



Weekly Briefing

**North Macedonia external relations briefing:
Unveiling the Paradox: Western Ambassadors' Critique on
Macedonian Judiciary and Ongoing Political Dynamics**

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Unveiling the Paradox: Western Ambassadors' Critique on Macedonian Judiciary and Ongoing Political Dynamics

Summary

In recent months, Ambassadors from the USA, the Netherlands, and Austria have openly and emphatically criticized the condition of the Macedonian judiciary. Although their assessments are accurate, they overshadow the involvement of the countries these Ambassadors represent in perpetuating the structural circumstances that contribute to a corrupt and extensively politicized judiciary.

The latest survey, conducted by the International Republican Institute (IRI) in May of this year and involving 1,204 respondents, revealed that a mere one percent of the population maintains complete trust in the judicial system and the prosecutor's office. The IRI survey from October 2022 had already shown a confidence level of only 4%. The most recent findings not only confirm the enduring downward trajectory but also underscore a disheartening reality where the public's confidence in the judiciary has eroded even further.¹ A total of 18 percent said that they have partial confidence in the judiciary, and 17 percent in the prosecutor's office, which means that over 80 percent of the population does not believe or has doubts that they can get justice through the institutions that are in charge of it. At the same time, the number of those who have complete mistrust continues to grow.

In recent months, even Western Ambassadors in the country have publicly remarked on the alarming condition of the judicial system. First, the American ambassador, Angela Ageler, expressed her concerns about the judiciary in an open letter sent to the judicial and executive authorities in May 2023.² “Each day, my worry and disappointment grow due to the significant

¹ IRI survey: Confidence in the judiciary is almost gone, published on 10.07.2023, available at

<https://prizma.mk/anketa-na-iri-doverbata-vo-sudstvoto-rechisi-ja-nema/>, accessed on 03.08.2023

² "Concern and disappointment": Ageler with an open letter to the Macedonian judges, published on 25.04.2023, available at

<https://lokalno.mk/zagrizenost-i-razocharanost-ageler-so-otvoreno-pismo-do-makedonskite-sudii/> accessed on 03.08.2023

number of (high-profile) cases that the Court of Appeal sends back for retrial in the initial procedure. The apparent incapacity of the courts to efficiently handle cases within the legal process, with their constant shifting between the Appeal and the Court of First Instance, further diminishes the already low public trust in the judicial system,” Ambassador Ageler notes in her letter. In a media interview given in July she reiterated this stance: “As I have previously emphasized, our expectations regarding advancements in the judiciary have not been met, leading to disappointment. Despite having invested half a billion dollars in rule of law and good governance initiatives over the past three decades, the anticipated improvements and reforms commensurate with such a substantial investment have not materialized,” she said.³ In the same interview, Ambassador Ageler spoke about the addition of Macedonian corrupt officials to the so-called US Corruption Black List. In June 2023, the long-term mayor of the city of Struga became the initial politician from Macedonia's governing coalition to feature on a US black list of individuals associated with corruption, even though the specific details of his alleged misconduct remain unclear. Merko was designated ineligible to enter the United States, “due to his involvement in significant corruption”, the State Department wrote.⁴ Merko, is a member of the ruling Democratic Union for Integration, DUI. “While serving as Struga’s mayor, Ramiz Merko misappropriated funds and interfered with judicial and other public processes, damaging the public’s faith in North Macedonia’s democratic institutions and officials,” the US State Department explained shortly in their press release.⁵ Several weeks later a second Macedonian citizen was placed on the US Corruption Black List. Then on July 19, the US Treasury Department's Office of Foreign Assets Control (OFAC) designated Jordan Kamcev for his involvement in, or direct or indirect engagement with, corruption linked to the Western

