with the judgment, it shall pass a judgment, thus extending the deadline for fulfillment of the obligation, relieve the person from such an obligation or replace it with another appropriate obligation as prescribed by the law, or recall any probation and order for the sentence to be enforced. If the court finds that there are no proper grounds for the enactment of some of those decisions, it shall terminate the procedure for recalling the probation by means of a decision.

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Chapter XXXV

PROCEDURE FOR ENACTING A DECISION ON SHORTER DURATION OF PROHIBITIONS, TERMINATION OF ANY LEGAL CONSEQUENCES OF THE CONVICTION AND DELETING A CONVICTION FROM A RECORD

Article 543
Decision on deletion of conviction

(1) When, according to the law, a deletion of a conviction happens after the expiration of a specific time period, provided that in that period the convicted person has not committed a new criminal offense, the decision to delete the conviction shall be enacted by the court ex-officio, as the competent entity to maintain the criminal records.
(2) Before the enactment of the decision to delete the conviction, all necessary verifications shall be conducted, and information shall be obtained as to whether criminal proceedings are under way against the convicted person for some new criminal offense committed before the expiration of the period provided for the deletion of the conviction.

Article 544
Request to establish that the deletion of the conviction has been done according to the law

(1) If the court does not enact a decision to delete the conviction, the convicted person may ask to be established that the deletion of the conviction has been done according to the law.
(2) The court shall rule on such a request, after examination of the public prosecutor, if the procedure was conducted upon his or her motion.

Article 545
Decision on deletion of a suspended sentence conviction

If a suspended sentence has not been revoked even one year after the probationary period has ended, the court that tried the case in the first instance shall render a decision to delete the suspended sentence conviction. This decision shall be delivered to the convicted person and to the public prosecutor, if the procedure was conducted upon his or her motion.

Article 546
Procedure for deletion of a conviction

(1) The procedure for deletion of a conviction on the basis of a court decision shall be initiated upon a motion by the convicted person.
(2) The motion shall be filed with the court that tried the case in the first instance.
(3) The judge assigned to this matter shall first examine whether the time required by law has passed, and then he or she shall make the necessary investigations, establish the facts to which the applicant refers and obtain evidence on all circumstances important for the decision.

(4) The court may ask for a report concerning the convicted person's behavior from the courts in whose jurisdiction the convicted person lived after serving his or her sentence, and it may also ask for such a report from the administration of the institution where the convicted person served his or her sentence.

(5) When the investigations have been conducted, and after the public prosecutor has been examined, if the procedure was conducted upon his or her motion, the judge shall deliver the case files, along with a substantiated recommendation, to the Trial Chamber, which tried the case in the first instance.

(6) The applicant and the public prosecutor may file an appeal against the court's decision on the motion for deletion of a conviction.

(7) If the court denies the motion because the behavior of the convicted person has not been such as to earn deletion of the conviction, the convicted person may put forward the same motion again if 2 years have passed from the date when the decision denying the motion has entered into full effect.

(8) Any certificate being issued to the citizens regarding the deletion of the conviction on the basis of the criminal records, for the purpose of exercising their rights abroad, shall not mention the conviction that has been deleted.

Article 547
Procedure for shorter duration of any prohibitions to engage in a vocation and activity and to hold a position, prohibition to drive a motor vehicle or for termination of legal consequences of a conviction and for deletion of a conviction

(1) Any motion for shorter duration of any prohibitions to engage in a vocation and activity and to hold a position, prohibition to drive a motor vehicle or for termination of legal consequences of a conviction and for deletion of a conviction shall be put forward with the court that tried the case in the first instance.

(2) The judge assigned to the matter shall first examine whether the time required by law has passed, then conduct the necessary investigations, establish the facts the applicant refers to, and gather evidence on all circumstances important for the decision.

(3) The judge may ask for a report from the courts in whose jurisdiction the convicted person lived after the primary sentence was served, remitted or after the statute of limitations expired, and he or she may also ask for such a report from the institution where the convicted person served his or her sentence.

(4) After the investigations have been conducted, and after the public prosecutor has been examined, if the procedure was conducted upon his or her motion, the judge shall deliver the case files, along with an argued recommendation, to the court competent to rule on the motion as referred to in paragraph 1 of this Article.

(5) The court referred to in paragraph 4 of this Article shall previously obtain an opinion by the public prosecutor who is proceeding before that court, if the procedure was conducted upon his or her motion.

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Article 548
Denying the motion

Should the motion be denied, a new motion may not be filed before the expiry of one year from the date when the decision denying the previous motion has entered into full effect.

