LAW ON COOPERATION BETWEEN THE REPUBLIC OF MACEDONIA AND THE INTERNATIONAL CRIMINAL TRIBUNAL FOR PROSECUTION OF PERSONS RESPONSIBLE FOR SERIOUS VIOLATIONS OF THE INTERNATIONAL HUMANITARIAN LAW IN TERRITORY OF FORMER YUGOSLAVIA

I. BASIC PROVISIONS

Article 1

This Law establishes the obligations, conditions and type of cooperation between the Republic of Macedonia and the International Tribunal for Prosecution of Persons Responsible for Serious Violations of the International Humanitarian Law in the Territory of former Yugoslavia since 1991, established by the Resolution 827 of the Security Council (hereinafter ICTY).

Article 2

Definitions of the terms contained in this Law:


3) "The Prosecutor of the ICTY" shall mean the prosecutor of the ICTY prosecutor and any person who takes actions on the basis of authorizations thereof.

4) "Competent public prosecutor" shall mean the Public Prosecutor General of the Republic of Macedonia and any other prosecutor.

5) "Registrar" shall mean the Registrar of the ICTY appointed on the basis of the Article 17 of the Statute of the ICTY, and any other person performing activities on the basis of the authorization thereof.

6) "Minister of Justice" shall mean Minister of Justice in the Government of the Republic of Macedonia.

7) "Minister of Interior" shall mean Minister of the Interior of the Republic of Macedonia and any other person performing activities on the basis of the authorization thereof.

8) "Competent State Body" is the Ministry or other state body as in accordance to the Law on organization of the state administration bodies.
(9) “Competent court in the republic of Macedonia” shall mean the court in the republic of Macedonia which has the competence over the criminal offences established by the Statute of the ICTY.

10) "Person" shall mean any person whom the ICTY within its competences, suspects or has indicted as a perpetrator of a criminal offence.

10) "Handover" shall mean handover of the person to the ICTY by the Republic of Macedonia.

Article 3

The Government of the Republic of Macedonia, the Ministry of Justice of the Republic of Macedonia, the Ministry of the Interior of the Republic of Macedonia, the courts, the Public Prosecutor's Office, the Police and the other competent bodies fully cooperate with the ICTY in accordance with the Resolution of the Security Council and with the Statute of the ICTY.

Article 4

(1) The Minister of Justice, or a person authorized by the Minister, is responsible for coordinated and unimpeded cooperation between the Republic of Macedonia and the ICTY. For this purpose, the Minister has the power and the duty to translate and to distribute all written documents of the ICTY related to the procedures indicated in this Law.

(2) For works as of paragraph 1 of this article, the Minister has the authorisation and duty to translate and submit all written documents from the ICTY related to procedures listed in this Law.

(3) The exchange of motions and other documents between the ICTY and competent bodies, public prosecutor's offices and courts in the Republic of Macedonia is, as a rule, executed through the Ministry of Justice.

(4) The Minister of Justice submits all motions and other documents mentioned in the paragraph 2 of this Article to the Supreme Court of the Republic of Macedonia, the Office of the Public Prosecutor General of the Republic of Macedonia and the Minister of the Interior and, should a need arise, directly to the competent courts, public prosecutor's offices and other state bodies.

(5) The competent state bodies in the Republic of Macedonia have the obligation for mutual cooperation and exchange, without any delay, of all information and other documents, submitted by the ICTY through the Minister of Justice.

(6) The state bodies of paragraph 3 exercise cooperation with the ICTY through the Minister of Justice, unless this Law provides for direct cooperation or the need of such cooperation is based on the specific circumstances of the case.

(7) The Minister of Justice verifies the identity and authenticity of the written documents of paragraph 1 of this Article before forwarding them to other competent bodies.
Article 5

Cooperation with the ICTY is carried out pursuant to the Statute of the ICTY, The Rules of Procedure and Evidence; and the provisions of this Law, as well as through adequate application of the provisions of the Criminal Code, Criminal Procedure Code, Law on Internal Affairs, Law on Police, Law on Enforcement of Sanctions and other laws which are not in contravention to the provisions of this law.

