



**REPORT ON THE WORK OF THE  
ACADEMY FOR JUDGES AND  
PUBLIC PROSECUTORS FOR THE  
YEAR 2011**

**Skopje  
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## **I INTRODUCTORY REMARKS**

This annual report covers the activities of the Academy for Judges and Public Prosecutors (hereafter “the Academy”) for the period from 1<sup>st</sup> January 2011 to 31<sup>st</sup> December 2011 (hereafter “the reporting period”). In the course of this reporting period, the Academy for Judges and Public Prosecutors implemented all of the activities, prescribed by law, both in the area of initial training of candidates for judges and public prosecutors, and in the area of continuing training of judges and public prosecutors and other target groups, as well as in regard to international cooperation. In this sense, the Work Programme of the Academy for the year 2011 was fully implemented, as were all activities set as priorities with the *National Programme for Approximation of the Acquits of the European Union* (NPAA) and with the Partnership for Accession to the European Union, as well as by the recommendations from the Report of the European Commission on the Progress of the Republic of Macedonia for the Year 2010.

This year marked the fifth anniversary from the founding of the Academy, which managed to grow in these five years into a serious and respectable training institution and trustworthy partner for cooperation with domestic and foreign institutions and collaborators.

In the area of initial training of candidates for judges and public prosecutors, the Programme for Initial Training of the Fourth Generation of Candidates for Judges and Public Prosecutors 2010/2011 was fully realised, as were the appropriate preparations towards the implementation of the provisions of the new Law on the Academy for Judges and Public Prosecutors (published in the Official Gazette of the Republic of Macedonia, number 88/2010; hereafter “the Law on the Academy”), in the part of admission of participants in initial training.

In the area of continuing training of judges and public prosecutors and of other target groups, the goals and objectives contained in the General Programme for Continuing Training of Judges and Public Prosecutors for the period 2011-2012 were realised in the course of the reporting period, on the basis of which detailed quarterly calendars of planned training events for continuing professional in-service of judges, public prosecutors and other target groups were prepared, as were the goals and objectives deriving from the special Catalogue of Training Events for the administration in the courts and public prosecutor’s offices, adopted in accordance with the tri-annual Administration Training Programme.

The Academy endeavoured to improve the quality of the training offered through selecting new contents and topics in line with all pertinent international standards and training programmes, raising the level of professionalism and competence of the selected national and international lecturers, and worked intensively on strengthening its own capacities, expended and strengthened domestic and international cooperation, thus providing in continuation its contribution to the strengthening the expertise, professionalism and independence of the justice system, as one of the priorities of the judicial reforms in the Republic of Macedonia.

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In this context, it is of special significance to mention the positive assessments awarded to the Academy in the Review of Activities undertaken with the dialogue for post-visa liberalisation from May 2011 and in the Report of the European Commission on the Progress of the Republic of Macedonia in 2011.

“The Academy for Judges and Public Prosecutors continues to provide an essential contribution to the professionalism and competence of the judiciary.

The human resources and facilities of the Academy for Judges and Public Prosecutors, however, require further improvement, taking into account the increasing scope of activities carried out by the Academy each year, as is stated in the Report of the European Commission on the Progress of the Republic of Macedonia in 2011, published on 12<sup>th</sup> October 2011.

## **II LEGISLATIVE FRAMEWORK**

The new Law on the Academy for Judges and Public Prosecutors (published in the Official Gazette of the Republic of Macedonia No. 88/2010) introduced innovations brought about by the need for consistent implementation of the recommendations contained in the reports of the European Commission for Monitoring the Progress of the Republic of Macedonia from the years 2007, 2008 and 2009, the report from the Assessment Mission of the European Commission from March 2008, the two assessment reports by the assessment expert of the CARDS Project (October 2007 and September 2008), as well as the draft amendments to the Law on the Academy (March 2008) proposed by the EU 2004 CARDS Project (Technical Assistance for Establishment of an Institution for Training on the Justice System, Phase II).

