



# ANNUAL REPORT

Coalition “All For Fair Trials”

08



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#### **Annual report for 2008**

#### **Coalition “All for fair trials”**

The Coalition “All for fair trials” is a network of 16 associations of citizens established in 2003. The basic mission of the Coalition is:

To inspire respect for human rights and freedoms and especially for the international standards for fair trial via various forms of acting and the intent to increase the level of their implementation, to initiate institutional and legal reforms as well as to recover citizens' trust in the judiciary and other institutions of the system.

#### **Management:**

**President** - *Petre Mrkev*

#### **Executive Director:**

*Marija Stevkovska* (for the period from 01.01 until 31.05.2008)

*Anica Tomshic Stojkovska* (for the period from 01.06.2008 until 31.12.2008, nominated on the session of the Managing board on 03.09.2008)

#### **Managing board:**

1. Dragi Zmijanac – First children’s embassy in the world – Megjasi
2. Shenaj Osmanov – Association for Roma rights – Shtip
3. Feat Kamberovski – Arka Kumanovo
4. Nade Naumovska – Youth educational forum
5. Sanja Janeva – MOST
6. Anifa Demirovska – Phurt
7. Zoran Ilievski – Center for democratic development
8. Trajce Pelivanov – SPPMD
9. Prof. Ljupco Arnaudovski – external member
10. Vladimir Kosturski – external member
11. Petre Mrkev - president

**Staff:**

*Anica Tomshic Stojkovska* – Executive Director & Project Coordinator of the Human Rights Support Project

*Slavica Dimitrievska* – Programme Director & Project Coordinator of the Corruption Trial Monitoring Programme

*Mihail Gotovski* – Legal Advisor and Project Coordinator of the Trafficking in Human Beings Watch Project

*Emilija Jordanova* – Legal Analyst (03-11.2008)

*Ana Boshkoska* – Project Assistant

*Bekim Hodza* – Project Coordinator of the project Monitoring of Institutional Responses against Electoral Irregularities (from 01.09.2008 to 31.12.2008)

**External collaborators:**

*Prof. Ljupco Arnaudovski*

*Prof. Violeta Chacheva*

*Violeta Velkovska*

*Prof. Tanja Karakamisheva*

*Aleksandar Chichakovski* – MOST

*Prof. Zvonimir Jankulovski*

**PROJECTS**

In 2008 within the Coalition All for fair trials 4 projects were implemented:

1. *Human Rights Support Project implemented in cooperation with 4 associations of citizens: Forum for Roma Rights Arka from Kumanovo, Center for Democratic Development from Tetovo, Center for Civic Initiative from Prilep and Choise from Strumica.*
2. *Trafficking in Human Beings Watch project*
3. *Corruption Trial Monitoring Programme*
4. *Monitoring of Institutional Responses against Electoral Irregularities 2008-2009*

## Human Rights Support Project (HRSP)

Human Rights Support Project is implemented in cooperation with 4 associations of citizens – Forum for Roma Rights Arka from Kumanovo, Center for Democratic Development from Tetovo, Center for Civic Initiative from Prilep and Choise from Strumica is financially supported by the UN Fund for victims of torture and the Foundation Open Society Institute – Macedonia.



Within the project, in 2008 an annual report was published named **“Access to justice” – report on the protection of human rights in cases of police abuse and torture**, where the data of the registered cases were given as well as the number of cases where free legal aid was provided. Aside of that the report talks about the cooperation the Project has with the relevant institutions.

Free legal aid was given to **38** victims, **31** petitions were submitted to the Sector for internal control of the MOI, **4** criminal charges to the Public Prosecutor as well as **23** petitions to the Ombudsman’s Office.

For the legal counselors working with victims of police abuse and torture, a training was delivered on European court of human rights where as lecturers appeared Trajce Torov – lawyer and Iliina Cenevska – teaching assistant from the Faculty of Law.

