



# CHAPTER 24 IN NORTH MACEDONIA PILOT STUDY

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This publication was prepared within the project “Road not taken: Civic Engagement in Education, Research and Monitoring Related to Chapter 24 (Road not taken: Citizens for Chapter 24)”, implemented by EUROTHINK - Center for European Strategies, and funded by the Balkan Trust for Democracy – BTd, a project of the German Marshall Fund of the USA and the Embassy of the Kingdom of Norway in Belgrade. The views expressed in this publication do not necessarily reflect the views of the Embassy of the Kingdom of Norway in Belgrade, the Balkan Trust for Democracy and the German Marshall Fund of the USA or their partners.

February, 2021



# **STREAMLINING SECURITY SECTOR GOVERNANCE AND REFORM AS A PART OF NEW EU ACCESSION METHODOLOGY**

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# Title: Streamlining Security Sector Governance and Reform as a part of new EU accession methodology

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*Member States need to be properly equipped to adequately implement the growing framework of common rules. Above all, this requires a strong and well-integrated administrative capacity within the law enforcement agencies and other relevant bodies, which must attain the necessary standards. A professional, reliable and efficient police organisation is of paramount importance.*<sup>1</sup>

## Summary

- The new Cluster Approach to accession process should be used to address security sector governance and reform in a holistic approach. This would require truly supporting the cross-fertilisation between the reforms in different chapters and policies especially within the Fundamentals Cluster.
- most pressing issue regarding police work is the perception of politicization of the police. Unfortunately, the vetting process of the police which was supposed to address this challenge has been delayed;
- Resources for implementation of the internal and external safeguards against any type of misuse need to be additionally allocated, especially when it comes to public internal financial control and external control against violation of human rights;
- There is a need for an enhanced meaningful civil society involvement in areas related to Chapter 24.

<sup>1</sup> European Commission, European Neighbourhood Policy And Enlargement Negotiations: Chapters of the acquis. Available at: [https://ec.europa.eu/neighbourhood-enlargement/policy/conditions-membership/chapters-of-the-acquis\\_en](https://ec.europa.eu/neighbourhood-enlargement/policy/conditions-membership/chapters-of-the-acquis_en)

## Introduction

At the first glance, security sector governance and reform (SSGR) is not part of the EU acquis and EU integration process. The EU has adopted EU-wide strategic framework to support SSR in 2016, but it has not yet been implemented systematically in the accession process. For the EU, security sector reform is understood as: 'the process of transforming a country's security system so that it gradually provides individuals and the state with more effective and accountable security in a manner consistent with respect for human rights, democracy, the rule of law and the principles of good governance.' However, these issues have been only partially addressed and in inconsistent way in the accession process, as it was identified in the Evaluation of EU Support for Security Sector Reform in Enlargement and Neighbourhood Countries.<sup>2</sup>

'The reform of the security sector in candidate or potential candidate countries is partly covered under the political Copenhagen criteria (guaranteeing democracy, the rule of law, human rights, respect and protection of minorities) for EU membership. The prospect of EU membership also carries with it a series of very specific obligations in the areas of border controls, migration, asylum and visa, police cooperation, or judicial co-operation in criminal or civil matters, which falls under the EU policy of freedom, security and justice'<sup>3</sup>.

So far, most of attention in the accession process related to SSR was focused on technical reforms within the Chapters 23 (Judiciary and Fundamental Rights), 24 (Freedom, Security and Justice) and 31 (Foreign, Security and Defence Policy).

In February 2020 the European Commission presented the new methodology for accession negotiations with the EU candidates. One of the most important novelties is organising the negotiating chapters in thematic clusters, in order to "inject further dynamism into the negotiating process and to foster cross-fertilisation of efforts...".<sup>4</sup>

This means that negotiations on each cluster will be opened as a whole rather than on an individual chapter basis. Rule of law is expected to become even more central in the accession negotiations, including stronger focus on the functioning of the democratic institutions and potential to stop the negotiations if there is no progress in this area.<sup>5</sup>

However, the EU has not yet made in practice the links between the performance of key justice, law enforcement and security institutions with oversight and management mechanisms contained in other parts of EU norms (e.g. functioning of democratic institutions, public administration reform, public procurement, financial control and statistics). This is why we propose purposeful mainstreaming of security sector reform across the various chapters within the Fundamental Cluster through a holistic approach.

<sup>2</sup> Joint Communication to the European Parliament and the Council - Elements for an EU-wide strategic framework to support security sector reform, available at: [http://www.evropa.gov.rs/Documents/Home/DACU/5/194/01%20SSR%20Evaluation\\_Final%20Report.pdf](http://www.evropa.gov.rs/Documents/Home/DACU/5/194/01%20SSR%20Evaluation_Final%20Report.pdf)

<sup>3</sup> The Annexes of the 2006 "A Concept for European Community Support for Security Sector Reform" provide a summary of SSR in the context of enlargement policy. [http://www.europarl.europa.eu/registre/docs\\_autres\\_institutions/commission\\_europeenne/sec/2006/0658/COM\\_SEC\(2006\)0658\\_EN.pdf](http://www.europarl.europa.eu/registre/docs_autres_institutions/commission_europeenne/sec/2006/0658/COM_SEC(2006)0658_EN.pdf), p. 4.

<sup>4</sup> European Commission, Enhancing the accession process - A credible EU perspective for the Western Balkans.

<sup>5</sup> European Commission, Press Corner: Revised enlargement methodology: Questions and Answers. 5 February 2020, Brussels. Available at: [https://ec.europa.eu/commission/presscorner/detail/el/qanda\\_20\\_182](https://ec.europa.eu/commission/presscorner/detail/el/qanda_20_182)

## CLUSTER FUNDAMENTALS

- 23 - Judiciary and fundamental rights
- 24 - Justice, Freedom and Security
- Economic criteria
- Functioning of democratic institutions
- Public administration reform
- 5 - Public procurement
- 18 - Statistics
- 32 - Financial control

The key responsibilities in the Chapter 24 are dealing with police cooperation and exchange of information in relation to fight against organised crime, drugs, terrorism, irregular migration etc. In order for cooperation to function, security professionals need to rely on trust and confidence that the exchanged sensitive information will not be misused in any way. This is why the accountability and integrity of law enforcement institutions is important for transnational cooperation.

Police is the "mirror" of the state as it holds the monopoly of violence. Misuse of this institution for political, party, business or other purposes seriously

questions the legitimacy of the government and state institutions. The so-called wiretapping scandal from 2015 have clearly demonstrated the extent to which human rights can be violated in absence of proper internal and external accountability mechanisms.<sup>6</sup>

Therefore, it is important to establish **the links between the various elements of the Cluster Fundamentals and having a professional, effective and efficient security sector.**

In regards to **public administration reform**, North Macedonia should especially take into account public service delivery for civic matters, but also human resource management in the police as a determining factor for the capacity of the police to implement the EU *acquis* in the respective areas. For instance, at the first glance, **Chapter 5** (Public Procurement) is not immediately related to security sector reform and governance. However, chapter 5 also includes the rules on confidential procurement and procurement for security purposes, which would be possible only if the security sector institutions are governed by the democratic principles of transparency and accountability, even when "no one is watching." Classified procurement is lacking the necessary transparency by definition. If they are performed within an institution that is not fully reformed, and which is lacking accountability, there is a huge risk that the taxpayers money might be misused. Similarly, financial management is crucial for good governance in the security sector;

hence, the links between Chapter 24 and **Chapter 32 (Financial Control)** should be closely monitored. Public internal audit and financial control should be applied in all public institutions; however, the police is especially important due to the notion of secrecy and limited transparency of its finances. Also, the Chapter 32 analyses the performance of State Audit Institution in oversight of the executive, including law enforcement and security institutions.

Furthermore, **Chapter 18** refers to the statistics collection and management systems in the country. North Macedonia will need to establish a system of regular collection of unified crime statistics with reference to the UNODC International Classification of Crime for Statistical Purposes, as a prerequisite for monitoring and evaluation of police's performance. Taking into consideration that progress in the EU integration process does not rely only on legislative alignment, but more on "track record," having an appropriate statistical system to demonstrate progress would be crucial.

The area of democracy and **functioning of democratic institutions** refers to the work of the parliament, governance, civil society and civilian oversight of the security sector.<sup>7</sup> Each of these areas encompasses standards whose successful implementation depends on security sector reform and governance. For instance, the parliament cannot function according to democratic standards of

EU member states if the work of the police does not follow close parliamentary scrutiny. Moreover, civilian oversight of the security sector became a crucial element of democracy in North Macedonia, due to the past massive violations of human rights and freedoms stemming from illegally wiretapped conversations.

Obviously, the closest links within the cluster Fundamentals exist between Chapter 24 and **Chapter 23**. These are the two chapters who are part of the Rule of Law criteria and the (lack of) progress within these two chapters have the capacity to determine the pace of the whole EU integration process of North Macedonia. Unreformed police services can have a serious impact on human rights and freedoms (protected within Chapter 23) such as the right to liberty and security, prohibition of torture and inhuman or degrading treatment or punishment, freedom of assembly and association etc. The police are also one of key actors in the fight against corruption (also covered by the Chapter 23) and therefore the internal control in police and other integrity-building mechanisms should be strengthened to enable the police to address the most sensitive issues as corruption in impartial and professional manner. In this paper, this streamlined approach has been piloted on the case of police reform in North Macedonia. The application to the whole of security sector (including defence and intelligence) is left for future research.

<sup>6</sup> For more, please see: The former Yugoslav Republic of Macedonia: Recommendations of the Senior Experts' Group on systemic Rule of Law issues relating to the communications interception revealed in Spring 2015, Brussels, 8 June 2015. Available at: [https://ec.europa.eu/neighbourhood-enlargement/sites/near/files/news\\_corner/news/news-files/20150619\\_recommendations\\_of\\_the\\_senior\\_experts\\_group.pdf](https://ec.europa.eu/neighbourhood-enlargement/sites/near/files/news_corner/news/news-files/20150619_recommendations_of_the_senior_experts_group.pdf)

<sup>7</sup> The area of democracy also includes elections. However, the sub-area of elections has been omitted from this matrix.

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# 1. Management/Governance of policing in NM

The management/governance of security sector is related to professionalization of police through effective management of human and financial resources and evidence-based policy-making and performance management. EU has been recognized this in the case of Serbia's accession by putting forward the requirement of 'a professional, reliable and efficient police organisation is of paramount importance' for implementing reforms related to fighting specific crimes addressed within Chapter 24<sup>8</sup>. This is why Serbia was required to ensure rationalization of police/Ministry of Interior with a view of increasing efficiency of police organization and professionalization of its performance.

The most pressing issue regarding police work is the perception of **politicization of the police**. The latest public opinion research EUROMETER has shown that the majority of citizens (58%) don't believe that the police is independent from partisan, governmental or business interests.<sup>9</sup> While the police is one of the most trusted institutions (43% said that they mostly or fully trust the police, still bearing in mind that 30% do not trust it), the results of the public prosecution and the judiciary are especially discouraging. Only 14% respondents trust these two institutions, against 68% who indicated mistrust. These perceptions have the capacity to seriously undermine the legitimacy of the criminal justice system. Therefore, depoliticization of this sector is a top priority for successful reforms within the security and justice domain.

Unfortunately, the Ministry of Interior is facing important challenges on **strategic level**. The first issue is the lack of reliable data on crime. UNODC assessment of data in the Western Balkans has shown that North Macedonia has a weak data management system on organized crime, but this problem is relevant for other crime areas too,<sup>10</sup> so various institutions have different data on the same case, making it almost impossible to track a case from start to finish. This is major impediment for monitoring and measuring track record of policing in regard to different types of crime (drugs, human trafficking, cyber etc.) addressed as a part of accession process, as well as security threats (corruption, border security etc.). This is why it is important to link the reforms of state official statistics within the Chapter 18 (Statistics) so to support establishment of infrastructure for production and dissemination of crime statistics based on principles such as impartiality, reliability, transparency, confidentiality of individual data and dissemination of official statistics.

Moreover, many important strategic documents of the Mol expired in 2020<sup>11</sup> and have not been updated in a timely manner. The COVID-19 pandemic and the 2020 parliamentary elections might be the reasons behind these delays; however, it is important to highlight the necessity for diligent strategic planning as the base for policy development and institutional strengthening.

Following the 2020 EU Commission Report, where it was highlighted that the strategic framework needs to be updated to ensure consistency with the Europol policy cycle/EMPACT, the Government of the Republic of North Macedonia urged the Ministry of Interior to finalize the latest SOCTA in line with the Europol policy cycle. Therefore, this area should be closely monitored in future.

In 2019, the Ministry of Interior adopted a Strategy for **Human Resource Management 2020 – 2022**.<sup>12</sup> The Strategy has already identified serious challenges in this area, especially regarding the inappropriate and non-transparent procedures and processes of recruitment and promotion. However, implementation seems to be going slower than expected. For instance, vetting of the police was announced to be a top priority for the Ministry in 2019, but such process has not been implemented. Furthermore, the Law on Internal affairs contradict the Law on Administrative Servants,<sup>13</sup> excluding the Mol employees from some of the rules that applicable to the public administration. Finally, the fight against corruption in the police deserves a special attention, as an area that requires further strengthening through better secondary legislation for prevention of conflict of interest and

implementing strict and fair internal control mechanisms.

Finally, regarding **financial management**, public procurement in the Ministry of Interior should be closely monitored, taking into account that the Mol is one of the largest budget spenders, with the highest number of employees and a wide range of functions that require strong capacities for internal financial control including strong internal audit. In 2018, the Mol was the institutions with the highest percentage (48%) of annulled procurements,<sup>14</sup> which is a negative indicator. The State Audit Office had found numerous irregularities in this area in the past and expressed "qualified opinion",<sup>15</sup> which is fact, a negative opinion. Moreover, the Mol has only two internal auditors,<sup>16</sup> which is far less from satisfactory. The performance of a functionally independent internal audit is analysed as a precondition for effective and transparent management and accountability for the achievement of objectives within the chapter 32 (financial control). The link between the chapters 32 and 24 within Fundamentals Cluster should be made in streamlining reforms in police, so to enable meaningful reforms.

<sup>8</sup> [https://www.mei.gov.rs/upload/documents/eu\\_dokumenta/Skrining/screening\\_report\\_ch\\_24.pdf](https://www.mei.gov.rs/upload/documents/eu_dokumenta/Skrining/screening_report_ch_24.pdf)

<sup>9</sup> Lembovska, M.: "EUROMETER 2020, Special edition: Citizens' perception on police and security," EUROTHINK, 2020.

<sup>10</sup> UNODC: "Research Brief: Measuring Organized Crime: Assessment of data in the Western Balkans. Available at:

[https://www.unodc.org/documents/data-and-analysis/Macro/Research\\_brief.pdf](https://www.unodc.org/documents/data-and-analysis/Macro/Research_brief.pdf)

<sup>11</sup> Such as: These include: Police Development Strategy 2016-2020; National Strategy on Illicit Drugs 2014-2020; National Strategy for Combating Trafficking in Human Beings and Illegal Migration 2017-2020.

<sup>12</sup> Available at: [https://mvr.gov.mk/Upload/Editor\\_Upload/FINAL%20HR%20STRATEGY\\_MK.pdf](https://mvr.gov.mk/Upload/Editor_Upload/FINAL%20HR%20STRATEGY_MK.pdf)

<sup>13</sup> European Commission: North Macedonia Report 2020. Available at: [https://ec.europa.eu/neighbourhood-enlargement/sites/near/files/north\\_macedonia\\_report\\_2020.pdf](https://ec.europa.eu/neighbourhood-enlargement/sites/near/files/north_macedonia_report_2020.pdf)

<sup>14</sup> Eftimoska, B. T. "Public policy document: Frequent annulment of tenders as one of the biggest problems in public procurement," Center for Civic Communications. 2019. Available at: <https://www.ccc.org.mk/images/stories/pbbtwmk.pdf>

<sup>15</sup> State Audit Office: Final report no. 09 – 244/6 from 04.05.2017. Available at: [http://www.mvr.gov.mk/Upload/Editor\\_Upload/Konecen%20izvestaj%20od%20Drzaven%20zavod%20za%20revizija%202017.pdf](http://www.mvr.gov.mk/Upload/Editor_Upload/Konecen%20izvestaj%20od%20Drzaven%20zavod%20za%20revizija%202017.pdf)

<sup>16</sup> Ministry of Finance: List of internal auditors in the public sector on central level. Available at: <https://finance.gov.mk/wp-content/uploads/2021/02/Podatoci-na-vnatresni-revizori-%D1%86%D0%B5%D0%BD%D1%82%D1%80%D0%B0%D0%BB%D0%BD%D0%BE-31.01.2021.pdf>

### Recommendations:

- A National Security Strategy should be adopted, relying on whole-of-society approach;
- The Police should implement the Strategy for Human Resource Strategy. The employment procedure should become more transparent and the Ministry should publish the plans for recruitment on annual basis. All documents and information related to the recruitment process (application, selection, appeal) should be easily available on the Ministry's website. Rejected candidates should be given the opportunity for a fair and transparent appeal procedure.

- The Mol should work more on attracting qualified candidates that have strong affiliation towards the police profession, maintain personal integrity and are committed to serving the public, instead of only looking for "stable employment" and certain benefits.
- All cases of alleged corruptive practices when employing new police officers should be investigated and the perpetrators (including those misusing their position to offer employment and the candidates providing bribe) should be punished.
- The Ministry of Interior should employ additional internal auditors and provide all necessary resources and autonomy of the internal audit unit.

## 2. Oversight and control of police in NM

North Macedonia is moderately prepared when it comes to the democratic oversight of police. Democratic control of security sector is a part of Copenhagen Criteria for membership in the EU. The functioning of democratic institutions (such as parliament, independent oversight bodies) is also a part of Fundamentals Cluster and it should be scrutinized so to contribute to the technical reforms within Chapters 23 and 24.

Establishing an external mechanism for overseeing the work of the police is an area where institutional changes have occurred in the last few years, as a response to the earlier concerns regarding police impunity. One pillar lies within the Public Prosecution through establishing a separate unit within the Public Prosecutors' Office for the Prosecution of Organised Crime and Corruption, dealing with suspicion of criminal offences by police officers (including the prison police). The other pillar was supposed to enhance the oversight conducted by the Ombudsman, through appointing three representatives of CSOs to support the work of this institution. This mechanism has been named "Ombudsman+".

The Public Prosecution's unit is lacking independent investigators;<sup>17</sup> however, this mechanism has started functioning in practice. On the other side, the mechanism "Ombudsman +" occurred to be problematic. From the beginning, there were different

interpretations of the law by the appointed Ombudsman at that time and the appointed civil society representatives. As a result, a methodology for their involvement in the oversight of the police has not been established.