Similarly, harmonisation was carried out with the existing European and international training standards contained in respective documents adopted, in the conclusions and recommendations of international fora and conferences of the principal networks and most renowned international training providers, in the documents of the Council of Europe and of the European Union, in the recommendations and the conclusions from the annual sessions and fora of the European Judicial Training Network of the European Union (EJTN), and of the Lisbon Network of the Council of Europe), that are aimed at developing the strategy for the future training of judges on a European level.

To ensure successful implementation of the Law on the Academy for Judges and Public Prosecutors, new Articles of Association of the Academy were adopted (published in the Official Gazette of the Republic of Macedonia No. 88/2010), as well as other bylaws.

These bylaws, as well as other ones that are to be adopted in the coming period, will enhance the realisation of the operational activities mandated by law, will improve the organisation and practical implementation of all training programmes, and will facilitate better coordination between all subjects partaking in the design and delivery of training events.

### **III ACTIVITIES OF THE ACADEMY BODIES**

#### **1. WORK OF THE MANAGEMENT BOARD OF THE ACADEMY**

In the course of 2011, seven sessions of the Management Board of the Academy were held, during which issues within the scope of its competence were reviewed.

The Management Board was constituted in accordance with the new Law on the Academy; hence it now comprises 13 members. New ex officio member of the Management Board is the president of the Council of Public Prosecutors, whereas the Ministry of Justice is no longer ex officio member of the Management Board.

The Management Board of the Academy, at the proposal of the Director of the Academy, and within its legislative area of competence, adopted a number of legal acts, decisions, reports and programmes.

#### **2. WORK OF THE PROGRAMME COUNCIL OF THE ACADEMY**

The Programme Council as an expert body of the Academy, acting with the framework of its competences prescribed by the new Law and the Articles of Association of the Academy, held three sessions presided over by the Director of the Academy, thus providing general directions and established a number of training programmes.

The Programme Council worked in continuation towards upgrading and improving the training programmes, the teaching methodology and techniques in cooperation with the educators and the mentors, as the new Law on the Academy for Judges and Public Prosecutors awarded the Council a broader mandate. In addition, in close cooperation with the EC IPA Project, the Council reviewed draft training programmes, the methodology for training needs assessment and other documents submitted by the Project, with the aim of incorporating them into the regular teaching programmes.

#### **3. WORK AND ACTIVITIES OF THE DIRECTOR OF THE ACADEMY**

As a managerial and executive body of the Academy, the Director carried out her competences prescribed by the Law and the Articles of Association of the Academy. She managed, namely, the overall work of the Academy, ensured that the decisions of the Management Board were implemented, submitted proposals for adopting general official acts and reports, prepared and submitted to the Management Board of the Academy the Draft Programme for the Operation of the Academy for 2011, presided over the sessions of the Programme Council, participated, without a right to vote, in the work of the sessions of the Management Board where she regularly submitted reports on completed activities in periods between two sessions, coordinated the delivery of initial and the continuing training, represented the Academy in its cooperation with national and international authorities, organisations and projects, and also carried out other

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assignments necessary for the operation of the Academy and for securing conditions for its everyday normal functioning.

The Director continued in the course of this year, same as in 2010, her activities as member of the Judicial Budgetary Council, whose sessions she regularly attended and where she made contributions to the functioning of this body; she also served as member of the Working Group for the drafting of the amendments to the Law on the Court Budget; as member of the Working Group for drafting the National Programme for Approximation of the Acquis of the European Union and for preparing the negotiation positions for membership in the European Union, she submitted to the Ministry of Justice of the Republic of Macedonia proposals for revision of the NPAA for the period 2011-2013. She managed the work of the Project Committee of the Academy IPA Project; she was also a member of the Administrative Court IPA Project Committee and of the Working Groups of the IOM Project and the EC Project.

In the course of 2011, the Director of the Academy delivered a number of lectures, presentations and introductory remarks during the regular training events held at the Academy, as well as during round tables and conferences organised in the country by other national and international partners. She held regular meetings with representatives of national and international organisation in regard to negotiations for and implementation of domestic and international projects related to the training and other legal operations of the Academy.