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Chapter XXXVI

PROCEDURE FOR COMPENSATION FOR DAMAGES, REHABILITIATION AND EXERCISING OTHER RIGHTS OF PERSONS WHO HAVE BEEN UNJUSTIFIABLY CONVICTED AND UNGROUNDEDLY OR UNLAWFULLY DEPRIVED OF THEIR LIBERTY

Article 549
Persons who have the right to be compensated due to ungrounded conviction

(1) Any individual shall be entitled to compensation for damages due to ungrounded conviction if he or she received a criminal sanction that entered into full effect or if he or she was found guilty and relieved from the sentence, but later, on the basis of an extraordinary legal remedy the new procedure was validly terminated or a final and effective verdict acquitted him or her of all charges or if the charges were dismissed, except in the following cases:
   1) if the procedure was terminated or if the judgment to dismiss the charge was passed because in the new proceedings the private plaintiff has withdrawn from prosecution or the injured party has withdrawn the application and this withdrawal occurred on the basis of an agreement with the accused; and
   2) if, by means of a decision, the indictment was rejected during the new procedure, due to lack of jurisdiction of the court, and the authorized plaintiff pursued the prosecution before the competent court.

(2) Any convicted person shall not be entitled to compensation for damages if he intentionally brought about his conviction by his or her own false confession or in some other manner, unless he or she was compelled to do so.

(3) In the case of conviction for concurrent crimes, the right to compensation for damages may pertain to individual crimes insofar as the convictions for those crimes meet the conditions for recognition of compensation.

Article 550
Filing for compensation of damages

(1) The right to be compensated for damages shall expire in three years from the date when the verdict acquitting the accused of the charge or dismissing the charges entered into full effect, i.e. in three years from the date when the decision to reject the indictment or terminate the procedure entered into full effect, and if a superior court was ruling on the appeal, in a period of three years from the date when the decision of the superior court was received.

(2) Before filing a claim for compensation of damage with the court, the injured party shall be obliged to file a request with the Ministry of Justice so that an agreement might be reached as to the existence of any damage and the type and amount of compensation.

(3) In the case as referred to in Article 549, paragraph 1, item 2 of this Law, a decision may be made on the claim only if the authorized plaintiff has not undertaken prosecution before the competent court within 3 months from the date of receipt of the final enforceable verdict. If the authorized plaintiff undertakes prosecution before the competent court after the expiration of that

period, the proceeding for compensation of damages shall be suspended until the completion of the criminal proceedings.

Article 551
Filing a claim for compensation of damages

(1) If a motion for compensation of damages is not accepted by the Ministry of Justice, or if it does not render a decision concerning such a motion within 3 months from the date when the motion was put forward, the injured party may file a claim for compensation of damages with the competent court. If an agreement has been reached only concerning a part of the claim, the injured party may file a suit with respect to the remainder of the claim.
(2) As long as the proceeding referred to in paragraph 1 of this Article lasts, the statute of limitations as provided for in Article 551, paragraph 1 of this Article shall not run.
(3) The claim for compensation of damages shall be filed against the Republic of Macedonia.

Article 552
Rights of the injured party heirs

(1) Any heirs shall inherit only the right of the injured party to compensation for property damage. If the injured party has already filed a claim, the heirs may continue the procedure only within the limits of the claim already filed for compensation of property damage.
(2) Following the death of the injured party, any heirs may continue the procedure for compensation of damage, i.e. institute a procedure if the injured person died before the expiration of the statute of limitation and if he or she did not renounce the claim.

Article 553
The right of compensation for damage of persons who have been ungroundedly deprived of liberty

(1) An individual shall also be entitled to compensation for damage in the following cases:
   1) if the person was held in custody, and a criminal procedure was not instituted, or the procedure has been terminated by a decision that has entered into full effect, or if he or she has been acquitted by a verdict that has entered into full effect, or if the charges have been dropped or dismissed;
   2) if the person was serving a prison sentence, but in view of the repetition of the criminal procedure, or a motion for protection of legality or a motion for a special review of the final and enforceable verdict a shorter sentence has been issued then the one he or she has already served, or if a criminal sanction is issued, which does not provide for imprisonment, or if he or she is found guilty and relieved from any punishment;

3) if, because of an error or illegal act by an authority, the person has been ungroundedly or unlawfully deprived of liberty or kept for a prolonged period in detention or in another institution for serving a sentence or a measure; and
4) if the person has spent longer time in custody than the prison sentence that he or she has been sentenced to.

(2) Any person who has been deprived of liberty according to Article 158 of this Law, without legal grounds, shall be entitled to compensation for damage if the person was not placed in detention or if the time he or she was deprived of liberty was not credited against the sentence issued for the committed crime or misdemeanor offense.