Article 6

(1) From the beginning of the main hearing against the accused person for the criminal act determined by the statute of the ICTY, OSCE and EU representatives may conduct monitoring.

(2) Representatives from paragraph 1 may be present to all procedural activities until the lawful verdict is announced, upon their previous request submitted to the president of the court chamber that is leading the hearing and to the court chamber of the second instance court in front of which the public hearing is taking place.

II. COMPETENCE OF THE ICTY

Article 7

Republic of Macedonia recognizes the substantive, territorial and temporal competence of the ICTY, as prescribed in the Articles 1 to 6 and the Article 8 of the Statute of the ICTY.

Article 8

(1) The procedure before the ICTY against a person for a criminal offence established in the Statute of the ICTY, always enjoys supremacy over a procedure against the same person for the same offence instigated before the competent public prosecutor or the competent court of the Republic of Macedonia.

(2) Should ICTY move to request from a competent public prosecutor or competent court that a case is deferred to the competence of the ICTY, the motion is immediately approved.

(3) If ICTY does not bring a final verdict or does not stay the procedure instigated before it and decides that the case is deferred to the competence of the competent public prosecutor or the competent court of the Republic of Macedonia, the aforementioned have the duty to accept it and continue the procedure without any delay.

Article 9
(1) The person regarding whom there is a reasonable ground to believe that they have perpetrated a criminal offence which falls within the competence of the ICTY, and who has been discovered and apprehended on the territory of the Republic of Macedonia may be brought into custody, ordered a detention, an investigation against them opened or an indictment may be filed for this offence only if the Minister of Justice and/or the Public Prosecutor General of the Republic of Macedonia has received a motion from the Prosecutor of the ICTY, an arrest warrant, or a motion for detention of handing over of the person;

(2) As an exception from paragraph 1 the person may be deprived of liberty pursuant to the provisions of the Criminal Procedure Code if there is a risk of flight.

(3) The Public Prosecutor General of the Republic of Macedonia shall directly inform the Prosecutor of the ICTY on the deprivation of liberty, not later than within 48 hours from the decision on deprivation of liberty, and submit all their grounds for suspicion.

(4) Public Prosecution of the Republic of Macedonia shall notify the Prosecution at the ICTY for any initiation of investigation against a person for a crime determined with the ICTY Statute within 3 days from the decision for initiation of the investigation.

(5) The notification from paragraph 4 by the Public Prosecution of the Republic of Macedonia to the Prosecution of ICTY shall be marked as “strictly confidential” and shall be handed out to the ICTY headquarter.

(6) The notification from paragraph 4 shall contain:

1) copy of the decision;
2) copy of the witness statements;
3) minutes and other documents consisted within the evidentiary material;
4) biography of the accused person, detailed physical description, current place of residence and time spent with imprisonment if any;
5) description of already started and overtaken activities, including the domestic legal grounds for the investigation, for motion, for apprehension, and for submission of criminal charge as a part of the same procedure, as well as details for all the other related criminal procedures together with the data for the cases against the co-accused, submitted also to the Prosecutor of ICTY for a review;
6) description of the circumstances in which the crime has been perpetrated;
7) name, address and other data necessary to contact the person that leads the case.

(7) The notification shall be submitted in English language together with English translation of the attached documents.
Article 10

(1) The Public Prosecutor will not make a motion for opening of an investigation if the ICTY informs them that it has opened a procedure for the same case and against the same person, for criminal offence that falls within its competence.

(2) In the case from paragraph 1 of this Article, if an investigation has been opened upon a motion by the public prosecutor, the competent court will, by its decision, terminate the investigation.

(3) In the case of paragraph 1 of this Article, if an indictment has been filed and entered into force, the Public Prosecutor will withdraw the indictment, and the Court will stay the procedure by a decision.