Within the framework of the new Law on Criminal Proceedings (LCP), as chairperson of the working group established in the Ministry of Justice that had drafted the Action Plan for the implementation of the new Law on Criminal Proceedings, she continued her activities focused on the new Law. As one of the 28 trainers on the new LCP she took part in the training events for the trainers for the new LCP. Between 2<sup>nd</sup> July and 27<sup>th</sup> November 2011, the Director delivered lectures at four basic workshops and took part in 11 training of trainers events on the following topics related to the new Law on Criminal Proceedings: *Key Innovations in the Main Hearing, Cross-examination and the Competence of the Judge in the Prior Proceedings*. The Director of the Academy for Judges and Public Prosecutors, as one of the members of the working groups comprising trainers, with support from the OSCE Mission, and with a view to creating a unified teaching methodology in regard to teaching techniques and methods, helped develop a manual for trainers and for trainees, as well as a detailed four-day agenda.

The Director took part at the press conference dedicated to the new legislation and achievements in the judicial reforms, which was organised in July 2011 by the Ministry of Justice of the Republic of Macedonia.

The Director made an introductory statement within the framework of the event organised on the occasion of the signing of the Agreement for the commencement of the *Support to the Implementation of Anticorruption Measures and Policies* Project, held in August 2011. The agreement was co-signed by the Ambassador of the Kingdom of Great Britain and Northern Ireland, H. E. Mr Christopher Yvon.

The Director of the Academy delivered an introductory speech on 27<sup>th</sup> October 2011 at the event organised on the occasion of celebrating the Day of European Civil Justice, that she also attended and participated in, at which the two volumes of the publication *International Documents for Independent and Efficient Judiciary* were promoted, for which she wrote the introduction and prepared the systematisation of opinions and other reference documents and practice.

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As member of the Working group for implementation of the World Bank *Legal and Judicial Implementation and Institutional Support* Project, she participated in the preparation of the Reports from the third and fourth phase of the Project, focused on the functional analysis of courts in the Republic of Macedonia.

In November 2011, the Director of the Academy made a presentation regarding the work, organisation and achievements of the Academy, on the occasion of the celebration of the fifth anniversary of the Academy, under the motto *Five Years of Professional Training of the Justice System*, realised in cooperation with the German Foundation for International Legal Cooperation IRZ, under the auspices of the Embassy of the Federal Republic of Germany in the Republic of Macedonia, and with its financial support. Within the framework of this event, a two-day international conference was held, at which 11 institutions for judicial training from the countries of the Balkans, the Republic of Turkey, the Republic of Germany and of Luxemburg took part. The Director presented the Academy for Judges and Public Prosecutors, the current situation and the future of initial and continuing training of judges and public prosecutors, following which a Memorandum of Cooperation was signed with the representatives of the 11 training institutions partaking in the conference.

In the year 2011, the Director continued her activities within the Working Group of Consultative Council of European Judges (CCJE) of the Council of Europe, whose member she has been since 2005. In March 2011, she took part in the 20<sup>th</sup> meeting of the CCJE working group held in Strasbourg, Republic of France, the focus of which was placed on the preparation of Opinion No. 14. Between 15<sup>th</sup> and 18<sup>th</sup> June 2011 she participated at the 21<sup>st</sup> meeting of the CCJE working group, where the draft Opinion No. 14 was presented. In November 2011, the Director took part in the 12<sup>th</sup> Plenary Session of the Consultative Council of European Judges in Strasbourg, Republic of France, where Opinion No. 14 was adopted and where she was re-elected as member of the working group for the year 2012, which is tasked with preparing an opinion on the topic of *Specialisation of Judges*.

On 17<sup>th</sup> February 2011, within the Programme of the European Commission for the Efficiency of Justice (CEPEJ), a plenary session of the Lisbon Network, the Academy being a member of its Bureau, was held in Strasbourg, attended by the Director of the Academy for Judges and Public Prosecutors, judge Aneta Arnaudovska; this meeting was attended by representatives of judicial institutions for training of judges and public prosecutors of the member states of the Council of Europe. The new legal framework of the Lisbon Network was presented at the meeting, as well as the possibility for the Lisbon Network to be integrated into the Programme of activities of CEPEJ; in addition, a brief review of the activities of CEPEJ for the past year, 2010, was presented.