The CSOs representatives<sup>18</sup> expressed their concerns that the Ombudsman at that time tried "to establish a complete control over this mechanism and to influence the selected representatives of the CSOs."<sup>19</sup>

Speaking about the work of the Ombudsman, the selection procedure for a new Ombudsman in 2021 did not occur without controversies. The Parliament had a public call for a new Ombudsman, published only in the Official Gazette and two printed newspapers. The call was never made available online, not even on the website of the Parliament. Only 4 candidates applied, making room for speculation that the position has already been agreed between the political parties. CSOs active in human rights issued a strong reaction requesting re-initiating of the procedure.<sup>20</sup> Taking into consideration that some of CSOs that are members of Anti-Discrimination Network are supposed to be part of the said Ombudsman + mechanism, these controversies can hamper the cooperation between the CSOs' representatives and the newly appointed Ombudsman Naser Ziberi.

<sup>17</sup> Macedonian Helsinki Committee of Human Rights, Macedonian Young Lawyers Association and Association for Criminal Law and Criminology

<sup>18</sup> 360 stepeni: "New denial to Ixhet Memeti, now from the members of "Ombudsman +", 21.10.2020. Available at: <https://360stepeni.mk/nov-demant-dc-idhet-memeti-sega-od-chlenkite-na-ombudsman/>

<sup>19</sup> Anti-discrimination Network: The Parliament hid the advertisement for a new Ombudsman from the public, 24.12.2020. Available at: <https://makfax.com.mk/makedonija/%D0%BC%D1%80%D0%B5%D0%B6%D0%B0-%D0%B7%D0%B0-%D0%B7%D0%B0%D1%88%D1%82%D0%B8%D1%82%D0%B0-%D0%BE%D0%B4-%D0%B4%D0%B8%D1%81%D0%BA%D1%80%D0%B8%D0%BC%D0%B8%D0%BD%D0%B0%D1%86%D0%B8%D1%98%D0%B0-%D1%81%D0%BE/>

The Parliament is a key player in establishing the necessary checks and balances against the executive. This is recognized by the EU accession methodology, as parliamentary control of security sector is part of so called Copenhagen criteria. The Parliament of North Macedonia has the necessary legal powers to oversee the work of the Police through: organizing oversight hearings, posing parliamentary questions, but also through the work of the parliamentary committees. There is no separate parliamentary Committee overseeing the work of the Police. This is part of a much broader mandate of the Committee on Security and Defense. However, parliamentary oversight has been limited in regard to the police work, and it is mostly conducted through parliamentary questions to the Minister of Interior. Moreover, frequent political crisis and the series of early parliamentary elections had a negative impact on parliamentary oversight. Moreover, one of the limiting factors is the lack of specialized support staff to the parliamentary committees and no separate budgets for their needs.

Finally, external financial oversight is especially important, in addition to the sound internal financial management. This is recognized in the Chapter 32 (financial control) that is also part of Fundamentals Cluster. The last audit in the MoI conducted by the State Audit Office (SAO) dates from 2016. This compliance audit refers to the public procurement. SAO expressed

qualified opinion for the public procurement in the MoI which is in fact, a negative opinion. The next external audit in the MoI has been planned for 2021.<sup>21</sup>

**Recommendations:**

- The Public Prosecutors' Office for the Prosecution of Organised Crime and Corruption needs to receive all necessary resources to efficiently address allegation of crimes conducted by the police;
- There is need to amend the legislation determining the Ombudsman+ mechanism in order to regulate the involvement of the civil society in the work of the Ombudsman;
- The State Audit Office needs to conduct audits in the Ministry of Interior more frequently, taking into consideration its budget, institutional complexity, powers, confidentiality of materials preventing public oversight and past negative assessments.
- There is a need to establish parliamentary oversight of various aspects of the police work, including the usage of special investigation measures beyond interception of communications.

### 3. Civic participation and public engagement in police reform in NM

2 – some level of preparation

In the past, security-related issues were traditionally considered to be a matter of the state. However, modern security challenges entail a whole-of-a-government approach where various sector would understand and fulfil their roles in preventing crime and any other deviant behavior, combating crime and terrorism, and address the social consequences. Involvement of civil society has been considered also a precondition for local ownership of security sector reforms in the accession countries, as civil society is usually the one translating citizens' demands and keeping institutional memory in unstable polities, such are most of Balkan societies.

The latest national strategy for prevention of violent extremism (2018 2022) relies on such concept and recognizes the role of civil society organizations and local governments. However, it is important that this model is mirrored in dealing with other security challenges and enable greater involvement of CSOs in issues such as the fight against organized crime.

The civil society scene, when it comes to areas related to Chapter 24, is diverse. Unlike the topics within Chapter 23, where CSOs have demonstrated significant interest and results, topics stemming

from Chapter 24 have been significantly underrepresented within the work of the civil society in North Macedonia.<sup>22</sup> In the past, only few organizations have covered issues such as police reform or responding to security challenges, such as organized crime, corruption, terrorism etc. Reasons for this include: lack of specific expertise, lack of interest among the donors to support projects in this area, weak transparency of the security state institutions which prevents access to the necessary information and data, but also the traditional understanding of security as "state matter" and "high politics", where CSOs did not see their place.<sup>23</sup>

However, it is important for the state institutions to recognize the important roles that CSOs can have in the areas related to Chapter 24 such as: providing independent research and evidence-based analysis, and offer alternatives and recommendations for overcoming the detected deficiencies, in line with the EU acquis and best practices of EU member states; Monitoring of the accession negotiations and reform processes within the EU integration process; Training and creation of resources for civil servants, journalists, civil society organizations and other stakeholders; and representing a Bridge between citizens and institutions, raising public awareness and increasing democratic capacity.

<sup>21</sup> State Audit Office: Annual Programme 2021. Available at: [https://dzt.mk/sites/default/files/2020-12/Godisna\\_programa\\_za\\_rabota\\_DZR\\_2021.pdf](https://dzt.mk/sites/default/files/2020-12/Godisna_programa_za_rabota_DZR_2021.pdf)

<sup>22</sup> Lembovska, M. "The role of CSOs in Chapter 24", commentary. MKatEU resource platform for citizens and media. 25.06.2020. Available at:

<https://eu.org.mk/Улогата-на-граѓанските-организации-во-Поглавјето-24>

<sup>23</sup> Ibid.



**Recommendations:**

- The Government should prepare, and the Parliament should adopt a new National Security Strategy, employing a “whole-of-a-government” approach. The Strategy should be followed by an action plan, with concrete responsibilities of the various governmental sectors such as: internal affairs, justice, social work, education, health etc.
- Civil society should be recognized as an important partner in addressing issued

related to Chapter 24. The negotiation structure should allow participation of the civil society throughout the accession process.

- To be able to engage substantially within Chapter 24, CSOs will need to invest heavily in constantly upgrading their knowledge, skills and understanding of the specifics of the areas. Networking between different types of organizations, investigative journalists and professional associations is also recommended.

The background of the slide features a blue-tinted image of the European Union flag, with its characteristic twelve gold stars arranged in a circle on a blue field. The flag is slightly wavy, suggesting it is being flown. The entire slide content is framed by a blue border.

# **ADDRESSING ORGANISED CRIME IN N. MACEDONIA**

STRATEGIC AND PROACTIVE APPROACH IN  
FIGHT AGAINST ORGANISED CRIME

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## List of abbreviations and tables

### List of abbreviations

EC - European Commission  
EMPACT - European Multi-disciplinary Platform Against Criminal Threats  
EU - European Union  
EUROPOL - European Union Agency for Law Enforcement  
ILP - Intelligence-led policing  
JHA – Justice and Home Affairs  
Moi - Ministry of Interior  
NCIS - National Criminal Intelligence System  
NIM - National Intelligence Model  
OC - Organized Crime  
SOCTA - Serious and Organized Crime Threat Assessment

UNODC - United Nation Office for Drug and Crime

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## Summary

This pilot baseline analysis is providing overview of the current situation, monitoring methodology as well as set of recommendations for N. Macedonia prevention and respond policies against serious and organised crime activities. Furthermore, the analysis is taking into consideration the level of the country alignment with EU strategic priorities and policies in addressing the threats and risks related to serious and organised crime.

Due to the complexity and wide scope of serious and organised crime activities and also proliferation of the EU policies in this area, this pilot baseline analysis is adopting general approach i.e., it is focusing on the segments of the prevention, fight and sanctioning which are common and general preconditions for efficient suppression of all organised crime forms. Therefore, the analysis is focusing on the following aspects: *Strategic Approach to Organised Crime; Proactive Detection and Targeting Proceeds of Crime.*

In regards to the N. Macedonia **Strategic Approach** to suppression of serious and organised crime the focus of the analysis is primarily on the country capacities for strategic analysis and assessment of the threats of serious and organised crime in accordance to the EU Policy Cycle for Serious and Organised Crime (EMPACT) and more precisely to EU Serious and Organised Crime Threat Assessment (SOCTA) developed and prepared by Europol. The national strategic framework is consisted of large number of strategies and action plans focused on various aspects of this criminal activities. However, strategic coordination, strategic direction and an established system for prioritization, transparency, monitoring and evaluation are lacking. Further efforts are needed in the field of establishing

clear mutual interlink, complementarity and follow up of the different strategic documents in order reaching more effective and sustainable results. National SOCTA should be developed and evaluated in line with Europol methodology and based on practices that includes transparency and consultation with various relevant actors.

The analysis examined N. Macedonia **Proactive Detection** as well through close analyses of the functioning of the two crucial pre-conditions and policing models in the fight against serious and organised crime - Intelligence-led policing (ILP) and National criminal intelligence system (NCIS).

Although there is a high-level governmental and law enforcement leadership-level awareness and commitment towards enhancement of the Moi and police proactive approach including ILP, still there are systematic challenges and shortcomings which are hindering the proper development and implementation of these capacities. Lack of suitable IT hardware and software equipment (both on central and regional level), limited human and financial resources as well as non-existence of systematic ILP training program are some of these challenges.

In the past several years legislative and capacity building activities were conducted for improving the National criminal intelligence system (NCIS). However, NCIS still is facing problems with insufficient operability and timely data sharing between relevant institutions as well as unsatisfactory level of crime statistics capabilities for producing analytical and track record reports.

In the part for **Targeting criminally obtained profits** the Analysis is focusing on three aspects Law enforcement preventing money laundering and conducting financial investigations; Confiscation of criminal assets and Asset recovery. All organized crime forms and activities has financial flows and if they are not properly addressed by LEAs they can affect the entire democratic, economic and social security systems causing considerable consequences. Therefore, financial investigations, confiscation and asset recovery measures are especially important to be part of the LEAs respond to serious and organised crime.

The legislative and institutional framework for conducting financial investigations, anti-money laundering, confiscation and asset recovery measures are in place. Nevertheless, there is much to be done in this field and additional efforts are needed for alignment of the national legal framework with the Fifth Anti Money Laundering Directive, as well as for increasing the interoperability between various institutions and bodies that are conducting financial investigations and activities for confiscation, freezing and seizure of criminally-obtained assets. Furthermore, there is a necessity for further development and strengthening of the capacities of judges and prosecutors for conducting systematic and complex money laundering and financial investigations which are especially related to high profile cases or transnational organised groups.

The importance of this pilot baseline analysis and developed monitoring methodology intended for Macedonian civil society in order following the country negotiation and reform processes in Chapter 24 of the EU acquis and especially in the segment of fight against organised crime is important for several reasons. In this context the monitoring methodology will provide:

- Higher level of transparency of the Macedonian EU accession negotiation process;
- Increased accountability by national authorities in their efforts to undertake effective and meaningful reforms in the area such as organised crime;
- Systematic approach of Monitoring in area which is very dynamic, complex and requires higher level of specialised knowledge;
- Higher inclusion of the Macedonian CSOs in the negotiation process and providing them with capacity to be "watchdogs" of the negotiation process in the Chapter 24 with special focus on the fight against organised crime;
- Increased awareness among all citizens about the importance of the alignment of the Macedonian legal, institutional and operational capacities in the field of fight against serious and organised crime with those of the EU.

## Introduction

The EU's approach to fighting organized crime is based on securing internal security, fundamental democratic values and the rule of law within the Union. The transnational landscape of the EU has enabled a proliferation in organized crime groups to pursue cross-border criminal activities. Despite there being no generally accepted definition of organized crime, it is commonly understood that organized crime involves the concerted action of several persons, for the purpose of committing criminal offenses, for financial or other gain. Thus, the EU deems it imperative to maintain effective and coordinated police and judicial cooperation between the Member States and candidate countries to suppress serious and organized crime

within the Union and in line with the larger neighbourhood policy.

The EU adopted the "Security Union Strategy"<sup>1</sup> in July 2020 which lists organized crime as a major strategic priority in the field of the Union's internal security. In fighting organized crime, the Union is propagating approaches based on building capabilities and capacities for early detection, prevention and rapid response, as well as focus on result-oriented policies.

It is expected that European Commission will adopt new strategy for tackling organised crime in April 2021.<sup>2</sup>

<sup>1</sup> Communication from the Commission on the EU Security Union Strategy; COM(2020) 605 final; 2020

<sup>2</sup> Fighting organised crime – EU strategy for 2021-25; European Commission Roadmap [https://ec.europa.eu/info/law/better-regulation/have-your-say/initiatives/12735-EU-Agenda-to-tackle-organised-crime-2021-2025-](https://ec.europa.eu/info/law/better-regulation/have-your-say/initiatives/12735-EU-Agenda-to-tackle-organised-crime-2021-2025)

# Key monitoring areas for analysis of Organised Crime in the pilot study

In this pilot baseline analysis of preparedness in North Macedonia to confront organised crime, the focus is on three aspects: (1) Strategic

Approach to Organised Crime, (2) Proactive Detection and (3) Targeting Proceeds of Crime.

**Table 1** Baseline analysis focus

Strategic approach to Organised Crime	Proactive Detection	Targeting Proceeds of Crime
<ul style="list-style-type: none"> <li>• SOCTA - Serious Organised Crime Threat Assessment</li> </ul>	<ul style="list-style-type: none"> <li>• Intelligence-Led Policing (ILP)</li> <li>• National Criminal Intelligence System</li> </ul>	<ul style="list-style-type: none"> <li>• Preventing Money Laundering and conducting Financial</li> <li>• Criminal Investigations</li> <li>• Assets Confiscation</li> <li>• Assets Recovery</li> </ul>

The authors analysed the quality of SOCTA as a key indicator for Strategic Approach to Organised Crime. The main assumption for focus on SOCTA is that only if there is an understanding the scale and impact of serious and organized crime (how criminals are operating and the effect of their activities on communities and government), the Government of North Macedonia will be able to identify and implement effective strategies to minimize their criminal activities. Therefore, it is important to have analytical product - SOCTA that it is developed in line with Europol methodology and that it is used to guide the decisions about priorities, activities and resourcing.

The functioning of two policing models - intelligence-led policing (ILP) and national criminal system - are institutional pre-conditions for systematic, proactive approach to organised crime.

If crime fighting is guided by effective intelligence gathering and analysis, it should lead to definition of strategic and operational priorities that would guide decisions on proactive operational police work and inform rational engagement of available human resources and allocation of material and technical resources. The electronic exchange of data between law enforcement authorities and judicial authorities in charge of the fight against different types of

serious crime (national criminal intelligence system) should allow for better coordinated response to most serious forms of crime.

Organized crime is predominantly motivated by financial gains and this is why the authors selected to focus on targeting proceeds of crime. For this purpose, it is important to examine the

financial apparatus of organised crime, as it is often inherently linked to corruption, fraud, counterfeiting and smuggling. The targeting of proceeds of organised crime is considered evidence for the functioning of the criminal justice system, as it assumes that the law enforcement, public prosecutors and judiciary have done their work appropriately and that criminals will be deterred by confiscation of their assets.

## Visualization of key institutions?

**Table 2** The institutional framework is composed of:

- Key institutions in the fight against organized crime is the Public Prosecutor's Office for Prosecuting Organised Crime and Corruption within the Public Prosecutor's Office and Department for Suppression of Organised and Serious Crime within the Public Security Bureau (PSB) of Ministry of Interior, responsible for combating organised crime, financial crimes, trafficking of persons, drugs, terrorism, etc.,
- the Financial Police/Investigation Office (FPO) of the Ministry of Finance in charge of detecting and pursuing complex form of organised financial crime;
- the Agency for Management of Confiscated Property competent for seizure, management of and reporting on seized property;
- the Public Procurement Bureau (PPB) within the MoF responsible for monitoring and analysing the enforcement of public procurement regulations;
- the Public Revenue Office (PRO) and the Customs Administration (CA) which have investigating powers respectively in the areas of taxation and customs with the objective to detect criminal offenses or corruption;
- the State Audit Office (SAO) that reports on its audit of the state finances to Parliament and the general public;
- the National Security Agency (NSA) which are in charge of aspects related to the security threats, risks and challenges of the country and
- the Operational Technical Agency (OTA) dealing with the interception of communications for the protection of the security of the state and for the purpose of criminal investigations.

# Strategic approach to organised crime

## Strategic approach at EU level

Europol and Standing Committee on Internal Security of the European Council (COSI) play a significant role in addressing the Union's strategic priorities and the threats and risks related to serious and organised crime. This is done through the so-called EU Policy Cycle for Serious and Organised Crime-EMPACT. It is a structured multidisciplinary cooperation platform of the relevant Member States, EU institutions and agencies, as well as third countries, international organisations and other (public and private) partners to address the prioritised threats of organised and

serious international crime.<sup>3</sup> EMPACT presents a 4-year methodology for addressing the threats EU's facing as a result of serious and organised crime. It was adopted in 2010 and the last revised cycle is covering the period 2018-2021. EMPACT was established as ad hoc management but since February 2021 is permanent instrument for developing activities in order to achieve pre-set goals.

Illustration: 4 steps of EMPACT



Evidence-based and systematic threat assessment is a precondition for improvement of track-record of investigations, prosecutions and convictions for organised crime and demonstrating ability to effectively dismantle organised crime networks. One of the key tools of such strategic analysis is **SOCTA**. EU Serious and Organised Crime Threat Assessment or SOCTA (the first main step of the EU Policy Cycle) is prepared by Europol. It "delivers a set of recommendations based on an in-depth analysis of the major crime threats facing the EU. The Justice and Home Affairs (JHA) Council uses these recommendations to define its priorities for the next four years."<sup>5</sup> Based on strategic priorities identified in EU SOCTA, the analytical files and joint operational actions on specific crime phenomena are periodically rolled-out in line with EMPACT (the European Multidisciplinary Platform Against Criminal Threats). The member states and candidate countries should develop national SOCTAs, following the same methodology. They provide analysis of relevant national serious and organised crime threats and priorities, while taking into the consideration the trends and priorities set at the EU level.

SOCTA is an analytical product based on methodology developed by EUROPOL that presents present and future threats of organised crime to the country, the extent of the risk they pose and the level of harm they cause both now and potentially in the future. It should include the analysis of whole range of serious and organised crime activity, structure and modus operandi of criminal groups involved in such activities and criminal markets. SOCTA also includes the impact of serious and organized crime activity occurring within the country or initiating outside the country. The good SOCTA is not based

only on good analysis, but it also improves the response to serious and organized crime by helping to identify priority issues for action. It should enable more effective and coordinated strategies among the range of government actors to be developed and implemented to better prevent and investigate serious and organized crime.

