



**REPUBLIC OF NORTH MACEDONIA
ACADEMY FOR JUDGES AND PUBLIC PROSECUTORS
PAVEL ŠATEV**

No. _____

SKOPJE

Pursuant to Article 11, Paragraph 1, Indent 1 of the Law on the Academy for Judges and Public Prosecutors (The Official Gazette of the Republic of North Macedonia No. 129/2023), the Management Board of the Academy, at its session held on _____2023, adopted the following:

RULEBOOK ON THE THEORETICAL INSTRUCTION IN THE INITIAL TRAINING IN THE “PAVEL ŠATEV” ACADEMY FOR JUDGES AND PUBLIC PROSECUTORS

I. General Provisions

Article 1

(1) This Rulebook regulates the common rules for the duration, status, rights, and obligations of the participants in the Initial Training (hereinafter referred to as "training participants"), as well as the rights and obligations of the lecturers during the theoretical part of the Initial Training.

(2) The aim of the Theoretical Instruction at the Academy is to develop broader general knowledge among the training participants about substantive and procedural domestic and international law, and European Union law from a practical aspect. It also aims to develop technical specificities for the judicial and prosecutorial profession, the ability to think logically, familiarity with the social, cultural, and economic aspects of law, as well as openness to the social environment through practicing the appropriate Modules in the Court and in the Public Prosecutor's Office and in other institutions.

(3) The objectives of Theoretical Instruction at the Academy shall be achieved in accordance with the Initial Training Programme – Theoretical Instruction.

II. Status of the Initial Training Participants

Article 2

(1) Upon admission to the Initial Training, the participants shall give a solemn declaration before the Director of the Academy to respect the Code of Ethics of the Academy, which shall apply after its adoption, and the rules provided for by the general acts of the Academy, to respect the lecturers, the mentors, as well as the institutions where the Practical Instruction shall be carried out.

(2) The Academy shall adopt the Code of Ethical Conduct for the training participants for the period they hold the status of training participants. (3) Any violation of the rules referred to in Paragraph 1 shall constitute grounds for initiating disciplinary action against a training participant, in accordance with Article 51 of the Statute of the “Pavel Šatev” Academy for Judges and Public Prosecutors.

III. Rights and Obligations of the Training Participants

Article 3

During the Initial Training, the training participants shall be guaranteed the following rights:

- To establish a fixed-term employment relationship with the Academy for the duration of the Initial Training delivery until their election as a judge in a Basic Court or as a public prosecutor in a Basic Public Prosecutor's Office, during which the general regulations on labor relations and health insurance and the Law on the Academy shall apply;
- To receive a salary equivalent to that of a Senior Court/Public Prosecutor's Office Advisor in a Basic Court/in a Basic Public Prosecutor's Office and other benefits in accordance with the law during the employment relationship;
- To use annual leave in accordance with the Law on Labor Relations during court holidays, with the exact dates of the annual leave defined by the Academy for each individual generation, with all training participants using it simultaneously;
- To use three working days of paid leave after completion of each Theoretical Instruction Module to prepare for taking the test for the specific Module that was being instructed, and seven working days of paid leave after completion of the Practical Instruction to prepare for the final exam;
- To receive effective training for acquiring the knowledge and skills necessary to perform the judicial and prosecutorial professions;
- To be timely informed about all relevant issues related to the course of the Initial Training;
- To receive continuous evaluation of acquired knowledge and skills according to unique criteria and elements;
- To use the library, training materials, equipment, and premises according to the established rules of the Academy or of the corresponding institution where the training shall be carried out;
- To have written records of regular attendance, activity, level of completion of training tasks, grades, and points, kept by the individual lecturer;
- To evaluate each lecturer at the end of each part of the instruction, according to the evaluation sheets designed by the Academy, which shall be submitted to the Academy's Professional Service;
- To submit suggestions, proposals, and questions that are relevant for the delivery of the instruction to the lecturers, the mentors, and the Academy's Professional Service.