(4) If in the case of paragraph 1 of this Article a first instance verdict was brought, the second instance court, upon a motion by the public prosecutor will stay the procedure by issuing a decision.

5) Against the decisions of paragraph 2, 3, and 4 of this Article an appeal is allowed. The appeal does not delay the enforcement of the decision.

Article 11

(1) In accordance with the Statute, ICTY may decide to prosecute or to bring before the court a person who was previously tried by a competent court of the Republic of Macedonia, only if:
   1) the act of which the person was tried is qualified as a common criminal act;
   2) the procedure before the national court has not been unbiased or independent or has been designed to protect the indicted person from international liability, or if the criminal procedure has been conducted in bad faith.

(2) The Minister of Justice, the Minister of the Interior and the competent courts of the Republic of Macedonia undertake all necessary measures to provide for the appearance of the person before the ICTY, and if it is necessary also arrest, ordering a detention measure and hand over of the person to the ICTY.

(3) The competent courts in the Republic of Macedonia may, through the Minister of Justice, inform the ICTY on the facts and circumstances related to a given case, on the basis of which, in their opinion, the person should not be prosecuted, neither sentenced for a criminal offence for which the person has already been acquitted or sentenced by a final verdict or the charges have been dropped. The information must have enclosed all the necessary documentation to establish the factual situation of the case under review.

Article 12

(1) The competent court in the republic of Macedonia will not instigate a criminal procedure against a person that was already tried by the ICTY for the same criminal offence.

(2) The criminal procedure deferred to the competence of the ICTY may continue in
the Republic of Macedonia against the same person and for the same criminal offence, only if one of the following conditions is met:

1) If the Prosecutor of the ICTY has filed an indictment and if the Trial Chamber of the ICTY has later issued an order where it is noted that the indictment against the accused is postponed until the commencement of the procedure before the competent courts in the Republic of Macedonia;
2) If the Prosecutor of the ICTY has opened an investigation and the Trial Chamber of the ICTY has then issued an order which notes than the investigation against the accused is postponed until the commencement of the procedure before the competent courts in the Republic of Macedonia;
3) If the ICTY has issued an order and has declared itself not competent;

III. ARREST, ORDERING A DETENTION MEASURE AND HAND OVER OF A PERSON TO THE ICTY

Article 13

(1) The Minister of Justice undertakes measures for swift and timely acting upon an arrest warrant or order for transfer communicated by the ICTY and provides for adequate and efficient enforcement of the said warrant or order.

(2) Fulfillment of the international obligations contained in the Article 29 of the Statute of the ICTY with regards to handover or transfer of an accused or a witness to the ICTY, enjoys supremacy over the national law, including also the procedures for extradition of accused and sentenced persons pursuant to the Criminal Procedure Code or bilateral extradition agreements.

Article 14

(1) The Minister of Justice forwards the warrant for arrest or detention of a given person issued by the ICTY to the Supreme Court of the Republic of Macedonia the competent courts of the Republic of Macedonia, Public Prosecutor General of the Republic of Macedonia and the Minister of the Interior.

2) The warrant issued by the ICTY must be accompanied by all information necessary to establish the identity of the person whose arrest or detention is requested.

3) The Minister of Justice forwards the ICTY motion for handover of the person to the competent basic court on which territory the person is located, as well as to the Supreme Court of the Republic of Macedonia, the Public Prosecutor General of the Republic of Macedonia and The Minister of the Interior. The investigating judge of the competent basic court issues an order for urgent arrest of the person whose handover is requested. The request from the ICTY for hand over of the person must be accompanied by all information necessary to establish the identity of the person.

4) If the permanent or temporary residence of the person is unknown, or if the person could not be found at the address of their residence, the bodies indicated in paragraphs 1 and 2 of this Article undertake all necessary actions, in accordance with their competences, to find and arrest the person.
5) The unsuccessful attempts for search and arrest must be reported immediately to the Secretary of the ICTY.

(6) The Minister of the Interior informs the Public Prosecutor General of the Republic of Macedonia on the arrest. The Minister of the Interior informs the Prosecutor of the ICTY, as well.