The process should be ongoing and SOCTA should be produced on a regular basis—at least every two to four years—as the environment changes and criminals develop and deploy new tactics.

In order to prepare SOCTA, the responsible authorities need to make sure to collect the information from all relevant public and private sources. Common challenge in preparation of SOCTA is that the several agencies with the responsibility for prevention and investigation of organised crime do not share data in a systematic way and it remains disorganized or inaccessible for joint analysis and prioritization.<sup>6</sup> Therefore, it is important to prepare all relevant government and non-government holders of information so that they can contribute with their insights to the collection of data for SOCTA. The SOCTA is based on data obtained from the internal police sources (operative data and intelligence, criminal reports, Interior Ministry databases, etc.) and external sources (other government authorities, governmental and civil society organizations, scientific and research institutions, private sector and open sources and media). Therefore, in the context of the negotiation process it is important for CSOs to have basic knowledge about the EMPACT and SOCTA with regards to the monitoring of the level of alignment of national strategic approach for fight against OC with the Union's one.

<sup>3</sup> EU POLICY CYCLE – EMPACT; Europol; <https://www.europol.europa.eu/empact>

<sup>4</sup> Source: Europol. <https://www.europol.europa.eu/empact>

<sup>5</sup> Sergio Carrera, Elspeth Guild, Lina Vosyliūtė, Amandine Scherrer and Valsamis Mitsilegas. (2016). "The Cost of Non-Europe in the Area of Organised Crime". CEPS. p.59

<sup>6</sup> "Guidance on the preparation and use of serious and organized crime threat assessments" (2010). United Nations Office on Drugs and Crime. Vienna. p. 6-7. Available at: [https://www.unodc.org/documents/afghanistan/Organized\\_Crime/SOCTA\\_Manual\\_2010.pdf](https://www.unodc.org/documents/afghanistan/Organized_Crime/SOCTA_Manual_2010.pdf)

SOCTA has two versions, one public and one classified. The first one is intended for all state authorities and organizations, civil society organizations, academic community, private sector, as well as all citizens. The distribution of public version of SOCTA is a precondition for transparency of government's efforts and it should provide a forum to involve relevant stakeholders (such as, for example, business groups and community leaders) in debates as to how serious and organized crime can be effectively countered. The classified version contains information needed to guide operational planning and activities against identified organised crime groups and it is therefore intended only for the use of law enforcement authorities.

Indicators for SOCTA:

1. National SOCTA is prepared in line with the EUROPOL methodology.
2. The preparation of SOCTA was used to involve all relevant government and non-government stakeholders (private sector, academia, civil society etc.) in collection of data necessary for analysis, as well as for subsequent discussion in how the organised

crime can be effectively countered. The public version of SOCTA should be widely distributed to educate.

3. The preparation of SOCTA should identify gaps in knowledge and the intelligence and should specify which other information and intelligence tools (for example the requirements for future criminal intelligence collection) can be built.
4. Government and law enforcement agencies in their work planning cycle should dedicate resources both for developing serious and organized crime threat assessment needs and for introducing the envisaged priorities and activities in practice.
5. Implementation of SOCTA is reviewed and monitored constantly, closely following any difficulties that LEAs are facing in regards to planned activities for suppression of various serious and organised crime activities.
6. The law enforcement authorities are taking part in the intelligence sharing and joint actions on specific crime priorities identified in line with EMPACT (the European Multidisciplinary Platform Against Criminal Threats).<sup>7</sup>

## Strategic approach of North Macedonia

North Macedonia needs to develop a more **strategic approach to address various forms of organised crime, including better prioritisation and appropriate allocation of resources, better reporting to public.**

Ministry of Interior officials are recognizing the fact that the systemic approach in fighting organized crime according to the European standards remains a challenge. Even though strategic determinations exist, there is a lack of strategic coordination, strategic direction and an established system for prioritization, monitoring and evaluation. As regards to the strategic direction, the first step is development of strategic assessment of organised crime. North Macedonia has taken part in production of regional threat assessment. The first Serious and Organized Crime Threat Assessment - SOCTA<sup>8</sup> for North Macedonia was developed as a part of regional project supported by OSCE, the Government of Switzerland and DCAF under the project "Strengthening capacity for strategic analysis and of assessing the threats of serious and organised crime in the Republic of Macedonia, Serbia and Montenegro" and by experts from Europol. The 2016 SOCTA was based primarily on MoI information and it did not include the consultation with external stakeholders.

That first SOCTA covered the period 2013-2015 and it identified 46 active organized criminal groups (OCGs).<sup>9</sup>

Organized crime groups are involved in drug trafficking, migrant smuggling, violent and serious

crime at national and international level. In terms of membership of the groups, Macedonians made up a majority with just over 50 per cent, followed closely by Albanians, with 43 per cent of the members of OCGs. It was estimated that about 63 per cent of the OCGs are composed of five to 14 members, 22 percent have 15 members or more, whereas 15 per cent are small, consisting of three or four members.<sup>10</sup> 43% of the OCGs were involved in only one crime area, 26% of the OCGs were poly-criminal and acted in several crime areas, 20% of the OCGs were involved in one crime area, but occasionally engaged in other crime areas. For 11% of OCGs it was not clearly identified the crime areas in which they were active.<sup>11</sup> The SOCTA from 2016 also assessed that the acquired funds from criminal activities were laundered through investments in financial markets, in legitimate businesses, movable property or real estates. A small number of organized crime groups used corruption in their criminal activities. This was especially present among lower-level law enforcement officers and influencing on the trials in relation to their members.<sup>12</sup>

The Ministry of Interior also took part in production of the Regional Serious and Organized Crime Threat Assessment (SOCTA)<sup>13</sup> with the expert teams of the Ministries of Internal Affairs of Serbia, and Montenegro, with the support and professional assistance of Europol experts. However, neither that document, nor the subsequent whole region-wide threat assessment on serious and organised crime aiming to

<sup>8</sup> Serious and Organized Crime Threat Assessment (2016). Ministry of Interior of Republic of Macedonia. Available at [http://xn--b1atn.xn--d1alf/Upload/Editor\\_Upload/analizi-statistiki/SOCTA\\_v3\\_en.pdf](http://xn--b1atn.xn--d1alf/Upload/Editor_Upload/analizi-statistiki/SOCTA_v3_en.pdf)

<sup>9</sup> United Nations Office on Drugs and Crime (2020). Measuring Organized Crime in the Western Balkans. Vienna. P.81. Available at: <https://www.unodc.org/documents/data-and-analysis/OC/Measuring-OC-in-WB.pdf>

<sup>10</sup> Ibid. p.81. Available at: <https://www.unodc.org/documents/data-and-analysis/OC/Measuring-OC-in-WB.pdf>

<sup>11</sup> Serious and Organized Crime Threat Assessment (2016). Ministry of Interior of Republic of Macedonia. p.14 Available at [http://xn--b1atn.xn--d1alf/Upload/Editor\\_Upload/analizi-statistiki/SOCTA\\_v3\\_en.pdf](http://xn--b1atn.xn--d1alf/Upload/Editor_Upload/analizi-statistiki/SOCTA_v3_en.pdf)

<sup>12</sup> Ibid. p.13 Available at [http://xn--b1atn.xn--d1alf/Upload/Editor\\_Upload/analizi-statistiki/SOCTA\\_v3\\_en.pdf](http://xn--b1atn.xn--d1alf/Upload/Editor_Upload/analizi-statistiki/SOCTA_v3_en.pdf)

<sup>13</sup> Regional Serious and Organized Crime Threat Assessment (2016). Ministry of Interior of Republic of Macedonia. Available at: [http://www.mvr.gov.mk/Upload/Editor\\_Upload/analizi-statistiki/Socata%20izvestaj%202016%20ENG.pdf](http://www.mvr.gov.mk/Upload/Editor_Upload/analizi-statistiki/Socata%20izvestaj%202016%20ENG.pdf)

<sup>7</sup> Ibid;

identify common priorities between members of the Southeast European Police Chiefs Association provided for in-depth analysis of situation and priorities for North Macedonia.

The national SOCTA is **not yet aligned** with the Europol methodology.<sup>14</sup> Therefore, in 2020 the

Government of North Macedonia urged the Mol to **finalize the latest SOCTA in line with the Europol policy cycle**. In this process, the Mol should involve a wide range of stakeholders and especially consult relevant civil society organisations that have carried out the analysis or have insights from working with victims of crime.

Organization	Website	Topics
EUROTHINK	<a href="https://eurothink.mk/">https://eurothink.mk/</a>	EU Accession; Regional integration; Europe for citizens; Justice, freedom and security
Institute for Democracy Societas Civilis	<a href="https://idscs.org.mk/en/">https://idscs.org.mk/en/</a>	Anti-corruption (one of the best CSOs on this), parliamentary oversight
European Policy Institute EPI	<a href="https://epi.org.mk/?lang=en">https://epi.org.mk/?lang=en</a>	Enlargement policy, Chapter 23, migration, FRONTEX
Macedonian Young Lawyers Association	<a href="https://myla.org.mk/?lang=en">https://myla.org.mk/?lang=en</a>	Migration, asylum, human rights. They are going to start working on CVE.
European Movement Macedonia	<a href="https://nkeu.mk/mk/za-nkeu/">https://nkeu.mk/mk/za-nkeu/</a>	Chapter 24 in general.
ALDA Skopje – branch office of Association of the Local Democracy Agencies in Republic of Macedonia	<a href="https://www.alda-europe.eu/">https://www.alda-europe.eu/</a>	Migration and Asylum, Empowering local and regional authorities and citizens for adoption of EU values and policies; Support in general of EU integration of N.Macedonia
Coalition all for fair trials	<a href="https://all4fairtrials.org.mk/?lang=en">https://all4fairtrials.org.mk/?lang=en</a>	Monitoring of trials in cases related to organized crime, independence and professionalization of judiciary
Open Gate La Strada	<a href="http://lastrada.org.mk/?lang=en">http://lastrada.org.mk/?lang=en</a>	Human trafficking, irregular migration.
HOPS – Options for Healthy Life	<a href="https://hops.org.mk/en/home/">https://hops.org.mk/en/home/</a>	Drugs policies
Cyber Security, Corporate Security and Crisis Management Initiative	<a href="https://www.c3initiative.com/en/">https://www.c3initiative.com/en/</a>	Cyber security
Association for criminal law and criminology	<a href="http://maclc.mk/page/about">http://maclc.mk/page/about</a>	Criminal law, criminology.

<sup>14</sup> European Commission North Macedonia 2020 Report (2020), p. 37. Available at: [https://ec.europa.eu/neighbourhood-enlargement/sites/near/files/north\\_macedonia\\_report\\_2020.pdf](https://ec.europa.eu/neighbourhood-enlargement/sites/near/files/north_macedonia_report_2020.pdf)

Helsinki Committee of Human Rights	<a href="https://mhc.org.mk/en/">https://mhc.org.mk/en/</a>	Hate crimes, human rights, prisons. Chapter 23
Transparency int Macedonia	<a href="https://www.transparency.org.mk/">https://www.transparency.org.mk/</a>	Corruption, financial crimes, whistleblower protection
Center for Research and Policy Making	<a href="http://www.crpm.org.mk">http://www.crpm.org.mk</a>	Various EU integration policies
Horizon Civitas	<a href="https://www.horizon.mk/">https://www.horizon.mk/</a>	CVE/PVE
Institute for Human Rights	<a href="https://www.ihr.org.mk/mk">https://www.ihr.org.mk/mk</a>	Judiciary; Human Rights advocacy; Trial monitoring; Anti-Corruption
Nexus Civil Concept	<a href="https://nexus.org.mk">https://nexus.org.mk</a>	CVE, cyber security, disinformation

The strategic framework for organised crime consists of a large number of sector and sub-sector strategies: such as: Police Development Strategy 2016-2020<sup>15</sup>; National Strategy on Illicit Drugs 2014-2020<sup>16</sup>; National Strategy for Combating Trafficking in Human Beings and Illegal Migration 2017-2020<sup>17</sup>, Strategy to Strengthen the Capacity for Conducting Financial Investigation and Asset Confiscation 2018-2020 etc.<sup>18</sup> **The strategies are not very well interlinked**, many of which expired in 2020. The current complex strategic framework creates some challenges as regards the follow-up of the results and the reporting on the reforms to the various oversight authorities and to the public. There is **no unified mechanism exist to monitor** the implementation and evaluate the impact of the implemented measures. The Ministry of Interior established

a unit in charge of strategic development and monitoring of the implementation of some strategies which can take the responsibility for following up on the strategic objectives on this thematic priority.

Moreover, North Macedonia is contributing to the EU Policy Cycle through the participation in the regional project - Countering Serious Crime in the Western Balkans IPA 2019.<sup>19</sup> The cooperation and contribution to the EU Policy Cycle is the European Multidisciplinary Platform Against Criminal Threats (EMPACT) has been initiated since July 2018. Through this project, the EU provides support for information sharing between Western Balkan countries and the EU, as well as the participation in joint action days on specific crime phenomena identified as priorities within EMPACT (e.g. firearms, illegal migration).

<sup>15</sup> Police Development Strategy 2016 - 2020 (2016). Ministry of Interior. Available at: <https://mvr.gov.mk/Upload/Editor-Upload/Strategija%20za%20razvoj%20na%20policijata%202016-2020.pdf>

<sup>16</sup> National Drug Strategy of the Republic of Macedonia 2014-2020 (2014). Government of Republic of Macedonia. Available at:

<http://zdravstvo.gov.mk/wp-content/uploads/2018/03/mkd-strategija-za-opojni-drogi-2014-2020.pdf>

<sup>17</sup> National Strategy for Fight Against Human Trafficking and Illegal Migration in the Republic of Macedonia 2017-2020 (2017). Government of Republic of Macedonia, National Commission for Fight Against Human Trafficking and Illegal Migration. Available at:

<http://nacionalnakomisija.gov.mk/wp-content/uploads/2016/12/Nacionalna-strategija-i-akciski-plan-za-borba-protiv-trgovija-so-lugje.pdf>

<sup>18</sup> Other relevant strategies include: National Cyber Security Strategy 2018-2022; National Small Arms and Light Weapons (SALW) Control Strategy 2017-2021; National Counterterrorism Strategy 2018-2022; National Strategy for Countering Violent Extremism 2018-2022; and National Anti-Fraud Strategy 2019-2022. In 2020, the Financial Intelligence Unit, which is part of the Ministry of Finance published an Assessment of the Risk of Money Laundering and Terrorism Financing.

<sup>19</sup> EU IPA 2019 "Countering Serious Crime in the Western Balkans" implemented by German Corporation for International Cooperation GmbH (GIZ), Italian Ministry of Interior and Center for International Legal Cooperation <https://cscwb.info/2020/10/12/extended-cooperation-with-empact-priorities/>



## Recommendations:

- Develop SOCTA in line with Europol methodology and address also the key organised crime priorities identified in latest Internal Security Strategy of EU (Drug trafficking, illegal trade with firearms, trafficking in human beings, environmental crime, trafficking in cultural goods, economic and financial crimes, money laundering, confiscation and asset recovery of organised crime groups profits);
- SOCTA should be developed in the consultation with not only with government

stakeholders, but also in consultation with business and civil society actors that have credible evidence on organised crime trends and phenomena;

- Key sectoral strategies that support fight against specific types (illicit drugs, human trafficking, cyber crime etc.) or aspects of serious and organised crime (e.g. financial investigations) should be evaluated before update. The development of new strategies should allow for horizontal alignment between them.

## Proactive detection

### Intelligence-led policing

The "intelligence-led policing" (ILP) model has a dominant role in law enforcement activities in the EU. 'Intelligence is data, information and knowledge that have been evaluated, analysed and presented in a decision-making format for action-oriented purposes.'<sup>20</sup> ILP assumes that the crime fighting is guided by effective intelligence gathering and analysis and therefore requires close cooperation between the analysts and law enforcement decision-makers. Such proactive approach to policing should allow for definition of "priorities, strategic and operational objectives in prevention and suppression of crime and other security threats"<sup>21</sup> based on the results of analysis (e.g. criminal hotspots, repeat victims, prolific offenders and criminal groups etc.). It should "facilitate crime and harm reduction, disruption and prevention through strategic and tactical management, deployment and enforcement"<sup>22</sup>. ILP should guide decisions on operational police work and inform rational engagement of available human resources and allocation of material and technical resources. It can also be used for preparation of strategic analysis products, such as SOCTA that should set policies, priorities and strategic plans for mid-term.

### Indicators for ILP:

1. ILP is regulated by specific legal provision in the national legislation and all ILP activities such as gathering, storing, processing and sharing of data and information are in line with the international standards and good practices regarding. The legislation and practice must include sufficient safeguards to protect the human rights of people mentioned in information that has been gathered for analysis purposes and the identities and security of informants and security of whistle-blowers.
2. ILP approach is supported by high-level governmental/ministerial and law enforcement leadership;
3. Adopting or implementing ILP is conducted in organisational-wide manner within the Ministry of Interior not only in specialized police units. This requires that ILP approach is leading principle for all organisational units at all levels in their activities for gathering, storing, processing and sharing information;

<sup>20</sup> OSCE Guidebook: Intelligence-Led Policing (2017). Organisation for Security and Co-operation in Europe. Vienna. Available at: <https://polis.osce.org/osce-guidebook-intelligenceled-policing>

<sup>21</sup> Ibid, p.19

<sup>22</sup> Ibid, p. 18

4. Formal legal obligation should be in place for all law enforcement officers to share information about suspected criminal activities and suspected individuals through mechanisms and communication channels that are clearly defined and in accordance with domestic law and international standards.

5. National strategic plans, including prioritization, should be formulated and based on strategic analysis and assessments done through ILP. These plans should be further developed into operational action plans. Human, technical and financial resources should be allocated in accordance with these ILP driven plans.<sup>23</sup>

6. Regular strategic and operational coordination of ILP is conducted at local, regional and national levels;

7. Effective mechanisms and communication channels for information sharing are in place;

8. Set rules for safeguards of the human rights during ILP activities and for protection of informers/source of information;

9. ILP is supported by well interconnected, interoperable or single-platform ICT network;

10. Established physical, administrative and IT security of ICT infrastructure and network used for ILP purposes which are providing high level of protection, security and integrity of the users and data.

## ILP in North Macedonia

The process of ILP development started in 2014 when significant Mol reforms were undertaken in regard to the model of police functioning as well as internal organizational structures within Mol and Public Security Bureau (PSB). A pro-active model of police work was introduced according to which prevention, control and rapid response to all crime challenges were based on information-driven and evidence-based approach.<sup>24</sup> Furthermore, the main PSB organizational unit responsible for analytical work was restructured based on the needs for introducing intelligence-led policing. The newly established PSB Department for Criminal Intelligence and Analysis is in charge to monitor and analyse the trends of crime, especially focusing on the serious and organized crime activities. The Department is providing threat assessments, early detection of the new forms of crime and comprehensive statistical data and crime reports. There is a high-level governmental/ministerial and law enforcement leadership-level awareness and commitment towards enhancement of the Mol and police proactive approach including ILP. This is visible through envisaged legal provisions and commitments that regulates Mol and police functioning or are related to the criminal intelligence information sharing.<sup>25</sup> Furthermore, can be noted that in all Mol strategic documents (to greater or

lesser extent) are forecasted priorities and capacity building activities for improvement of ILP.