At the invitation of the Secretary General of the European Judicial Training Network – EJTN, judge Victor Hall, the Director of the Academy for Judges and Public Prosecutors of the Republic of Macedonia, judge Aneta Arnaudovska, attended a two-day conference dedicated to the European justice system, which was held from 8<sup>th</sup> to 10<sup>th</sup> March 2011 in Budapest, Hungary. The goal was to develop comprehensive national, European and institutional strategies that would aid the achievement of goals related to judicial training on European Law enshrined in the Stockholm Programme and in the assessment of the effectiveness of the practices of judicial training in respect of European Law.

In the course of March 2011, the Director lead the delegation comprising representatives of justice system institutions on a study visit to the Republic of Turkey, in the course of which a number of

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judicial institutions were visited, and a Memorandum of Cooperation was signed with the President of Justice Academy of the Republic of Turkey, which is being intensively pursued.

Between 2<sup>nd</sup> and 4<sup>th</sup> May 2011, a delegation of the Republic of Macedonia, led by the Director of the Academy, Aneta Arnaudovska, Jimmy Warren, permanent legal adviser for development and training of prosecutors at the Justice Department of the USA – the OPDAT Programme at the Embassy of the USA in the Republic of Macedonia, and Timothy Foth, police attaché at the ICITAP - International Criminal Investigative Training Assistance Programme of the Department of Justice at the Embassy of the USA in the Republic of Macedonia, conducted an official visit to the European Court of Human Rights in Strasbourg, France.

In June 2011, the Director of the Academy for Judges and Public Prosecutors, in her capacity of Director of the Academy and member of the Working group of the CCJE, attended the plenary meeting of the European Commission for the Efficiency of Justice, where she presented the achievements of the Republic of Macedonia in the area of justice system training.

In September 2011, the Director of the Academy for Judges and Public Prosecutors, Aneta Arnaudovska, participated in the 54<sup>th</sup> Annual Meeting of the International Association of Judges, held in Istanbul, Turkey, in the framework of which meetings of the four permanent expert commissions of the International Association of Judges were held, with the first commission, competent for issues of status of the judiciary and of the court administration debated on the physical, structural and economic preconditions for judicial independence.

At the invitation of the President of the International Organisation for Judicial Training (IOJT), Shlomo Levin, PhD, and the Director of the National School for the Judiciary of the Republic of France, Mr Jean-Francois Thony, the Director of the Academy for Judges and Public Prosecutors, judge Aneta Arnaudovska, attended the fifth International Conference on Training of the Judiciary, held from 31<sup>st</sup> October to 3<sup>rd</sup> November 2011 in Bordeaux, Republic of France. Co-organiser of the Conference and host of this for training institutions exceptionally important event was the French National School for the Judiciary. The conference was dedicated to the topic *Judicial Training in a Globalized World: Restoring Trust and Stability*.

Within the framework of the Programme of activities of the European Commission for the Efficiency of Justice, the Director of the Academy for Judges and Public Prosecutors, judge Aneta Arnaudovska, attended on 7<sup>th</sup> and 8<sup>th</sup> December 2011 in Strasbourg the 18<sup>th</sup> Plenary Meeting of the Lisbon Network. The meeting was attended by representatives of training institutions for training of judges and public prosecutors of the member states of the Council of Europe. The eighteenth Plenary Meeting was dedicated to the recent achievements of the member states of the Council of Europe in the area of judicial training.

In the period between 12<sup>th</sup> and 17<sup>th</sup> December 2011, she lead the delegation comprising representatives of justice system institutions on a study visit to the Kingdom of the Netherlands, within the framework of the MATRA Project for developing a Macedonian model of judicial practice.

Through different formal and informal contacts, the Director continued her intensive cooperation with the directors of the schools in Turkey, Croatia, Albania, Serbia, Kosovo, Romania, France and other schools from the region and Europe.