(7) In the case of paragraph 4 of this Article the Prosecutor of the ICTY will be invited to be present at the enforcement of the arrest warrant from the ICTY.

**Article 15**

(1) The person who is detained or arrested must be informed immediately, in their own language or a language they understand, pursuant to the provisions of the Criminal Procedure Code, on the grounds for the detention or arrest. The person must be informed immediately that they are under no obligation to make statements, that they have a right to a counsel of their own choice and that the competent bodies have the duty to inform the person's family.

(2) The person who is not a national of the Republic of Macedonia, must be informed about their right to contact the diplomatic-consular office of the state the subject of which they are.

(3) The person arrested by the police must be immediately taken before the competent investigating judge.

(4) The investigating judge ascertains the identity of the person, informs them about their rights of paragraph 1 of this Article and informs them that all their statements in the procedure before the ICTY will be recorded using technical means, in order to be used as evidence.

(5) If the person is taken before an investigative judge on the basis of the motion for handover issued by the ICTY, the judge immediately informs the person about the contents of the motion.

(6) The investigating judge will serve the person indicted by the ICTY with the certificate on the filed indictment and the arrest warrant issued by the ICTY.

**Article 16**

(1) The investigating judge shall inform immediately the Minister of Justice, and the Minister informs the Prosecutor of the ICTY and the Registrar on the detention or arrest on the basis of a warrant issued by the ICTY.

(2) If the ICTY does not move to request handover of the person within 30 days from the date of deprival of liberty, the person should be released, unless there are other grounds for arrest or detention, pursuant to the Criminal Procedure Code.

(3) The release of the person of paragraph 2 of this Article is done ex-officio by the investigating judge who has ordered the enforcement of the arrest warrant issued by the ICTY.
The detention ordered on the basis of an ICTY warrant must not be rescinded without the agreement of the ICTY or without its order to replace the detention with other measures to secure the availability of the person.

Upon a motion by the ICTY, the competent investigating judge shall immediately release the person, unless there are other grounds to extend the detention, pursuant to the Criminal Procedure Code.

The provisions of this Article are applied respectively also on the decision for placement under house detention.

Article 17

(1) The provisions of the Criminal Procedure Code are respectively applied to the defence counsel of the person deprived of liberty pursuant to this law.

(2) The rights and duties of the ex officio appointed defence counsel terminate after the release of the person or their handover to the ICTY.

(3) The person indicted by the Hague Tribunal has a right to a fair trial in a reasonable time, and the defense of the indicted as well as the prosecutor of the Hague Tribunal have the equal right to access documents, witnesses and competent state bodies.

Article 18

(1) The handover of the person to the ICTY is done in a timely fashion, on the basis of a decision by the Minister of Justice.

(2) The Decision by the Minister of Justice is immediately enforced by the Ministry of the Interior.

(3) A person is considered handed over to the ICTY when the Tribunal takes them over, regardless of whether it takes place on the territory of the Republic of Macedonia or of another state.

(4) If authorized officers of the ICTY take over the person on the territory of the Republic of Macedonia, the Ministry of the Interior, pursuant to its competences, shall offer them full assistance needed to enforce the handover of the person to the ICTY (escort, providing security, technical and logistic support).

(5) For handing over a person to the ICTY in accordance to paragraphs 1, 3, and 4 of this article the provisions of the procedure for extradition of accused or sentenced persons according to the Criminal Procedure Code shall not apply.

Article 19

(1) When the Prosecutor of the ICTY requests the Ministry of the Interior to arrest a person, it will immediately act upon the request, pursuant to the provisions of the
Criminal Procedure Code. The Minister of the Interior must immediately and directly inform the Prosecutor of the ICTY and the Registrar about the arrest of the aforementioned person.

(2) If within 24 hours from the moment of arrest the Prosecutor of the ICTY or ICTY do not move to make additional requests or a detention order, the arrested person is released.