According to the Police Development Strategy 2016-2020, ILP was considered as one of the top-priorities for the Ministry. In the Strategy, it was stated that ILP will enable standardization of the police work in line with the one practiced in the EU countries.<sup>26</sup> Several activities were set for improvement of ILP capabilities of the police such as: development of curriculum; competence testing and basic trainings for analysts (with support of Europol and EU countries); Successful completion of basic trainings for analysts; Providing minimum material and technical standards in the area of crime intelligence process etc.<sup>27</sup> ILP model was foreseen to be implemented not only on central level (by PSB Department for Criminal Intelligence and Analysis) but by all PSB organizational units and in all areas of policing. Through this kind of approach, the intention was ILP to be adopted as leading working principle in the daily functioning of all Mol and PSB organizational units in order production of more quality intelligence and analytical products (on strategic and tactical level), especially in the field of detecting trends and chains of crime, geographic crime profiling, risks and generators which influence the crime occurrence.<sup>28</sup>

<sup>23</sup> OSCE Guidebook: Intelligence-Led Policing (2017). Organisation for Security and Co-operation in Europe. Vienna. pp47-50. Available at: <https://polis.osce.org/osce-guidebook-intelligenceled-policing>

<sup>24</sup> J.P. Aleksandrovska (2019). Department for Criminal Intelligence and Analysis. International Scientific Journal "Security. Ministry of Interior. P.138

<sup>25</sup> Law on Police; Law on Internal Affairs; Law on National Criminal Intelligence Database and other bylaws

<sup>26</sup> Police Development Strategy 2016-2020 (2016). Ministry of Interior

<sup>27</sup> Ibid, p.17

<sup>28</sup> Ibid, p.18

The Police Development Strategy 2016-2020 also listed the challenges and limitations that are affecting the proper implementation of ILP as well. As main limitation factors were pointed out the lack of suitable IT development and suitable technical equipment (both on central and regional level) as well as not sufficient trainings of the personal for use of the analytical tools and techniques in conducting the daily tasks. In this regard various capacity building activities were conducted (or are ongoing) for improving the ILP capabilities of PSB mainly through support and implementation of several projects funded by EU as well as in partnership with several EU member states.<sup>29</sup>

Police Development Strategy 2016-2020 has expired, but there is no assessment of the results achieved by Mol or PSB in regard to level of adoption of ILP approach (or at least it is not publicly available). There are not available data how and in what extent ILP is used by the regional or local police department and units. The new Police Strategy is not yet adopted and therefore there is not clear overview what are the priorities for the next period in regard to the ILP. There is lack of data as well about intelligence-led capacities of other law enforcement agencies (LEAs) such as Financial Police; Financial Investigation Unit; Custom Administration etc.

In the newly adopted Mol Strategic Plan 2021-2023 several activities are planned for enhancing the capacities of the Department for Criminal Intelligence and Analysis such as: Creating an IT solution for recording and ranking of criminal groups; and Database implementation for collecting information from citizens.<sup>30</sup> However, in the

Strategic Plan, there are no additional human or financial resources envisaged for these activities. There are several other priorities which are listed to the strategy that can have indirect impact on ILP capabilities. In this regard for example in the Strategic plan program titled "Improving of Mol joint functions" are foreseen two sub-programs priorities:

- Introduction of a document management system (DMS) in order enabling fast flow of information and documents in Mol organizational units as well as standardization of data recording and storage.
- Upgrading of Mol telecommunication and information system for increasing the quality and speed of the network, for higher security of the Mol information system and ensuring interoperability of new applications.<sup>31</sup>

It is not very clear how these Mol sub-programs will be funded and implemented because for both subprograms there are not predicted any human and financial resources in the budget section.

Another challenge regarding to the Mol capacities for implementation of the ILP approach is the trainings capacities for increasing the knowledge and skills of Mol officials and police officers for proper utilization of this approach in their daily work. The last Strategy for training of Mol employees was for the period 2012-2014 and until this moment there is no information when the new one will be developed. The SWOT analysis conducted for the purpose of the newly adopted Strategy of the Mol Training Center are showing that the Training

Center does not have effective management of the training processes; non-existence of training e-platform, non-existence of proper intra- and internet connection with other Mol units and departments; lack of experience and dedicated training personal, lack of proper trainings infrastructure etc.<sup>32</sup> This only shows that Mol does not possess proper independent training capacities especially for adoption of modern police methods and concepts such as ILP approach. Therefore, when it comes to the improvement of the ILP capacities and skills there is inevitable impression that until this moment Mol fully relies on external support and funding which on mid- and long-term is not a sustainable solution.

#### Recommendations:

- Invest in modernisation of the police data management systems and improve their ICT interoperability;
- Enhance the police capacities for data mining and predictive analytics which will

enable them to anticipate, prevent and respond effectively to all forms of serious and organised crime;

- Developing methodology and standard procedures for application of ILP approach at all levels of police work;
- Providing not only declarative but substantial support for dedicating concrete human and financial resources for developing ILP capacities of Mol and other law enforcement agencies (LEAs) which will reflect on the effectiveness for suppression of all forms of serious and organised crime;
- Building professional and organisational culture in the police and other LEAs for introducing and utilization of modern and proactive investigative methods and techniques such as ILP;
- Establishing systematic and sustainable training programs curriculums that will provide continues upgrade of LEAs officers knowledge and skills for application of ILP approach in conducting their daily work tasks.

<sup>29</sup> 1. **EU IPA 2012** funded project "Fight against organised crime and corruption" implemented by B&S Europe, Northern Ireland Cooperation Office (NI-CO) and Project One (CSD Group); 2. **EU IPA 2017 "Countering Serious Crime in the Western Balkans"** - implemented by German Corporation for International Cooperation GmbH (GIZ), Italian Ministry of Interior and Center for International Legal Cooperation; 3. **EU IPA 2019 "Countering Serious Crime in the Western Balkans"** implemented by German Corporation for International Cooperation GmbH (GIZ), Italian Ministry of Interior and Center for International Legal Cooperation 4. **EU IPA II project "EU Support for Rule of Law"** implemented by Austrian Agency for European Integration and Economic Development (AEI), the Ministry of Justice and Public Administration of Croatia, the Federal Ministry of Interior of Austria, and the Ludwig Boltzmann Institute of Human Rights; 5. **OSCE Mission to Skopje** project activities in the field of Policing

<sup>30</sup> Ministry of Interior Strategic Plan 2021-2023 (2021). Ministry of Interior of N. Macedonia. p.29

<sup>31</sup> Ibid, pp. 36-37

<sup>32</sup> Strategy of Ministry of Interior Training Center 2020-2022 (2020). Ministry of Interior of N. Macedonia. p.9

## National criminal intelligence system (NCIS)

Collecting, processing and (timely) exchange of information between various relevant stakeholders is one of the most challenging segments in the fight against serious and organised crime. The national criminal intelligence system should allow for the electronic exchange of data between law enforcement authorities and judicial authorities in charge of the fight against different types of serious crime. This assumes development of national model of NCIS identifying which institutions are going to be part of it. The National Intelligence Model (NIM) should provide a solution of integrated intelligence in which all forces could play a part in a bigger system. NIM is about the effective and efficient collection, recording, dissemination and retention of information that enables accurate and appropriate decision-making about priorities and tactical options, and setting the overall strategic direction.<sup>33</sup> It also includes establishment of legal and technical foundations for a safe platform for communicating between law enforcement bodies and ensuring a smooth connection of relevant databases and to improve the collection of unified crime statistics. The United Nations Office on Drugs and Crime (UNODC) International Classification of Crime for Statistical Purposes (ICCS) provides a good and comprehensive framework on which such an exercise may be based. This is also particularly reaffirmed in the EU Security Union Strategy.<sup>34</sup>

Indicators:

1. There is a legal framework establishing national criminal intelligence system that provides for automated collection, processing

and data exchange between all competent national authorities for fight against serious and organised crime

2. Established memoranda of cooperation between law enforcement agencies (LEAs) and other relevant bodies for mutual cooperation and operating one centralized national criminal intelligence system
3. Effective and secure platform for electronic data exchange and information between the database of the law enforcement state authorities and institutions;
4. The representatives of different LEAs and other authorities represented in the national criminal intelligence system should have access to their agency's data and information, and should be allowed by law to share them with representatives from other entities/authorities represented within the NCIS, pertinent to domestic and international legal frameworks.
5. Mol as coordination body in charge of national criminal intelligence system should be responsible for carrying out strategic and operational analysis, including threat assessments, at the national level. It should assist regional/local criminal intelligence analysis departments/units when relevant.
6. Joint training program of NCIS responsible contact officers of all LEAs and other relevant institutions part of the system for improvement of NCIS operability and effectiveness.

<sup>33</sup> Macedonia: National Intelligence Model to reinforce multi-sectoral law enforcement cooperation (2018). EU IPA 2012 funded project "Fight against organised crime and corruption" implemented by B&S Europe, Northern Ireland Cooperation Office (NI-CO) and Project One (CSD Group). Available at: <https://www.bseurope.com/about-us/our-group/macedonia-national-intelligence-model-reinforce-multi-sectoral-law-enforcement>

<sup>34</sup> Communication from the Commission on the EU Security Union Strategy; COM(2020) 605 final; 2020, p.15

## NCIS in North Macedonia

In 2017 a Memorandum on data exchange in the fight against organized crime and corruption was signed between the Ministry of Interior, Ministry of Finance - Financial Police Directorate, Financial Intelligence Directorate, Custom Administration, the State Commission for Prevention of Corruption, the Agency for Management of Confiscated Property and the Public Prosecutor's Office of the Republic of Macedonia. The main objective of the Memorandum was strengthening national capacities to fight organized crime and corruption through enabling improved cooperation and data exchange through the establishment of an interoperability platform, video conferencing, conducting joint criminal administrative investigations, and with the sole purpose of strengthening national capacities to fight organized crime and corruption. For these purposes through EU funded IPA Project 2013, equipment was procured that should have enabled interoperability between the mentioned institutions.<sup>35</sup> However, there are lot of stalemates in this field and the interoperability between mentioned institutions are still facing challenges with coordination and producing unified analytical reports. Also some research shows that relevant Macedonian agencies do not have mutual access to databases and there is no official and secure information-exchange system with security/intelligence services beside the fact that numerous memoranda and protocols for cooperation have been signed.<sup>36</sup> Basically, these memoranda and protocols are not fully introduced in practice and leads towards lack of coordination, not effective information flow and undermining the results of the undertaken investigations. All of this

is directly contributing for difficulties during proper implementation of ILP approach by Mol and police.

There is a need to further improve the implementation of the standards and principles used in the framework of the criminal intelligence system or the so-called National Intelligence Model (NIM) by all relevant institutions. These improvements should be focused on further operationalization of the already procured ICT equipment and National Criminal Intelligence Database. Also, there is a need for development and adoption of unified/standard operating procedures for data sharing, data processing and compiling analytical products by all relevant authorities for fight against serious and organized crime. In this context for example the National Criminal Intelligence Database was introduced in 2009 with intention to resolve all problems with existence of outdated, inefficient, incompatible databases of institutions and bodies responsible for suppression of organized crime, however even after more than 10 years still there is no unified data management system that can produce unified analytical reports. Furthermore, there are national institutions (such as the State Commission for Prevention of Corruption) which have legal powers but do not have access to all available systems and databases for obtaining and sharing relevant information. There is also a lack of systematic and sustainable training capacities and curriculum for employees of all state institutions and bodies part of the NCIS which directly is contributing as one of the factors that negatively affects the level of cooperation and interoperability within NCIS.

<sup>35</sup> Draft National Program for Adoption of the Law of the European Union - Revision 2019-2021 (2019). pp.329-330. Available at: <https://eu.org.mk/wp-content/uploads/2020/02/npa-2019.pdf>

<sup>36</sup> 1. "Closing the implementation gap" - Criminal justice responses to illicit trade in South Eastern Europe and associated challenges (2020); The Siracusa International Institute for Criminal Justice and Human Rights; 2. M. Lembovska (2021). Fight against organized crime in North Macedonia; Falling short of commitments: How Western Balkan Governments fight Organised Crime. Edt. Bojan Elek. Belgrade Centre for Security Policy. Available at: <http://radar.bezbednost.org/falling-short-of-commitments-how-western-balkan-governments-fight-organized-crime/>

Corruption) which have legal powers but do not have access to all available systems and databases for obtaining and sharing relevant information. There is also a lack of systematic and sustainable training capacities and curriculum for employees of all state institutions and bodies part of the NCIS which directly is contributing as one of the factors that negatively affects the level of cooperation and interoperability within NCIS.

Moreover, UNODC assessment of data in the Western Balkans has shown that North Macedonia has a weak data management system on organized crime.<sup>37</sup> UNODC research has shown that North Macedonia, as most countries in the Western Balkan, does not have statistical systems in place to record, report and analyze information. It is especially challenging to trace a case through the criminal justice process, from investigation to prosecution to adjudication with one unique identifier. Also, there is no data on the economic value of organized criminal activities. The absence of a proper data management system seriously hampers the ability to develop evidence-based policies.

**Recommendations:**

- Increase the functionality of National Criminal Intelligence Database through continues hardware and software upgrade as well as ensuring that all relevant institutions and bodies are equipped with proper ICT equipment and have trained personnel for secure utilization;

- Enhancing the interoperability within National Criminal Intelligence System (NCIS) through systematic joint training program of persons assigned as NCIS contact persons. This will enable constant improvement of the personal and institutional capacities for timely and effective cooperation and data sharing within NCIS;
- Improvement of the implementation of standardize procedures for data sharing, data processing and producing unified analytical reports;
- Introducing a NCIS crime statistics capabilities and products i.e., establishing so-called tracking system by integrating information from pre-investigation, investigation and court proceedings, which would enable continuous monitoring of cases, monitoring and control of their progress in real time, control of decisions, measurement of effectiveness and efficiency, spent budget funds for investigations etc. Moreover, the authorities should demonstrate capacity to return the proceedings of crime to the state through confiscation of assets;
- Introducing periodic assessment and reports (public and for internal use) for functioning and level of operability of LEAs and other relevant state institutions and bodies within NCIS.

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<sup>37</sup> United Nations Office on Drugs and Crime (2020). Measuring Organized Crime in the Western Balkans Available at: [https://www.unodc.org/documents/data-and-analysis/Macro/Research\\_brief.pdf](https://www.unodc.org/documents/data-and-analysis/Macro/Research_brief.pdf)

### Law enforcement preventing money laundering and conducting financial investigations

The term '**financial crime**' covers a wide range of criminal offences by an individual or a group to obtain a financial or professional advantage. The 2017 EU Serious and Organised Crime Threat Assessment identified the following crime areas of particular concern: investment fraud, mass-marketing fraud, payment-order fraud, insurance fraud, benefit fraud, EU subsidy fraud, procurement rigging, loan and mortgage fraud. Such crimes are often cross-border in nature and have a close connection to cybercrime, as they are committed via the Internet and affect international banking and international markets. This type of crime is also considered low risk, high profits. The complexity of investigations required to detect and prosecute this crime makes it low risk. The majority of financial crimes has a huge impact on individuals, companies, organisations and states as a whole and can affect the entire economic and social security systems through the considerable loss of money incurred.<sup>1</sup>

Besides financial crime, all organised crime has financial flows, and this is why **financial investigations** and fighting money laundering are important. Financial investigations analyse where money comes from, how it moves, and how it is used. The EU supports that the financial

investigation and financial-criminal analysis are carried out simultaneously with the criminal investigation, not only for financial crime, but for all forms of serious and organized crime. Financial investigations are important for two reasons. The first reason is that by tracing the material benefit connected to the criminal activity, financial investigation may assist the bigger criminal investigation by: identifying associations and links to people and places, identifying suspects, witnesses, or victims, identifying the use of phones, transport and amenities relevant to the case where no previous method was successful. Key characteristics of financial investigations provide additional value to investigating other forms of serious and organized crime. The second reason is that only by carrying financial investigation, the proceeds of criminality can be identified and later targeted through assets confiscation and recovery. This is important as it deprives in short-term criminal groups from resources to pursue further criminal activity and it makes in long-term illicit activity less profitable and attractive for criminals.

Financial investigations require highly specialised competence in forensic accounting to trace money in a variety of financial documents (e.g., bank account

record, real estate files, motor vehicle records and computer files). Technological advancements and market liberalization have accelerated the transition of traditional investigative methods to modernized investigations that reflect increasingly advanced criminal methods and practices. This kind of competence should be at disposal within the range of law enforcement and judicial authorities, as well as Financial Intelligence Unit (FIU), who may be involved at the different stages of criminal procedure. Moreover, it is important that the legal and policy framework enables efficient cooperation among them to allow for an effective investigation. Therefore, the EC recommends that cooperation in the field of financial investigations at the EU level be strengthened in order to bridge the gap between the increasingly modern ways of working of criminals and the response of law enforcement agencies.

Financial investigations represent current approaches to tackling most serious crime such as organised crime and terrorism by proactive and

preventive identification of their financing. One of the specific financial operations of organised crime and terrorism is **money laundering** or the process by which criminal proceeds are "cleaned" so that their illegal origins are hidden. It is common practices in the organised crime that generate huge profits in cash, such as trafficking in drugs, weapons, and human beings, as well as fraud. Due to the deregulation of financial markets and digitalization, tracking and tracing the flow of laundered money presents challenges for under-equipped law enforcement agencies. The EU has adopted a two-pronged approach to address such challenges. Firstly, by improving the regulation of financial institutions and establishing mechanisms for identifying suspicious activities, and secondly improving the ability of financial intelligence units (FIUs) to be more effective in combating such challenges. At the EU level, the primary legislation is the Anti-Money Laundering Directives as provided for in the matrix.

### Situation in North Macedonia

The legislative framework of North Macedonia provides that financial investigations are to be conducted in line with the Criminal Procedure Code (CPC 2018). The pre-investigation stage is conducted by the public prosecution office and by other authorities including the financial police and the State Anti-Corruption Commission. The remits of these organisations are covered by separate laws. Should the organisations suspect or if the evidence points towards a financial crime, they refer the case to the public prosecution office which remains the main investigative body.

The financial police is in charge of performing criminal investigations pursuant to the Financial Police Law 2018 and their by-laws. The CPC applies a general application of the law to the issues not regulated by the FPL. The Criminal Code (2018) incriminates crimes that generate proceeds of substantial value<sup>2</sup> and require financial investigation. The CPC, on the other hand, governs the apprehension and reporting of the perpetrators, collecting evidence and other measures and activities that facilitate the unimpeded implementation of criminal proceedings.