## **IV THE WORK AND ACTIVITIES OF THE PROFESSIONAL SERVICE OF THE ACADEMY**

The Professional Service of the Academy performed in 2011 all activities and tasks necessary for its unhindered functioning. Thus, it made a significant contribution to the implementation of all planned objectives in all segments of operation of the Academy, as well as to its institutional strengthening, through proposing and implementing programmes and training events, and providing expert, technical and logistical support to the final examination commission, supporting the execution of the competences of the bodies of the Academy, supporting the work of the educators and the mentors responsible for the educational process, organising study visits and training events abroad, as well as supporting the organisation of reception of foreign delegations at the Academy. In addition, the professional service saw to the timely execution of obligations and priorities resulting from the regulations governing employment, public procurement, budget, as well as other activities which facilitated improvement of the quality of the work of the Academy. The staff of the Professional Service, through their presence and active participation in the design and implementation of training events, through direct contacts with lecturers, mentors and participants before and during training events, collected information on and insight into the usefulness of respective training events, gradually growing in their role towards proposing and designing future training events.

## **V HUMAN RESOURCES**

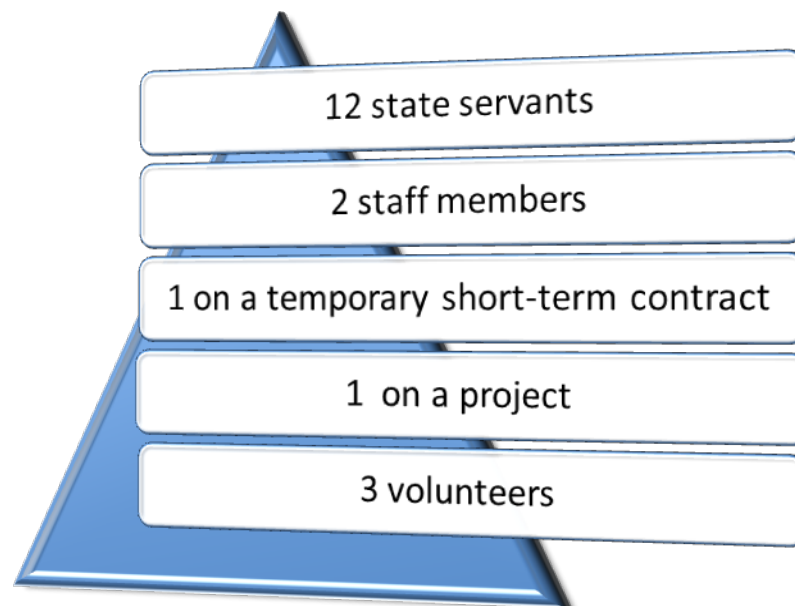
In 2011, the Academy, in addition to the Director, employed a total of 15 staff, of whom 14 on permanent contracts (12 state servants and two staff employed pursuant to the Law on Employment), one hired on a temporary short-term contract (replacement for a temporarily absent state servant), one staff hired on a project and three volunteers.

Academy did not manage to obtain approval for any of the employments requested in the course of 2011 in accordance with the NPAA Programme of the Government of the Republic of Macedonia. The Academy obtained additional approval by the Ministry of Finance for two staff to be employed, namely:

- Adviser for development and modernisation of the information system;
- Adviser for data storing, analysis and evaluation.

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The graphic representation of the organogram, i.e. employee structure, of the Academy is as follows:



It is necessary to employ staff from the profiles and areas of speciality necessary for the implementation of the Academy's operations and activities, which are broad in nature, ranging from the training unit to the administrative unit, and it is vital to hire staff in the units without any employees, which are of strategic importance for the work and improvement of the operation (international cooperation, human resources), and also for the implementation of the competences awarded by the new legislation – statistics, research and analyses. New employments are also necessary due to staff having departed and their positions not yet having been filled, as well as in order to improve the management structure of the Academy and achieve greater motivation of staff and building of competences for execution of specialised tasks.