On 26.06.2008 a press conference was held contributable to the International day for protection of victims of torture, and on 10.12.2008 with a visit to several police stations by the project coordinator, the Human Rights Day was marked.



## **Presentation of the Annual report of the Human Rights Support Project for 2007, 17.01.2008**

### ***Other significant HRSP activities***

**27 February** a conference was held on the topic “**Strengthening police efficiency without weakening of civic and human rights**”. On this press conference the project coordinator presented the information from the past reports of HRSP as well as gave recommendations for functioning of the police.

The conference was held by the Friedrich Ebert Foundation, and besides the project coordinator, lecturers were also Rizvan Sulejmani, Zvonimir Jankulovski and Voislav Zafirovski.

**13 March** The project coordinator took part on the conference for the Facultative protocol against torture, organized by the UN and held in hotel Arka.

**21 March** a press release was sent to the public by which HRSP publically condemned the events of arrest of the minors from the primary school Vlado Tasevski as well as the beating of the football fans from Strumica by the police during a game held in Kavadarci.

**11.04.2008** Sent Announcement to the media by which the spectacular arrest and the breach of the right of presumption of innocence of the mayor of the municipality Aerodorom is condemned

**23.04.2008** – The project coordinator attended a panel discussion on the efficiency of the Law on police in the Police Academy

**24.04.2008** - The project coordinator attended a round table of the Helsinki Committee on the topic: National preventive mechanism, hotel Arka Skopje

**24.04.2008** - Sent Announcement to the public by which the spectacular arrest of the teacher in Zefljus Marku Gymnasium and the breach of the right of presumption of innocence are condemned.

**06.05.2008** - The project coordinator attended a debate: The European story for Macedonia is different, organized by FIOOM, held in Holiday Inn

**12.05.2008** - The project coordinator had a meeting with representatives from the Sector for cooperation with the NGO from the Government of RM

On **25-26.09.2008** – The project coordinator Anica Tomshic Stojkovska and the project officer of the Coalition Mihail Gotovski attended the training organized by EC and the Directorate for protection of personal information on the topic: Protection of data in court and police procedure

In the period October and November the HRSP was presented before the representatives of the local self-government of the municipalities Karposh and Chair, and a presentation was made in front of NGO Hera and HOPS. In this part a presentation of the project was made before the representatives of Roma associations of citizen, as well as minors in the Youth club “I want to know” in the municipality of Shuto Orizari. Also HRSP was presented in front or representatives of the municipality of Veles and the Foundation Fokus from Veles.

On **06.10.2008** a presentation of HRSP was held on the Traumathology Clinic.

On **10.10.2008** the project coordinator participated on a meeting organized by FIOOM on the topic: Freedom or fear

On **27.10.2008** the coordinator presented the cases before Mrs. Bendevska, President of the Parliamentary permanent commission for human rights

From **05-07.12.2008** the coordinator participated on a seminar organized by the Association of young jurists on the topic: Coordination for a strengthened role of the NGO sector in the adoption of the Law on free legal aid.

### **Project for Monitoring of Court Cases in the Area of Trafficking in Human Beings**

In the course of implementation of the project the following activities were taken:

#### **1.1 Making of monthly schedules for monitoring**

On the beginning of each month, the project coordinator prepared monthly schedules for monitoring. In order to identify new cases in front of basic courts, the coordinator contacted different sources like: court administration, judges, representatives of the victims, lawyers, the Department for fight against organized crime and corruption with the Basic Prosecutors' Office, the observers of the Coalition, information from the media, as well as other institutions and individuals. The prepared schedules for monitoring were sent to the observers with specific tasks, and represented a great tool for revision of the activities of the project in the part of monitoring of the court cases in the area of trafficking in human beings in front of the basic courts in Republic of Macedonia.

