ELIGIBILITY OF PRECAUTION MEASURES FROM THE INFLUENCE OF BASIC PRINCIPLES OF CRIMINAL PROCEDURE - ADVANTAGES AND DISADVANTAGES OF THE SECURITY MEASURES RELATED TO THE DETENTION -

Nikola Tuntevski
Faculty of Law Kicevo, University "St. Kliment Ohridski "- Bitola, Republic of Macedonia
niktun@t.mk

Abstract: The need for a fair trial is the fundamental goal of every society. This is most evident in the preliminary procedure, when the suspect faces restrictions and suspension of his freedoms and rights, although his guilt has not yet been determined by a final court verdict. Therefore, the dilemma is posed - how to preserve his assumed innocence, while at the same time ensuring his presence in all stages of the criminal procedure. Instead of requesting the decision to determine the detention measure, the same goal can be achieved with greater use of precautionary measures, such as: 1. prohibition of leaving the dwelling, that is, the place of residence; 2. obligation of the defendant to appear occasionally to a certain official person or to a competent state body; 3. temporary seizure of a road or other document for crossing the state border, ie ban on its issuance and others. They can achieve the same effects, without the negative effects that detention has on human rights and freedoms.
Keywords: principles of criminal procedure, precautionary measures, detention.

1. INTRODUCTION

The presumption of innocence of any person charged with a committed crime is one of the fundamental and essential principles that must be observed throughout the entire criminal procedure. On the other hand, the presence of the defendant in the further proceedings is a prerequisite for its smooth implementation. How to resolve such a contradiction, while respecting the freedoms and rights of the accused in the proceedings.

The Law on Criminal Procedure of the Republic of Macedonia from 2010 provides positive solutions in that direction and is compatible with the European Convention on Human Rights from 1997 and the relevant laws in other countries. But the key question is how to incorporate internationally validated standards in its application in practice, because in most of the reports of relevant international institutions, the Republic of Macedonia and its judiciary are criticized for the frequent and unjustified pronouncement of the detention measure of the defendants without to be based on convincing and consistent bases.

Therefore, the basic intention of this paper is to point out the need for greater application of the principle of proportionality in determining the measures for securing the presence of persons in the criminal procedure, that is, not to impose more severe measures, such as detention, if the same effect can to be achieved with milder measures, such as precautionary measures and bail.

2. ANALYSIS OF THE MEASURE OF DETENTION IN THE CONTEXT OF THE FUNDAMENTAL FREEDOMS AND RIGHTS OF THE INDIVIDUAL AND THE CITIZEN AND THE WRITEN AND UNWRITEN PRINCIPLES IN THE CRIMINAL PROCEDURE

According to the Committee of Ministers of the Council of Europe, "... detention signifies the time at which a suspected person is imprisoned on the basis of a court decision, prior to the adoption of the verdict ... and the time of imprisonment after the conviction, when the persons expect the pronouncement of punishment or confirmation of conviction or sentence, whereby they are still treated as *non-convicted persons*. [255]On the other hand, under Article 5 of the European Convention for the Protection of Human Rights and Fundamental Freedoms, everyone has the right to liberty and security of the person and no one may be deprived of his liberty except in cases and procedures prescribed by law. In paragraph 1, point (c) of this article, the deprivation of liberty of the suspected person for whom there is reasonable suspicion that he has committed a criminal offense is lawfully considered. In Article 6 paragraph 2 states that anyone charged with a criminal offense is presumed innocent until his guilt is proved legally.

[255] *Recommendation 13 of the Committee of Ministers to States Parties* on the use of detention, adopted on 27 September 2006. Proceedings of Conventions, Recommendations and Resolutions on Penitentiary Issues, Strasbourg 2007, available at www.pravda.gov.mk/UIS/Zbirka.pdf

[256] These and other acts have created legal guarantees for the protection of individual freedom of the individual, that is, they prohibit any form of arbitrary arrest, detention, imprisonment or other measures that deprive human freedom.

