

423.

In accordance with Article 75, Paragraph 1 and 2 from the Constitution of the Republic of Macedonia, the President of the Republic of Macedonia and the President of the Parliament of the Republic of Macedonia issue this

D E C R E E
ON PROCLAIMING THE LAW ON INTERNAL AFFAIRS

The Law on Internal Affairs was proclaimed on the session held on 29th March 1995 by the Assembly of the Republic of Macedonia.

No.: 08-1292/1
29th March 1995
Skopje

President of
the Republic of Macedonia
Kiro Gligoro.

President of the Assembly
of the Republic of Macedonia
Stojan Andov

L A W
ON INTERNAL AFFAIRS

I GENERAL PROVISIONS

Article 1

For the purpose of this law, internal affairs shall refer to:

- protection of life, personal security and protection of citizen's property;
- crime prevention, detection and seizure of perpetrators and their handing over to competent bodies;
- protection of human rights and freedoms of citizens guaranteed by the Constitution;
- prevention of forceful destruction of democratic institutions established by the Constitution of the Republic of Macedonia;
- maintenance of public order and peace;
- prevention of exciting national, racial and religious hatred and intolerance;
- securing specific persons and buildings;
- regulating and controlling traffic on roads and other matters related to traffic safety on roads;
- control over national border crossing, movements and staying within border areas;
- residence and movement of foreigners;
- determining and resolving border incidents and other violations of national borders;
- placing, controlling and maintaining the insignia that mark the border areas on land and on water;
- protection from fire and explosives;
- controlling the conditions related to manufacturing, sale, supply, possession and carrying arms, parts of arms and ammunition;
- manufacturing, sale, storage, shipment and protection from explosive and other dangerous substances

- a. d storage and protection from flammable liquids and gases;
- control over the registration of residence and dwellings of citizens;
 - providing assistance in eliminating consequences caused by natural disasters and epidemics that could threaten the life and health of citizens or their property;
 - research and development from the field of its competence;
 - other matters stipulated by the law.

Article 2

The internal affairs from Article 1 of this Law shall be undertaken by the Ministry of Internal Affairs (hereinafter referred to as: Ministry) and the Directorate for Security and Intelligence as a body within the Ministry.

Article 3

The citizens, enterprises and other legal persons and administrative bodies shall enable the Ministry to undertake matters within its competence in an orderly manner.

The Ministry, within its competence, shall extend professional assistance to citizens, enterprises and other legal persons and administrative bodies in fulfilling regulated rights and obligations, protection of life and personal security of the citizens and their property.

Article 4

The Ministry shall extend professional assistance to enterprises and other legal persons and administrative bodies in matters of physical and technical protection, supervise the enforcement of regulations for protection purposes, and evaluate the physical protection skills of the employees in handling weapons.

Article 5

The Ministry shall inform the public on matters of its competence.

The Ministry shall give out information, data and reports on issues from its scope of operation to citizens, enterprises and other legal persons and administrative bodies for which they are directly concerned.

Information, data and reports considered to be State, military, business or official secrets determined by the law or by any other regulation shall not be disclosed.

The information, data and reports referred to in Paragraphs 1 and 2 of this Article shall be disclosed by the Minister of Internal Affairs (hereinafter referred to as: Minister) or the person authorized by him/her.

Article 6

The employees of the Ministry shall perform operations and duties in accordance with the rights, obligations and authorities stipulated by the law and other regulations adopted on the basis of the law.

The employee of the Ministry shall be obliged to carry out the orders of the Minister or the person authorized by the Minister related to the functioning of the Ministry, unless the order constitutes a criminal activity.

Article 7

The employees of the Ministry shall be obliged to protect and preserve the life and property of the citizens when performing their tasks and duties, as well as to respect human rights and freedoms of citizens and to apply, in a regulated manner, only the forceful measures and means determined by this law or any other regulation.

II. SCOPE AND ORGANIZATION OF THE MINISTRY

1. P. lice

Article 8

The operations related to direct maintenance of public order and peace, traffic regulation and control on roads, control over national border crossings, security of lakes as well as other matters laid out in Article 1 of this Law whose nature or conditions require uniformed employees of the Ministry to undertake them, shall be performed by the Police.

The Police shall be the uniformed part of the Ministry who shall be insignia of their rank and shall be armed and equipped.

Article 9

For the purpose of direct performance of police and other internal matters, each municipality shall have at least one Police Station.

Article 10

Police officers can perform the duties listed in Article 8 of this Law in civilian attire when ordered by the direct superior officer or the person authorized by him/her.