#### **1.2 Identification of new cases**

##### Letters to basic courts

As in the previous years, also in 2008 the way of direct communication with basic courts was used, for identification of new cases from the area of trafficking in human beings. Letters with requests for information were sent to: Skopje, Tetovo, Gostivar, Struga, Ohrid, Bitola, Prilep, Gevgelija, Strumica, Kocani, Shtip, Veles and Kumanovo.

##### *Interviews made:*

In 2008 the Coalition used the opportunity to collect information on new cases during interviews with representatives of the Public Prosecutors' Office and the judges.

The observers also contributed to collection of new data. They informed of 5 new cases for Smuggling of migrants and 2 cases on human trafficking.

**In total, for the period from 01.01.2008 to 31.12.2008, 18 new cases were identified: 3 cases for trafficking in human beings, 2 for mediation in prostitution and 13 for smuggling of migrants.**

#### **1.3 Monitoring of cases**

For the period from 01.01.2008 to 31.12.2008 the observers followed 21 cases on 109 hearings, against 44 accused persons, in front of all basic courts in RM. In 2008, 18 new cases from these types of criminal acts were identified.

#### **1.4 Data base for trafficking in human beings**

The information received from the monitoring were continuously entered in the data base of the Coalition from the start of 2005. The Coalition continued with the practice of separate analysis in

5 different fields of interest: general information for cases, victims, accused persons, presence on court hearings and sanctions. All 5 thematic divisions are connected with each other by referent numbers, that way we are able of crossing the data and analyzing of all moments in the procedure in the interest of the project. Every questionnaire is kept in soft copy on the computer and also in hard copy, and both are kept in specialized folders. 6

### **1.5 Interviews conducted**

As a part of the project activities, 5 different forms of interviews were prepared for all 5 groups of main actors in the procedure: judges, public prosecutors, victims' representatives, lawyers-defenders and representatives of the MOI – Department for fight against trafficking in human beings. The questionnaires were prepared by an external expert, based on previous information of the Coalition and regarding the most important topics of interest. **Among others, the questionnaires focused on topics like: treatment of the victim in the court procedure, confiscation of property of the convicted and remuneration of damages to the victim, usage of special investigative measures, assurance of the presence of the main actors in the court procedure and establishing the magnitude of the punishment.**

**The project coordinator had an interview with:**

**- 14 judges, 5 public prosecutors, 3 representatives, 10 lawyers, 9 representatives of the MOI**

The information collected from the interviews gave a picture about certain aspects during the analysis of the problems and the uncertainties which appear on the court hearings. From one side, the objective monitoring resulted with a certain identified situation, and on the other hand all of the actors in the procedure had a chance to point out the questions and problems which appear in their part of the work.

### **1.6 Organized round-tables**

**The round table in Bitola was organized on 02.10.2008. The topic on the round table was "Presentation of information from the interviews and the monitoring process of the cases from the area of Human Trafficking".** The Supreme Court judge Agim Miftari took part as lecturer in relation to the position of the Supreme Court of RM in relation to some dilemmas and uncertainties in this type of criminal acts. There were present 25 representatives of the Court of appeal in Bitola, The Basic Court Bitola, Prilep, Gevgelija, border police Kavadarci and Skopje.

**On 16.10.2008 a second round table was held on the same topic in Skopje.** There were 29 participants present: 13 judges from: Court of appeal in Skopje, Basic court Skopje 1, Kumanovo, Tetovo and Gostivar, 2 Public prosecutors from Bitola and Gostivar, 3 representatives from the MOI, 4 representatives of the victims, 2 representatives of international organizations and one representative of the Ministry of labor and social politics.

### **1.7 Participation on events and seminars**

**The project team took part in a series of work-meetings and conferences, which helped in acquiring of new knowledge in relation to new directions and tendencies in the area of organized crime, especially in combating the Trafficking in human beings in the country and the world, but also in establishing and profounding of the cooperation with the other activists in combating the Trafficking in human beings in Macedonia. 7**

On **20.02.2008** the Project coordinator participated on the presentation of Standard operating procedures of the Government of RM.

