

**Official Gazette of the Republic of Macedonia**

**No. 18, Friday, 8 March 2002**

**273.**

Pursuant to Article 75 paragraphs 1 and 2 of the Constitution of the Republic of Macedonia, the President of the Republic of Macedonia and the President of the Assembly of the Republic of Macedonia, issue the:

**DECREE**

**FOR PROCLAIMING THE LAW ON AMNESTY**

The Law on Amnesty ,  
Which the Assembly of the Republic of Macedonia adopted at its session held on 7<sup>th</sup> March , 2002 is hereby proclaimed.

No. 07-1117/1  
7<sup>th</sup> March 2002  
Skopje

President of  
the Republic of Macedonia  
**Boris Trajkovski**

President of the  
Assembly of the Republic of  
Macedonia  
Stojan Andov

**LAW ON AMNESTY**

**Article 1**

This law exempts from prosecution, discontinues the criminal proceedings and fully exempts from execution of the sentence to imprisonment (hereinafter: amnesty), citizens of the Republic of Macedonia, persons with lawful residence, as well as persons that have property or family in the Republic of Macedonia (hereinafter: persons), for whom there is a reasonable doubt that they have prepared or committed criminal acts related to the conflict in the year 2001, conclusive of 26 September 2001.

The amnesty also applies to persons who have prepared or committed criminal acts related to the conflict in the year 2001 before the 1<sup>st</sup> of January 2001.

With the amnesty mentioned in paragraph 1 and 2 of this Article:

- persons for whom there is a reasonable doubt that they have prepared or committed criminal acts related to the conflict until 26<sup>th</sup> September 2002 are exempted from prosecution for criminal acts pursuant to the Criminal Code and other law of the Republic of Macedonia;
- the criminal proceedings for criminal acts pursuant to the Criminal Code and other law of the Republic of Macedonia against persons for whom there is a reasonable doubt that

they have prepared or committed criminal acts related to the conflict until 26 September 2001 are discontinued;

- persons who have prepared or committed criminal acts related to the conflict until 26 September 2001, are fully exempted from the execution of the sentence to imprisonment for criminal acts pursuant to the Criminal Code and other law of the Republic of Macedonia; and
- It is determined that the convicting verdict be deleted and that the legal consequences of the convicting verdict be repealed, conclusive of 26 September 2001.

The provisions of paragraphs 1, 2 and 3 of this Article do not apply to persons who have committed criminal acts related to and in connection with the conflict in the year 2001, which are under the jurisdiction of and for which the 1991 International Tribunal for Prosecution of Persons Responsible for Serious Violation of International Humanitarian Law in the Territory of Former Yugoslavia, will instigate proceedings.

## **Article 2**

The provisions of article 1, exclusive of paragraph 4, of this Law also apply to persons who during the period of duration of the conflict have not responded to the invitation and avoided the military service and military exercise as well as persons that have arbitrarily left the armed forces.

## **Article 3**

Persons convicted by an effective verdict for criminal acts provided for by the Criminal Code and other law of the Republic of Macedonia, who at the day of entry into force of this Law have started serving the sentence to imprisonment in the penitentiary institutions in the Republic of Macedonia, are exempted from the execution of the sentence to imprisonment, for 25% of the part of the sentence which has not been served.

The provision of paragraph 1 of this Article does not apply to persons convicted of criminal acts against humanity and international law, illicit production and trafficking of narcotics, psycho-tropic substances and precursors, for enabling the use of narcotics, psycho-tropic substances and precursors as well as persons sentenced to life imprisonment.

## **Article 4**

If criminal charges have not been brought against the persons of Articles 1 and 2 of this law, they shall not be brought.

## **Article 5**

The procedure of application of this Law to the persons referred to in Article 1, paragraph 3, line 1 and 2 and Article 2 of this Law against whom criminal proceedings are

ongoing is initiated *ex officio* by the competent public prosecutor, respectively, the competent first instance court or the person to whom the amnesty applies, respectively the person who may lodge an appeal to the benefit of the defendant.

The procedure of application of this Law to the persons referred to in Article 1, paragraph 3, line 3 and Article 2 and 3 of this Law for which the criminal proceedings are effectively completed shall be initiated *ex officio* by the penitentiary institution where the convicted person serves the sentence to imprisonment, and for the persons that have not yet started to serve the sentence to the imprisonment, the procedure is initiated *ex officio* by the court which has passed the first instance verdict or upon the request of the public prosecutor or the convicted person.

The decision for amnesty of the persons of paragraphs 1 and 2 of this Article is reached by the competent body pursuant to the Law on Criminal Proceedings, respectively the Law on Execution of Sanctions within 3 days from the day of adoption of this Law.

### **Article 6**

The Public Prosecutor, the persons to whom the amnesty applies, and the persons who may lodge an appeal to their benefit, may lodge an appeal against the decisions of Article 5 paragraph 3 of this Law.

The Public Prosecutor may not lodge an appeal against the decision by which the person has been amnestied.

The immediate higher court decides upon the appeal against the decision of the first instance court, while the Ministry of Justice decides upon the appeal against the decision of the penitentiary institution.

The appeal of paragraph 1 of this Article does not suspend the execution of the decision.

### **Article 7**

The provisions of the Law on Criminal Proceedings and Law on Execution of Sanctions apply also in the procedure of implementation of this Law, if not otherwise regulated by this Law.

### **Article 8**

The Minister of Justice may adopt Guidelines for the Implementation of this Law the on the day following the day of the entry into force of this Law.

### **Article 9**

This Law enters into force on the day of its publication in the “Official Gazette of the Republic of Macedonia”