³ Angela Ageler, Ambassador of the USA in North Macedonia: our "investment" in the progress of the judiciary unfortunately did not give the expected "return"!, published on 08.07.2023, available at <https://kapital.mk/%D0%B0%D0%BD%D1%9F%D0%B5%D0%BB%D0%B0-%D0%B0%D0%B3%D0%B5%D0%BB%D0%B5%D1%80-%D0%B0%D0%BC%D0%B1%D0%B0%D1%81%D0%B0%D0%B4%D0%BE%D1%80%D0%BA%D0%B0-%D0%BD%D0%B0-%D1%81%D0%B0%D0%B4-%D0%B2%D0%BE-%D1%81%D0%B5-2/> accessed on 03.08.2023

⁴ Ramiz Merko: North Macedonia’s Mayor on US Corruption Black List, published on 21.06.2023, available at <https://balkaninsight.com/2023/06/21/ramiz-merko-north-macedonias-mayor-on-us-corruption-black-list/> accessed on 03.08.2023

⁵ Designation of Ramiz Merko, Mayor of Struga, North Macedonia, for Significant Corruption, 20.06.2023, available at <https://www.state.gov/designation-of-ramiz-merko-north-macedonia-for-significant-corruption/> accessed on 03.08.2023

Balkans.⁶ Undersecretary of the Treasury for Terrorism and Financial Intelligence Brian Nelson stated that Mr. Kamcev misused his authority by participating in corrupt practices and pursuing his own interests, thereby undermining the democratic institutions and citizens of Macedonia. Following the designation by OFAC, any assets owned by Kamcev, including bank accounts, within the jurisdiction of the United States will be frozen and must be reported to OFAC. Moreover, the designation prohibits individuals in the U.S. from engaging in business transactions with him.⁷

The matter of the judiciary saw more than one embassy expressing their concerns. In an interview with Radio Free Europe, Dutch Ambassador Dirk Jan Kopp characterized the operations of the Judicial Council as lacking legitimacy. The prolonged unrest within the Judicial Council has led to the suspension of a significant million-euro project by the Dutch government aimed at enhancing the effectiveness, responsibility, and transparency of the Judicial Council. “We see signs of political influence in the selection of the Prosecutor's Office for Organized Crime, we see signs of political influence in the selection of candidates for the Academy of Judges and Public Prosecutors. We see signs of political influence in virtually all courts, and yes, that is very concerning”, Ambassador Jan Kop stated in May.⁸ Then in June 2023, in an open letter entitled "What is going to prevail? Rule of law and protection of Austrian investments in North Macedonia or criminal collusion capturing the judiciary and officers of law?" Austrian Ambassador Georg Woutsas delivered strong condemnation of the Macedonian judiciary. He called for the dismissal of all judges and public prosecutors, along with the revocation of licenses for bailiffs and notaries involved in a dispute between the Austrian

⁶ U.S. Designates Businessman In North Macedonia For Sanctions, Citing Extensive Corruption, published on 19.07.2023, available at

<https://www.rferl.org/a/north-macedonia-businessman-sanctions-corruption/32510595.html> accessed on 03.08.2023

⁷ Ibid

⁸ “The Netherlands put a project with the Judicial Council on hold because of the scandals”, published on 26.05.2023, available at

<https://www.slobodnaevropa.mk/a/%D1%85%D0%BE%D0%BB%D0%B0%D0%BD%D0%B4%D0%B8%D1%98%D0%B0-%D1%81%D1%82%D0%B0%D0%B2%D0%B8-%D0%B2%D0%BE-%D0%BC%D0%B8%D1%80%D1%83%D0%B2%D0%B0%D1%9A%D0%B5-%D0%BF%D1%80%D0%BE%D0%B5%D0%BA%D1%82-%D1%81%D0%BE-%D1%81%D1%83%D0%B4%D1%81%D0%BA%D0%B8%D0%BE%D1%82-%D1%81%D0%BE%D0%B2%D0%B5%D1%82-%D0%BF%D0%BE%D1%80%D0%B0%D0%B4%D0%B8-%D1%81%D0%BA%D0%B0%D0%BD%D0%B4%D0%B0%D0%BB%D0%B8%D1%82%D0%B5/32427506.html> accessed on 03.08.2023

company and a company linked to the family of former Prime Minister Zoran Zaev. Vutsas cited court manipulations and delays as the reasons behind the Austrian company's inability to recover its outstanding debt of 4.5 million euros.⁹