<sup>1</sup> United Nations Office on Drugs and Crime, Research Brief: Measuring Organized Crime: Assessment of Data in the Western Balkans available at: [https://www.unodc.org/documents/data-and-analysis/Macro/Research\\_brief.pdf](https://www.unodc.org/documents/data-and-analysis/Macro/Research_brief.pdf)

<sup>2</sup> Crimes that generate substantial value include: money laundering and acquisition of other proceeds of crime, trafficking, smuggling and tax evasion.

The public bodies are closely connected in terms of their line of work. The public prosecutor is expected to closely cooperate and exchange information with the financial police and the Ministry of Internal Affairs. It also has to report to other relevant offices such as the Public Revenue Office, the State Foreign Currency Inspection Office, the State Market Inspectorate and other inspection authorities who are tasked with preventing and identifying crimes under the law. With regards to information exchange, state administrative and other authorities, institutions and legal persons that collect and maintain data records are under the obligation to make the data available to the public prosecutor or the financial police upon request. The international cooperation and exchange of information regarding transnational financial crime is pursued with prosecutors of other countries, foreign police forces and state bodies, as well as organisations in foreign countries and international organisations pursuant to bilateral and ratified international treaties on issues within this remit. The financial police also cooperate with the European Anti-Fraud Office (OLAF).<sup>3</sup>

The Strategy for Strengthening the Capacities for Conducting Financial Investigations and Confiscation of Property 2018-2020 together with an action plan was assessed by the EC as 'a positive step towards introducing a systemic approach for asset recovery'. It complements the 2017-2019 National Strategy for the Fight against Money Laundering and Financing of Terrorism and the 2014-2020 National Drugs Strategy. It required the setting up of separate organisational units for conducting financial investigations in the Public Prosecution Office, the Ministry of the Interior, the Financial Police Directorate, and the Customs

Administration. The implementation of these units is ongoing. Four investigative centres are also set up at the main Public Prosecution Office.

The EU has noted that North Macedonia has broadly aligned its legislation with EU standards on this matter but should make efforts to establish a centralised bank account register, in line with the 5th EU Money Laundering Directive.<sup>4</sup> The EU's main recommendation regarding implementation of financial investigations is that the law enforcement units and prosecution bodies should build up operational capacity. This requires specialised expert staff and practice of systematically conducting financial investigations along with the investigation of any serious crime. More active use of multidisciplinary cooperation between them and systemic exchange of data is needed. Establishing a central bank account register, the access to which would significantly contribute to the quality of financial investigations, is pending finalisation and adoption of the new Law on Payment Services.

One of the biggest financial crimes in North Macedonia is money laundering which is linked with tax evasion, smuggling, financial fraud, and corruption.<sup>5</sup> Most of the laundered proceeds come from **domestic criminal activities rather than international activities. Money transfers, structuring cash deposits, the purchase of real estate and goods**, and the use of legal entities in offshore jurisdictions are frequent money laundering techniques.<sup>6</sup> This criminal activity is usually conducted by specialized groups and individuals such as experts in law, finance or

computer technology, who specialize in providing such services.<sup>7</sup> EC has noted that the practice of fighting money laundry is weak, as there was one final conviction for money laundering, against one individual in 2019. Indictments were brought against five individuals. All relevant institutions must still proactively implement anti-money laundering legislation.

Regarding conducting financial investigations covering money laundering, the Financial Intelligence Office increased their personnel capacity and upgraded its software to detect money laundering cases. In 2019, the Office reported 293 of suspicious transactions, an increase on the 194 submitted in 2018. The Office sent 54 reports (46 in 2018) of money laundering and terrorism financing cases and 172 notifications (183 in 2018) of other cases to the law enforcement bodies. As a result, five people were indicted, and one convicted for money laundering or terrorism financing.

Furthermore, EU's evaluation mission for corruption recommended that North Macedonia keeps track of individual instances of money laundering, high-level corruption and cases connected with crime organisations. Since autumn 2019, a total of 25 cases involving 178 persons were transferred from the Special Prosecutor's Office to the Public Prosecutor's Office for Prosecuting Organised Crime and Corruption. Most of them concern abuse of office or position, falsification or forgery of

documents, embezzlement, money laundering and fraud.<sup>8</sup> It was also recommended that North Macedonia should have an annual program for training judges and prosecutors working on money laundering and financial investigations by domestic and international trainers.<sup>9</sup>

#### Recommendations:

- Improve the alignment with the Fifth Anti Money Laundering Directive, specifically by establishing a centralised bank account register;
- Develop a cohesive system of cooperation between agencies to effectively combat financial investigations and money laundering;
- Improve effective communication and administration among different governmental agencies to design or implement policies or concrete measures;
- For instance, a formal or informal forum through which different agencies either formulate common policies or coordinate their different approaches.
- Develop and strengthen capacities of judges and prosecutors working on money laundering and financial investigations by providing trainings by domestic and international experts.

<sup>3</sup> AIRE Centre and RAI, Handbook on Effective Asset Recovery in Compliance with European and International Standards, 2020 available at: [https://www.rai-see.org/php\\_sets/uploads/2020/11/Handbook-asset\\_recovery\\_eng-1.pdf](https://www.rai-see.org/php_sets/uploads/2020/11/Handbook-asset_recovery_eng-1.pdf)

<sup>4</sup> EC North Macedonia Country Report 2020, p. 36, available at: [https://ec.europa.eu/neighbourhood-enlargement/sites/near/files/north\\_macedonia\\_report\\_2020.pdf](https://ec.europa.eu/neighbourhood-enlargement/sites/near/files/north_macedonia_report_2020.pdf)

<sup>5</sup> United States Department of State, Bureau for International Narcotics and Law Enforcement Affairs (2015). Money Laundering and Financial Crimes Country Database. Available at <https://2009-2017.state.gov/documents/organization/239329.pdf>

<sup>6</sup> Know Your Country, available at: <https://www.knowyourcountry.com/macedonia1111>

<sup>7</sup> Southeast European Law Enforcement Center (SELEC) (2018). Organized Crime Threat Assessment for Southeast Europe. Available at <https://www.selec.org/wp-content/uploads/2019/02/OCTASEE.pdf>

<sup>8</sup> Supra n. 4

<sup>9</sup> NPAA - <https://eu.org.mk/wp-content/uploads/2020/02/npaa-2019.pdf>

## Confiscation of criminal assets

EU policies state that the effective fight against organized crime is only successful if the financial benefit obtained from it is taken away from the perpetrators. The act of confiscating direct proceeds of crime is known as direct confiscation, whereas extended confiscation refers to the ability to confiscate assets going beyond the direct proceeds of a crime without the need to establish a connection between suspected criminal assets and a specific criminal conduct.<sup>10</sup>

Confiscation is a strategic priority in the EU's fight against organised crime and, as such, is reflected in the EU Internal Security Strategy in Action. EU's approach to discouraging perpetrators from committing crimes and compensating for the damage caused by criminal activities centres on

seizing property and confiscating proceeds of crime. However, the standard value of confiscated property remains disproportionately small when compared to the estimated income of criminal organizations.

The legal framework for activities in this area is the Directive on the freezing and confiscation of objects and proceeds of crime in the EU (2014/42/EU). This directive replaced and simplified the previous five, which regulated this area, with the introduction of additional measures aimed at filling the legal gaps exploited by organized criminal groups. Thus, this directive enables the seizure of property in cases when it has been transferred to third parties, or when the suspect has left the country, as well as the temporary freezing of property that is at risk of disappearing, unless urgent action is taken.

## Confiscation of criminal assets in North Macedonia

Similarly, in North Macedonia confiscation is a means to control and prevent the entrance of illegal money and assets into the domestic and international economic systems. There are three important laws regulating this question of confiscation of criminal assets in North Macedonia: Criminal Code of the Republic of Macedonia, Criminal Procedure Code and the Law on Managing Assets, Proceeds and Instrumentalities Seized and Confiscated in the Criminal or Misdemeanour Procedure. In the past, the EC has asked that North

Macedonia amend and align its legislation with an updated strategy for financial investigations, confiscations and asset recovery. Following these recommendations, North Macedonia began developing and strengthening concepts for conducting financial and organised crime investigations. In February 2018, North Macedonia adopted the Strategy for strengthening the national capacities for conducting financial investigations and confiscation of property with an accompanying Action Plan (2017-2020).<sup>11</sup>

The use of confiscation competencies has not yet become a regular practice. It should become a priority in the fight against most serious crime, such as organised crime, terrorism and high-level corruption. EC has assessed that North Macedonia's tools for freezing, managing and confiscating criminal assets are not effective enough. In 2019, four bank accounts were frozen as compared to only one in 2018.<sup>12</sup> In 2019, confiscation of criminal assets was limited to 21 people. It included confiscation of real estate in three cases. In April 2020, there has been one break-through. For the first time in North Macedonia, a child victim of human trafficking for the purpose of force marriage has received financial compensation from her trafficker as a follow-up to the compensation order issued by the Skopje Criminal Court in April 2020.

Proper confiscation indicates a certain level of coherence between the governmental agencies and the overall criminal justice system. The EU notes that the powers of governmental bodies, including the police, PPO, courts and Agency for Management of Confiscated Property need to be strengthened to allow seizure and confiscation of criminal assets, including in the early stages of criminal investigations. As previously mentioned, a possibility is to increase the knowledge of local official working on confiscation matters by providing trainings and workshops by leading experts in the field. The legal status and functions of the Agency for Management of Confiscated Property also needs to be strengthened. This should confirm the positive trend of adopting temporary measures for freezing bank accounts and property. There is a need for systematic use of the confiscation or extended confiscation for a limited list of offences. Experts have also noted that extended confiscation provisions should be implemented as a priority in

terrorism, money laundering and organized crime cases.<sup>13</sup>

Doubt and confusion around confiscation regimes help to explain practitioners' apprehension about commencing confiscation proceedings. In North Macedonia, practitioners expressed concern that defendants who are not ultimately convicted may sue the state for compensatory damages in connection to the application of temporary measures such as freezing and seizure. Improvements are needed in relaying timely and important information from one relevant institution to another for the purpose of identifying and tracing criminal assets. Relatedly, the EU has called for more integrated operational approach to effectively ensure asset recovery.<sup>14</sup> EU's evaluation mission also recommended Special intensive seizure and confiscation training will also be provided.<sup>15</sup>

### Recommendations:

- Increase the number of proceedings and confiscation of criminal assets, especially in the cases of most serious crimes such as organised crime, terrorism and high-profile corruption;
- Strengthen the capacities of practitioners to effectively confiscate, freeze and seize criminally-obtained assets –
- Increase in workshops, trainings to engage with the normative framework behind confiscation and develop the necessary skills to effectively conduct it.
- Expand the scope of extended confiscation for priority cases involving national security (terrorism), money laundering and organised crime.

<sup>10</sup> COMMUNICATION FROM THE COMMISSION TO THE EUROPEAN PARLIAMENT AND THE COUNCIL The EU Internal Security Strategy in Action: Five steps towards a more secure Europe, available at: <https://eur-lex.europa.eu/legal-content/EN/ALL/?uri=CELEX%3A52010DC0673>

<sup>11</sup> Supra n. 9

<sup>12</sup> Supra n.4 p. 22

<sup>13</sup> The Siracusa International Institute for Criminal Justice and Human Rights, "Closing the implementation gap" - Criminal justice responses to illicit trade in South Eastern Europe. and associated challenges 2020 p. 93 available at: [https://www.siracusainstitute.org/app/wp-content/uploads/2020/11/SII-Regional-crime-trends-report\\_web.pdf](https://www.siracusainstitute.org/app/wp-content/uploads/2020/11/SII-Regional-crime-trends-report_web.pdf)

<sup>14</sup> Supra n.4

<sup>15</sup> Supra n. 9



## Asset recovery

Asset recovery is the broader term for the management of confiscated property and the return of the “assets” to the victim or society at large. The assets coming from financial crimes (money laundering, trafficking, smuggling) are recovered and reinstalled in the place of origin, thus ensuring that the victims of crime and the economies from which the assets were taken do not suffer from the economic loss. The EU underlines the importance of asset recovery in the context of the dismantling organized crime groups and stresses the need for ambitious legislation, allocating sufficient financial and human resources and providing the necessary specialized training and equipment to the Asset Recovery Offices (ARO).

The asset recovery regime is currently in its infancy in North Macedonia. The asset recovery framework is comprised of the CC, the CPC, the Law on Management of Confiscated Property, Proceeds and Objects Seized in Criminal and Misdemeanour Procedure; the Law on International Cooperation in Criminal Matters, and the AML Law. North Macedonia has been an observer to the Camden Asset Recovery Inter-Agency Network since July 2014, and its police is engaged internationally through the International Criminal Police Organization.<sup>16</sup>

About the system and framework for tracking illegal proceeds of crime, North Macedonia

has adequate asset recovery frameworks and mechanisms for quickly securing assets based on official information. North Macedonia established its own Asset Recovery Office (ARO) within the Public Prosecution Office in 2019 in line with the EU acquis. The office has to continuously demonstrate its capacity to support a proactive policy of asset confiscation.<sup>17</sup>

Storage is an important part of asset recovery because it allows frozen and seized contraband, cash, or even moveable property like vehicles, to be held while these and other criminal justice actions unfold. With regard to storing and managing illegally obtained assets, North Macedonia’s storage capacity is strained. One of the reasons is that the legislation dictates that authorities retain the full quantity of seized drugs, for example, rather than a sample to be used as evidence in court proceedings.

### Recommendations:

- Boost storage and management capacities of AROs to securely store and destroy seized drugs and precursors;
- Amend and improve legislation/practices to allow AROs to retain the full quality of seized goods;
- Develop and improve the integrated operational approach to ensure asset recovery.

# FIGHTING TERRORISM ON THE WAY TO EUROPEANIZATION

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<sup>16</sup> Conference of the States Parties to the United Nations Convention against Corruption, Executive Summary North Macedonia 10 January 2020, available at: <https://www.unodc.org/documents/treaties/UNCAC/WorkingGroups/ImplementationReviewGroup/ExecutiveSummaries2/V2000124e.pdf>

<sup>17</sup> EC Report 2019, p 5

# Title: Fighting Terrorism on the Way to Europeanization

Author: Ivan Stefanovski

*“With the Counter Terrorism Agenda, we are boosting our ability to anticipate new threats, we are helping local communities to prevent radicalization, we are giving cities the means to protect public spaces and we are ensuring that we can respond quickly and more efficiently to attacks.”*

*Ylva Johansson, Counter-Terrorism Agenda 2020<sup>1</sup>*

<sup>1</sup> European Commission (Migration and Home Affairs), A Counter-Terrorism Agenda for the EU: Anticipate, Prevent, Protect, Respond (leaflet), December 2020 available at: [https://ec.europa.eu/home-affairs/sites/homeaffairs/files/what-we-do/policies/european-agenda-security/20201209\\_counter-terrorism-agenda-eu\\_en.pdf](https://ec.europa.eu/home-affairs/sites/homeaffairs/files/what-we-do/policies/european-agenda-security/20201209_counter-terrorism-agenda-eu_en.pdf)

## Summary of key findings

Regarding fight against terrorism and radicalization leading to violent extremism, the citizens' greatest concerns are related to political, ethnic, and religious polarization and segregation, resulting with lack of trust between different communities.

N. Macedonia is **SOMEWHAT** prepared to implement the European acquis regarding anticipation of terrorism.

## The EU approach to fighting terrorism

The effective fight against terrorism, as well as radicalization leading to violent extremism, is one of the main prerequisites which every candidate country needs to successfully fulfill to meet the criteria for joining the European Union (EU). In its most recent anti-terrorism document “A Counter-Terrorism Agenda for the EU: Anticipate, Prevent, Protect and Respond”<sup>2</sup>, the EU outlines the four pillars on which the anti-terrorism agenda will be founded, at least until 2025: **Anticipate**, **Prevent**, **Protect** and **Respond**.

In the absence of a generally applicable definition which will unite multiple international actors, the EU uses the definition of terrorism coined by the International Organization for Migration (IOM) which states that “terrorism” can be defined as the intentional and systematic use of actions designed to provoke terror in the public to certain ends. Terrorism can be the act of an individual or a group of individuals acting in their individual capacity or with the support of a State. It may also be the act of a State, whether against the population (human

rights violations such as forced labor, deportation, genocide, etc.), or in the context of an international armed conflict against the civil population of the enemy State.”<sup>3</sup>

Apart from the central EU institutions such as the European Commission (EC), the Council and the European Parliament (EP), which are, and will continue to spearhead the fight against terrorism on the highest political level, there are several agencies and networks that will be pivotal in the forthcoming period:

- The European police agency (EUROPOL), primarily through its European Counter Terrorism Center (ECTC);
- the European Union Agency for Criminal Justice Cooperation (EUROJUST); and
- the European Border and Coast Guard Agency (FFONTEX)<sup>4</sup>.

<sup>2</sup> European Commission, Communication from the Commission to the European Parliament, the European Council, the Council, the European Economic and Social Committee and the Committee of the Regions, A Counter-Terrorism Agenda for the EU: Anticipate, Prevent, Protect, Respond COM (2020) 795, 9.12.2020, available at: [https://ec.europa.eu/home-affairs/sites/homeaffairs/files/pdf/09122020\\_communication\\_commission\\_european\\_parliament\\_the\\_council\\_eu\\_agenda\\_counter\\_terrorism\\_po-2020-9031\\_com-2020\\_795\\_en.pdf](https://ec.europa.eu/home-affairs/sites/homeaffairs/files/pdf/09122020_communication_commission_european_parliament_the_council_eu_agenda_counter_terrorism_po-2020-9031_com-2020_795_en.pdf)

<sup>3</sup> Migration and Home Affairs, ‘Terrorism’ glossary, see at: [https://ec.europa.eu/home-affairs/e-library/glossary/terrorism\\_en](https://ec.europa.eu/home-affairs/e-library/glossary/terrorism_en)

<sup>4</sup> European Parliamentary Research Service, Briefing, EU Policies – Insight, Understanding EU counter-terrorism policy, January 2021, available at: [https://www.europarl.europa.eu/RegData/etudes/BRIE/2021/659446/EPRS\\_BRI\(2021\)659446\\_EN.pdf](https://www.europarl.europa.eu/RegData/etudes/BRIE/2021/659446/EPRS_BRI(2021)659446_EN.pdf)

- the Radicalization Awareness Network (RAN) that gathers practitioners (police officers, prison and probation staff, teachers, youth workers, civil society representatives, academics, etc.)

- EU internet Forum that gathers major internet industry players with EU bodies to prevent dissemination of terrorist propaganda online

- EU center of expertise for victims of terrorism

- In the fight against terrorism, the EU cooperates with international organizations and bodies including the United Nations (UN), the Global Counter-terrorism Forum, the Global Coalition against ISIL/Da'esh, the Financial Action Task Force (FATF) and the Council of Europe (CoE).

The crucial issues in terms of fighting terrorism on European level should primarily be addressed through the operationalization of the four pillars set forth in EU's new anti-terrorism agenda<sup>5</sup>: **Anticipate**, **Prevent**, **Protect** and **Respond**.