When public order and peace shall be violated to a greater extent, the Minister can order other authorized official persons referred to in Article 24, Paragraph 2 of this Law, to perform specific duties in uniforms.

Article 11

For the purpose of protecting the security of the Republic of Macedonia in conditions of war, contingency circumstances or when public order and peace have been violated to a greater extent, the Minister may request from the Police, police recruits, police students older than 18 years, students, persons attending police courses, from the Institution that trains human resources for the needs of the Ministry and from reserve members assigned to the Police, to establish a Police Unit for performing specific duties.

The persons referred to in Paragraph 1 of this Article shall be deemed authorized official persons while they shall be performing the duties for which the Unit was established as stipulated in Article 24, Paragraph 2 of this Law.

2. Criminal Police

Article 12

Crime prevention matters, detecting and catching perpetrators, crime-scene matters, control over residence and visits of foreigners, inspectoral supervision of protection from fire and explosives, as well as other matters listed in Article 1 of this Law, shall be performed by the Criminal Police of the Ministry.

3. Directorate for Security and Intelligence

Article 13

For the purpose of performing activities related to security and intelligence, the Directorate for Security and Intelligence (hereinafter referred to as: Directorate) shall be established as a body of the Ministry.

Security and intelligence, in light of Paragraph 1 of this Article, shall mean activities that pertain to safeguard from espionage, terrorism and other activities directed towards endangering or destroying democratic institutions determined by the Constitution of the Republic of Macedonia with forceful means, as well as protection from severe forms of organized crime.

The Director, who shall be appointed and dismissed by the Government of the Republic of Macedonia, upon the proposal of the Minister, shall run the Directorate for a 4-year term.

Article 14

The Director shall be independent in performing the tasks of the Directorate, and he/she shall answer before the Minister and the Government of the Republic of Macedonia.

Article 15

U. on the proposal of the Director of the Directorate, the Minister shall adopt organizational acts on the structure of working posts within the Directorate for which the Government of the Republic of Macedonia shall give its assent.

The act with the structure of the working posts within the Directorate shall determine the obligations and rights of each working post.

Article 16

In the line of duty, the employees of the Directorate shall have the right to gather data, reports and information within their scope.

The citizens, enterprises and other legal persons shall be obliged to enable the employees of the Directorate to perform their duties in a proper manner.

3.1. S. pervision of the operation of the Directorate

Article 17

The Assembly of the Republic of Macedonia shall supervise the operation of the Directorate through an appropriate Commission (hereinafter referred to as: Commission).

Article 18

The Commission shall submit a report on the work performed to the Assembly of the Republic of Macedonia at least once per year.

Prior to the submission of the report mentioned in Paragraph 1 of this Article, the Commission shall be obliged to submit the report to the Government of the Republic of Macedonia for consultation purposes in light of protecting the confidentiality of specific parts of the report.

Article 19

The Director of the Directorate shall be obliged to enable inspection and to make available all reports and data from the work of the Commission.

The reports and data disclosed on the session of the Commission shall be deemed State Secret.

Article 20

The Assembly of the Republic of Macedonia shall submit the conclusions from the report of the Commission to the Government of the Republic of Macedonia.

III. SPECIAL OBLIGATIONS AND RIGHTS OF THE MINISTRY AND RIGHTS AND DUTIES OF AUTHORIZED PERSONS

Article 21

Employees with special obligations and rights of the Ministry apply regulated means and methods in the performance of activities.

The employees from Paragraph 1 of this Article shall be responsible for the lawful application of these means and methods.

Article 22

In war conditions, the employees of the Ministry shall be mobilized and engaged in combat tasks or any other duties related to the defense and security of the Republic of Macedonia.

In state of war and contingency conditions, the employees of the Ministry shall be obliged to extend assistance in the course of eliminating the consequences caused by natural disasters and epidemics.

A. ticle 23

Upon a rational request of a competent subject for implementing an executive decision adopted by an administrative body, the Ministry shall extend assistance if in the course of implementing the executive decision meets with physical resistance or if such a resistance can be justifiably expected as well as in other cases stipulated by the law.

The request for assistance shall be submitted to the Ministry at least five days prior to the implementation of the executive decision, unless the matter is urgent and immediate.

The Minister, or the person authorized by him/her, shall decide upon the request referred to in Paragraph 1 of this Article and shall notify the requestor in due time.

The requestor shall cover the assistance costs.