On **14-15.04.2008**, a regional meeting was held in Skopje in the organization of ICMPD and MAARI. The Project coordinator took part in the working groups where he presented the experience of the Coalition in gathering of data and their management.

On **04-06.12.2008** the project assistant participated on the workshop for revision and creation of a new action plan for combat against Trafficking in human beings organized by OSCE, IOM ICMPD and National commission for fight against Trafficking in human beings.

The external expert prepared and made a presentation for Criminal pursuit in Trafficking in human beings in Macedonia for the needs of NGO "Macedonian association of young jurists". The presentation was part of the educational process for young lawyers in relation to the mentioned topic.

### **1.8 Secretariat for fight against Trafficking in human beings**

The Coalition, as a member of the Secretariat, regularly participated on the sessions on: **07.02.2008; 06.10.2008; 14.11.2008 and 28.11.2008**. The sessions are forums where the actual politics and questions related to trafficking and illegal migration in Macedonia are discussed.

### **1.9 Press conference**

On **23.12.2008** a press conference was held for a public presentation of the conclusions and the recommendations of the project. The press conference was held in hotel Holiday Inn. The information from the press conference were presented on almost all written, radio and television media.

### **1.10 Preparation of the report**

On the basis of the information gathered through interviewing process with 41 actors in the procedure, as well as on the basis of the monitoring of more than 100 court hearings, last year's report of the Coalition was prepared.

In the preparation of the report, besides the Monitoring mission of OSCE also the Swiss Embassy participated.



## **Corruption Trial Monitoring Programme in the Republic of Macedonia**

The Project “Corruption Trial Monitoring Programme in the Republic of Macedonia” was implemented in the period January- December of 2008, prepared on the basis of the data obtained from two levels:

- The first level was monitoring of the court trials dealing with felonies from the sphere of corruption; this data enabled us to understand if and up to which degree the judges - criminal prosecutors in Basic Courts in the Republic of Macedonia comply with the fair trial standards when dealing with corruption cases.
- The second level of research involved interviews with 14 judges from 7 Basic courts in the Republic of Macedonia; these judges are authorized to initiate procedures against cases from the sphere of corruption. The objective of the interviews was to gain understanding of the positions of the judges related to the status of corruption in the Republic of Macedonia as well as the criteria guiding them when passing judgments for those types of felonies. The interview was carried out with judges who work in the organized crime department at the Basic Court Skopje 1 – Skopje as well as at the Basic Courts in Veles, Strumica, Stip, Kocani, Tetovo and Ohrid.



With the implementation of the first level of the research we managed to accomplish the following:

- We developed a methodology that enabled unbiased collection of the facts related to the corruption felonies and the activities of the criminal prosecution organs.
- We determined the phenomenological features of the corruption felonies.
- We determined the profile of the perpetrators of the corruption felonies.
- We determined the length of the court trials as well as the reasons for their delay, and
- We gained more detailed information regarding the penalty policy of the courts through the structure of the committed felonies and the issued penalties.

The second level of the research accomplished the following:

- It provided insight on the degree up to which the judges dealing with corruption felonies observe the provisions from the Law on Criminal Procedure during the court trials;
- It provided insight on how the new organization and competencies of the courts is reflected on the trials from this type of criminal deeds – this is with regard to the establishment of a special department for organized crime within the Principal Court Skopje 1 - Skopje.

The recommendations resulting from this research will lead to developing concrete measures against corruption and will contribute to the solution of serious problems like lack of independence and weak efficiency of the courts, all with an ultimate goal and that is to implement the recommendations of the European Commission which is one of the preconditions for the country to be able enter the European Union.

In the frame of the project on **11 of December 2008** a roundtable was organized where representatives of the basic courts, public prosecution offices, the Ministry of Justice, the Ministry of Internal Affairs, the State Commission for fighting corruption as well as other relevant bodies were invited. The event had a full media coverage.