Article 4

The Initial Training participants shall have the following obligations:

- Regular and timely attendance at the instruction, in accordance with the Class Timetable;
- Active participation in and timely completion of tasks assigned by the lecturers or mentors, in accordance with this Rulebook and the Theoretical and Practical Instruction Programmes;

- Regular and continuous studying of the training material, for which the Academy may organise ongoing verifications;
- Compliance with the rules provided by the general acts of the Academy, the Code of Conduct, as well as the institutions where the practical part of the training shall be carried out;
- Keeping the confidentiality of the data from the Court, from the Public Prosecutor's Office, and from other case files that they may learn during the training at the Academy and in the institutions where the Practical Instruction shall be carried out;
- Prudential use of office supplies, equipment, books, training materials of the Academy and of the institutions for practical training, as well as reporting any damage to them.

IV. Absence from the Instruction

Article 5

(1) Any absence from the instruction shall be regulated in accordance with the Law on the Academy for Judges and Public Prosecutors, the Law on Health Insurance, and the Law on Labour Relations.

(2) In the case of using maternity leave, or sick leave, for more than 60 days, which occurs immediately before the commencement of the Theoretical Instruction, the Initial Training participant shall begin taking the Theoretical Instruction from the next regular generation of Initial Training participants. In such a case, in order to preserve the defined number of candidates for judges and public prosecutors, as published with the announcement for the current generation, the vacancy shall be filled with the next training participant from the final ranking of the passed candidates from the same quota, in accordance with Articles 7 and 48 of the Law on the Academy for Judges and Public Prosecutors.

(3) The training participant who shall use the right to begin taking the Theoretical Instruction with the next generation of Initial Training participants, in the case of using maternity leave, or sick leave, for more than 60 days, shall use his rights arising from the employment relationship from the moment of signing the Employment Relationship Contract with the Academy, along with other training participants from the next generation.

(4) In the case of using maternity leave, or sick leave, for more than 60 days, after the commencement of the Theoretical Instruction, the procedure in accordance with Paragraph 2 of this Article shall apply.

(5) If the training participant fails to continue the Initial Training with the next regular generation of Initial Training participants, at that stage of the instruction when the interruption occurred, in such a case, he shall be obliged to compensate the costs and other fees for his training according to the calculation established by the Academy.

V. Theoretical Instruction

Article 6

(1) The Theoretical Instruction shall be carried out in the premises of the Academy, in shifts, on working days, and during office hours.

(2) If so required, and in accordance with the Syllabi, the Curricula, and the Class Timetable, the Theoretical Instruction may also be carried out outside the Academy, as well as after office hours and on non-working days.

(3) If so required, the instruction may be organised electronically through the e-learning Modules.

(4) The duration of one class shall be 40 minutes.

(5) The organization of the classes during office hours shall be defined by the Theoretical Instruction Programme and the Class Timetable.

(6) The total number of classes in the Theoretical Instruction shall be defined by the Theoretical Instruction Programme, with no less than 60% of them being practical. The specific ratio of the theoretical and the practical part for each individual subject shall be regulated by the Theoretical Instruction Programme and defined in detail with the Class Timetable.

The Subject Matter and Contents of the Theoretical Instruction

Article 7

(1) During the Theoretical Instruction, law subjects, general subjects, and specialised subjects, as well as other subjects defined by the Initial Training Programme – Theoretical Instruction, shall be taken and studied.

(2) The law subjects shall include: Criminal Law, Civil Law, Commercial Law, Constitutional Law, Administrative Law, International Law, and European Union Law. The general subjects shall include: Communication Skills, Case Management, Public Relations, Information Technology with Law-related Browsing, Rhetoric with Legal Argumentation, Linguistics of Law, Ethics, Business Culture and Deontology, and a Foreign Language. The specialized subjects shall include: Criminalistics, Forensic Medicine, Forensic Psychology, and Forensic Psychiatry.

(3) The number of classes for each curriculum subject, as well as the total number of classes, shall be defined depending on the nature, complexity, and importance of the subject matter for the successful performance of the judicial and prosecutorial professions, and shall be detailed in the Theoretical Instruction Programme.

(4) All curriculum subjects studied in the Theoretical Instruction shall be divided into three Modules, which shall be taken consecutively.

(5) The Modules shall be designed as follows:

Module 1: Civil Law, Commercial Law, Constitutional Law, Administrative Law, Information Technology, and Law-related Browsing, Foreign Language – Module 1 Terminology;

Module 2: Criminal Law, Criminalistics, Forensic Medicine, Forensic Psychiatry, Communication Skills, Case Management, Public Relations, Rhetoric with Legal Argumentation, Linguistics of Law, Foreign Language – Module 2 Terminology;

Module 3: International Law, EU Law, Ethics, Business Culture and Deontology, Forensic Psychology, Foreign Language – Module 3 Terminology.