Article 24

Employees of the Ministry who have special obligations and rights stipulated by the law shall be authorized official persons.

Authorized official persons, in the light of this law shall be:

- 1) employees of the Police and operational employees;
- 2) employees who perform activities directly linked with police or operational matters;
- 3) the Minister, his/her Deputy, Chief personnel and heads of specific organizational units.

The Act of the structure of the working posts of the Ministry shall determine the posts with special obligations and rights in view of Paragraph 2 of this Article.

Article 25

The Minister shall regulate the procedure and forms for issuance of papers of authorized official persons.

Authorized official persons, as stipulated by the acts regulating special obligations and rights, shall have and carry arms, ammunition and other regulated means and equipment.

Article 26

Authorized official persons shall be obliged to perform the duties under their competence in all circumstances, regardless of whether they are officially working and regardless of whether that duty has been given to them.

Authorized official persons shall be obliged to perform the activities from Paragraph 1 of this Article even when that task is life threatening.

Article 27

Authorized official persons shall have the right to demand identity cards from citizens to determine their identity.

The identity documents may be retained only for the time required to check the identity, after which they shall be returned to the citizen immediately.

If the person shall refuse or if he/she cannot prove his/her identity, that person may be retained for a period required to check his/her identity, but not longer than three hours.

The person retained in view of Paragraph 3 of this Article shall be enabled to prove his/her identity in whatever manner.

Article 28

The authorized official person wearing an uniform shall be obliged to identify himself/herself upon the request of the citizen in the course of performing official duties.

When an authorized official person shall perform official duty in civilian attire, he/she shall be obliged to identify himself/herself.

If, in the course of performing official duty, the authorized official person shall need to enter someone's

. property or premises, he/she shall be obliged to identify himself/herself and present a court order.

Article 29

Authorized official persons of the Ministry shall have the right to retain a person up to 24 hours if that person disturbs or disrupts public order and peace, and if restoring public order and peace, or eliminating the disruption of public order and peace cannot be achieved in another manner, and in cases when the person was delivered by a foreign security body for the purpose of escorting the person to the competent body.

Authorized official persons of the Ministry shall be obliged to disclose the reasons for detaining or arresting a person and to read him/her his/her rights determined by the Constitution and the Law.

Authorized official persons should not expose the arrested person to public curiosity.

The person detained shall have the right to complain to the Minister within 12 hours of the moment of detainment.

The Complaint shall not defer the execution of the decision.

The decision regarding the Complaint shall be adopted and submitted to the detained person within 12 hours of filing the Complaint.

The authorized official person, provided the conditions are right, shall be obliged to inform the family of the detained person within 3 hours as well as the company or the body where he/she is employed, if requested, and to inform the detained person about the reasons for his/her detainment and his/her right to an attorney.

Article 30

For the purpose of preventing crime, detecting and catching perpetrators and finding and securing objects or evidence of crime, authorized official persons shall have the right to close down the access to specific premises or buildings without an approval. These measures shall last until the execution of official activities.

Undertaking the measures specified in Paragraph 1 of this Article can be ordered by the Minister or by the person authorized by the Minister.

Article 31

Authorized official persons, in the course of duty, when using public transport, shall have the right to use public transport free of charge and they shall be insured like the other passengers.

In cases pertaining to Paragraph 1 of this Article, citizens or companies shall not have the right to charge a fee for the service provided to the authorized official person.

Article 32

Authorized official persons, in cases when reasons endanger the security of the Republic, when detecting and catching perpetrators, when protecting the life, personal security or the property of the citizens, when maintaining public order and peace, traffic safety on roads, or when controlling national border crossings, may search vehicles, persons and luggage and may direct movement to a specific place for as long as there is a need for that.

The provisions of Paragraph 1 of this Article shall not include military vehicles.

Article 33

For the purpose of catching a perpetrator when directly pursued, or for transporting a victim of crime, natural disaster or any other accident to the closest medical centre, as well as for the purpose of undertaking other official duties of an urgent nature, the authorized official persons and the employees of the Directorate with special obligations and rights for undertaking official duties of urgent nature, shall have the right to use vehicles and communication means that they come around if they cannot do that otherwise. To use the vehicle of communication means, the owner or the user, shall be issued a document.

The owner, or the user, of the vehicle or of the communication means shall have the right to

compensation for the actual damage caused from the usage of his/her vehicle.

The compensation for the damage inflicted referred to in Paragraph 2 of this Article shall be covered from the budget of the Republic of Macedonia.