The Republic of Macedonia ratifies the said international acts and implements its provisions in its national legislation. The Constitution in Article 12 (amended by Constitutional Amendment III) establishes that the freedom of the person is inviolable and it cannot be restricted to anyone except with a court decision and in cases and procedure established by law.[257] Accordingly, the Law on Criminal Procedure in Article 3, paragraph 1 prescribes that the freedoms and rights of the defendant and other persons may be limited even before a final verdict is reached, only under the conditions provided for in the Constitution of the Republic of Macedonia and the international agreements ratified in accordance with the Constitution ... (but) it is in proportion to the gravity of the crime and the degree of suspicion of that offense. [258]

Despite such constitutional and legal guarantees for the freedoms and rights of defendants in the criminal procedure, a number of judgments of the European Court of Human Rights point to numerous shortcomings in the determination of the detention measure by the courts in the Republic of Macedonia. In some of them, the European Court considers that the *principle of the presumption of innocence* of the defendant was not respected, while in others it was stated that the competent courts in the Republic of Macedonia in the decision for detention did not provide sufficient arguments - why they did not determine alternative measures of detention. In the same context is the criticism of the so-called. a collective approach in the case of the detention of several defendants in the same case, whereby the courts used the same formulation in the decisions as reasons for detention (danger of escape, danger of repeating the crime or danger of influence on the investigative procedure), without pay attention to the individual circumstances for each particular case and for each person.[259] Referring the courts to an abstract and presumed "*proportionality*" with the offense and its perpetrator is contrary to Article 5 § 3, and the detention orders, using an identical formulation without taking into account individual circumstances, is incompatible with Article 5 § 4 of European Convention.[260] For these reasons, the courts must seek real and immediate threats to the smooth conduct of the criminal procedure and be confirmed by concrete and appropriate evidence.

Moreover, in the judicial practice in the Republic of Macedonia, the application of principles, which do not exist in the Constitution and the laws, is present. One of them is so-called. the *principle of the roots*, according to which defendants who are married and with a family, in permanent employment, with income, movable and immovable property in the country, with savings deposits in domestic banks etc. are perceived as persons who should not they are being detained, because they have "roots" that tie them to the environment in which they live and they are less likely to escape.[261] Similar to the previous one is the *principle of social reputation*, the indicators of which are wealth, social status, level of education, workplace, reputation in the environment, etc., which can lead to bias of judges. But there is also a *principle of inverted bias*, that is, a negative attitude of the public towards the defendants who are more complex (often judged by the judges when making their decisions), based on the discourse that "no one is above the law". That means being rich is a "two-blade knife", especially when there is a negative media campaign against the defendant.

---

[256] *European Convention for the Protection of Human Rights and Freedoms*, Rome 1950 and Protocols Nos. 11 and 14 with Protocols Nos. 1, 4, 6, 7, 12 and 13, Law on Ratification of the Convention and its Protocols, Official Gazette of the Republic of Macedonia No. 11 / 97, www.echr.coe.int/Documents/Convention_MKD.pdf

[257] *Constitution of the Republic of Macedonia*, Official Gazette No. 52/91 and its amendments, Official Gazette No. 01/92, 31/98, 91/01, 84/03, 107/05, 03/09, 13/09 and 49/11

[258] *Law on Criminal Procedure*, Official Gazette of the Republic of Macedonia No. 150/10 and its amendments and supplements, Official Gazette No. 51/11, 100/12 and 142/16

[259] *The Court's case-law of the European Court of Human Rights in relation to Macedonia by the end of 2015*, See the judgment of the European Court of Human Rights "Vasilkoski and Others v. Macedonia" of 28 October 2010, the AIRE Center in cooperation with the Bureau for Representation of the Republic of Macedonia in front of the European Court of Human Rights, assisted by the UK Foreign Office

[260] See the verdict "Miladinov and Others v. Macedonia" of 24 April 2014. Ibid.

[261] Buzarovska Gordana, Nikolovska C. Margarita, Miftari Agim and Nicha Jani, *Handbook for the application of detention*, Association of Judges of the Republic of Macedonia, 2009.

For all these reasons, the competent courts should determine detention against the accused only by exception and when necessary.[262]

3. "LEGAL CULTURE" IN SOCIETY AND PRACTICAL APPLICATION OF DETENTION MEASURE

According to Article 2 paragraph 2 of the Law on Criminal Procedure, the state bodies, the media and other entities are obliged to respect the principle of presumption of innocence. This means that they, with their public statements about the ongoing procedure, must not violate the rights of the defendant and the injured party, as well as judicial independence and impartiality. This protection is necessary because of the fairness of the procedure and freedom of judges in their decision-making. But this is possible only in conditions of a real legal culture in the society.