(6) When determining the level of representation of individual areas and topics, an appropriate balance between legal topics and complementary topics (sociological, cultural) shall be

ensured, allowing training participants to acquire a multidisciplinary approach to modern societal problems.

(7) The Programme may include optional topics for candidates to study based on their choice, and current topics in domestic and international legal practice as a supplement to acquired knowledge. The Academy may organise ongoing verifications for this knowledge or incorporate it into the exams for each Theoretical Instruction Module accordingly.

Article 8

(1) The type and the number of subjects, topics and subtopics, and the number of classes for each subject referred to in Article 8 of the present Rulebook, shall be defined by the Initial Training Programme, which shall comprise the Theoretical Instruction Programme and the Practical Instruction Programme.

(2) The Programmes referred to in Paragraph 1 of this Article shall be developed and updated by the Programme Council of the Academy for each generation of training participants based on a prior continuous consultation with the lecturers, the mentors, the Initial Training participants, the Academy's Professional Service, and also on the basis of the results of the evaluations made by the training participants of the previous Initial Trainings, of the lecturers and mentors, of the training priorities resulting from the programmes and reports of the institutions represented in the Management Board, as well as the opinions of the Presidents of the Courts and the Public Prosecutors of the Public Prosecutor's Offices to which the candidates from the Academy have been selected, amendments to domestic and international legislation, and the caselaw of the international courts, particularly of the European Court of Human Rights and the European Court of Justice.

(3) When defining the contents of the Programme and the schedule for the Initial Training, special attention shall be paid to the selection of subjects, training materials and topics that are related to the competence of the Basic Courts and the Basic Public Prosecutor's Offices to which the candidates shall be selected.

(4) Additional educational activities organised in cooperation with international institutions shall be included in the summative assessment of the results of the Initial Training.

Organisation and Methodology

Article 9

(1) The Theoretical Instruction shall be delivered by lecturers.

(2) The lecturers shall be obliged to apply methodological pluralism in the delivery of classes – a combination of theoretical and practical approaches, so that no less than 60% of the syllabus is covered by the practical approach.

(3) The theoretical part of the instruction may be delivered through the following instruction methods and techniques:

- lectures with materials and examples from practice;
- continuous interactive engagement of the training participants in debates and discussions;

- comparative lectures by guest lecturers;
- comparative examples from the legal systems of other countries;
- use of video streaming equipment for direct monitoring of trials; and
- other methods and techniques upon identifying the lecturer.

(4) The practical part of the instruction may be delivered through the following instruction methods and techniques:

- individual and group tests and exercises;
- analysis and solving of real-life and hypothetical cases;
- participation in simulated cases by role-playing;
- drafting of procedural acts and other documents;
- individual and group writing of essays on current legal situations and issues;
- analysis of existing laws or proposed legal texts;
- preparation of reports, opening and closing statements, and other oral presentations;
- participation in investigative actions undertaken by the Public Prosecutor and the Judicial Police;
- visits to state and other authorities and institutions of the lecturer's choice, related to the specifically addressed topic;
- participation in the Continuous Training organised by the Academy, by other institutions, or by NGOs;
- participation in exchange programmes organised by other training institutions in Europe and the world, and by European and international training networks (the Lisbon Network and the EJTN – European Judicial Training Network);
- other methods chosen by the lecturers, which shall stimulate interactive participation.

Obligations of the Lecturers

Article 10

During the Theoretical Instruction, the lecturers shall be obliged:

- to deliver the classes regularly in accordance with the published Class Timetable, and in case of being prevented, to notify the Academy's Professional Service in advance, in a timely manner, for the purposes of the smooth running of the instruction;
- to make all the training materials available to the Academy, for the purposes of the instruction;
- in a timely manner, no later than 3 days before the delivery of the classes, to submit the necessary training materials to the Academy for the purposes of their distribution to the training participants;
- to assess the given written assignments (essays) and homework;
- to prepare an adequate number of questions and practical cases for the compilation of the knowledge verification tests, which shall be administered after the completion of each individual Theoretical Instruction Module;
- to prepare questions for the control tests;
- to prepare questions for the final exam;
- to inform the Academy's Professional Service about their proposals and suggestions, and about the proposals and suggestions of the training participants, regarding instruction;