Article 34

Authorized official persons may use forceful means regulated by an act of the Government of the Republic of Macedonia for the purpose of restoring disrupted public order and peace to a greater extent, for overcoming resistance from a person disrupting public order and peace or a person who has to be taken in, detained or arrested, for the purpose of rejecting an attack from oneself, from another person or from a building that is being secured, for the purpose of removing a person from a specific place or a person who does not comply with the orders of the authorized official person.

Article 35

An authorized official person shall use firearms if by using other forceful means he/she cannot:

- 1) protect the life of the citizens;
- 2) reject direct life-threatening attack on himself/herself;
- 3) reject attack on a building or person secured;
- 4) prevent the escape of a person caught in the act of committing a crime for which the sentence of at least 5-years imprisonment is provided, as well as to prevent the escape of a person arrested or a person for whom an arrest warrant has been issued for committing such a crime.

Article 36

Authorized official persons who officially perform duties directly under their superior may use forceful means or firearms only if ordered by him/her.

Article 37

Prior to the use of force or firearms in the cases referred to in Articles 34 and 35 of this Law, the authorized official person shall be obliged to warn, in a loud voice, the person for whom he/she shall use forceful means, i.e. firearms.

Article 38

For each specific case, the responsible officer shall directly assess the grounds and justification for using forceful means or firearms.

Article 39

If the forceful means or firearms are used within authorized limits and in compliance with the provisions of Articles 34, 35 and 36 of this Law, the responsibility of the authorized official person who used them shall be excluded as well as the responsibility of the person in charge who ordered use of force and firearms, including the person who, upon the call of the Ministry or the authorized official person extended assistance in the execution of official activities.

Article 40

In the performance of duties related to securing lakes, the police officers shall have the right to stop suspicious vessels, to check the flag, the documents of the ship, to search the vessels, as well as to pursue, seize or deliver the vessel to the competent body if it does not comply with the regulations, unless provided otherwise by international agreements.

The provisions of Paragraph 1 of this Article shall not include military vessels.

Article 41

Citizens, enterprises and other legal persons and bodies shall be obliged to adhere to the warnings and orders given in the course of performing security activities, especially in cases of saving people threatened by disasters, epidemics or other dangers, issued by the Minister or the persons authorized by him/her.

A. ticle 42

Upon the request of the citizens, the authorized official persons shall be obliged to extend assistance, to disclose necessary information or to direct the citizens to contact other authorized bodies and institutions.

Article 43

If a criminal procedure, misdemeanor or a lawsuit has been filed against an employee with special obligations and rights for using forceful means or firearms or for other interventions in the line of duty, including the involvement in a car crash with a motor vehicle in the line of duty, the Ministry shall provide free of charge legal aid for the procedure.

The Ministry shall provide free of charge legal aid to a citizen who has assisted the authorized official person in the line of duty if a criminal or misdemeanor procedure or a lawsuit has been filed against him/her for an act done while assisting the officer.

IV. INTERNATIONAL COOPERATION OF THE MINISTR.

Article 44

In the course of implementing activities under its competence, the Ministry may cooperate and exchange information with foreign Police and administrative bodies, organizations from other countries and international organizations from the field of internal affairs.

V. RIGHTS AND OBLIGATIONS OF THE MINISTRY IN THE COURSE OF DEFENSE

Article 45

Employees of the Ministry, in performing military or other defense activities, by rule, have a military schedule in the Ministry.

In war conditions or contingency circumstances, for the purpose of protecting the security of the Republic of Macedonia or maintaining public order and peace when peace and order have been disrupted to a greater extent, the Ministry shall engage persons with military deployment and working obligations within the Ministry (hereinafter referred to as: reserve members).

The reserve members assigned to the Police shall wear uniforms and the insignia pertaining to the ranks within the Police.

The reserve members called upon for undertaking activities specified in Paragraph 2 of this Article shall be deployed within the Ministry for as long as the reasons for their assigning are present.

Article 46

Calling the reserve members for training purposes, drills or for cases as laid out in Article 45 of this Law, shall be done by the Ministry.

For the period of performing duties and tasks, the reserve members, as specified in Article 24 of this Law, shall have the obligations and rights as the authorized official persons.

Article 47

For performing duties and tasks, the reserve members shall be entitled to compensation as stipulated by the regulations for performing military service in reserve.

The compensation referred to in Paragraph 1 of this Article shall be provided by State budget.

The Minister shall adopt secondary legislation for regulating the manner of calling and engaging reserve members.