Legal culture represents a certain way of thinking, acting and behavior of state bodies, the media and citizens in accordance with the laws and their practical application in a society. It is impossible to imagine enacting or changing laws, and even less their application without proper public support for them. But it is also impossible to imagine such support without proper legal culture in society. It is precisely this, and not the very law, that gives the legitimacy to the entities that act in the criminal procedure. It is a set of informal rules and procedures that are deeply rooted in the legal apparatus and affect the results of the case.

Most public prosecutors and judges have the opinion that they only apply the regulations. This is a "legal culture" from the point of view of their views, in which they want to minimize responsibility for the consequences of their decisions. But they seem to forget the *principle of free assessment of the evidence* provided for in Article 16 paragraph 1 of the Law on Criminal Procedure according to which the court and state bodies participating in the criminal procedure have the right to assess the existence or non-existence of the facts, is bound or limited by special proven formal rules.[263] But there is no evidence as to whether there is a criminal offense, but evidence that there are some of the grounds for detention, referred to in Article 165 paragraph 1 of the Law on Criminal Procedure, i.e. whether its non-enforcement will hinder the further course of the proceedings. And of course, to explain in detail the reasons for such a decision.

According to the annual report of the State Public Prosecutor's Office, the measure of detention in the Republic of Macedonia in 2014 was applied against 504 persons, while in the Primary Public Prosecutor's Office for Prosecution of Organized Crime and Corruption in the same year the Prosecutor's Office submitted proposals for determining the detention measure for a total of 251 people, all of whom were accepted by the court without exception. Apart from the measure of detention and house arrest (which was determined only for three persons), other attendance measures are not mentioned at all in this report.[264] In 2015, the measure of detention in the Republic of Macedonia was applied against 370 people, which compared to 2014 represents a decrease of 25.2%. In addition, it is stated that from the total number of criminal cases in 2015, the courts determined the measure of detention in "only" 1.7% of cases. It thus seeks to give the impression that the number of detainees is reduced and that their percentage in relation to all persons for whom an order was issued for conducting an investigative procedure is "insignificantly small". But this data cannot be taken for granted, since this report again does not provide information on whether and how many proposals for detention were rejected by the courts and whether the prosecution offices have proposed other presence measures, which again leads to the conclusion that all proposals for detention were accepted. At the end, this prosecution states that the detention was proposed "... justified only in cases where it cannot be ensured that the criminal proceedings can be continued in another way". But comparative data are not given for this conclusion. According to the same report, upon the proposal of the Public Prosecutor's Office for Prosecution of Organized Crime and Corruption, a total of 228 persons were detained by a competent court, of which 5 house detention was determined, and again it can be concluded that all their proposals for detention were accepted. As a special curiosity, mention is made of the fact that in 2015 about 30 persons were prescribed

[262] Stephanopoulos Georgia, *Public Protection from Dangerous Criminals in Europe*. The United Nations Human Rights Committee says that detention should be used only to the extent that it is lawful, reasonable, and indispensable when the person concerned is a clear and serious threat to society that cannot be removed in any other way. The United Nations has also adopted the so-called minimum rules for the application of detention (Tokyo Rules), under which this measure is used as a last resort, Issue 5, March 2013, www.theartofcrime.gr.

[263] *Law on Criminal Procedure*, Ibid.

[264] *Report on the work of the Public Prosecutor's Offices of the Republic of Macedonia for 2014,* Skopje, June 2015

precautionary measures.[265] This data, in a way, confirms the reports of some domestic and international sources, according to which the courts in our country accepted as much as 99% of the requests of the prosecution offices for detention.[266]

The courts justify this predominantly uncritical attitude to the prosecution's proposals with the "security" of the detention measure in relation to the reasons for which it was determined. Although such an argument is not for neglect, is it only the "security" that is the reason for domination of this measure in relation to other measures for securing the presence of persons in the criminal procedure?! Certainly not. According to the "legal culture" of the competent institutions, and much more to the governing structures in our society, detention has a useful demonstration effect. According to them, this shows that the system functions and that institutions successfully deal with organized crime. But if selectivity is added to the determination of this measure for certain defendants, then the real demonstration effect of the detention, such as retaliation against the "enemies", and the effect of warning against all other (potential opponents), comes to light.