Article 20

(1) The motions, legal remedies, statements and writs of the person arrested on the basis of an ICTY warrant are immediately submitted to the Registrar.

(2) The competent bodies of the Republic of Macedonia act upon them within the framework of their competencies, pursuant to this law.

(3) The competent bodies of the Republic of Macedonia must act immediately and pursuant to the international obligations upon all proposals and legal remedies submitted by the person derived of liberty pursuant to this law on whose handover to the ICTY was requested.

Article 21

Upon receiving the arrest warrant or the request to handover a person to the ICTY, the competent bodies of the Republic of Macedonia will not evaluate the accuracy of the contents of the aforementioned documents and procedures. They shall act upon the orders and requests from the ICTY whenever the following conditions are met:

1) The document from the ICTY contains all elements necessary to ascertain its authenticity;

2) The identity of the person against whom the necessary procedures need to be taken has been established;

3) The request is within the frameworks of the substantive, territorial and temporal competence of the ICTY.

IV. DEFERRAL OF THE INVESTIGATION AND RUNNING OF THE CRIMINAL PROCEDURE

Article 22

(1) After a reasoned request from the ICTY the competent court in the Republic of Macedonia before which the criminal procedure against the accused for criminal offences envisaged in the Statute of the ICTY will immediately defer the criminal procedure to the competence of the ICTY.
(2) The decision for deferral of the criminal procedure is brought by the criminal chamber of the competent first instance court before which the procedure is taking place.

(3) To the session of the Chamber of paragraph 2 of this Article, are invited also the competent public prosecutor, the accused and their defence counsel, who could present to the session of the chamber their own opinions and proposals with regards to the ICTY motion for deferral of the criminal procedure.

(4) The session of the chamber will take place also in a case where the summoned persons have not responded to the summons and in a case where the accused is at large and is not available to the court.

(5) The public prosecutor, the accused and their defence counsel have the right to appeal the Decision of the Criminal Chamber mentioned in paragraph 2 of this Article, within three days from the date they have received the decision in the first instance.

(6) The decision upon the appeal must be brought within three days.

(7) No extraordinary legal remedies are allowed against the decision in the second instance.

Article 23

(1) The final decision on the deferral of the running of the criminal procedure to the competence of the ICTY is immediately submitted to the Ministry of Justice.

(2) The Ministry of Justice encloses all the necessary materials to the case in the shortest possible time and immediately forwards it to the ICTY.

Article 24

When a case is deferred to the competence of the ICTY through the Ministry of Justice, the competent public prosecutor upon whose request the criminal procedure was initiated before the competent court will immediately forward all documents from the case file to the Prosecutor of the ICTY.

V. PROCESSING OF CASES DEFERRED FROM THE ICTY TO THE COMPETENCE OF THE NATIONAL BODIES

Article 25
(1) When the Prosecutor of the ICTY or the ICTY decide to return the case for further processing by the competent bodies of the Republic of Macedonia, pursuant to Article 16 of this Law, the case is returned as follows:

1) to the state body from which it was taken over, if the ICTY has not undertaken any actions related to that case; or

2) to the body competent for processing in that stage of the procedure in which the procedure before the ICTY was stayed or terminated.

(2) If the investigation before the ICTY was completed, the case is submitted to Public Prosecutor General of the Republic of Macedonia who, within not more than a month's time, can decide to file an indictment or to move to request that the competent court undertakes additional investigative activities.

(3) If an indictment is filed before the ICTY, but a main hearing was not scheduled, the case is submitted to the Public Prosecutor General of the Republic of Macedonia, who may, within a month's time from the date of receipt of the case, decides to amend or change the indictment, or to accept and file the same indictment with the competent court.

(4) The case for which a main hearing was opened before the ICTY is forwarded to the competent court, where the president of the chamber schedules a main hearing within not more than 60 days from the date the case was received in the court.

(5) In case of paragraph 4 the Public Prosecutor general may not change the indictment.

