



# Weekly Briefing

**Macedonia Political briefing:**  
**Legal Cases against Power Elites in Macedonia:**  
**Zaev Acquitted, Gruevski Found Guiltys**  
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## **Legal Cases against Power Elites in Macedonia: Zaev Acquitted, Gruevski Found Guilty**

### **Introduction**

When a high-ranking politician appears as a defendant in the courtroom, it is not only just about legal implications of the case in question and the verdict of the court – but also about the political consequences of whatever the outcome is. In the 27 years of independence, Macedonia has no shortage of politicians (from across the whole political spectrum) who have been rumored and suspected to be involved in grand corruption. However, only a select few have been prosecuted for their actions, and even fewer ended up in prison. The former Prime Minister Vlado Buchkovski of SDSM (in power 2004-2006) is perhaps the highest profile politician who has been sentenced on corruption charges in 2008 (for ordering excessive tank parts during the conflict of 2001 when he was Minister of Defense) – but later on his verdicts was nullified by the Supreme Court and the trial is expected to be restarted in the future. Prime Minister Zoran Zaev, previously mayor of Strumica has been also accused and sentenced on corruption charges in 2008. His party, SDSM, protested against these developments and argued that the case is politically motivated. Soon after, however, Zaev was pardoned by the then-President Branko Crvenkovski of SDSM. Other high profile cases that come to mind are the one of Vasil Tupurkovski, a former leader of the now defunct Democratic Alternative, who was sentenced to prison for mismanaging state credits – but was later on acquitted after a repeated trial. The most significant case for which a politician has served prison sentence was one of Ljube Boshkoski, a former Minister of Interior and leader of the party United for Macedonia (and currently an advisor in Zaev's cabinet), who was imprisoned after being found guilty of illegal

political campaign financing in 2011. Boshkoski's supporters blamed that this case was yet again politically motivated.

Aside from these exceptions, Macedonian power elites have enjoyed relative impunity for over 25 years. This was, nevertheless, set to come to an end with the establishment of the Special Prosecutor's Office (SPO) in 2015, which was put in charge of investigating all the leaked wiretaps published by the then opposition leader Zoran Zaev (so called "bombshells"). Zaev's bombs were believed to have revealed various forms of corruption, abuse of official positions and resources, and other transgressions of power of the VMRO-DPMNE - DUI government led by Nikola Gruevski 2006-2017 – but also revealed details of potential miscarriage of justice in the abovementioned cases of Zaev himself (back in 2008) and of Boshkoski (in 2011). In 2017, the SPO initiated several cases against Gruevski and his closest associates. By 2018, the SPO had brought Gruevski to court on a number of charges across multiple cases. On May 23, 2018, Nikola Gruevski was pronounced guilty on charges of abusing his official position in the purchasing of an armored luxurious limousine, for which he received two years in prison. Paradoxically, however, the sentence of Gruevski came only one day after another trial took place in Skopje – the one of the current Prime Minister Zoran Zaev, who was charged by the (*regular*) Public Prosecutor's Office for asking for a bribe. However, Zaev was acquitted from the charges and walked away unscathed. In this report, we examine these two events that took place in a span of three days, and discuss their consequences.

### **The case against Zaev and his acquittal**

In 2016/17 Zoran Zaev was once again charged on the accounts of corruption during the time when he was a mayor of Strumica (as argued above, previously he has been found guilty for a different case in 2008, but was immediately pardoned). In this case, Zaev was found not guilty with a verdict made on May 21, 2018.

Zaev had been initially accused for allegedly taking a bribe by a Strumica businessperson in a deal regarding purchase and legalization of building land. Later on, the charge was changed to soliciting (but not taking) the bribe. The businessperson, however, who was the prime witness in the case, turned out to have been sent to set up Zaev by the police, and therefore he was wired with special surveillance equipment which helped in producing video footage from the encounters. Parts of the footage from these encounters was made public for the first time back in 2015, in the middle of Zaev's campaign of publishing intercepted audio tapes from the corrupt conversations of the former Prime Minister Nikola Gruevski and other former VMRO-DPMNE high ranking members. The footage of Zaev asking for a bribe was uploaded on YouTube by an anonymous account. Zaev and his supporters have immediately responded to the charges arguing that they resembled a politically motivated "counter-attack" on Zaev and an attempt to distract the attention from his "bombshells" campaign. Later on, Zaev has argued that the publicized tape was edited in an incriminating way, and asked that the unedited version of the tape is shown publicly (in the end, this did not occur as the tape was considered an evidence used in court). According to Zaev, his meetings with the said businessperson were clear, and that he was not demanding any payments or bribes, suggesting that the person in question was trying to frame him.