VI. WORKING RELATIONS

1. Establishing working relations

Article 48

Any person who, apart from the general conditions, fulfills the following requirements can establish working relations with the Ministry:

- 1) the person should not have been prosecuted for crime committed against the Constitutional order and security of the Republic of Macedonia, against the economy, against the human rights and freedoms of the citizens, against the Armed Forces of the Republic of Macedonia, against official duty, major crimes against life, body or property or crime committed out of cupidity or avarice;
- 2) a criminal procedure for the crimes listed in Paragraph 1, indent 1 of this Article should not be filed against the person;
- 3) a safety measure prohibiting the execution of a profession, activity or duty should not have been imposed to the person by means of a valid decision, while the measure is enforced; and
- 4) the person should be physically and mentally fit.

The employment of an employee who has been convicted for a crime listed in Paragraph 1, indent 1 of this Article, and who is prosecuted in the line of duty, or who has been imposed a security measure of prohibition of executing a profession, activity or duty, shall be terminated the day the valid sentence shall be passed.

The Minister, as stipulated by Paragraph 2 of this Article, shall adopt the Decision for termination of employment.

Article 49

The public announcement procedure for hiring persons within the Ministry may last longer than the period determined by law, but not longer than three months.

Working relations with the Ministry without a public competition or public announcement can be established for the working posts with special obligations and rights referred to in Article 24 of this Law, as well as for scholarship beneficiaries of the Ministry and for graduated students and pupils from the Institution for Training Human Resources for the needs of the Ministry.

Article 50

A person who, apart from the requirements specified in Article 48, Paragraph 1 of this Law, shall fulfill the following conditions can become a police officer:

- 1) younger than 25 years if first employment in question;
- 2) to have completed IV degree of education;

Persons older than 25 years can be employed for working posts for which higher education has been provided for within the Act of the structure of working posts within the Ministry.

Article 51

Working relations can be established for performing part-time activities for the Police with a person who has the professional capacity to carry out those duties.

Article 52

A person who shall establish working relations or who shall be assigned to a specific working post with special obligations and rights, but who does not have a professional background on internal matters, shall be sent for in-service training at appropriate educational organizations, i.e. to other forms of professional training.

The working posts referred to in Paragraph 1 of this Article shall be determined by the Minister.

The time spent as in-service training in light of Paragraph 1 of this Article shall be calculated as period of

apprenticeship.

Article 53

The employee sent to in-service training and capacity improving shall be entitled to free of charge food and accommodation, i.e. he/she shall have the right to compensate the costs for travelling to and from the course, as well as for food and accommodation.

Article 54

An employee who shall leave from his/her own free will, or who shall be expelled from the training course of his/her own doing, because of which his/her employment shall be terminated, shall be obliged to pay for the costs inflicted from his/her in-service training, accommodation and food.

Article 55

The graduated pupils and students from the Institution referred to in Article 49 of this Law who establish working relations with the Ministry, as well as the workers who are in-service training in appropriate educational organizations on the account of the Ministry, shall be obliged to work for the Ministry at least twice as long as the time spent in educating, i.e. training, that is at least two years if the education or training lasted less than one year.

The employee who shall not fulfil his/her obligations arising from Paragraph 1 of this Article, shall be obliged to pay for the costs for his/her education, i.e. training.

2. Staff Deplo. ment

Article 56

The contracted employees may be assigned to the organizational units outside the Ministry headquarters to a position fitting their qualifications for the following reasons:

- lack of the employees with suitable qualifications and working capacities for specific works and tasks;
- expert assistance in the performance of activities and tasks of the regional organizational unit; and
- higher-quality performance of the Ministry function.

Appeals filed against the contracts referred to in Paragraph 1 shall not defer their execution.

Those employees, referred to in Paragraph 1 of this Article who, within seven days from the date of receiving the Contract have not assumed the position, shall have their employment terminated.

Decisions for assignment within the organizational units outside the Ministry seat shall be obligatory reviewed each year following the assignment.

Article 57

In cases referred to in Article 56 of this Law, the employees shall be entitled to a salary up to the amount earned during their last month prior to the assigning, provided it is more favourable for them, to remuneration up to the amount of a monthly salary of the employee, remuneration of travel and moving costs; remuneration for separate life if accommodation or apartment is not being provided for; seven-day paid leave and remuneration of the transportation costs to visit its closer family from which the employee is living separately from.

Where the assignment is longer than six months, the employees shall be provided with accommodation or apartment.