### Anticipation

- Strategic intelligence and threat assessment
- Risk assessment and preparedness
- Participation in EU research to reinforce early detection
- Use of new technologies to stay ahead of curve
- Integrating foresight into policy cycle

### Prevention

- Countering extremist ideologies online
- Supporting local actors for more resilient communities
- Work in prisons, rehabilitation and reintegration
- Consolidating knowledge and support for prevention of radicalization

### Protection

- Protecting people in public spaces
- Cities as the backbone of urban security
- Making critical infrastructure more resilient
- Border security
- Denying terrorists the means to attack

### Response

- Investigations and cooperation with Europol and its ECTC
- Transnational Law enforcement cooperation
- Information exchange
- Supporting investigations and prosecution and cooperation among financial intelligence units
- Support to victims of terrorism

Illustration: 4 pillars of fighting terrorism

<sup>5</sup> Supra n. 2

**Anticipation** means preparing coherent strategic intelligence, the ability to assess threats and risks, as well as the capability to think strategically and well in advance. It will be mainly based on the following processes:

- *Strategic intelligence and threat assessment* – where the role of the EU Intelligence and Situation Center (EU INTGEN) is very important;

- *Risk assessment and preparedness* – where both the Commission and the Member States will jointly push for more targeted risk assessments, better resilience of critical entities, operationalization of EU Protective Security Advisory Missions, further developing of EU aviation security, as well as ensuring security of transport in the maritime area;

- *Reinforcing early detection capacity* – mainly through increasing and enhancing EU funded research related to security;
- *Staying ahead of the curve: the role of new technologies* – by investing in new detection technologies, further developments of Artificial Intelligence (AI), and crafting a strategy to counter potentially malicious unmanned aircraft systems – drones; and

- *Integrating foresight in the policy cycle* – where the Commission will make use of the close involvement with Europol, Eurojust, the EEAS and EU INTGEN<sup>6</sup>.

**Prevention** is mainly referred to in the context of supporting the processes of disengagement, rehabilitation, and reintegration of those who are at the risk of radicalization or have already been radicalized, as well as strengthening the local communities and addressing malicious online content by applying the whole-of-government and whole-of-society approaches. The EU foresees the following processes as crucial:

- *Countering extremist ideologies online* – primarily through the adoption and implementation of the Regulation on addressing the dissemination of terrorist content online, the proposition for a new Digital Services Act, the work of the EU Internet Forum, and by reinforcing the resources and capacities of Europol's Internet Referral Unit;

- *Supporting local actors for more resilient communities* – primarily the EC will extend its support for the Radicalization Awareness Network, and the engagement with communities using the bottom-up approach. Support will be further extended to strengthen integration and social inclusion, making use of the Action Plan on integration and inclusion<sup>7</sup>. Most importantly, the EC will garner cooperation between frontline school workers, religious groups, CSOs, social workers and youth workers, in order to underpin the importance of non-formal education;

- *Prisons, rehabilitation and reintegration* – will be allocated more dedicated attention

<sup>6</sup> Ibid, and Cf. Council Conclusions on EU External Action on Counter-terrorism of 19 June 2017

<sup>7</sup> Supra n. 5

and resources both by the EC and Member States., working primarily with foreign terrorist fighters (FTFs) and their families;

• *Consolidating knowledge and support* – the EC will strive to increase funding for research of national and supranational networks but will also propose the creation of an EU Knowledge Hub on prevention of radicalization<sup>8</sup>.

**Protection** is one of the most demanding and costly pillars which foresees activities spanning from protection of public spaces and critical infrastructure, to securing external borders and investing both in people and infrastructure including equipment. Its implementation will be mainly based on the following processes:

• *Protecting people in public spaces* – the EC will further its efforts to promote security-by-design solutions and will urge Member States to implement stronger physical protection measures. Responsible entities will also make use of the EU Forum on the protection of public spaces, and emphasis will need to be put on places of worship such as churches, mosques and synagogues;

• *Cities as the backbone of urban security* – the EC will propose an EU Pledge on Urban Security and Resilience, and foster the Cities

against Radicalization and Terrorism initiative;

• *Making critical infrastructure more resilient* – the EC will urge Member States to adopt multiple measures;

• *Border security* – spearheaded by Member States supported fundamentally by Europol, Frontex and the European Union Agency for the Operational Management of Large-Scale IT Systems in the Area of Freedom, Security and Justice (EU-LISA);

• *Denying terrorists, the means to attack* – the EC and the Member States will work jointly on designing of new, and better implementation of current legislation<sup>9</sup>

Lastly, the **Response** usually occurs in the aftermath of terrorist attacks when Member States need to act in regard to cooperation and exchange of information through strengthened and improved law-enforcement. This pillar also contains actions related to confiscation of resources, as well as providing substantial support to victims of terrorist attacks. The Union foresees the following actions and processes as fundamental:

• *Operational support: Strengthening Europol* – Member States are urged to more extensively cooperate with Europol and its European Counter Terrorism Center- ECTC in order to close

investigation gaps which occur during state investigations on terrorist attacks;

• *Law enforcement cooperation* – the EC will propose an EU “police cooperation code”, ensure sustainability of the ATLAS network of special intervention units of the Member States, and will further urge inter-sectorial cooperation under the Union Civil Protection Mechanism;

• *Strengthening information exchange* – the EC will propose amendments to the Prüm Decisions<sup>10</sup>, and will further urge Europol, Eurojust and Frontex to enhance their cooperation as Justice and Home Affairs agencies;

• *Supporting investigations and prosecution* – the EC will focus primarily on improving the Financial Intelligence Units, by proposing the establishment of an EU Coordination and Support Mechanism for Financial intelligence units<sup>11</sup>, as well as a network of counter-terrorism financial investigators;

• *Strengthened support to victims of terrorism* – the EC will try and expand the work of the EU Centre of

Expertise for victims of terrorism and facilitate the implementation of the EU Strategy on victims’ rights (2020-2025)<sup>12</sup>.

Having in mind the key standards, principles, legislation, and actors being described previously, any candidate country aspiring to join the EU must strive to fully transpose the European acquis in regard to fight against terrorism, but also to foster continuous capacity building and investments, as well as to ensure fundamental cooperation with the Union’s justice and home affairs agencies, and with law enforcement institutions of Member States. Not all priorities at the EU level are equally important for all member and candidate states and therefore it is important to define priorities based on the analysis fit to the context. After assessing the candidate country’s compliance with legislation and other relevant documents, the EC and the Member States also dedicate sufficient time to monitor implementation, statistical info related to the track record of the candidate country, as well as the capacity of the institutions in terms of human, infrastructural and financial resources<sup>13</sup>.

<sup>8</sup> Supra n. 2  
<sup>9</sup> Ibid.

<sup>10</sup> Council Decision 2008/615/JHA on the stepping up of cross-border cooperation, particularly in combating terrorism and cross-border crime (see at: <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex%3A32008D0615>) and Council Decision 2008/616/JHA on the implementation of Decision 2008/615/JHA (see at: <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A32008D0616>).

<sup>11</sup> As suggested in the Anti-Money-laundering Action Plan of 7 May 2020, please see: Communication from the Commission on an Action Plan for a comprehensive Union Policy on preventing money laundering and terrorist financing C(2020) 2800 final, available at: [https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=PL\\_COM%3AC%282020%292800](https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=PL_COM%3AC%282020%292800)

<sup>12</sup> Communication from the Commission to the European Parliament, the European Economic and Social Committee and the Committee of the Regions COM(2020) 258 final, EU Strategy on Victims’ Rights (2020-2025) available at: <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A52020DC0258>

<sup>13</sup> Examples from country reports on North Macedonia, Serbia and Montenegro, e.g. See in particular European Commission’s North Macedonia 2020 Report at: [https://ec.europa.eu/neighbourhood-enlargement/sites/near/files/north\\_macedonia\\_report\\_2020.pdf](https://ec.europa.eu/neighbourhood-enlargement/sites/near/files/north_macedonia_report_2020.pdf)

## Institutional framework for fighting terrorism in North Macedonia

The following institutions in N. Macedonia bear the main responsibility in fighting terrorism: the Ministry of Justice – in preparing draft legislation which is pertinent to fight against terrorism; the Ministry of Internal Affairs – the pivotal institution both in terms of preparing and implementing laws and bylaws crucial in the fight against terrorism, primarily through its Bureau for Public Safety and Unit for Cybercrime and Digital Forensics; the National Committee for Countering Violent Extremism and Countering Terrorism (NCCVECT) with its coordinative role; the Public Prosecutor's Office for Prosecuting Organized Crime and Corruption; all the national courts as pillars of the justice system; the Assets Recovery Agency; the Agency for Financial Intelligence; as well as the National Security Agency and the Operational-Technical Agency that are responsible for pre-investigative and investigative support through special investigative measures and clandestine law enforcement activities.

The National Committee for Countering Violent Extremism and Countering Terrorism (NCCVECT) is the institution responsible for coordination of policies related to countering terrorism<sup>14</sup> and violent extremism<sup>15</sup>.

It is also tasked with the assessment of the risk factors and the environmental conditions that may contribute to violent extremism and terrorism as universal phenomena. The representatives of 22

institutions serve as members/deputy members of the NCCVECT managing the implementation of activities outlined in the National Strategy and Action Plans. The national coordinator for CVECT has two deputies – one for CT (countering terrorism) and one for CVE (countering violent extremism) respectively. The position of Deputy National Coordinator for CR (countering radicalization) has been vacant and is waiting to be filled.

The MoIA has established the Sector for fight against terrorism, violent extremism, and radicalization, and it is responsible for criminal investigations. Part of the terrorism-related competences of the dissolved Directorate for Security and Counterintelligence (UBK) were transferred to the Department for the suppression of organized and serious crime located in the Ministry of the Interior. The sector for the fight against terrorism, violent extremism and radicalism was created and it is responsible for criminal investigations<sup>16</sup>.

N. Macedonia has adopted both national strategies regarding combating terrorism (2018-2022) and countering violent extremism (2018-2022), including their two action plans. The Strategy for PVE and FAT is focused to develop effective, accountable, and comprehensive government and social capacities and activities for the prevention,

protection, prosecution, and response (PPPR) of radicalization and violent extremism that can lead to terrorism. It has been developed in line with previous EU counter-terrorism strategy. There is no budget allocation for implementation of the National Strategy, except for regular budget from

the government institutions and ministries and local institutions. The National Committee activities in implementation of National Strategy 2018-2022 are supported by donor projects<sup>17</sup>. However, the respective action plans are not available online, and the planned activities cannot be subject to external monitoring.

## Overall Assessment

### North Macedonia is moderately prepared

Institutions in N. Macedonia still need to go long ways in terms of legislative and institutional reforms, as well as thorough personnel capacity building. This is needed for the state to develop proper institutional balance and relationships among various state and non-state actors responsible for different stages and aspects of the fight against terrorism. In similar vein, civil society needs further substantial capacity building to be able to grasp the normative and the institutional shortcomings of state actors, but also in order to be an effective partner in terms of providing services related to prevention of radicalization leading to violent extremism, referral, reintegration

and working with victims of terrorism and their families, as well as with foreign terrorist fighters and their families.

Regular monitoring of progress by the European Commission is focused on analysis of the legislative and the institutional dynamics and it does not include citizens' sentiments, neither the political importance nor the political implications of these processes. It is exactly this void that needs to be filled by civil society, media, and other important non-state actors in the Macedonian political system.

<sup>14</sup> National Counterterrorism Strategy of the Republic of North Macedonia (2018-2022), available at: <https://www.rcc.int/swp/docs/268/national-counterterrorism-strategy-of-the-republic-of-north-macedonia-2018-2022rn>  
<sup>15</sup> Government of the Republic of North Macedonia, National Committee for Countering Violent Extremism and Countering Terrorism, National Strategy of the Republic of North Macedonia for Countering Violent Extremism (2018-2022), February 2018, available at: [https://vlada.mk/sites/default/files/dokumenti/cve\\_national\\_strategy\\_eng\\_translation\\_sbu.pdf](https://vlada.mk/sites/default/files/dokumenti/cve_national_strategy_eng_translation_sbu.pdf)  
<sup>16</sup> US Department of State, Country Reports on Terrorism 2019: North Macedonia <https://www.state.gov/reports/country-reports-on-terrorism-2019/north-macedonia/>

<sup>17</sup> [https://h2020connekt.eu/wp-content/uploads/2021/01/North-Macedonia\\_CONNEKT\\_Approaches\\_to\\_extremism.pdf](https://h2020connekt.eu/wp-content/uploads/2021/01/North-Macedonia_CONNEKT_Approaches_to_extremism.pdf)

# Anticipation of Terrorism in North Macedonia

Regarding anticipation of terrorism, N. Macedonia is **SOMEWHAT** prepared to implement the European *acquis*. The threat assessment of national terrorism should be improved and integrated into policy cycle.

The national risk assessment on money laundering and financing of terrorism<sup>18</sup> estimates that the risk of terrorism in the country is low and the risk of terrorism financing is on a low to medium level. Although scattered information regarding the threat of Islamic extremism can be found throughout governmental documents, the state has failed to recognize the threat of right-wing extremism, which has already had its terrorist manifestation through the violent attack on the Assembly in April 2017, which has just been the culmination of a serious and organized state-backed extremist endeavor. Regarding fight against terrorism and radicalization leading to violent extremism, citizens' greatest concerns are related to political, ethnic, and religious polarization and segregation, resulting with lack of trust between different communities<sup>19</sup>. Furthermore, the level of politicization of the police<sup>20</sup>, creates additional mistrust among citizens that state institutions can deal effectively with terrorist threats<sup>21</sup>. Additionally, ongoing major terrorism-related court proceedings further exacerbate ethnic and religious divisions and undermine the trust in judiciary and law enforcement. For example, the "Monster" and the "27 April" cases have unpacked the challenges of governance related to fighting and prosecuting terrorism, in all the stages from gathering evidence to due process of law.

Initial research shows that similar conclusions can be drawn regarding the existence of procedures and processes in place to perform risk assessment and preparedness to anticipate terrorist threats. There are no publicly accessible documents which contain this information.

Regarding the country's capacity to implement and enforce legislation pertinent to anticipation of terrorism, there is no reliable statistics collected either by government or in partnership with non-state organizations. The Ministry of Justice's Directorate for Execution of Sanctions (DES) is the main body responsible for tracking the number of cases of FTFs which had been indicted, sentenced, serving sentences and those which had been released. There is however no source on the number of citizens that have joined ISIS and other violent movements abroad, while different reports present the decline in number of foreign fighters. In line with assessment of main drivers of radicalization, the analysis of potential threat should also contain information on national movements that have potential to become violent.

Civil society and media efforts to engage with monitoring of these figures have been limited and scarce. Media usually superficially report on official information received by state institution, related to FTFs. On the other hand, the Center for Research and Policy Making published a baseline study which, among other issues, treated figures on FTFs<sup>22</sup>, while the Berghof Foundation and

Democracy Lab touched upon similar issues in their study on Community Perspectives on the Prevention of Violent Extremism in North Macedonia<sup>23</sup>. These studies have highlighted the need for capacity building on detection of radicalization leading to violent extremism, as well as the existence of a functional and operational municipal referral system.

Another segment where the country has not shown any visible results is participation in EU research to reinforce early detection of potential terrorist activities. However, civil society has participated in research endeavors which have contributed to data collection and developing of toolkits which can prospectively be used in the fight against terrorism.

An additional field in the fight against terrorism which is currently lacking in N. Macedonia is the under usage of new technologies to prevent terrorist activities. Lastly, the country should also fill the void regarding integrating strategic foresight into the policy cycle related to anti-terrorist policies and beyond.

## Recommendations:

- The position of Deputy National Coordinator for Combating Terrorism needs to be filled immediately;
- The National Committee for Countering Violent Extremism and Countering Terrorism needs to urgently publish the action plans on CT and CVE or at least their summaries and overview of achieved results;
- Comprehensive strategic intelligence and threat assessment on national terrorism should be completed and strategic foresight should be integrated into the policy cycle related to anti-terrorist policies.
- Civil society and media should engage more in monitoring of activities related to anticipation of terrorist activities undertaken by the Government of N. Macedonia.

# Prevention of Terrorism in North Macedonia

With reference to prevention of terrorism, N. Macedonia is **MODERATELY** prepared to implement the European *acquis*. In terms of the institutional setup applicable to prevention of terrorist activities, the institutional burden is more placed on local state and non-state actors, primarily the municipalities, the local uniformed police, frontline school workers in primary and secondary education, the inter-

municipal centers for social protection and welfare, local religious and community leaders, as well as the relatively dormant local prevention councils (LPCs). The authorities in N. Macedonia have established international cooperation to counter extremist ideologies online and have local bodies for prevention which are still rather dormant and non-effective.

<sup>18</sup> <https://ufr.gov.mk/wp-content/uploads/2020/05/NRA-lzvestaj-za-web-19-05.pdf>

<sup>19</sup> Centre for Insights in Survey Research, Western Balkans Regional Poll February 2, 2020 – March 6, 2020, slide 22, available at: [https://www.iri.org/sites/default/files/final\\_wb\\_poll\\_for\\_publishing\\_6.9.2020.pdf](https://www.iri.org/sites/default/files/final_wb_poll_for_publishing_6.9.2020.pdf)

<sup>20</sup> EUROTINK – Centre for European Strategies, EUROMETER, North Macedonia & EU, expectations and opinion of citizens, slide 45, available at: [http://eurothink.mk/wp-content/uploads/2020/12/2020-%D0%97%D0%B8%D0%BC%D0%B0\\_%D0%95%D0%B2%D1%80%D0%BE%D0%9C%D0%B5%D1%82%D0%B0%D1%80\\_%D0%98%D0%B7%D0%B2%D0%B5%D1%88%D1%82%D0%B0%D1%98\\_28122020.pdf](http://eurothink.mk/wp-content/uploads/2020/12/2020-%D0%97%D0%B8%D0%BC%D0%B0_%D0%95%D0%B2%D1%80%D0%BE%D0%9C%D0%B5%D1%82%D0%B0%D1%80_%D0%98%D0%B7%D0%B2%D0%B5%D1%88%D1%82%D0%B0%D1%98_28122020.pdf)

<sup>21</sup> Ibid slide 32

<sup>22</sup> Centre for Research and Policy Making, Perceptions of Front-Line School Workers and Community Officials from Skopje, Kumanovo, Tetovo and Gostivar on Radicalization Leading to Violent Extremism (Baseline Study), January 2019, available at: [http://www.crpm.org.mk/wp-content/uploads/2019/05/CPRM\\_Study\\_EN\\_draft.pdf](http://www.crpm.org.mk/wp-content/uploads/2019/05/CPRM_Study_EN_draft.pdf)

<sup>23</sup> Filip Stojkovski, Natasia Kalajdziovski, Community Perspectives on the Prevention of Violent Extremism in North Macedonia. Country Case Study(2018), available at: <https://www.rcc.int/swp/docs/255/community-perspectives-on-the-prevention-of-violent-extremism-in-north-macedonia-2018>

Online terrorist and radicalization content had become proliferate with the expansion of internet penetration. This holds true also for N. Macedonia and the region of Western Balkans. EUROTHINK – Center for European Strategies and the Democratization Policy Council’s research<sup>24</sup> has shown that radicalizing content online is a problem, especially about ethnic and partisan polarization. Additionally, ethnic Macedonians and ethnic Albanians live in parallel media worlds, and this can be largely misused in terms of harming fragile inter-ethnic relations. Furthermore, the Center for Research and Policy Making and the C3I prepared a baseline study looking at prevention of youth radicalization online<sup>25</sup>. Regarding the capacity of N. Macedonia to operationalize tools to prevent

potential terrorist or other violent activities stemming from religious or political radicalization, it is of utmost importance for the country to profoundly collaborate with Europol’s Internet Referral Unit (IRU), primarily regarding terrorist content online.