The acquitting verdict by the court was criticized primarily by VMRO-DPMNE and their supporters, who blamed the court for being under political influence. The timing of the acquitting verdict was also very particular: only a day before Gruevski's trial, but also few days ahead of the final phase of the tough negotiations with Greece over the name issue and announcing the outcome to the Macedonian public. Opponents of Zaev still refer to the leaked videotapes to argue that he is a corrupt figure. Yet, despite the enduring jabs by his opponents, after the acquitting verdict, Zaev did in fact manage to get his name cleaned. This has certainly contributed to Zaev's fortifying his position at

the top of Macedonia's power elite, with an appearance of legitimacy in the turbulent times ahead.

### **Gruevski's first sentence**

Former Prime Minister Gruevski was charged and sentenced to two years of prison for abusing his official position in the process of purchasing a new armored luxurious limousine in 2012, worth close to 600.000 EUR. Gruevski unlawfully lobbied and influenced officials from the Ministry of Internal Affairs during the procurement process. Gruevski personally insisted on a car of his choosing (Mercedes Benz S 600, dubbed "the Tank" – with bulletproof armoring and a number of gadgets); had a preferred car dealership which he wanted to contract to order the special vehicle directly from the Mercedes headquarters in Stuttgart, Germany; and abused his power and directed officials (including the former Minister of Internal Affairs, Gordana Jankulovska) in breaking the rules of procurement (i.e. the car was ordered before the procurement procedure was initiated). He also had urged them to hide the procurement from the public, and has later on used the Mercedes for his personal use. The investigation of the SPO started in January 2017. Upon the charges raised by the SPO in the appropriately named case "Tank", the Criminal Court after several months (the trial started in January 2018) found Gruevski guilty of abusing his position and unlawful influence, and sentenced him to two years in prison. The official in the Ministry of Internal Affairs who implemented the orders was sentenced to six years in prison. The former Minister of Internal Affairs, Jankulovska, is due to appear in court at a later date, as because of her pregnancy the court decided to separate her case from Gruevski's. At the official pronouncement of the verdict, the judge has argued that Gruevski's actions were hurtful for the public interest; Gruevski himself was absent from the court session.

The key pieces of evidence in the "Tank" case were some of the leaked wiretaps that were originally broadcasted by Zaev in the "bombshells" campaign

in 2015. The first tapes regarding this case were made public in May 2015. The tape became memorable and spread virally almost instantly on social media because in it, one can hear Gruevski, perhaps in fear of being under surveillance, in a secretive way referring to the limousine he wants to be procured as “that thing that starts on the letter M.” In the subsequent months, the expression “that thing that starts on the letter M” became a meme and was used in the language of the protests and campaigns against Gruevski’s government. In the parliamentary elections 2016, SDSM promised that once it comes to power, one of the first things they would do is sell Gruevski’s armored Mercedes Benz. After coming to power, one of the first acts of Zaev’s government was to reveal and show to the public the Mercedes Benz – which they argued was left in a bad condition which decreased its value. However, Zaev’s government never ended up selling the Mercedes Benz (it started, but then stopped the sale) and there have been reports that in fact it has been using it for official visits of foreign dignitaries. A week after Gruevski’s sentence, the government publicized a public bid for servicing the Mercedes, worth 27.000 EUR.

Gruevski having been found guilty and sentenced to two years of prison is a watershed moment in Macedonian politics. He is the first figure sentenced for actions taken as a Prime Minister (Buchkovski was sentenced for actions taken before he was Prime Minister). With the verdict, his appearance of impunity is removed, and opens the way for other verdicts coming in the rest of the cases initiated by SPO, in which Gruevski is defendant. In total, there are four other SPO cases against him, and if he is found guilty in all of them he may face even up to 20 years in prison. It is also a sign that other VMRO-DPMNE officials charged by the SPO may face prison sentences soon. Gruevski’s sentence thus had immediate political effect. He himself linked his verdict with the impending process of Macedonia’s name change. His party, VMRO-DPMNE has refuted the verdict as another instance of political influence over the court. On the other hand Gruevski’s opponents praised the court, and cheered the decision as a moment of true victory against Gruevski’s regime, and a triumph of the rule of

law. There were also sobering messages, pointing to the number of questions when it comes to whether Gruevski will be really imprisoned. One of them is the possibility for him to be pardoned by the President Gjorge Ivanov (who in 2016 attempted to issue a blanket-pardon for all politicians under investigation, which kickstarted a series of protests). After all, as shown above, Macedonia has no shortage of cases against top political figures where justice was not (fully) served.