Article 58

Employees with special obligations and rights that, by the decision of the Health Commission, shall be deemed incapacitated to conduct activities and tasks involving special obligations and rights due to disrupted psychical and mental fitness or due to general health status that resulted from workplace injuries or disease, shall be re-assigned to the workplace fitted to the degree of his/her qualifications and health status.

The employees referred to in Paragraph 1 of this Article shall continue to enjoy all rights granted by the

previous workplace and he/she shall be obliged to fulfill the duties of the new post.

Article 59

The mental and physical condition or the general health status of the persons, i.e., employees referred to in Article 48, Paragraph 1 of this Law and Article 58, Paragraph 1 of this Law, shall be determined by the Health Commission established by the Minister.

The Health Commission referred to in Paragraph 1 of this Article shall consist of: President, at least two doctors . specialists, of who one for intensity care, and two Ministry employees. In the process of determining the disability of an employee - police officer – one of the two employees shall be from the Police Force.

Where necessary, the Health Commission may have other doctors – specialists.

The Minister of Health shall lay down the way the Health Commission referred to in Paragraph 1 of this Article operates.

3. Working Hours, Holidays and Other Rights and Obligations of Employees

Article 60

The working hours of Ministerial staff may be prolonged beyond the legally prescribed working week maximum, under the circumstances of performing urgent activities and tasks referred to in Article ??? of this Law or related to the above-mentioned activities and tasks.

Article 61

Where the urgent needs of the Ministry so necessitate, the Minister or the person authorized by him/her may terminate or interrupt the employee's holiday.

In cases referred to in Paragraph 1 of this Article, the employee shall be entitled to compensation of the actual costs resulting from the delay or interruption of his/her holiday.

Article 62

Authorized official persons, in the cases of established temporary disability for performing works as a result of the performance of assigned duties and tasks, shall be entitled to remuneration up to the amount of the current salary throughout the duration of the absence from the workplace.

Article 63

It shall be the duty of the employees to keep State, official, military or business secrets heard in the line of duty or while performing their activities and tasks.

Official secret, for the purpose of this Law, shall mean:

- 1) Measures, actions, reports, documents, data, and sources of information within the competencies of the Ministry designated as State secrets and having appropriate degree of confidentiality;
- 2) Measures, actions, reports, documents, data, and sources of information regarding enterprises and other legal persons or bodies designated in accordance with law or other regulations as official secret; and
- 3) data on internal organization and operations and job assignment within the Ministry.

Article 64

The confidentiality obligation referred to in Article 63 of this Law, shall continue upon the termination of the Employment Contract. The confidentiality obligation relief shall require the consent of the Minister.

The Minister shall adopt a provision governing the manner of recording and protecting the documents, reports, data, and other acts designated by law, other regulations or decisions of the authorized body as the State, military or official secret.

Article 65

The following shall be deemed as breaches of working discipline:

- 1) Actions that are not in compliance with the rules and provisions of the Ministry;
- 2) Failure to render data or rendering inaccurate data that is mandatory to be submitted to the authorized

odies, organizations or citizens;

3) Indecent behaviour with customers;

4) Failure to render legal or other assistance within their competence to the customers in fulfilling their legal rights and legal interests;

5) Avoiding medical examinations for the purpose of determining their operational capacity;

6) Avoiding compulsory professional in-service training;

7) Illegal inducing of personal benefit in relation to the performance of activities and duties;

8) Misuse or facilitating misuse of a third party of monies or other items of value, entrusted to the employee in the line of his/her tasks and duties;

9) Execution of activities incongruous with the employee's duties;

10) Managing, expressing or advocating party-affiliated attitudes or beliefs in the line of duty; and

11) Conducting an action that constitute a criminal act according to the provisions of the Law on Internal Affairs, thus creating an obstacle for establishing employment with the Ministry of Internal Affairs, or conducting actions constituting severe breaches of public peace and order.

An employee may be temporarily removed from the position in the Ministry having committed more severe breaches of working discipline.

In cases of the termination of employment by the virtue of dismissal, the notice term may be shorter than that provided for by law.

The dismissal term right shall not be granted where the termination results from a more severe breach of working discipline.

The Minister shall lay down more severe breaches of working discipline, as the reason for the employee's dismissal, the duration of the dismissal notice term, and the cases where such right shall not be exercised, in the act.

Article 66

Employees with special obligations and rights shall not conduct activities inconsistent with their duties.

Article 67

The Minister may prohibit travelling abroad to ministerial employees where necessary for the safekeeping of the safety and defense of the Republic of Macedonia.