Just several months ago, the EU IRU organized a set of operational activities in cooperation with authorities from the Western Balkans. The referral action was aimed at online content shared by supporters and members of the Islamic State, Al Qaeda, as well as affiliated groups. The action resulted with the assessment of 364 URLs across 27 online platforms<sup>26</sup>. Civil society has had limited efforts to address the importance and threat of online radicalization.

## Two cases that have polarized public

In terms of court cases related to terrorism, in the last decade, two proceedings seriously captured the attention span of the wider public, but also created deep cleavages in society. The first case referred to as the “Monster”, dates from 2012, and is related to the murder of four adolescents and one fisherman by the Smilkovci Lake near Skopje. The five ethnic Macedonians were brutally murdered on the eve of Orthodox Easter, according to the prosecution and the courts, by five ethnic Albanians. Just recently, after a years-long trial lingering between different court levels, the perpetrators were sentenced. The court decision was “welcomed” by a violent protest by ethnic Albanians in the center of Skopje<sup>27</sup>. This court case flared tempers among the largest two communities in N. Macedonia – the ethnic Macedonians and the ethnic Albanians, causing further division and animosity.

The second extremism-related case dates from the violent storming of the parliament building in 2017, executed by right-wing radical nationalists, and orchestrated by former high police and intelligence officials coming from the VMRO-DPMNE political party. Sixteen people, including a former minister of internal affairs, were sentenced to long prison sentences for “terrorist endangerment of the constitutional order and security.”<sup>28</sup> This case caused further political division and polarization between liberals and conservatives in Macedonian society, undermining the importance of prosecuting terrorist acts.

<sup>24</sup> EUROTHINK and DPC Sell Out, Tune Out, Get Out, or Freak Out? Understanding Corruption, State Capture, Radicalization, Pacification, Resilience, and Emigration in Bosnia and Herzegovina and North Macedonia

<sup>25</sup> Centre for Research and Policy Making, Passage4Prevent: use of education to prevent youth radicalization. Research report and baseline assessment for awareness raising and capacity building, 2020, available at: [http://www.crpm.org.mk/wp-content/uploads/2020/09/P4P\\_Research-Report\\_final1.pdf](http://www.crpm.org.mk/wp-content/uploads/2020/09/P4P_Research-Report_final1.pdf)

<sup>26</sup> Europol, Targeted: Propaganda Material Disseminated in the Languages of the Western Balkan Countries (Press Release), 07.10.2020 available at: <https://www.europol.europa.eu/newsroom/news/targeted-propaganda-material-disseminated-in-languages-of-western-balkan-countries>

<sup>27</sup> Balkan Insight, Sinisa Jakov Marusic, Clashes Erupt at North Macedonia Protests Against Terror Verdict, 26.02.2021, available at: <https://balkaninsight.com/2021/02/26/clashes-erupt-at-north-macedonia-protest-against-terror-verdict/>

<sup>28</sup> Radio Free Europe, North Macedonia Sentences 16 People to Long Prison Terms Over Parliament Invasion, 16.03.2019, available at: <https://www.rferl.org/a/north-macedonia-sentences-parliament-invasion/29824558.html>

In the future, the EU should closely monitor the political implications of terrorist-related prosecution, apply a more citizens-driven approach, and better communicate the importance of democracy and stable inter-ethnic relations. Civil society and media should also be more active in underlying the threats stemming from inter-ethnic and political polarization in the country.

Local mechanisms for prevention and countering of violent extremism have been set up in some municipalities. Community action teams have been set up in the most sensitive areas namely Chair, Gostivar and Kicevo. In addition, the local preventive council has been reactivated in Kumanovo and similar actions are planned for other places. These mechanisms need to demonstrate their capacity to contribute to the early identification of radicalization<sup>29</sup>. The Local Prevention Councils (LPCs) in N. Macedonia have not shown reasonable activity regarding prevention of terrorist and radicalization activities. The LPCs do not have a concrete basis in legislation but are created with decisions adopted by the municipal councils. They operate in thematic working groups depending on the main detected problems. Their composition varies, but “usual suspects” in the LPCs are the mayors, representatives of the local police, the president of the municipal council, as well as the head of the unit for public affairs in the municipality<sup>30</sup>. Since their establishment in 2008, they have received

continuous support from the OSCE Mission to Skopje<sup>31</sup>. However, although highlighted in a recent publication outlining a referral mechanism for prevention from radicalization leading to violent extremism, the LPCs remain dormant in prevention<sup>32</sup>.

Efforts were made to introduce de-radicalization programs in prisons. Prison staff received training and multi-faceted teams were set up in five prisons to work with radicalized prisoners daily. More needs to be done on reintegrating and re-socializing returnees.

The reintegration and re-socialization of FTF (foreign terrorist fighters) returnees is another important aspect that needs to be taken into consideration when engaging into prevention of terrorist activities. The Government adopted a National plan for reintegration, re-socialization, and rehabilitation of FTFs and their families in December 2020<sup>33</sup>. According to some estimates, by the end of 2017, approximately 80 FTFs have been registered as returnees. The Government has not yet published comprehensive information regarding actions undertaken towards them. However, this document is not available online, so state and non-state actors cannot closely follow the implementation of the activities stemming from this plan. The publication of this plan will help civil society and media to closely follow this process and exert pressure for swifter implementation.

<sup>29</sup> Supra n. 13.

<sup>30</sup> Ministry of Interior, Local Prevention Council, November 2018 available at: [https://mvr.gov.mk/Upload/Editor\\_Upload/Local-Prevention-Council-Final%20\(1\).pdf](https://mvr.gov.mk/Upload/Editor_Upload/Local-Prevention-Council-Final%20(1).pdf)

<sup>31</sup> OSCE, Local prevention Council (summary), 10.04.2017 available at: <https://polis.osce.org/node/3556>

<sup>32</sup> Centre for Research and Policy Making, Dr. Marija Risteska, Passage4Prevent: Referral mechanism for prevent from radicalization, 2019, available at: <http://www.crpm.org.mk/wp-content/uploads/2019/07/Passage4Prevent-prelom-ang.pdf>

<sup>33</sup> Government of the Republic of North Macedonia, (Press Release) Zaev: As a NATO and Global Coalition against Terrorism member, North Macedonia is implementing the highest standards in the fight against violent extremism and terrorism and in the resocialization of return terrorist fighters, see at: <https://viada.mk/node/23473>

## Recommendations:

- Media and civil society must devote more time to monitor the MoIA's cooperation with Europol, especially regarding prevention of online terrorist content;
- Civil society must apply for, and implement more projects related to prevention and awareness-raising of radicalization and terrorist content online;
- State actors need to work within their competences to reinvigorate the activities of the LPCs on municipal level in N. Macedonia;

- The Government and the National Committee for Countering Violent Extremism and Countering Terrorism should urgently publish the National plan for reintegration, re-socialization and rehabilitation of FTFs and their families online.
- The EC should devote more time to assess the political implications of terrorist-related criminal justice cases;
- CSOs should engage more in preventing inter-ethnic and political polarization and radicalization.

## Protection from Terrorism in North Macedonia

Regarding protection from terrorism, N. Macedonia is **SOMEWHAT** prepared to implement the European acquis. Activities related to protection from terrorist activities are probably the most neglected both by the country, and by the monitoring of the EU. N. Macedonia should dedicate more resources to protection of public spaces, protecting critical infrastructure, restrict access to firearms, and engage in the protection of borders<sup>34</sup>.

The Law on Crisis Management that regulates the crisis management system in the Republic of N. Macedonia is initially adopted in 2005. In addition to the Government and other state administration bodies and state authorities, the ARM and the protection and rescue forces, public enterprises, public institutions, and services, as well as trade companies, can participate in prevention, early warning and dealing with crises. The Assessment Group is also a governmental body comprised of the

Directors of Public Security Bureau, the Security and Counterintelligence Administration, the Intelligence Agency, the Directors and Deputies of the Directors of the Crisis Management Centre, and the Directorate for Protection and Rescue, the Deputy Chief of General Staff of the ARM and the Head of Security and Intelligence Service in the Ministry of Defense. As a body whose leader is appointed by the Government of the Republic of N. Macedonia, the Assessment Group has a permanent task – not only in case of a crisis – to assess the risks and dangers to the country's security, and to propose measures and activities for their prevention, early warning and in the end to deal with the crisis.

Protection and rescue are organized and carried out not only by state and administrative bodies, but also by all public institutions and trade companies. According to the relevant Law, the protection and rescue system is realized through a number of

measures and activities, including: observation, detection, monitoring and study of the possible dangers of natural disasters and other accidents; undertaking preventive measures, reporting and warning; determining and implementing protective measures; supervision of the implementation of protection and rescue; identification and assessment of hazards; preparation of the assessment of threats from natural disasters and other accidents and plans for protection and rescue and updating thereof, etc. In addition to the natural disasters, the stated measures and activities are also undertaken for assessment and prevention of other accidents. The Law defines them as events that result from certain overlooks and errors in the execution of everyday economic and other activities, as well as carelessness in the handling of dangerous goods and means for production, storage and transport of such goods. Although asymmetric threats are not explicitly listed in the Law, nevertheless there is a high likelihood of "deliberate overlook of mistakes" (sabotage or diversion) in the handling of the listed dangerous goods, some of which are primary or final products of the energy sector of the Republic of N. Macedonia.

The National Centre for Computer Incident Response (MKD-CIRT) is set up within the Agency for Electronic Communications as a separate organizational unit. MKD-CIRT is the official national point of contact and coordination in dealing with security incidents in networks and information systems, and that identifies and responds to security incidents and risks. MKD-CIRT is the National CIRT of the Republic of N. Macedonia and was established in 2016. Constituents of MKD-CIRT are all ministries, public administration, and services of the Government of the Republic of N. Macedonia, operators of critical

infrastructure in the country, and large organizations in the banking, transport, communications, health, energy, and other strategic sectors in the country. Services provided by MKD-CIRT include notifications and alerts, Incident response, Vulnerability response, and Awareness, education, and training.

Regarding firearms legislation, it is largely aligned with the EU *acquis*. However, the administrative capacity in this area needs to be further strengthened<sup>35</sup>.

In regard to improvement of border security, North Macedonia continues to enhance its ability to screen for terrorists as part of a comprehensive approach to border security. N. Macedonia committed to implementation of the use of Advance Passenger Information and Passenger Name Records (API/ PNR) data to screen for known or suspected terrorists and/or criminals<sup>36</sup>. Also, the Government has started cooperation with UNODC for the establishment of a nationally owned airport inter-agency group consisting of a CCP Air Cargo Control Unit (ACCU) and an Aircop Joint Airport Interdiction Task Force (JAITF) at the Skopje International Airport. The purpose of this action is to enhance technical and technological capabilities to undertake comprehensive and efficient profiling, inspections of luggage, or body checks so to identify illicit goods and high-risk passengers with the overall objective of disrupting the illegal criminal networks without impacting the smooth operations of commercial airports<sup>37</sup>.

Although N. Macedonia has largely aligned its legislative framework with EU standards, the country does not currently have an integrated border management strategy, the former one having expired in 2019. The prospective strategy will need to clarify responsibilities in terms of spearheading

<sup>34</sup> Supra n. 13.

<sup>35</sup> Ibid.

<sup>36</sup> US Department of State, Country Reports on Terrorism 2019: North Macedonia <https://www.state.gov/reports/country-reports-on-terrorism-2019/north-macedonia/>

<sup>37</sup> <https://www.unodc.org/unodc/en/frontpage/2021/January/unodc-and-north-macedonia-to-cooperate-on-enhanced-border-control.html>



the process. Although the annual working plan of the MoIA for 2020 foresaw a Schengen roadmap, further alignment with EU legislation, a new integrated border management strategy, as well as new Schengen action plan<sup>38</sup>, there is no publicly available information that any of these measures have been undertaken during the previous year. To further increase its border management capacities, the country needs to invest additional efforts and strengthen the National Coordination Centre for Integrated Border Management, especially about IT and technical expertise<sup>39</sup>. Although several CSOs in N. Macedonia work on legal and illegal migration, combating human trafficking and smuggling, there have been no efforts by non-state actors to work comprehensively in the field of protection from terrorism<sup>40</sup>. EUROTHINK has invested some effort to unveil European standards and legislation in terms of protection of public spaces, protecting critical infrastructure, restricting access to firearms, and engaging in the protection of borders<sup>41</sup>.

#### Recommendations:

- The Government needs to abide to EU standards in regard to protection of public spaces and protecting critical infrastructure, primarily by adopting the needed legislation and by following good examples from Member States;
- Civil society and media need to engage more in relation to monitoring and awareness-raising of activities related to protection from terrorism;
- The country should substantially strengthen the National Coordination Centre for Integrated Border Management;
- Civil society and media must substantially engage in monitoring and reporting on activities related to protection from terrorism.

## Response to Terrorism in North Macedonia

Regarding the response to terrorism, N. Macedonia is **MODERATELY** prepared to implement the European *acquis* and standards. The country has established regional and international law enforcement cooperation, including with EUROPOL. However, there is a space to improve investigations and prosecution of terrorism, especially financing of terrorism.

Since the NCCVECT was established in 2017, it has focused on increasing regional cooperation. In 2019, North Macedonia cooperated with other Western Balkan countries on critical infrastructure protection, prison radicalization and the tools available to counter it, and the repatriation of FTFs and their family members. N. Macedonia initiated closer cooperation with regional countries' intelligence agencies to share CT-relevant information. With EU support, N. Macedonia adopted and signed a Joint CT Action Plan among Western Balkan countries, part of the Western Balkans Six initiative<sup>42</sup>.

N. Macedonia should continue to work on implementing the five objectives stemming from the joint action plan for fighting terrorism in the Western Balkans<sup>43</sup>: A Robust Framework for Countering Terrorism and Preventing/Countering Violent Extremism: Institutional Set-up and Legal Alignment, Implementation and Enforcement Capacity; Effective Prevention and Countering of Violent Extremism; Effective Information Exchange and Operational Cooperation; Build Capacity to Combat Money Laundering and Terrorism Financing; and Strengthen the Protection of Citizens and Infrastructure<sup>44</sup>. N. Macedonia and the EU have agreed on three set of priorities in the Bilateral implementing agreement

between in the framework of the joint action plan on counter terrorism<sup>45</sup>. These are:

- Strengthening N. Macedonia's counter-terrorism structures and strategies, including with an improved threat assessment.
- Stepping up efforts to prevent and counter violent extremism, including with a multi-agency approach at the local level, as well as addressing the challenges posed by returning Foreign Terrorist Fighters and their families.
- Establishing a national threat assessment of money laundering risks and improve the link between financial intelligence and prosecution.

The professional and the general public lack the insight regarding the implementation of the defined measures. It would be beneficial for both the EC and civil society to monitor the implementation of these documents, especially about the creation of a joint terrorism threat assessment.

There is regular exchange of information through Europol. A collaboration with the Europol Internet Referral Unit (IRU) has started for dealing with terrorist content online. The roll out of CT SIENA to the country increased the opportunities for direct and secure CT information exchange.

According to the national risk assessment on money laundering and financing of terrorism, most of the money transfers that were used to finance terrorist activities in the country over the past few years went through the formal banking system or via services such as Western Union, MoneyGram and

<sup>38</sup> Ministry of Interior, Annual Work Plan 2020 – available at: [https://mvr.gov.mk/Upload/Editor\\_Upload/200302%20GP%20na%20MVR%202020.pdf](https://mvr.gov.mk/Upload/Editor_Upload/200302%20GP%20na%20MVR%202020.pdf)

<sup>39</sup> Supra n. 13.

<sup>40</sup> [https://h2020connekt.eu/wp-content/uploads/2021/01/North-Macedonia\\_CONNEKT\\_Approaches\\_to\\_extremism.pdf](https://h2020connekt.eu/wp-content/uploads/2021/01/North-Macedonia_CONNEKT_Approaches_to_extremism.pdf)

<sup>41</sup> <http://eurothink.mk/wp-content/uploads/2021/03/FINALNO-Priracnik-poglavje-24-so-CIP.pdf>

<sup>42</sup> Supra n. 36.

<sup>43</sup> Supra n. 13.

<sup>44</sup> Supra n. 6

<sup>45</sup> [https://ec.europa.eu/neighbourhood-enlargement/news\\_corner/news/counter-terrorism-commission-sign-arrangements-albania-and-north-macedonia-part\\_en](https://ec.europa.eu/neighbourhood-enlargement/news_corner/news/counter-terrorism-commission-sign-arrangements-albania-and-north-macedonia-part_en)

RIA Money Transfer. The transfers were mostly made by people in Western European countries who were sending funds to N. Macedonia for the purposes of financing terrorist activities. Most of measures undertaken were aimed at financial sector (banks, money transfer service providers, exchange offices), while non-financial institutions were not yet targeted<sup>46</sup>. In 2019, the government adopted necessary bylaws to the Law on Restrictive Measures, including Guidelines for the Implementation of Financial Restrictive Measures Against Terrorism and Proliferation; a decision for establishment of a coordinative body to monitor implementation of restrictive measures; and a rulebook on maintaining a list of designated persons against whom financial measures for terrorism have been introduced. The FIO, in cooperation with the NCCVECT, prepared guidance for NGOs regarding their exposure risk to terrorism financing. Lastly, the country needs to substantially prioritize the confiscation of criminal assets in the fight against organized crime, terrorism and high-level corruption. Many CSOs are active in the field of fight against corruption, also emphasizing the importance of confiscation of criminal assets. Recently, the Institute for Democracy Societas Civilis Skopje (IDSCS) launched a visual campaign to show the dramatically small amount of confiscation sanctions adjudicated in N. Macedonia<sup>47</sup>. The

Government of N. Macedonia, through the Ministry of Finance and the Finance Intelligence Office, needs to adopt a new national strategy for prevention of money laundering and financing of terrorism, accompanied with an action plan.