In regard to in-service training of the managerial structure and professional service, an annual management and staff training programme was developed covering diverse segments within the scope of their work, all with the aim of assuring performance of assignments with a highest level of professionalism, which will be constantly upgraded.

To this end, the Academy maintains continuing cooperation with the Administration Agency, the Public Procurement Bureau, the Judicial Budgetary Council and other institutions and organisations mandated for training of the state and public administration.

**The professional service staff attended 13 training events and two study visits for the purpose of professional development and capacity building.**

## VI INITIAL TRAINING

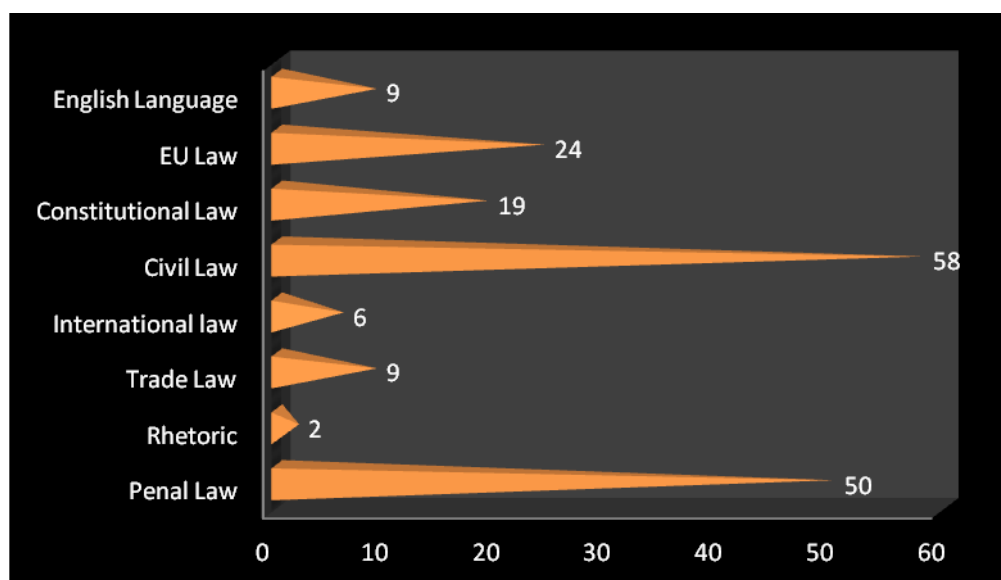
### Fourth generation of candidates 2010/2011 – a total of nine candidates

#### Theoretical instruction

The theoretical instruction of the fourth generation of candidates commenced on 15<sup>th</sup> September 2010, lasted for 5 months, and concluded on 15<sup>th</sup> February 2011.

Within the framework of theoretical instruction delivered in the period from 1<sup>st</sup> January 2011 to 15 February 2011, a total of 177 lessons were held, 171 regular and 6 additional lessons.