By doing so, instead of getting the right place according to the Constitution and the laws in our country, and this is a measure (last and exceptional) for securing the presence of persons in the procedure, the detention in our "legal culture" is perceived as "punishment before the punishment ", or rather as punishment before a trial. On the other hand, the detainees are held in too many cases for too long, after which many of them with a final decision of the court to be released from guilt or sentenced to a prison sentence, which is much shorter than the detention that was determined for them. The Committee of Ministers of the Council of Europe, in its recommendation, advocates that the duration of the detention be kept to a minimum in accordance with the interests of justice and recommends the widest possible use of alternative measures.[267]

4. ADVANTAGES AND DISADVANTEGES OF THE PRECAUTIONARY MEASURES REGARDING THE DETENTION MEASURE

According to Article 146 paragraph 1 of the Law on Criminal Procedure, in order to ensure the presence of persons and for the smooth conduct of the criminal procedure, the court may determine the following precautionary measures:

1) A ban on leaving the dwelling, that is, the place of residence;
2) Obligation of the defendant to report to a certain official person or to a competent state body;
3) Temporary seizure of a road or other document for crossing the state border, i.e. ban on its issuance;
4) Temporary seizure of driver's license, i.e. ban on its issuance;
5) Prohibition to visit a certain place or area;
6) Prohibition of approximation, establishment or maintenance of contacts or connections with certain persons;
7) Prohibition of taking certain work related to the crime.

As can be noted, these measures limit certain human freedoms and rights, and the degree of their security in ensuring the presence of persons in the criminal procedure in them is much lower in terms of detention. Therefore, according to the new role of the prosecution and the court, it is necessary to have an obligation to review them on a proposal by the prosecutor every two months during the previous procedure, and the obligation remains that the court ex officio should review the application of the determined measure during the main hearing. But the problem is that there are still possible troubles in their implementation. Whether and how much police or other authorities authorized to oversee their application can do so?! Although the person may not leave his place of residence, or does not maintain contacts with other persons (potential witnesses, victims, etc.), this may interfere with the investigation or influence witnesses, through the mediation of other persons (associates, relatives or lawyers) or to arrange the completion of a committed criminal act or the commission of a new criminal offense.

---

[265] *Report on the work of the Public Prosecutor's Offices of the Republic of Macedonia for 2015*, Skopje, June 2016, We note that a report has not yet been submitted and adopted by the Public Prosecutor's Office for 2016

[266] US State Department, Bureau for Democracy, Human Rights and Labor, *Annual report on the human rights situation for 2016*, p. 8, and https: //mk.usembassy.gov/wp ... / 04 / hrr2016 _macedonia_mk.pdf. According to the Helsinki Committee for Human Rights, in 2014, 99% of the proposals for detention from the Basic Public Prosecution Offices were accepted by the courts.
Stojanovski Voislav, Chalovska Neda, *Analysis of monitored court proceedings for the period from 01.09.2013 to 30.06.2014*, Helsinki Committee for Human Rights of the Republic of Macedonia, Skopje, 2014

[267] *Recommendation 13* of the Committee of Ministers to member states on the use of detention, ibid

But in spite of such shortcomings, they are more acceptable to the defendants, since their freedom is not deprived of them, as is the case with detention, but only limited to them. For this reason, the precautionary measures are more in line with the principle of proportionality in relation to the detention measure, because they limit the defendant's freedom only to the extent necessary for the smooth conduct of the criminal procedure, not for prejudging their guilt, for pressures against them or for their "punishment" (more precisely revenge) before any punishment with a final verdict. Moreover, the way in which they are carried out much more precludes the presumption of innocence of the defendants, both in themselves and the public. Defendants have no feeling that they are unjustly punished, but that they should abide by the obligations determined by the decision; and the environment does not see them as "convicted" persons.

Another advantage of these measures in terms of detention is the possibility of their longer duration without major consequences for the rights of the defendants. While time limits are prescribed for the duration of detention, precautionary measures may last as long as there is a need, and the only limitation occurs with the validity of the judgment. Moreover, their duration at no stage of the criminal procedure does not bind to the criminal offense and the amount of the sentence prescribed for that crime, which is more acceptable from the aspect of the principle of presumption of innocence. The competent court is obliged to review the need for their duration every two months and can abolish them if the need ceases or if there are no longer any legal grounds for their application. The competent court may at any time order a review of the enforcement of the precautionary measures and request a report from the police or other competent authority that executes these measures. If the defendant acts contrary to the decision of the court with which the precautionary measure has been determined, the competent authority that implements their enforcement is obliged to inform the court immediately. If another person violates the precautionary measures against the defendant, the competent authority shall prohibit its activities by a special decision. If the person acts contrary to the decision, he shall be punished with a fine. Thus, they do not bind to detention, so that the competent court can determine another measure for securing the presence if the defendant does not abide by the already determined measure, thus giving the court the opportunity, in the circumstances of the case, to assess which measure he shall determine the presence, and not be obliged to make a detention. Also, the general provision of Article 144 paragraph 2 of the Law on Criminal Procedure, that the court can determine several measures at the same time, can be applied to precautionary measures. While the measure of detention, due to its isolation character, such combinations are meaningless and impossible.