While the evaluations and concerns raised by all three Ambassadors hold true, they tend to overshadow the role played by the countries represented by these Ambassadors in sustaining the systemic conditions that foster a corrupt and highly politicized judiciary. Namely, the prevailing dire condition of the judiciary can be attributed to a significant degree to the growing influence exerted by the political party DUI over the institutions of the judiciary. Their expanding control over the judiciary has significantly contributed to the immunity enjoyed by DUI officials and businessmen affiliated with the party, facilitating an environment conducive to their persistent accumulation of ill-gotten gains and profits from corrupt deals in various sectors of the Macedonian economy. This has frequently been ignored or even tacitly endorsed by Western countries. The most recent example is the highly contentious Bechtel-Enka highway project, marred with corruption-related challenges, encompassing issues such as irregularities in procurement, conflicts of interest, opacity, budget overruns, extended timelines, and apprehensions pertaining to labor practices, cultural heritage preservation, and environmental impact. This contentious venture, valued at 1.3 billion euros, is spearheaded by a US-based collaborative effort and the political party DUI, prompting suspicions of potential unlawful financing and exertion of political sway. The project has also been actively endorsed and supported by US Ambassador Ageler.¹⁰ This has brought to light the paradoxical aspect of US engagement within the Macedonian socio-political and judicial framework. While their rhetoric leans towards endorsing an autonomous and impartial judiciary, their actions appear to bolster the increasing influence of the DUI within the judiciary, which is the main reason for its current condition.

⁹ Geer refrains from commenting on Austrian Ambassador's letter, published on 28.06.2023, available at <https://mia.mk/en/story/geer-refrains-from-commenting-on-austrian-ambassadors-letter> accessed on 03.08.2023

¹⁰ Ageler: "Bechtel" works transparently and legally, the opposition criticizes for political points <https://www.slobodenpecat.mk/en/ageler-behtel-raboti-transparentno-i-zakonski-opozicijata-kritikuva-za-politichki-poeni/>

Given the contradictory role exhibited by the US Embassy, a pertinent query arises about the underlying motivations guiding their recent interventions in the judiciary and the compilation of the Corruption Black List. The timing of these measures implies a potential link between these actions and the constitutional amendments that the US is urging the Macedonian parliament to enact. It is plausible that these moves are strategic maneuvers to exert pressure on the opposition party for the endorsement of constitutional revisions. This situation gains significance within the present geopolitical backdrop, where paramount focus is directed towards advancing US geopolitical objectives.

In recent months, the judiciary in Macedonia has become a focal point of criticism from prominent Ambassadors, including those from the USA, the Netherlands, and Austria. While their assessments accurately highlight the flaws within the system, they inadvertently overshadow the role their respective countries play in perpetuating the structural conditions that contribute to a corrupt and highly politicized judiciary. While these critiques hold true, they inadvertently downplay the involvement of these countries in perpetuating the very issues they criticize. The undue influence of the political party DUI over the judiciary is a significant factor contributing to its current state. This has allowed DUI officials and affiliated businessmen to evade accountability, supported by an environment conducive to corrupt practices. The perplexing aspect of US involvement in Macedonia's socio-political and judicial landscape comes to light in this context. While advocating for an impartial judiciary, their actions seem to bolster the growing influence of DUI within the system, raising questions about their motivations. The timing of these interventions coincides with the push for constitutional amendments by the US, hinting at a potential strategy to exert pressure on the opposition party. This dynamic reflects the geopolitical priorities at play. In conclusion, the recent criticisms by Western Ambassadors provide important insights into the troubling state of the Macedonian judiciary. However, these critiques also unveil the complex interplay between external actors, political interests, and the ongoing challenges within the system.