**The number of regular lessons in the state period by subject is as follows:**



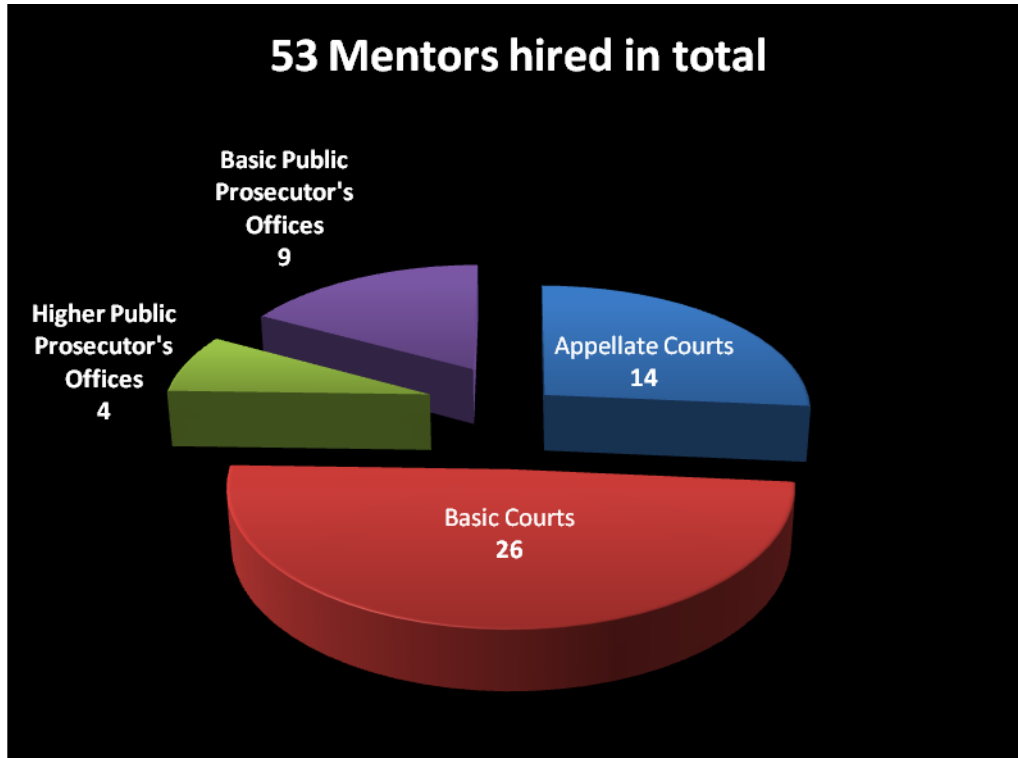
#### Practical instruction

The practical training planned in accordance with the Programme for Initial Training – Practical Training was fully implemented in the reporting period.

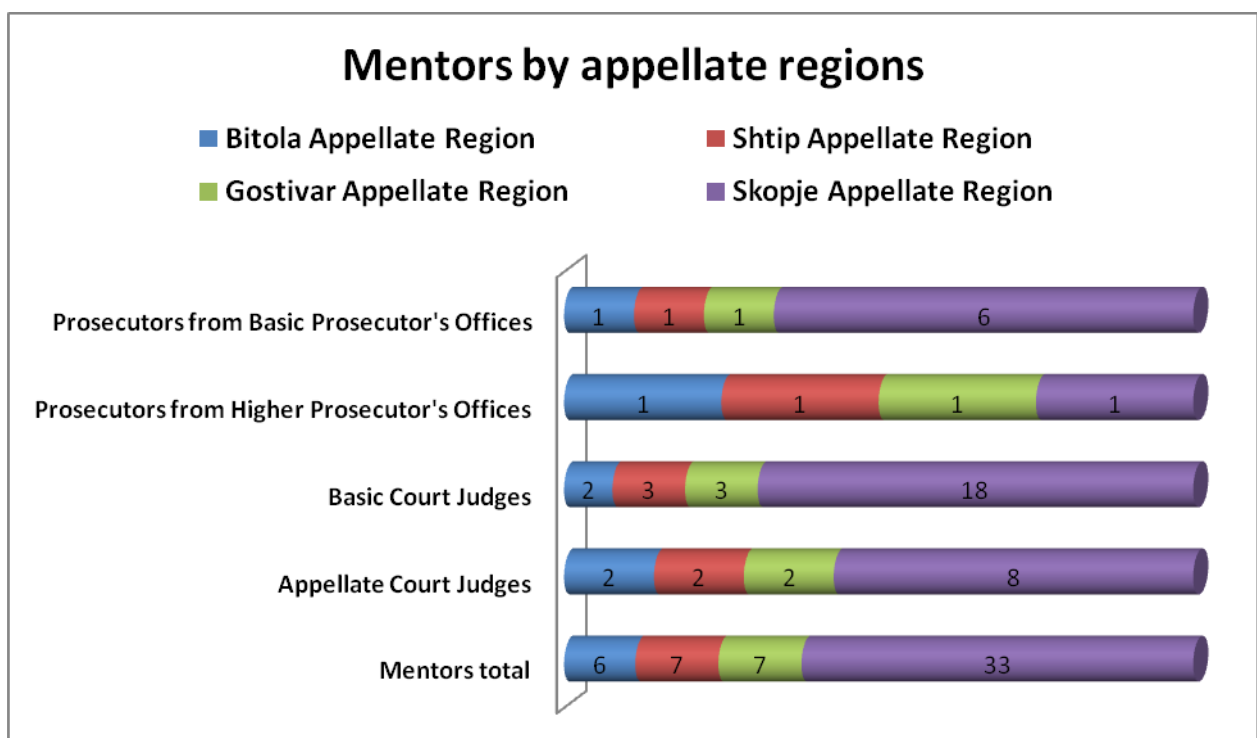
The candidates commenced their practical training on 28<sup>th</sup> February 2011 and completed it, in accordance with the programme for practical training, on 18<sup>th</sup> November 2011, after which the candidates had one month at their disposal for the preparation of the final examination. Mentorship was organised for this generation also following a regional approach, according to the place of origin of the respective candidate; thus the candidates were assigned for their practical instruction to courts and prosecutor's offices in the four appellate regions (Skopje, Bitola, Shtip and Gostivar). The mentorship for the candidates from the appellate region Gostivar was carried out at the Tetovo Basic Court and the Tetovo Basic Public Prosecutor's Office, due to the necessity to have a sufficient number of judges and public prosecutors from all departments carrying out the practical training, as provided for in the Programme.