And finally, precautionary measures are more favorable than detention from the aspect of saving money that the state is obliged to pay to the person who is unlawfully deprived of liberty or detained.

But despite these advantages, the statistical indicators presented above show that precautionary measures are proposed and determined in a very small number of cases. Therefore prosecutors and courts must be encouraged in their greater use, than in the case of detention, since the same objectives are achieved in the criminal procedure, while respecting the freedoms and rights of the accused in it.

5. CONCLUSIONS AND RECOMMENDATIONS

Despite the positive changes in the field of criminal procedure, with the adoption of a new law for its implementation, the functioning of the justice system in the Republic of Macedonia is facing numerous problems. Some of the domestic and international reports on the human rights situation point to the dependence of the judiciary on the executive and political parties. Instead of being a correction of power and the negative social conditions, the judiciary is pointed out as one of the obstacles to the rule of law. This causes adverse consequences, primarily for parties directly affected by court decisions; but also creates a generally poor picture of the Republic of Macedonia.

This can be concluded, inter alia, through the frequency and extent of detention in relation to other measures to ensure the presence of persons in the criminal procedure. In our "legal culture", the determination of detention is more in the direction of someone's "punishment" (more precisely revenge or discipline) than a measure in the interest of the procedure. While precautionary measures are still perceived as a "privilege" for defendants who do not correspond to the crime committed. It also neglects the fact that neither the pre-trial detention is "punishment" nor the precautionary measures are "reward"; but that both are measures to ensure the presence of persons in the procedure, for which their guilt has not yet been established. And nothing more or less. In that, the application of one or the other measures should depend exclusively on the needs for the smooth running of the procedure, and none of the other criteria. Unfortunately, in societies with inadequate civil and legal awareness, such as ours, the government, political parties or other centers of power (economic, criminal), the media, the non-governmental sector and the public (scientific, general), still have a major influence on the decisions the courts and the prosecutor's

offices on what kind of proposal they will submit and what decision they will make, that is, the practice prevents the violation of the principle of presumption of innocence.

In order to overcome such deficiencies, the following measures should be taken:

- The competent institutions to abide by Article 5 of the European Convention for the Protection of Human Rights and Recommendation 13 of the Committee of Ministers of the Council of Europe in determining the detention measure,
- Respecting the constitutional and legal principles relating to the criminal procedure, in proposing and determining not only the measure of detention, but also all other measures for ensuring the presence of persons and for the smooth running of the procedure;
- The measure of detention should not be determined frequently and indiscriminately, but as an exception, in accordance with the principle "from lower to higher" (from a milder to a more stringent measure)
- In the decisions determining the detention measure, the courts should enter more precise descriptions and arguments, explaining the reason for this and specifying in particular the reasons why the same objective could not be achieved with a milder measure of presence, as recommended by the European Court for human rights. This will avoid the adoption of stereotypical solutions and will achieve greater individualization in the determination of these measures, depending on the crime and the defendant. In this context, the practice of bringing collective decisions on detention should cease,
- To stop the court practice of extending detention by which it becomes "punishment" and its duration reduced to the time necessary and necessary to achieve the objectives of the procedure, and at least depend on the gravity of the alleged criminal offense and the amount of the expected punishment, as provided for in Article 164 paragraph 3 of the Law on Criminal Procedure,
- In addition to the existing multistage in the procedure to introduce additional probation mechanisms that would establish increased control and monitoring of the application of the detention measure,
- Abandoning the judicial practice of determining the measure of detention under pressure, especially in cases where the centers of power and the public show a special interest, since then the detention is perceived as a sanction, reprisal or pressure on the defendants and violates the principle of presumption of innocence,
- Through appropriate trainings, recommendations and campaigns, and with increased interaction between the government, the non-governmental sector and the media, raise awareness among public prosecutors and judges about the advantages of precautionary measures in relation to the detention measure in terms of greater respect for human freedoms and rights; to encourage more frequent suggestions, i.e. the determination of other measures that would be an alternative to the detention measure,
- Modernization of existing ones and introduction of new measures, such as electronic surveillance, referred to by Recommendation No. 13 of the Committee of Ministers of the Council of Europe, obligation to attend treatments for withdrawal from addiction or aggression; "Halfway houses" as ways to provide help and group re-socialization, and the like,
- Change the relationship between the justice system and the media in the direction of creating communication mechanisms between them or reorganizing the existing mechanisms, so that all information on the administration of justice is clear and timely accessible to the public,
- In the direction of greater democratization of the society, it is necessary to revive the increased interaction between the governmental activities and the civil sector, since the NGOs and other civil society organizations involved in the oversight of the judicial system should monitor and report on the need and the degree of determination of these pre-trial measures as an exceptional and last resort,