- to combine the classes with practical work, in the ratio of no less than 60%, by elaborating cases from the domestic caselaw and the caselaw of other national jurisdictions and international courts;
- to encourage and provoke active engagement of the training participants, to stimulate their creative capacities, to develop a competitive environment for the purpose of improving their knowledge;
- to announce the thematic unit in advance so that training participants can prepare for their active engagement;
- to choose modern instruction methods for the Theoretical Instruction, by employing contemporary instruction techniques, video presentations, films, PowerPoint, etc.;
- to record in writing the activities of each training participant and assess them in accordance with the assessment provisions of the present Rulebook.

Assessment Method

Article 11

(1) Performance assessment shall be carried out by means of knowledge verification tests, which shall be taken after the completion of each individual Theoretical Instruction Module, as well as continuously, during the instruction, by means of assessment of essays, homework, and control tests for the ongoing verification of the acquired knowledge.

(2) The tests referred to in Paragraph 1 of this Article shall include a predefined number of questions and case studies from each individual subject, in accordance with the number of classes allocated to the specific subject within the Theoretical Instruction Programme.

(3) Test questions and test case studies shall be prepared by the lecturers who have delivered the classes during the Theoretical Instruction, while the Programme Council shall verify the test questions.

(4) Homework and essay topics shall be defined by the lecturer who teaches the specific subject.

(5) In case the training participants fail one or more Modules, at the end of the Theoretical Instruction, they shall have the opportunity to take the test once more, following the end of all three Modules, for the specific Module that was failed.

Article 12

The following components shall be subject to assessment:

- the level of engagement of the training participants in the learning process;
- the progress made in acquiring and increasing theoretical knowledge (information), however, also verifying the ability to apply it in practice (know-how);
- the ability for written expression (drafting of procedural acts) and oral expression (argumentation);
- the ability for logical thinking and evaluation of evidence, for distinguishing the factual from legal issues;
- the ability to make decisions;
- communication skills;

- the duties of, and the attitudes towards the role of, the judge and the public prosecutor in society, and the relations with other parties in the procedure;
- the attitude towards upholding the ethical standards of the profession.

(2) Verification and assessment shall be carried out through the following forms of ascertaining the training participants' abilities:

- test to verify the knowledge / the skills for practical application and interpretation of the laws pertaining to the studied thematic units, which shall be taken at the end of each Theoretical Instruction Module;
- written exercises in classes
- essays (articles on current judicial topics, drafting of judgments and other procedural acts, analysis of hypothetical cases);
- ongoing verification of the acquired knowledge about the studied thematic units by means of control tests;
- homework (on topics related to the judicial and prosecutorial profession, reports from visits to institutions, reports on participation in seminars in the Academy and elsewhere, reports from study visits in the Republic of North Macedonia and abroad, as well as other types of additional activities).

Article 13

(1) The assessment of the training participants shall be expressed quantitatively in points.

(2) The points that each training participant may receive for each individual subject shall constitute the sum of the points scored from the knowledge verification test, the homework, the essay, and the control tests.

(3) The points of the knowledge verification test shall be predefined within the Score Overview according to the number of classes allocated to the specific subject, in accordance with the Theoretical Instruction Programme.

(4) The points that may be scored for each individual subject, or for a group of subjects, the criteria according to which they shall be awarded, as well as the method of assessing and calculating the final points from the Theoretical Instruction, shall be defined by the present Rulebook.

Article 14

(1) For each generation of training participants, before the commencement of the Theoretical Instruction, the Monthly Class Timetable shall define the topics, the areas, and the time slots for the administration of:

- the written exercises / essays,
- the homework,
- the lecturers who shall administer them, taking into account the appropriate representation of the specified activities in all segments of the specific subject.

(2) The specific topic for each of the specified forms of training participants' performance assessment shall be defined by the lecturer who delivers the topic.

Article 15

(1) Within the overall performance of the training participants who took the Initial Training, the performance achieved during the Theoretical Instruction shall be scored with a maximum of 30 points, and shall be expressed in numbers rounded to two decimal places.

(2) The training participant who shall score summatively less than 21 points in the tests for all three Modules, including the points for essays, homework, and control tests, shall be considered not to have successfully completed the Theoretical Instruction.