(3) Any person shall not be compensated for damage if he or she brought about his or her arrest through impermissible actions. In the events as referred to in item 1, paragraph 1 of this Article, the right to compensation for damage shall be also precluded even if the circumstances existed as referred to in Article 549, paragraph 1, items 1 and 2 of this Law, or if the procedure was terminated on the basis of Article 304 of this Law.

(4) The provisions of this Chapter shall correspondingly apply in a procedure for compensation of damage in the cases as referred to in paragraphs 1 and 2 of this Article.

Article 554
Announcing the decision on the lack of grounds of the previous conviction in the public media and delivery of the decision to other persons

(1) If the case to which an unjustified conviction or ungrounded or unlawful imprisonment of a person has been reported by the public news media and the reputation of that person has been harmed thereby, at his or her request, the court shall announce in the newspapers or other public news media a notice of the decision declaring the unjustness of the prior conviction, i.e. the lack of grounds or unlawfulness of the imprisonment. If the case has not been reported in the public news media, upon the person's request, a notice to the same effect shall be delivered to his or her employer. Following the death of the convicted person, his or her spouse or extramarital partner, children, parents, brothers or sisters shall have the right to submit a request to that effect.

(2) The request referred to in paragraph 1 of this Article may be submitted even if a claim for compensation of damages has not been filed.

(3) Regardless of the conditions provided for in Article 549 of this Law, the request referred to in paragraph 1 of this Article may also be submitted in response to an extraordinary legal remedy, when the legal qualification of the criminal offense has been altered, if the reputation of the convicted person was seriously harmed due to the legal qualification in the former verdict.

(4) Any request as referred to in paragraph 1 of this Article shall be submitted within 6 months (Article 550, paragraph 1) to the court, which was adjudicating in the first instance. The request shall be ruled on by the Trial Chamber referred to in Article 25, paragraph 5 of this Law. The provisions of Article 549, paragraphs 2 and 3 and Article 553, paragraph 3 of this Law shall be applicable accordingly, when ruling on the request.

Article 555
Nullification of an unjustified conviction in the penal records

(1) The court which rendered judgment in the criminal procedure in the first instance shall render a decision, ex-officio, nullifying the entry of the unjustified conviction in the penal records. The decision shall be delivered to the Ministry of Justice.
(2) Any data from the penal records concerning the nullified entry may not be issued to anyone.

Article 556
Limiting the review and copying of case files

Any person who has been allowed to review and copy the case files (Article 123 of this Law) pertaining to an unjustified conviction or ungrounded or unlawful imprisonment may not use any data from those files in a manner which would be harmful to the rehabilitation of the person against whom the criminal procedure has been conducted. The President of the Court must so forewarn the person, who has been granted permission to review the files, and it shall be so noted on the document, and the person shall sign the notice to that effect.

Article 557
Reinstating employment and social insurance rights

(1) Any person's years of service, i.e. years of social insurance, if the person lost his or her employment or his or her social security status due to an unjustified conviction or ungrounded imprisonment, shall be recognized the same as if he or she has been working during the time lost due to the unjustified conviction or ungrounded imprisonment. The time granted shall also include any time when the person was unemployed as a result of the unjustified conviction or ungrounded imprisonment, which did not occur due to the fault of that person.
(2) Whenever a decision is made on a right affected by length of work service or length of time a person has been insured, the competent entity or the legal person shall take into account the time recognized under the provision of paragraph 1 of this Article.
(3) If the entity or the legal person as referred to in paragraph 2 of this Article does not take into account the time recognized under the provision of paragraph 1 of this Article, the injured party may move with the court referred to in Article 551, paragraph 1 of this Law to establish and affirm that that time has been recognized in accordance with the law. Any claim shall be filed against the entity or legal person that disputes the time of service granted and against the Republic of Macedonia (Article 551, paragraph 3).
(4) Upon request by the entity, i.e. the legal person where the right referred to in paragraph 2 of this Article is being exercised, any contributions for the time of service recognized under the provision of paragraph 1 of this Article shall be paid from the State Budget of the Republic of Macedonia.

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(5) Any length of time of insurance coverage recognized under the provision of paragraph 1 of this Article shall be entirely included in the pensionable time of service.

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Chapter XXXVII

ARREST WARRANT AND PUBLIC NOTICE

Article 558
Notification of an address of a person whose permanent or temporary place of residence is not known

If the permanent or temporary place of residence of the suspect, i.e. the accused or the witness is not known, when that is essential according to the provisions of this Law, the entity conducting the procedure shall ask the Ministry of Interior to look for the suspect, i.e. the accused or the witness and notify it about the person's address.