Article 26

(1) In cases of Article 25 paragraphs 2 and 3 of this Law, the Department for Prosecution of Perpetrators of Criminal Offences in the Area of Organized Crime and Corruption, within the Office of the Public Prosecutor General of the Republic of Macedonia is competent to process the cases deferred from the ICTY.

(2) The Basic Court Skopje I – Skopje is competent to try the cases deferred from the ICTY to the competence of the courts in the Republic of Macedonia.

(3) To process the cases, the court of paragraph 2 of this Article, provides a special room for unimpeded running of the procedures (with video-conferencing equipment, CCTV and fire-protection system)

(4) Representatives of the OSCE Spillover Monitor Mission to Skopje may monitor all of the proceedings related to cases handed over from ICTY.

(5) Competent bodies that proceed in cases handed over from ICTY should cooperate with the OSCE Spillover Monitor Mission to Skopje. This cooperation shall include submitting replies to requests for information, providing uninterrupted access to all persons detained during the procedure and access to investigative documents and case
files, providing presence during the pre-investigative and investigative actions and hearings, as well as presence at all court hearings.

Article 27

(1) When submitting the decision to defer the case, the Prosecutor of the ICTY or the ICTY submits also all evidence, minutes of the undertaken procedural actions and other documents of importance for the further running of the procedure.

(2) The evidence obtained by the ICTY may be used in the procedure before the competent court in the Republic of Macedonia, unless this is in contravention to the provisions of the Criminal Procedure Code.

(3) The statements of witnesses and experts given in the procedure before the ICTY shall be used as evidence in the procedure before the competent courts in the Republic of Macedonia if their testifying viva voce is not possible or would lead to a delay of the criminal procedure.

(4) Witnesses that shall appear before the ICTY shall be provided with efficient protection pursuant to Criminal Procedure Code and the Law on Witness Protection.

(5) The documents and expert analyses obtained or performed by the ICTY have the weight of evidence obtained by competent national bodies or expert institutions or individual experts.

(6) The court may use as evidence also the fact established by a final verdict brought in another procedure before the ICTY.

Article 28

(1) The final verdict upon a case deferred from the ICTY is communicated by the court which has brought it to the ICTY not later than a month from the date it was brought.

(2) The Supreme Court of the Republic of Macedonia submits to the ICTY any decision by which the final verdict is changed into one more favourable for the sentenced person.

(3) The Minister of Justice shall inform the ICTY on any act of amnesty or pardon for the sentenced person, not later than within 30 days from date of their adoption.

VI. OTHER FORMS OF COOPERATION AND ASSISTANCE

Article 29

(1) The competent courts in the Republic of Macedonia shall, upon a motion by the Prosecutor of the ICTY, undertake all investigative procedures pursuant to the Criminal Procedure Code. Representatives of the Prosecutor of the ICTY or of
ICTY may be present during the course of these procedures, ask questions and make proposals.

(2) The investigating procedures of paragraph 1 of this Article may be undertaken on the territory of the Republic of Macedonia also by persons authorized by the Prosecutor of the ICTY and ICTY.

(3) The Minister of Justice provides for full cooperation of all state bodies and organizations which have public powers, for undertaking of the investigative procedures by the Prosecutor of the ICTY and ICTY.

Article 30

(1) The competent bodies of the Republic of Macedonia shall undertake all necessary measures pursuant to the Criminal Procedure Code to secure the presence of the persons which are found in the Republic of Macedonia, and who are summoned to the Office of the Prosecutor of the ICTY as witnesses or experts.

(2) If the persons mentioned in paragraph 1 of this Article leave the territory of the Republic of Macedonia in order to appear before the ICTY, this must not in any way influence their legal status and rights after their return to the territory of the Republic of Macedonia.

Article 31

(1) Competent bodies of the Republic of Macedonia which have databases which are available for free access shall provide to the ICTY, upon its request, personal and other information on the person against whom a procedure is running before the ICTY.

(2) Other information which is classified is presented for examination after previously obtained permission for access, pursuant to the Law on Classified Information. The Minister of Justice processes the motions of the ICTY to request securing of data.

