Law on Amnesty

Article 1

This law regulates the exemption from prosecution, termination of criminal proceedings and full exemption from serving the prison term (hereinafter: amnesty), citizens of Republic of Macedonia, persons with legal residence, as well as persons that have property or family in the Republic of Macedonia (hereinafter: persons), for which there is a reasonable doubt to have prepared or committed criminal acts related to the conflict of the year 2001, including 26 September 2001.

The amnesty also applies to persons that have prepared or committed criminal acts related to the conflict of the year 2001 before the 1st January 2001.

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

- Exempt are from prosecution for criminal act according to the Criminal Code and other law of the Republic of Macedonia persons for which there is a reasonable suspicion that they have prepared or committed criminal acts related to the conflict before 26.09.2001;
- The criminal proceedings for criminal acts according to the Criminal Code and other law of the Republic of Macedonia against persons for which there is a reasonable suspicion that they have prepared or committed criminal acts related to the conflict by 26.09.2001 will be terminated;
- Fully are exempted from the sentence imprisonment for criminal act according to the criminal code and other law of the Republic of Macedonia persons which prepared or committed criminal acts related to the conflict by 26.09.2001; and
- The verdicts passed by 26.09.2001 are removed from the criminal registry and its legal effects are terminated.

The provisions from paragraph 1,2 and 3 of this Article do not apply to the persons who have committed criminal acts related and connected to the conflict of the year 2001, which are under the jurisdiction and for which will be initiated procedure by the International Tribunal for prosecution of persons responsible for the grave violation of the international humanitarian law on the territory of the former Yugoslavia since 1991.

Article 2

The provisions of Article 1, with the exemption of paragraph 4 of this law also apply to persons who during the conflict period have not responded to the invitation and avoided the military service and military exercise as well as persons that have voluntarily left the armed forces.
Article 3

Persons lawfully convicted for criminal acts covered by the criminal code and other laws of the Republic of Macedonia are exempt from 25% of the remaining part of their sentence if at the day of the entry into force of this Law they have started serving the prison term in the penal-correctional institutions in the Republic of Macedonia.

Provisions of paragraph 1 of this Article do not apply to persons convicted for criminal acts against humanity and international law, unauthorized production and distribution of narcotics, psycho-tropic substances and precursors as well as persons convicted to life in prison.

Article 4

If against the person referred to in article 1 and 2 of this law a criminal proceedings has not been previously initiated, one shall not be initiated afterwards.

Article 5

The procedures for application of this Law for persons referred to in Article 1, paragraph 3, line 1 and 2 and Article 2 of this Law against whom criminal proceedings are ongoing shall be initiated ex officio by the competent public prosecutor, that is, the competent first instance court or the person to whom amnesty applies, that is, person who may lodge an appeal on behalf of the accused person.

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

Decision to grant amnesty for the person referred to in paragraph 1 and 2 of this Article is passed by the competent body, according to the Law of the Criminal, this is the Law on Execution of Sanctions within 3 days from the day of entry into force this Law.

Article 6

The Public Prosecutor, persons to who amnesty applies, and persons who may lodge an appeal on behalf of such persons, may lodge an appeal against the decision referred to in the Article 5 paragraph 3 of this Law.
The Public Prosecutor can not lodge an appeal against the decision with which amnesty is granted to a person.
The immediately higher court shall decide upon the appeal against the decision of the first instance court, and the Ministry of justice shall decide upon the appeal against the decision of the penal-correctional institution.

The appeal referred to in paragraph 1 of this Article shall not postpone the execution of the verdict.

Article 7

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

Article 8

Minister of the Justice shall adopt Guidelines for the implementation of this Law the following day from the day of entry into force of this Law.

Article 9

This Law shall enter into force at the day of its publication in the “Official Gazette” of the Republic of Macedonia.