



РЕПУБЛИКА МАКЕДОНИЈА  
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АКАДЕМИЈА ЗА СУДИИ  
И ЈАВНИ ОБВИНИТЕЛИ



Organization for Security and  
Co-operation in Europe  
Mission to Skopje

Бр. 03-152/11  
2-04 2012 год.  
СКОПЈЕ

**MEMORANDUM OF UNDERSTANDING  
BETWEEN THE OSCE MISSION TO SKOPJE AND THE ACADEMY FOR JUDGES  
AND PUBLIC PROSECUTORS FOR THE IMPLEMENTATION OF THE PROJECT  
ACTIVITIES “CAPACITY BUILDING OF THE NON-DISCRIMINATION  
MECHANISMS IN THE COUNTRY”, “INCREASED CAPACITIES OF THE  
STAKEHOLDERS FOR DEALING WITH BIAS CRIME AND HATE SPEECH IN  
THE COUNTRY” AND “INCREASING NATIONAL CAPACITIES TO FIGHT  
ORGANIZED CRIME AND CORRUPTION”**

The OSCE Mission to Skopje, herein after referred to as “OSCE”, represented by the Head of Mission, H.E Ambassador Ralf Breth and Academy for Judges and Public Prosecutors, represented by the Director, Judge Aneta Arnaudovska, hereinafter referred to as “the Academy” jointly referred to as the “Parties” on 26/05/2012 have agreed as follows:

**Article 1: Purpose and Scope**

1. The Parties shall cooperate for the purposes of implementation of the project activities contained in the Projects: “Capacity building of the non-discrimination mechanisms in the country”(component two of the Project), “Increased capacities of the stakeholders for dealing with bias crime and hate speech in the country” and “Increasing national capacities to fight organized crime and corruption”, as described in the attached Annexes, which forms an integral part of this Memorandum of Understanding (herein after “MoU”).
2. The Parties commit themselves to work together, consult, jointly programme and coordinate the activities for the implementation of the Projects.

**Article 2: Responsibilities of OSCE**

OSCE responsibilities are set out in the Projects that are attached to this MoU as Annex 1, Annex 2 and Annex 3, respectively. In particular, the OSCE shall:

- a. Retain the sole responsibility for the purchase of goods and services, based on a competitive process as appropriate, for the implementation of the Project activities;
- b. Designate a contact person who will liaise with the Academy and share information regarding the Projects;
- c. The OSCE retains the sole responsibility for funds disposal and will directly enter into contracts with local service providers;
- d. Print and disseminate a Handbook on anti-discrimination concept and procedures for the judiciary;
- e. Implement one training of trainers and two cascade trainings on ‘Anti-discrimination concept and procedures’ for legal practitioners;

- f. Organize one public discussion with legal practitioners on effective dealing with bias crime and one conference on the hate speech as social construct;
- g. Organize one training of trainers on the developed Handbook on "Criminal Liability of legal entities" and one discussion on the conclusions and recommendations within the developed Handbook with a focus on sentencing policies;
- h. Perform other tasks as set out in the enclosed Annexes.

### **Article 3: Responsibilities of the Academy**

1. The Academy shall fully support the implementation of the Projects set out in the enclosed Annexes.

2. Its responsibilities are set out in the Projects that are attached to this MoU as Annex 1, Annex 2 and Annex 3. In particular, the Academy shall:

- a. Designate a contact person who will work closely and coordinate the activities of the implementation of the project activities "Capacity building of the non-discrimination mechanisms in the country", "Increased capacities of the stakeholders for dealing with bias crime and hate speech in the country" and "Increasing national capacities to fight organized crime and corruption";
- b. Meet regularly with the OSCE contact person to coordinate all aspects of the Projects and share information;
- c. Provide timely and accurate information in relation to the projects activities, including information about the possible difficulties which might be encountered during the implementation of the Projects;
- d. Provide required authorizations in sufficient time for OSCE to accomplish its activities;
- e. Review and provide comments on all Project documents as defined in the Projects set out in enclosed Annexes;
- f. Invite and ensure the target group's participation in all projects activities as stated in the Projects set out in enclosed Annexes;
- g. Provide any information necessary to the international and national experts conducting the training of trainers and the two cascade trainings on "Anti-discrimination concept and procedures" for the legal practitioners;
- h. Provide any information necessary to the two national experts developing the legal analysis on the bias crime and hate speech phenomenon and related concepts in the country;
- i. Participate as a guest speaker on all events envisioned under the projects "Increased capacities of the stakeholders for dealing with bias crime and hate speech in the country" and "Increasing national capacities to fight organized crime and corruption";
- j. Include the training module on 'Anti-discrimination concept and procedures', the Handbook for judges and prosecutors on 'Anti-discrimination concept and procedures' and the Handbook on 'Criminal Liability of Legal Entities' within its curriculum for basic and continuous training;
- k. Coordinate with the OSCE in the process of dissemination of the Handbook for judges and prosecutors on 'Anti-discrimination concept and procedures' and the one on 'Criminal Liability of Legal Entities' to all relevant judges and prosecutors in the country that apply this institute in practice;
- l. Take active participation in the Projects' post-evaluation processes;
- m. Perform other tasks as set out in the enclosed Annexes.

#### **Article 4: Communication**

All communications relating to the implementation of this MoU shall be addressed as follows:

For the OSCE:

- Project/activity managers:  
Zaneta Poposka, National Rule of Law Officer  
and  
Elena Petkovska, Senior Legal Assistant
- Address: Bul.Oktomvriska revolucija bb, 1000 Skopje
- Telephone: 02/3234 439
- Mobile: 070/358005 and 070/325943
- E-mail: [zaneta.stojkova@osce.org](mailto:zaneta.stojkova@osce.org)  
[elena.petkovska@osce.org](mailto:elena.petkovska@osce.org)

For the Academy:

- Project/activity manager:  
Atanas Georgievski, External Consultant for International Cooperation
- Address: Jane Sandanski 12, 1000 Skopje
- Telephone: 02/2401 563
- Telefax: 02/2401 570
- Mobile: 070/205507
- E-mail: [atanas.georgievski@gmail.com](mailto:atanas.georgievski@gmail.com)

#### **Article 5: Liability**

OSCE does not assume liability for any third party claim for damages arising out of this MoU.

#### **Article 6: Publications and Media Releases**

1. All rights, title and interest, including without limitation, all copyrights and patents, in and to any material produced and invention developed in the performance of this MoU shall be vested exclusively in the OSCE.  
The Academy is free to reproduce, publish or otherwise use and to authorize others to use any books, publications or other materials developed in the course of the Project.
2. The Academy may use the name and logo of the OSCE only in direct connection with the Project activities, and subject to prior consent of the OSCE.
3. The OSCE involvement in the Project activities shall be acknowledged in any printed material prepared in connection with the Projects. Where appropriate, the Academy shall acknowledge the OSCE in publications, speeches, and press releases or in any similar mediums.

#### **Article 7: Privileges and Immunities**

Nothing contained in this MoU shall be deemed a waiver of the privileges and immunities enjoyed by the OSCE and its staff.

#### **Article 8: Dispute Resolution**

Any differences which may arise in the application of the provisions of this MoU and its Annexes shall be resolved through friendly negotiations between the Parties.

## Article 9: Entry into Force, Amendments, Termination

- a. This MoU shall enter into force upon signature by both parties and remain valid until the execution of the obligations deriving from this MoU, unless either party decides to terminate it earlier by giving not less than 15 calendar days' written notice or immediately by the OSCE upon default in whole or in part by the Academy of its obligations under this MoU.
- b. This MoU shall supersede any and all prior written or oral statements, agreements and representations of the parties and shall constitute the sole MoU between the parties.
- c. Any modification of this MoU shall be subject to the written approval of both parties.

## Article 10: Language

The English version of this MoU shall be considered original and used in case of dispute. The Macedonian version of this document shall be used solely for informative purposes.

Done in Skopje on 26/03/2012 in three originals in the English language

Signatories



For the OSCE

H.E. Ambassador Ralf Breth  
Head of Mission



For the Academy

Judge Aneta Arnaudovska  
Director

Enc.:

Annex 1: Project "Capacity building of the non-discrimination mechanisms in the country"

Annex 2: Project "Increased capacities of the stakeholders for dealing with bias crime and hate speech in the country"

Annex 3: Project "Increasing national capacities to fight organized crime and corruption"