**Recommendations:**

- The MoIA should continue to strengthen the sector for fight against terrorism, violent extremism and radicalization, especially in terms of importing best practices from law enforcement institutions of Member States;
- The EC and civil society in N. Macedonia are encouraged to monitor the implementation of the Joint Action Plan on Counterterrorism for the Western Balkans, in reference to N. Macedonia;
- The country should continue to regularly send interim reports on the implementation of the bilateral implementing agreement;
- The prevention of financial terrorism should include non-financial sector and the cooperation with non-profit sector in this regard should be continued in an inclusive manner.
- Confiscation of criminal assets should become a strategic priority in the fight against terrorism and radicalization in the country;

<sup>46</sup> <https://balkaninsight.com/2021/03/15/balkan-states-under-pressure-to-prosecute-financiers-of-terrorism/>

<sup>47</sup> Institute for Democracy Societas Civilis Skopje (IDSCS), see at: <https://idscs.org.mk/mk/publikacii/>

## Annex 1: Security Sector Governance Reform and the “Fundamentals” Cluster

### The Monitoring Matrix

The monitoring matrix presented below aims to show North Macedonia's EU negotiation and reform process with regard to Chapter 24 of the EU acquis and showcase the fight against organized crime.

SSRG & CLUSTER FUNDAMENTALS			
		Links to cluster elements	Areas
MANAGEMENT	Strategy	18 Statistics	Availability of reliable data for policymaking
			System of regular collection of unified crime statistics
		Public administration reform	Policy development and coordination
	Human Resource Management	Public administration reform	Merit- based recruitment and fair promotions and dismissals. systematic professional development
		24 – Justice, Freedom and Security	Fight against organised crime: professional staff; integrity and anticorruption.
	Financial Management	5 Public procurement	Confidential procurement and procurement for security purposes
			Public procurement in the security sector need to comply with the general principles
		32 Financial control	Public internal financial control
CIVIC PARTICIPATION AND PUBLIC ENGAGEMENT	Parliamentary oversight	Democracy - functioning of democratic institutions	The Parliament conducts oversight of the executive
			The Parliament monitors the protection of human rights and fundamental freedoms
			Civilian oversight of the security/intelligence sector
	Oversight by independent bodies	23 Judiciary and fundamental rights	Prohibition of torture and inhuman or degrading treatment or punishment
			Protection of fundamental rights
		24 – Justice, Freedom and Security	Track record in fight against organised crime
Financial oversight	32 Financial control	External audit	
EXTERNAL OVERSIGHT AND CONTROL	Whole of society	24 – Justice, Freedom and Security	Fight against terrorism and other security challenges
	Civil society organizations	Democracy - functioning of democratic institutions	Vibrant civil society, links to citizens.

## Annex 2: Matrix for Monitoring the Fight against Terrorism

### The Monitoring Matrix

The monitoring matrix presented below aims to show the relationship between the four building blocks – ANTICIPATE, PREVENT, PROTECT and RESPOND, disintegrated into areas, standards, indicators, national legislation and state institutions, which will be used to monitor North Macedonia's current and prospective approximation of the European acquis, as well as the implementation of the standards and the functioning of state institutions:

Building Block	Area	Standards (documents)	Indicators	National legislation	Bodies
ANTICIPATE PREVENT PROTECT RESPOND	Defining and incriminating main potential terrorist activities and offences	Directive 2017/541 <a href="https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex-%3A32017L0541">https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex-%3A32017L0541</a>	-Terrorist criminal offences aligned with European legislation	Macedonian Penal Code – consolidated version <a href="https://jorm.gov.mk/krivichen-zakonik/">https://jorm.gov.mk/krivichen-zakonik/</a>	Assembly of the Republic of North Macedonia; Ministry of Justice; Ministry of Interior; National Committee for Countering Violent Extremism and Countering Terrorism
RESPOND	Sanctioning of terrorist offences	Directive 2017/541 <a href="https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex-%3A32017L0541">https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex-%3A32017L0541</a>	- Terrorist sanctions aligned with European legislation	Macedonian Penal Code – consolidated version <a href="https://jorm.gov.mk/krivichen-zakonik/">https://jorm.gov.mk/krivichen-zakonik/</a>	Assembly of the Republic of North Macedonia; Ministry of Justice; Ministry of Interior; National Committee for Countering Violent Extremism and Countering Terrorism

<b>ANTICIPATE RESPOND</b>	Investigative tools	Directive 2017/541 <a href="https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex-%3A32017L0541">https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex-%3A32017L0541</a>	-Number of extant investigative tools; -Number of investigations initiated; -Number of prosecutions initiated; Number of convictions	Macedonian Code of Criminal Procedure <a href="https://jorm.gov.mk/zakon-za-krivichna-postapka/">https://jorm.gov.mk/zakon-za-krivichna-postapka/</a> , Law on Interception of Communications <a href="https://ota.mk/adocs/zakon-sledenje-komunikacii.pdf">https://ota.mk/adocs/zakon-sledenje-komunikacii.pdf</a> , bylaws adopted by relevant competent institutions, annual reports by relevant competent institutions	Public Prosecutor's Office for Prosecuting Organized Crime and Corruption; MoIA – Bureau for Public Safety; Operational-Technical Agency
	Confiscation mechanisms	Directive 2017/541 <a href="https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex-%3A32017L0541">https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex-%3A32017L0541</a>	-Confiscation mechanisms aligned with European legislation; -Number of confiscations stemming from court decisions;	Macedonian Penal Code – consolidated version <a href="https://jorm.gov.mk/krivichen-zakonik/">https://jorm.gov.mk/krivichen-zakonik/</a> Macedonian Code of Criminal Procedure <a href="https://jorm.gov.mk/zakon-za-krivichna-postapka/">https://jorm.gov.mk/zakon-za-krivichna-postapka/</a> Law on Assets Confiscation: bylaws adopted and annual reports produced by the Assets Recovery Agency <a href="http://www.odzemenimot.gov.mk/z%D0%B0k%D0%BE-ni-i-p%D0%BEdz%D0%B0k%D0%BEEnski-%D0%B0kti.aspx">http://www.odzemenimot.gov.mk/z%D0%B0k%D0%BE-ni-i-p%D0%BEdz%D0%B0k%D0%BEEnski-%D0%B0kti.aspx</a>	National courts; Assets Recovery Agency

<b>PREVENT</b>	Addressing radicalization and terrorist content online	Directive 2017/541 <a href="https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex-%3A32017L0541">https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex-%3A32017L0541</a>	-Existence of national legislation to address radicalization and terrorist content online; -Number of measures/actions taken	Internal acts (bylaws) adopted by the MoIA – Unit for Cybercrime and Digital Forensics; <a href="http://www.mvr.gov.mk/Upload/Editor_Upload/publikacii%20pdf/Organogram%20na%20MVR%20(Celosen)%20-%2014_10_2015-1.pdf">http://www.mvr.gov.mk/Upload/Editor_Upload/publikacii%20pdf/Organogram%20na%20MVR%20(Celosen)%20-%2014_10_2015-1.pdf</a> Annual reports of the MoIA	MoIA – Unit for Cybercrime and Digital Forensics
<b>ANTICIPATE PREVENT PROTECT RESPOND</b>	Full alignment of the national legislation with Directive 2017/541	Joint Action Plan on Counter-Terrorism for the Western Balkans <a href="https://ec.europa.eu/home-affairs/sites/homeaffairs/files/news/docs/20181005_joint-action-plan-counter-terrorism-western-balkans.pdf">https://ec.europa.eu/home-affairs/sites/homeaffairs/files/news/docs/20181005_joint-action-plan-counter-terrorism-western-balkans.pdf</a> p.3	-National legislation aligned with Directive 2017/541	Macedonian Penal Code – consolidated version <a href="https://jorm.gov.mk/krivichen-zakonik/">https://jorm.gov.mk/krivichen-zakonik/</a> Macedonian Code of Criminal Procedure <a href="https://jorm.gov.mk/zakon-za-krivichna-postapka/">https://jorm.gov.mk/zakon-za-krivichna-postapka/</a> Law on Assets Confiscation: <a href="http://www.odzemenimot.gov.mk/z%D0%B0k%D0%BE-ni-i-p%D0%BEdz%D0%B0k%D0%BEEnski-%D0%B0kti.aspx">http://www.odzemenimot.gov.mk/z%D0%B0k%D0%BE-ni-i-p%D0%BEdz%D0%B0k%D0%BEEnski-%D0%B0kti.aspx</a> ; Law on Interception of Communications <a href="https://ota.mk/adocs/zakon-sledenje-komunikacii.pdf">https://ota.mk/adocs/zakon-sledenje-komunikacii.pdf</a>	Assembly of the Republic of North Macedonia; Ministry of Justice; Ministry of Interior; National Committee for Countering Violent Extremism and Countering Terrorism; Public Prosecutor's Office for Prosecuting Organized Crime and Corruption; MoIA – Bureau for Public Safety; Operational-Technical Agency (OTA); National courts; Assets Recovery Agency; MoIA – Unit for Cybercrime and Digital Forensics

ANTICIPATE RESPOND	Alignment of national legislation with Directive 2018/843 and Directive 2015/849 (anti-money laundering and prevention of financing of terrorist activities)	Joint Action Plan on Counter-Terrorism for the Western Balkans <a href="https://ec.europa.eu/home-affairs/sites/home-affairs/files/news/docs/20181005_joint-action-plan-counter-terrorism-western-balkans.pdf">https://ec.europa.eu/home-affairs/sites/home-affairs/files/news/docs/20181005_joint-action-plan-counter-terrorism-western-balkans.pdf</a> p. 3	-National legislation aligned with Directive 2018/843 and Directive 2015/849	Law on Anti-Money Laundering and Financing Terrorism <a href="https://ufr.gov.mk/wp-content/uploads">https://ufr.gov.mk/wp-content/uploads</a> Bylaws adopted by the Agency for Financial Intelligence	Assembly of the Republic of North Macedonia; Ministry of Justice; Ministry of Interior; Ministry of Finance; Agency for Financial Intelligence
	Implementation of the whole-of-government approach on PREVENT	Joint Action Plan on Counter-Terrorism for the Western Balkans <a href="https://ec.europa.eu/home-affairs/sites/home-affairs/files/news/docs/20181005_joint-action-plan-counter-terrorism-western-balkans.pdf">https://ec.europa.eu/home-affairs/sites/home-affairs/files/news/docs/20181005_joint-action-plan-counter-terrorism-western-balkans.pdf</a> p. 4	-Number of governmental institutions assuming competences in the PREVENT approach	National Counterterrorism Strategy of the Republic of North Macedonia <a href="https://wb-iisg.com/wp-content/uploads/bp-attachments/6135/ct-national_strategy_eng_translation_sbu.pdf">https://wb-iisg.com/wp-content/uploads/bp-attachments/6135/ct-national_strategy_eng_translation_sbu.pdf</a> National Strategy of the Republic of North Macedonia for Countering Violent Extremism <a href="https://vlada.mk/sites/default/files/dokumenti/cve_national_strategy_eng_translation_sbu.pdf">https://vlada.mk/sites/default/files/dokumenti/cve_national_strategy_eng_translation_sbu.pdf</a>	National Committee for Countering Violent Extremism and Countering Terrorism; MoIA, MJ, MF, Ministry of Labor and Social Welfare, as well as other relevant state bodies and institutions.
PREVENT					

### Annex 3: Matrix for Monitoring the Fight against Organized Crime

Building Block	Area	Standards (documents)	Indicators	National legislation	Bodies
Strategic approach to ORGANISED CRIME	SOCTA in line with EMPACT	EUROPEAN UNION SERIOUS AND ORGANISED CRIME THREAT ASSESSMENT  <a href="#">EU SOCTA 2017</a>	<ol style="list-style-type: none"> <li>National SOCTA is prepared in line with the EUROPOL methodology.</li> <li>The preparation of SOCTA was used to involve all relevant government and non-government stakeholders (private sector, academia, civil society etc.) in collection of data necessary for analysis, as well as for subsequent discussion in how the organised crime can be effectively countered. The public version of SOCTA should be widely distributed to educate.</li> <li>The preparation of SOCTA should identify gaps in knowledge and the intelligence and should specify which other information and intelligence tools (for example the requirements for future criminal intelligence collection) can be built.</li> <li>Government and law enforcement agencies in their work planning cycle should dedicate resources both for developing serious and organized crime threat assessment needs and for introducing the envisaged priorities and activities in practice.</li> <li>Implementation of SOCTA is reviewed and monitored constantly, closely following any difficulties that LEAs are facing in regards to planned activities for suppression of various serious and organised crime activities.</li> <li>The law enforcement authorities are taking part in the intelligence sharing and joint actions on specific crime priorities identified in line with EMPACT (the European Multidisciplinary Platform Against Criminal Threats).</li> </ol>	<p>Law on Police (consolidated text) <a href="https://mvr.gov.mk/zakoni">https://mvr.gov.mk/zakoni</a></p> <p>Police Development Strategy 2016-2020 (expired)</p>	<p>Ministry of Interior (MoI) Public Security Bureau - Department of Criminal Intelligence and Analysis</p> <p>In cooperation with other relevant state institutions and bodies as well as non-state actors (academia, CSOs etc.)</p>

Proactive detection	Intelligence-led policing	<p>1.Regulation (EU) 2016/794 on the European Union Agency for Law Enforcement Cooperation (Europol) <a href="https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=legisum%3A23040102_1">https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=legisum%3A23040102_1</a></p> <p>2. Council of the European Union. "Council conclusions on the creation and implementation of a EU policy cycle for organized and serious international crime." 3043rd Justice and Home Affairs Council Meeting <a href="https://www.consilium.europa.eu/uedocs/cms_data/docs/pressdata/en/jha/117583.pdf">https://www.consilium.europa.eu/uedocs/cms_data/docs/pressdata/en/jha/117583.pdf</a></p> <p>3. EU Policy Cycle 2018-2021 Terms of Reference <a href="https://data.consilium.europa.eu/doc/document/ST-10544-2017-REV-2/en/pdf">https://data.consilium.europa.eu/doc/document/ST-10544-2017-REV-2/en/pdf</a></p>	<p>1. ILP is regulated by specific legal provision in the national legislation and all ILP activities such as gathering, storing, processing and sharing of data and information are in line with the international standards and good practices regarding. The legislation and practice must include sufficient safeguards to protect the human rights of people mentioned in information that has been gathered for analysis purposes and the identities and security of informants and security of whistle-blowers.</p> <p>2. ILP approach is supported by high-level governmental/ministerial and law enforcement leadership;</p> <p>3. Adopting or implementing ILP is conducted in organisational-wide manner within the Ministry of Interior not only in specialized police units. This requires that ILP approach is leading principle for all organisational units at all levels in their activities for gathering, storing, processing and sharing information;</p> <p>4. Formal legal obligation should be in place for all law enforcement officers to share information about suspected criminal activities and suspected individuals through mechanisms and communication channels that are clearly defined and in accordance with domestic law and international standards.</p> <p>5. National strategic plans, including prioritization, should be formulated and based on strategic analysis and assessments done through ILP. These plans should be further developed into operational action plans. Human, technical and financial resources should be allocated in accordance with these ILP driven plans.</p> <p>6. Regular strategic and operational coordination of ILP is conducted at local, regional and national levels;</p> <p>7. Effective mechanisms and communication channels for information sharing are in place;</p> <p>8. Set rules for safeguards of the human rights during ILP activities and for protection of informers/source of information;</p> <p>9. ILP is supported by well interconnected, interoperable or single-platform ICT network;</p> <p>10. Established physical, administrative and IT security of ICT infrastructure and network used for ILP purposes which are providing high level of protection, security and integrity of the users and data.</p>	<p>-Law on Police (consolidated text) <a href="https://mvr.gov.mk/zakoni">https://mvr.gov.mk/zakoni</a></p> <p>-Police Development Strategy 2016-2020 (expired)</p>	<p>-Ministry of Interior (Moi)</p> <p>Public Security Bureau (PSB)- Department of Criminal Intelligence and Analysis;</p> <p>All other PSB departments and units that include analytical work in conducting their working duties and tasks</p>
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	National Criminal Intelligence System (NCIS)	<p>EU Security Union Strategy 2020 <a href="COM/2020/605 final">COM/2020/605 final</a></p> <p>Europol Information System Regulation <a href="2016/794">2016/794</a> (from 1 May 2017)</p> <p>European criminal records information system Framework Decision <a href="2009/315/JHA">2009/315/JHA</a>; Council Decision <a href="2009/316/JHA">2009/316/JHA</a>.</p> <p>Eurojust's case management system European Parliament European Council Regulation (EU) <a href="2018/1727">2018/1727</a></p> <p>The Prüm framework Council Decision <a href="2008/615/JHA">2008/615/JHA</a>; Council Decision <a href="2008/616/JHA">2008/616/JHA</a>. Schengen Information System Regulation (EC) <a href="1987/2006">1987/2006</a>; Regulation (EC) <a href="1986/2006">1986/2006</a>; Council Decision <a href="2007/533/JHA">2007/533/JHA</a>.</p> <p>COUNCIL FRAMEWORK DECISION <a href="2006/960/JHA">2006/960/JHA</a> on simplifying the exchange of information and intelligence between law enforcement authorities of the Member States of the European Union</p>	<p>1. There is a legal framework establishing national criminal intelligence system that provides for automated collection, processing and data exchange between all competent national authorities for fight against serious and organised crime</p> <p>2. Established memoranda of cooperation between LEAs and other relevant bodies for mutual cooperation and operating one centralized national criminal intelligence system</p> <p>3. Effective and secure platform for electronic data exchange and information between the database of the state authorities and institutions;</p> <p>4. Joint training program of NCIS responsible contact officers of all LEAs and other relevant institutions part of the system for improvement of NCIS operability and effectiveness.</p> <p>5. The representatives of different LEAs and other authorities represented in the national criminal intelligence system should have access to their agency's data and information, and should be allowed by law to share them with representatives from other entities/authorities represented within the NCIS, pertinent to domestic and international legal frameworks.</p> <p>6. The one agency or new government body should be responsible for a national criminal intelligence database.</p> <p>7. Moi as coordination body in charge of national criminal intelligence system should be responsible for carrying out strategic and operational analysis, including threat assessments, at the national level. It should assist regional/local criminal intelligence analysis departments/units when relevant.</p>	<p>Law on National Criminal Intelligence Database <a href="https://mvr.gov.mk/zakon/14">https://mvr.gov.mk/zakon/14</a></p> <p>Law on Internal Affairs; Law on Police; Police Development Strategy 2016-2020 (expired)</p> <p>Law on Custom Administration; Law on Financial Police Law on Public Prosecutor Office;</p> <p>The Law on Prevention of Money Laundering and Financing of Terrorism;</p> <p>Law on National Security Agency; Law on Intelligence Service;</p>	<p>Ministry of Interior (Moi)</p> <p>Custom Administration</p> <p>Financial Police (FP)</p> <p>Public Prosecutor Office (PPO)</p> <p>Public Revenue Office (PRO)</p> <p>Financial Intelligence Unit (FIU)</p> <p>National Security Agency (NSA)</p> <p>Intelligence Agency (IA)</p>
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# CHAPTER 24 IN NORTH MACEDONIA PILOT STUDY