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Agenda item 6

Universal periodic review

Report of the Working Group on the Universal Periodic Review*

North Macedonia

Addendum

**Views on conclusions and/or recommendations, voluntary commitments
and replies presented by the State under review**

* The present document was not edited before being sent to the United Nations translation services.



Views of the Republic of North Macedonia on the recommendations received during the interactive dialogue in the third UPR cycle held on 24 January 2019

1. In this document, the Republic of North Macedonia submits its views on the recommendations made in the course of its third cycle of the Universal Periodic Review on 24 January 2019.

2. On a general note, most of the accepted recommendations are being implemented, some have already been implemented and a number of them are yet to be implemented.

3. All the recommendations enjoy the support of the Republic of North Macedonia with the exception of recommendations no. 104.4 and 104.86.

104.1. Accepted.

104.2. Accepted.

104.3. Accepted.

104.4. Noted.

Taking into account that the subject-matter of this Convention are tribal peoples in independent countries whose social, cultural and economic conditions differ from other parts of the community and whose status is wholly or partially regulated by traditions, specific laws or regulations, and peoples in independent countries who are considered indigenous because of their background and who, regardless of their legal status, retain some or all of their own social, economic, cultural and political institutions, and given the fact that there are no such groups in the Republic of North Macedonia, we consider it is not the priority of North Macedonia to ratify this convention.

104.5. Accepted.

104.6. Accepted.

The difference between this and the 104.4 recommendation is that 104.4 explicitly recommends ratification of the ILO Convention, what is not acceptable at the moment, while this recommendation requests North Macedonia to consider the issue of ratification.

104.7. Accepted.

104.8. Accepted/ratified.

104.9. Accepted.

104.10. Accepted.

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- 104.22. Accepted.
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- 104.25. Accepted.
- 104.26. Accepted.
- 104.27. Accepted/implemented.
- 104.28. Accepted.
- 104.29. Accepted.
- 104.30. Accepted/implemented.
- 104.31. Accepted/implemented.
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- 104.84. Accepted.
- 104.85. Accepted.
- 104.86. Noted.

On 7 March 2002 the Assembly adopted the Law on Amnesty ("Official Gazette" No. 18/2002).

Article 1 paragraph 1 of the Law stipulates that: "citizens of the Republic of Macedonia, persons with legal residence, as well as persons who have property or family in the Republic of Macedonia (hereinafter referred to as: persons) for which there is a reasonable doubt that they have prepared or committed crimes related to the conflict in 2001, as of September 26, 2001, by this Law shall be exempted from prosecution, criminal proceedings shall be stopped and (they) shall be completely exempt from the execution of the sentence of imprisonment".

Further, Article 1, paragraph 4 of the Law, determines that "the amnesty does not apply to persons who have committed crimes related to the 2001 conflict, which are in the competence and for which the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of the International humanitarian law in the territory of the former Yugoslavia since 1991 will initiate proceedings.

Furthermore, on 19 July 2011, the Assembly adopted an "Authentic Interpretation of Article 1 of the Amnesty Law" (Official Gazette No. 99/2011).

In the last paragraph of the above mentioned Authentic Interpretation it is provided that "Article 1 of the Amnesty Law should be interpreted so that the amnesty applies to all perpetrators of criminal acts related to the conflict in 2001, as

of September 26, 2001 except for persons who committed crimes related to the 2001 conflict and against whom the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law on the territory of the former Yugoslavia since 1991, initiated proceedings”.

In 2008 the ICTY transferred four cases related to alleged crimes during the 2001 conflict but the proceedings by the authorized national courts for these cases were halted, shortly after the above mentioned Authentic Interpretation of Article 1 was adopted by the Assembly.

- 104.87. Accepted.
- 104.88. Accepted.
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