At the beginning of 2009 a **press conference** was organized where the already published analytical report, its finding, conclusions and recommendations were promoted.

This project was financially supported by the Swedish Helsinki Committee, the OSCE Spillover Monitor Mission to Skopje, the Foundation Open Society Institute in Macedonia (FOSIM), and the Royal Netherlands embassy.

### **Monitoring of Institutional Responses against Electoral Irregularities**

The project was financially supported by the OSCE Spillover Monitor Mission to Skopje and the Foundation Open Society Institute in Macedonia (FOSIM)

The project's goal originates from the early parliamentary elections in 2008 and its many election irregularities. The overall estimation of the international and domestic monitoring missions present in the country during the elections and pre-election period was that many irregularities were detected and the election process was not in compliance with the internationally adopted standards promoted by the OSCE and the Council of Europe. The observers witnessed many irregularities and violence especially in those parts of the country inhabited with Albanian population.

For the purpose of a proper implementation of the project, a MoU was signed between the Coalition All for fair Trials and the NGO MOST.

As a result of the election irregularities, criminal charges against 211 persons were submitted. The Coalition monitored all the trial cases related to this matter in the courts and followed closely the way State Election Commission, the Broadcasting Council and the political parties decide upon the cases of misdemeanour.

A progress report treating the period September- December 2008 was prepared by Tanja Karakamiseva, PhD, professor at the Law Faculty and Mr. Aleksandar Cicakovski from MOST. This progress report was promoted at a press conference.

### **Donor Conference**

On 5 of November 2008, the National Office of the Coalition All for Fair Trials organised a Donor conference where the ongoing projects were presented. Aside of them, the Coalition presented some new ideas for future project activities.

The opening of the Donor conference was made by Ms Anica Tomsic- Stojkovska, Executive Director of the Coalition. For the successful cooperation with the Coalition, talked Mr Dzovdat Memedov- Deputy Chief of the Rule of Law Department in the OSCE Spillover Monitor Mission to Skopje.

Two separate programmes were presented at this conference: ***the Trial monitoring programme and the judicial efficiency***, presented by Ms Slavica Dimitrievska, MAS, Programme Director of the

Coalition, while as the second programme, **Partner programme for human rights protection** was presented by Ms Anica Tomsic- Stojkowska, Executive Director.

The first programme encompassed in itself three projects:

1. Corruption Trial Monitoring Programme
2. Trafficking in Human Beings Watch project
3. Monitoring of Institutional Responses against Electoral Irregularities

The second programme encompassed in itself three projects:

1. Project for children's prevention of sexual abuse- in cooperation with the First Children's embassy in the world- Medjashi
2. Trial Monitoring project of family violence cases
3. Human Rights Support Project (aid to victims of police abuse)

Other three individual project ideas submitted by the NGO members of the Coalition All for Fair Trials were distributed among the present donor's representatives: Spektar- Stip, Youth Educational Forum (YEF), and Association of Tikves Roma from Kavadarci.



Aside of the staff of the National Office of the Coalition All for Fair Trails, the vice- president Gorgi Josevski as well as representatives of YEF, Association of Tikves Roma, PFURT and the First Children's embassy in the world- Medjashi were present. Representatives of the project partners, ESE were also there.

Since the present donor representatives expressed a great interest in the presented projects and project ideas, this will become a tradition of the Coalition for securing its sustainability and transparency.

## Coalition's Bulletin

For the purpose of increasing its transparency and exchange of separate project activities, the Coalition electronically published 4 bulletins where the NGOs Medjashi and Civic Association as well as the projects of the National Office were promoted.

These bulletins can be found at the Coalition's website [www.all4fairtrials.org.mk](http://www.all4fairtrials.org.mk). They were distributed among the Coalition's partners and donors. The first two are available in English language.