Article 68

It shall be the duty of the Ministry to provide insurance for cases of death, bodily injuries or loss of operational capability, for the employees contracted for the workplaces with special obligations and rights.

Article 69

The burial charges for the employees of the Ministry whose life has been lost in the line of duty shall be incumbent on the Ministry, and the employee's family shall be entitled to one-off compensation up to the amount of the total sum of the salaries received in the previous 12 months.

Citizens that, upon the request of the authorized official persons, have rendered assistance and consequentially suffered injuries or disease that has resulted in a longer sick-leave or working disability, shall enjoy the rights equal to those of disability benefit health insurance of the persons that suffered workplace injury.

Where during rendering help a citizen has lost his/her life, the family shall be entitled to the rights granted by Paragraph 1 of this Article, and the retirement rights as the family of the Ministerial employee who lost his/her life in the line of duty.

Article 70

The Ministry employees may exercise their right to strike, provided that there are no conditions of a significant interruption of the performance of the duties and tasks laid down in Article 1 of this Law.

I. view of preventing conceivable detrimental consequences of non-performing internal affairs during a strike, the Minister or a person authorized by him/her shall be responsible for ensuring the necessary functioning of the organizational units in the operational process.

On grounds of the measures undertaken in accordance with Paragraph 2 of this Article, the employees shall be obliged to conform to the appropriate directions.

Where the employees have failed to act in accordance with Paragraph 3 of this Article, the Minister, or the authorized official, shall ensure the completion of the operational process by replacing the appropriate employees.

Article 71

The Ministry employees and other persons may, in accordance with a general act, be endowed with awards, letters of gratitude or credit.

Article 72

Due to the type, nature and complexity of the duties and tasks performed by the employees with special obligations and rights, as well as due to the difficult tasks assigned and the special conditions they have to be performed in, the amount of the salaries for performing those duties and tasks shall increase up to 30%.

Article 73

The Government of the Republic of Macedonia shall adopt secondary legislation regarding the insignia of the ranks and the conditions for acquiring them by authorized official persons, regarding the insignia of the uniforms, regarding the persons and buildings secured, regarding the use of forceful means and firearms, as well as regarding the procedures and manners of rendering professional assistance to enterprises and other legal persons and administrative bodies when working with physical and technical protection, the special conditions for employing persons for performing physical and technical protection, supervising the enforcement of regulations related to the ways of providing protection, and evaluating the skills of the employees rendering physical protection in handling arms.

Article 74

The Minister shall be authorized to adopt secondary legislation for:

- 1) performing the duties of the Ministry;
- 2) performing the duties of the Directorate;
- 3) the insignia marking the border belt on land;
- 4) how long the clothes shall be worn as well as the special personal equipment of the Police;
- 5) the price of the Forms issued by the Ministry;
- 6) the manner of handling temporarily ceased and found items;
- 7) tasks and duties necessary to perform during strikes; and
- 8) other regulations provided by the law.

The Minister shall be authorized, together with the Minister of Health, to adopt secondary legislation concerning health and mental and physical conditions that employees must fulfill when establishing working relations with the Ministry.

. II. TRANSITIONAL AND FINAL PROVISIONS

Article 75

The Ministry, within one month of the entry in force of this Law, shall adopt general Ministerial Acts on Organization and Operation and Employment Structure.

Article 76

The secondary legislation provided for by this Law shall be adopted within one month from the date of the entry in force of this Law.

Pending the adoption of the provisions referred to in Paragraph 1 of this Article, the current regulations shall appl. , subject to their conformity with the present Law.

Article 77

With the entry in force of this Law the Internal Affairs Law (the Official Journal of SRM Nos. 45/72, 8/73, 31/74, 24/80, 37/80, 24/88 and the Official Journal of the Republic of Macedonia Nos. 36/91 and 19/92) shall be repealed.

Article 78

This Law shall enter into force on the eighth day following the date of its publication in the Official Journal of the Republic of Macedonia.

424.

On the basis of Article 75, Paragraphs 1 and 2 of the Constitution of the Republic of Macedonia, the President of the Republic of Macedonia and the Parliament of the Republic of Macedonia are promulgating the

DECREE

ON INTELLIGENCE AGENCY LAW PROMULGATION

The Law on Intelligence Agency is hereby promulgated,

Adopted by the Parliament of the Republic of Macedonia on its session held on 29 March 1995,

No. 08-1293/1
29 March 1995

Skopje

President
of the Republic of
Macedonia
Kiro Gligoro. , p.s.