Article 16

(1) The training participants shall receive the final points from the Theoretical Instruction according to the following criteria, which carry a specified share of the points:

- from the knowledge verification test – up to 25 points;
 - from the written assignment – essays – up to 2 points;
 - from the homework – up to 1 point; and
 - from the control tests – up to 2 points.
- Knowledge Verification Test

Article 17

(1) The test to verify the knowledge of the training participants shall be taken at the end of each Module, for the subjects that have been jointly studied within that Module.

(2) The test shall cover all the subjects taken during the specific Module and shall include questions and practical cases to be solved relating to the subject matter that was studied during the Theoretical Instruction.

(3) The test shall be taken in writing. The room where the test is to be taken shall be attended by individuals from the ranks of the administrative servants employed with the Academy.

(4) Taking the test shall last 120 minutes.

(5) The results from the test shall be published on the Academy's website.

Article 18

(1) When taking the test, the training participants shall not use any electronic devices, means of communication, or other types of aids, including the laws, the laws with commentary and explanation, pre-prepared cases, legal documents, written materials, or any other source of information.

(2) During the test, the training participants shall not be allowed to leave the test room, except in cases of emergency, when they shall be accompanied by the authorised persons supervising the test.

(3) During the test, the training participant shall not be allowed to contact the other training participants or other persons.

(4) During the test, if the training participant acts contrary to Paragraphs 2 and 3 of this Article, he shall be removed from the testing, his test shall be cancelled, and it shall not be reviewed and assessed, thus he shall be considered not to have passed the test, which shall be duly ascertained by the administrative servants of the Academy who have attended the testing.

Article 19

- (1) For each Module, one joint knowledge / skills verification test shall be administered.
- (2) The knowledge verification test shall be taken in writing, by colouring the form designed by the Academy.
- (3) Before taking the test, the training participants shall draw a code name, which they shall write down on the Signature Sheet.
- (4) The test results shall be reviewed electronically, using a reader.
- (5) A maximum of 10 points may be scored on the Modules 1 and 2 tests, and a maximum of 5 points on the Module 3 test.
- (6) Each knowledge / skills verification test shall include questions relating to the subject matter that was studied during the Theoretical Instruction, and questions from the practical cases from the relevant Module.
- (7) Test questions may be answered by circling one of the several provided answers.
- (8) The number of questions shall depend on the number of classes allocated to the specific subject.
- (9) The test structure, that is, the number of questions and case studies from each area, shall be sent to the training participants no later than one month before taking the test.
- (10) Three answers shall be provided to each question, one of which shall be correct.
- (11) The correct answer to each question shall be scored with 0.10 points, and the incorrect answers shall be scored with 0 points. The failure to answer any question shall be scored with 0 points.
- (12) Each practical case to be solved shall include three questions, and three answers shall be provided to each question, one of which shall be correct, and two of which shall be incorrect.
- (13) The correct answer to each question referred to in Paragraph 8 of this Article shall be scored with 0.10 points, and the incorrect answers shall be scored with 0 points. The failure to answer any question shall be scored with 0 points.
- (14) The pool of test questions and test practical cases to be solved shall be prepared by the lecturers.
- (15) The training participant who shall score summatively less than 19 points in the knowledge verification tests for all three Modules shall be considered not to have successfully completed the Theoretical Instruction.

Article 20

- (1) During the Theoretical Instruction, the progress of the training participants shall be monitored by way of other forms of assessment, such as written assignments (essays), homework, and control tests, which shall be assigned by the lecturers of the specific subjects. (2) Each training participant shall have to complete all the stipulated forms of permanent assessment within the deadline set by the lecturer who has assigned the task.
- (3) The accuracy and the quality of the assignment shall be verified by the lecturer who has assigned the task.
- (4) The Academy's Professional Service shall keep records of all the assignments completed by the training participant to clear him for taking the test.

Essays (Written Assignments)

Article 21

- (1) The essays (written assignments) shall be assessed through the realisation of the activities provided for in Article 14, Paragraph 2, Indent 2 of the present Rulebook.

(2) The case studies used for the essays shall be fictitious, with a clear factual situation and data (file number, evidence, names of the parties, the judge, the public prosecutor, the minute-taker, the witnesses, and all other details, on the basis of which judgements or resolutions can be formed).