Article 559
Issuing an arrest warrant

(1) The issuance of an arrest warrant may be ordered when there is an order to arrest a person in flight, as follows:
   1) a suspect who is wanted due to a grounded suspicion that he or she committed a crime that is prosecuted ex-officio, and which carries a prison sentence of three years or a more serious sentence according to the law; or
   2) an accused person against whom a criminal procedure has been initiated for a crime that is being prosecuted ex-officio and carries a prison sentence of three years or a more serious sentence according to the law; or
   3) a convicted person who has been sentenced to prison with a final and enforceable decision.

(2) The issuance of an arrest warrant shall be ordered by the entity conducting the procedure.

(3) The issuance of an arrest warrant shall also be ordered in a case when the accused has fled, i.e. the convicted person has fled from an institution where he or she was serving the sentence, regardless of the length of the sentence, or when a person flees from an institution where he or she has been deprived of liberty. In such an event, the order shall be issued by the warden of the institution.

(4) The issuance of an arrest warrant shall also be ordered in a case when the accused has fled, i.e. the convicted person has fled from an institution where he or she was referred to by means of a judicial act, or from a healthcare institution with a measure of obligatory psychiatric treatment and placement in a healthcare institution. The order shall be issued by the court upon whose order the person has been referred to the institution, following its prior notification of the person's escape from the institution.

(5) Any order by the entity conducting the procedure or by a warden of an institution for the issuance of an arrest warrant shall be delivered to the Ministry of Interior to be enforced.

(6) The Ministry of Interior shall maintain a record of all issued arrest warrants. As soon as an arrest warrant is recalled, all data on the persons for whom an arrest warrant has been issued shall be deleted.

Article 560
Issuing a public notice to collect data on property and crime proceeds

If any data are needed on certain property and crime proceeds from a suspected crime or on certain objects that are related to the criminal offense or such property, crime proceeds and objects need to be found, the entity that conducts the procedure, ex-officio, shall order for a public notice to be issued, asking for the required data and information to be delivered to the entity conducting the procedure.

Article 561
Issuing a public notice for the establishment of an identity

(1) The Ministry of Interior shall issue public notices for the purpose of establishment of the identity of unknown corpses and persons whose identity is not known.
(2) The Ministry of Interior may also publish photographs of corpses and missing persons, if there are grounds to suspect that their death or disappearance was a result of a criminal offense.

Article 562
Recalling an arrest warrant or a public notice

The entity which ordered the issuance of the arrest warrant, i.e. public notice shall be obliged to recall it immediately, as soon as the person or property and crime proceeds or the object being sought is found or when the statute of limitations has expired on the criminal prosecution or enforcement of the sentence or due to other reasons that render the arrest warrant or public notice unnecessary.

Article 563
Issuing an arrest warrant or a public notice

(1) Any arrest warrant or public notice shall be issued by the Ministry of Interior.
(2) The public news media may be used to inform the public about the arrest warrant or the public notice.

Article 564
Issuing an international arrest warrant and public notice and issuing an arrest warrant and public notice upon request by a foreign entity

(1) If it is likely that the person against whom an arrest warrant has been issued is located abroad, the Ministry of Interior may also issue an international arrest warrant, after it has received a declaration by the entity that has issued the order for the arrest warrant, confirming that if the person is found, his or her extradition shall be sought after.
(2) If it is likely that the property and crime proceeds or the objects are located abroad, an international public notice shall be issued, accompanied by a declaration, confirming that if they are found, temporary measures for freezing

or forfeiture of property and crime proceeds or seizure of objects shall be sought after.

(3) At the request of a foreign authority, the Ministry of Interior may also issue an arrest warrant for a person who is believed to be staying in the Republic of Macedonia, if such a request contains a declaration confirming that if the person is found, his or her extradition shall be sought after.

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Chapter XXXVIII

TRANSITIONAL AND FINAL PROVISIONS

Article 565
Enactment of bylaws

Any bylaws provided for in this Law shall be enacted within a period of 12 months from the day this Law enters into force.

Article 566
Completion of the procedures initiated prior to the application of this Law

Any procedures initiated prior to the start of the application of this Law shall be completed according to the provisions of the Code on Criminal Procedure ("Official Gazette of the Republic of Macedonia no. 15/97, 44/2002, 74/2004, 83/2008 and 67/2009).

Article 567
Consequences of the application of this Law

The Code on Criminal Procedure ("Official Gazette of the Republic of Macedonia no.15/97, 44/2002, 74/2004, 83/2008 and 67/2009) shall no longer be valid as of the day when this Law begins with the application except in procedures conducted pursuant to article 566 of this Law.

Article 568
Entry into force and application of this Law

This Law shall enter into force on the eight day of its publication in the "Official Gazette of the Republic of Macedonia", and it shall be applied after the expiry of two years after the day of its entry into force, except the provisions that refer to the electronic delivery which shall start being applied after one year of the day of the entry into force of this Law.