The comparative analysis and the aforementioned proposals and suggestions for the improvement of the procedural rights of the accused, tend to create such a criminal procedure in which his freedom will be a rule, and its limitation will be an exception only. This paper seeks to show that the main problem in the use of detention and other measures to ensure the presence of persons is not in the legal standards that need to be supplemented or improved, but rather due to factors affecting the impartiality that prosecutors must show in the request, but also judges in pronouncing precautionary measures. Laws may and should be improved, but practice itself is the one that undermines the proper use of pre-trial measures.

Although detention will always remain as a "necessary evil" to ensure the presence of persons in the proceedings, the society must strive to establish a balanced relationship between the reaction against dangerous offenders and the safety of citizens on the one hand, the freedom and rights of defendants in the criminal procedure on the other. Although the new legal changes in the criminal procedure in the Republic of Macedonia are a good basis in that direction, however, according to Titus Livius's statement that "Legum Corector Usus" is a must, a continuous

process of control over the actions of the entities who propose and determine these measures according to the principle that "nothing is so good that it cannot be better". Thus, the very legal order and the freedoms and rights of the defendants and other affected persons in the criminal procedure will be elevated to a higher level.

REFERENCES

[1] *Constitution of the Republic of Macedonia*, Official Gazette of the Republic of Macedonia No. 52/91 and its amendments published in the Official Gazette no.01 / 92, 31/98, 91/01, 84/03, 107/05, 03/09, 13/09 and 49/11
[2] *European Convention for the Protection of Human Rights and Freedoms*, Rome 1950 and Protocols Nos. 11 and 14 with Protocols Nos. 1, 4, 6, 7, 12 and 13, Law on Ratification of the Convention and its Protocols from the Republic of Macedonia, 11/97. www.echr.coe.int/Documents/Convention_MKD.pdf
[3] *Law on Criminal Procedure*, Official Gazette of the Republic of Macedonia No. 150/10 and its amendments and supplements published in Official Gazette No. 51/11, 100/12 and 142/16
[4] *Recommendation Rec (2006) 13 of the Committee of Ministers to member states* on the use of detention, conditions of detention and provision of guarantees against abuse (adopted by the Committee of Ministers on 27 September 2006 at the 974th meeting of the Ministers' Deputies). Proceedings of Conventions, Recommendations and Resolutions on Penitentiary Issues, Strasbourg 2007, www.pravda.Gov. Mk /UIS/Zbirka.pdf rm.coe.int/doc/ 09000016807082a2
[5] *Report on the work of the Public Prosecutor's Offices of the Republic of Macedonia for 2014*, June 2015
[6] *Report on the work of the Public Prosecutor's Offices of the Republic of Macedonia for 2015*, June 2016.
[7] Buzarovska Gordana, Nikolovska C. Margarita, Miftari Agim and Nicha Jani, *Handbook for the application of detention*, Association of Judges of the Republic of Macedonia, 2009.
[8] Stojanovski Voislav, Chalovska Neda, *Analysis of monitored court proceedings for the period from 01.09.2013 to 30.06.2014*, Helsinki Committee for Human Rights of the Republic of Macedonia, Skopje, 2014
[9] Stephanopoulos Georgia Public Protection from Dangerous Criminals in Europe. Issue 5, March 2013, www.theartofcrime.gr.
[10] *The Court practice of the European Court of Human Rights in relation to Macedonia* by the end of 2015 - AIRE (Advice on Individual Rights in Europe) Center developed in cooperation with the government agent and the Bureau for representation of the Republic of Macedonia before the European Court of Human Rights.
[11] US State Department, Bureau for Democracy, Human Rights and Labor, *Annual report on the human rights situation for 2016*, p. 8, https://mk.usembassy.gov/wp.../04/hrr2016_macedonia_mk.pdf