Article 32

If in the course of performance of its duties, the Ministry of the Interior or other state bodies receive information or documents which indicate a criminal offence which falls within the competence of the ICTY has been committed, they shall immediately inform the Office of the Public Prosecutor General of the Republic of Macedonia which shall immediately inform the ICTY.

VII. IMMUNITY AND FREE CROSSING ACROSS THE TERRITORY OF THE REPUBLIC OF MACEDONIA
Article 33

(1) The competent state bodies, upon a motion by the Prosecutor of the ICTY or the ICTY shall provide for free crossing of persons who travel through the territory of the Republic of Macedonia.

(2) The Minister of Justice grants the free crossing across the territory of the Republic of Macedonia to persons mentioned in paragraph 1 of this Article. If it is needed, such crossing will be escorted and guarded by the Ministry of the Interior.

Article 34

(1) The judges of the ICTY, the Prosecutor of the ICTY and the Registrar enjoy privileges and immunity that are granted to diplomatic representatives pursuant to the international law.

(2) Other authorized representatives of the ICTY, of the Prosecutor of the ICTY and of the Registrar, which are present at the territory of the Republic of Macedonia or which undertake actions there pursuant to the provisions of this Law, enjoy the privileges and immunity stipulated in Article 6, item 22 of the Convention on the Privileges and Immunities of the United Nations of 13 February 1946, as officers of the UN, unless it has been agreed otherwise between the Republic of Macedonia and the ICTY.

VIII. ENFORCEMENT OF SANCTIONS

Article 35

(1) The final verdict of the ICTY may be enforced in the Republic of Macedonia. The Minister of Justice, pursuant to Article 27 of The Statute of the ICTY may inform the United Nations Security Council and the ICTY about the preparedness of the Republic of Macedonia to enforce the verdicts brought by the ICTY.

(2) Authorized officers of the ICTY shall be provided with an adequate way to monitor the enforcement of the criminal sanctions.

(3) When, pursuant to the legislation of the Republic of Macedonia the conditions for pardon, reduction of sentence or parole of the person serving a sentence on the basis of an ICTY verdict are met, the Minister of Justice shall inform the ICTY on that.

IX. CONFISCATION OF PROPERTY AND PROCEEDS OF CRIME, SEIZURE OF OBJECTS AND COMPENSATION OF DAMAGE

Article 36

The competent court in the Republic of Macedonia enforces the ICTY verdict with regards to confiscation of property of proceeds of crime and seizure of objects.
Article 37

(1) The requests for compensation of damage which are based on the procedure before the ICTY on which the ICTY is not deciding, are decided by the competent court in the Republic of Macedonia.

(2) The competent court in the Republic of Macedonia, when deciding on the property claim, is bound by the ICTY verdict.

(3) If the ICTY decides on the property claim, the decision is binding for the Republic of Macedonia and is enforced pursuant to the applicable regulations.

X. EXPENSES

Article 38

All expenses incurred in the course of the procedure pursuant to this Law are considered as expenses of the criminal procedure, which, pursuant to the Criminal Procedure Code are borne by the Budget of the Republic of Macedonia, with the exception of the expenses incurred directly by the ICTY or the Prosecutor of the ICTY and other expenses that they decide to bear.

XI. TRANSITIONAL AND FINAL PROVISIONS

Article 39

(1) The competent public prosecutor’s offices and the courts which are trying the cases shall inform the ICTY on all cases which fall within the competence of the ICTY and the processing of which has commenced, within three days from the date of entry into force of this law, pursuant to the provisions of this law and until the response from the ICTY with regards to the cases undertake only the activities which are under risk if a delay occurs.

(2) The competent public prosecutor’s offices and the competent courts, after the deferral of the cases of paragraph 1 of this Article will issue a decision concluding that the cases have been deferred to the competence of the ICTY.

Article 40

This Law enters into force on the eight day from the date of its publication in the "Official Gazette of the Republic of Macedonia".