President
of the Parliament of the Republic of Macedonia
Stojan Andov, p.s.

INTELLIGENCE AGENCY LAW

I. GENERAL PROVISIONS

Article 1

The Intelligence Agency (hereinafter referred to as the Agency) shall be established by the present Law as a separate body of the State Administration.

Article 2

The Agency shall be authorized to collect data and information of significance for the safety and defense of the Republic of Macedonia and the economic, political, and other interests of the State.

The Agency shall conduct data or information analyses and research referred to in Paragraph 1 of the present Article and shall mandatory notify the President of the Republic of Macedonia, the Government of the Republic of Macedonia, and other State bodies on the issues of significance within their sphere of competence.

The Act on means of notification referred to in Article 2 of this Article shall be adopted by the Government of the Republic of Macedonia, with previous agreement of the President of the Republic of Macedonia.

Article 3

The Agency shall be governed by the Director who shall be appointed and dismissed by the President of the Republic of Macedonia.

The Director shall be appointed for a four-year term.

Article 4

For his/her activities and the activities of the Agency, the Director shall be responsible to the President of the Republic of Macedonia.

The Government of the Republic of Macedonia may request accountability of the Director for the activities of the Agency.

Article 5

For the purpose of performing the Agency activities, organizational units may be established.

The Agency Director shall adopt the Agency Organization and Operation and Employment Structure Act, subject to the previously obtained approval by the Government of the Republic of Macedonia.

Article 6

The Agency shall cooperate with the State bodies on issues of mutual interest.

In view of accomplishing mutual cooperation, it shall be the duty of the Agency and the State bodies to mutually submit data, reports or information to each other and to coordinate the activities in the competence of the Agency.

Article 7

The Agency employees shall exercise their rights, duties, and responsibilities in accordance with the regulations applied to Civil Servants, unless stipulated otherwise by this Law.

Article 8

In the course of their activities and utilization of the data or information, the Agency employees shall act in compliance with the rights and freedoms of the citizens granted by the Constitution of the Republic of Macedonia and to ensure protection of confidentiality of the data or information at their disposal.

II. SUPERVISION OF AGENCY OPERATIONS

Article 9

The Parliament of the Republic of Macedonia shall conduct supervision over the Agency activities through an appropriate Commission (hereinafter referred to as: the Commission).

Article 10

The Commission shall submit to the Parliament of the Republic of Macedonia a report on the activities performed at least once a year.

Prior to the submission of the report referred to in Paragraph 1 of this Article, the Commission shall have the responsibility to submit a report to the Agency Director for the purpose of obtaining his/her opinion, in particular regarding the protection of confidentiality of specific sections.

Article 11

It shall be the duty of the Director to provide for the accessibility and to render all information and data within the sphere of activities in the competence of the Agency.

The information and data presented on the Commission sessions shall be deemed State secret.

Article 12

The conclusions regarding the report of the Commission shall be submitted by the Parliament of the Republic

of Macedonia to the President of the Republic of Macedonia and the Government of the Republic of Macedonia.

III. SPECIFIC AGENCY COMPETENCIES AND DUTIES , AND RIGHTS OF DUTIES OF EMPLOYEES

Article 13

In the course of the performance of its activities, the Agenc. shall employ means and methods prescribed by the Government of the Republic of Macedonia.

1048.

On the basis of Article 75, Paragraphs 1 and 2 of the Constitution of the Republic of Macedonia, the President of the Republic of Macedonia and the Parliament of the Republic of Macedonia are promulgating the

DECREE

ON THE PROMULGATION OF THE LAW AMENDING THE INTERNAL AFFAIRS LAW

The Law amending the Internal Affairs Law is hereby promulgated,

Adopted by the Parliament of the Republic of Macedonia on its session held on 22 October 1997,

No. 08-3394/1
22 October 1997

Skopje

President
of the Republic of
Macedonia
Kiro Gligoro. , p.s.

President
of the Parliament of the Republic of Macedonia
Tito Petkovski, p.s.

LA.

AMENDING THE INTERNAL AFFAIRS LAW

Article 1

The following Article 18-a shall be added to the Article 18 of the Internal Affairs Law (Official Journal of the Republic of Macedonia No. 19/95):

'Article 18-a

The Government of the Republic of Macedonia shall submit its opinion on the report referred to in Article 18, Paragraph 2 of this Law within 30 days from the day of the receiving the report by the Commission.'

This Law shall enter into force on the eighth day following the date of its publication in the Official Journal of the Republic of Macedonia.