(3) When solving the essays, that is, when drafting the acts, the training participants may use the laws, which shall be located on the computer on which they shall be taking the test.

(4) The essays (written assignments) shall be completed during classes, within time slots defined by the Annual Class Timetable.

(5) For selected subjects/units, during the Theoretical Instruction, the training participants shall be given one written assignment each that shall be scored with 0 to 2 points for each essay, and the score shall be expressed in numbers rounded to two decimal places.

(6) The failure to submit a written assignment (essay) shall be scored with 0 points.

(7) The review and the grading of the written assignment shall be carried out by the lecturer who has assigned it, within no more than five days from giving the assignment, and the results shall be published in writing in the Academy.

(8) The final points scored by each training participant according to this criterion shall be calculated by the Academy's Professional Service at the end of each Module, in such a way that an arithmetic mean value shall be calculated from all the points scored for each individual subject, expressed in numbers rounded to two decimal places, and the final grade for all Modules, at the end of the Theoretical Instruction, with an arithmetic mean from the Modules, which shall be expressed in numbers rounded to two decimal places.

Homework

Article 22

(1) The homework shall be assessed through the realisation of the activities provided for in Article 14, Paragraph 2, Indent 4 of the present Rulebook.

(2) The homework shall be completed after classes.

(3) For selected subjects/units, during the Theoretical Instruction, the training participants shall be given one homework each that shall be scored with 0 to 1 points for each homework, and the score shall be expressed in numbers rounded to two decimal places.

(4) The failure to submit homework within the set deadline shall be scored with -0.5 points.

(5) The review and the grading of the homework shall be carried out by the lecturer who has assigned it, within no more than five days from giving the assignment, and the results shall be published in writing in the Academy.

(6) The final points scored by each training participant according to this criterion shall be calculated by the Academy's Professional Service at the end of each Module, in such a way that an arithmetic mean value shall be calculated from all the points scored for each individual subject, expressed in numbers rounded to two decimal places, and the final grade for all Modules, at the end of the Theoretical Instruction, with an arithmetic mean from the Modules, which shall be expressed in numbers rounded to two decimal places.

Control Tests

Article 23

(1) The control tests shall be assessed through the realisation of the activities provided for in Article 14, Paragraph 2, Indent 3 of the present Rulebook.

- (2) The control test shall be taken in writing, by colouring the form designed by the Academy.
- (3) Before taking the control test, the training participants shall draw a codename, which they shall write down on the Signature Sheet.
- (4) The test results shall be reviewed electronically, using a reader.
- (5) The control tests shall be taken during classes.
- (6) For selected subjects/units, during the Theoretical Instruction, the training participants shall be given one control test each that shall be scored with 0 to 2 points for each test, and the score shall be expressed in numbers rounded to two decimal places.
- (7) The failure to take the control tests shall be scored with 0 points.
- (8) The final points scored by each training participant according to this criterion shall be calculated by the Academy's Professional Service at the end of each Module, in such a way that an arithmetic mean value shall be calculated from all the points scored for each individual subject, expressed in numbers rounded to two decimal places, and the final grade for all Modules, at the end of the Theoretical Instruction, with an arithmetic mean from the Modules, which shall be expressed in numbers rounded to two decimal places.

V. Principle of Transparency

Article 24

- (1) The method of scoring and assessing the individual activities of the training participants laid down in the present Rulebook, for the purpose of achieving uniformity, shall be published in the Training Participants' Information Package before the commencement of the instruction. (2) For the purpose of ensuring transparency in assessment, the lecturers, that is, the lecturer teams, shall be obliged to publish the results from the given assignments in a timely manner.

VII. Final Provisions

Article 25

- (1) The present Rulebook shall enter into force on the day of its adoption.
- (2) The present Rulebook shall be published on the Academy's website.
- (3) With the entry into force of the present Rulebook, with reference to the Theoretical Instruction section, the Rulebook on the Initial Training (The Official Gazette of RM Nos. 19/2017, 88/2017, 11/2018, and 34/2018, and The Official Gazette of RNM Nos. 193/2020 and 296/2020) shall be repealed.

Academy for Judges and Public Prosecutors
"Pavel Šatev" – Skopje
President of the Management
Board
Judge Bekim Mehmedi