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According to their place of residence, the candidates were assigned to the four appellate regions: Skopje – 6 candidates, Bitola – 1 candidate, Shtip – 1 candidate and Gostivar – 1 candidate. A total of 53 mentors were engaged in the realisation of the practical instruction, of whom 14 appellate court judges, 26 basic court judges, 4 public prosecutors from the higher public prosecutor's offices and 9 public prosecutors from the basic public prosecutor's offices.



The distribution of mentors by appellate region is as follows:



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In line with the Programme for Practical Training, the mentorship was carried out in the following manner:

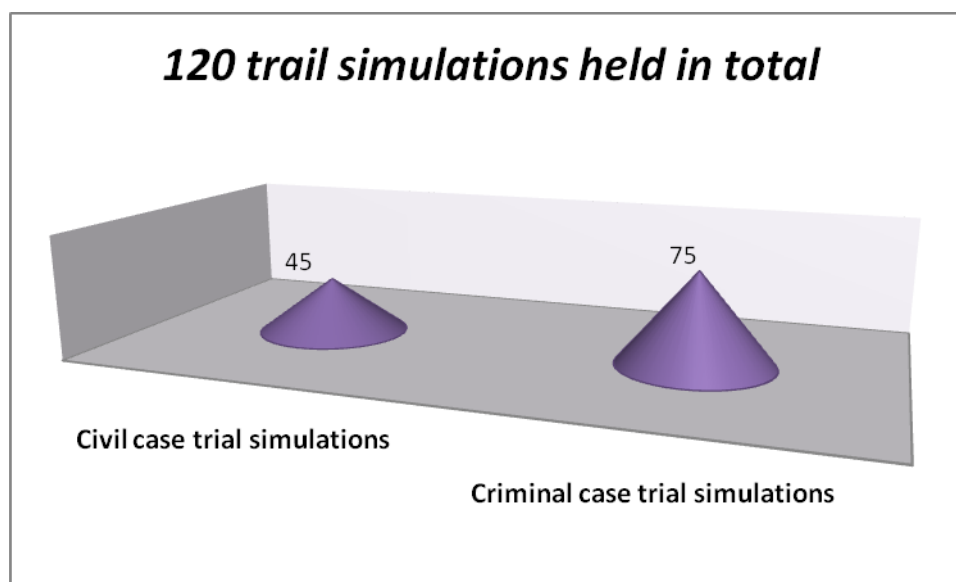
- ten weeks in a basic court, in all departments dealing with criminal matters,
- ten weeks in a basic court, in all departments dealing with civil matters,
- two weeks in an appellate court, in the criminal law department,
- two weeks in an appellate court, in the civil law department,
- ten weeks in a basic public prosecutor's office,
- two weeks in a higher public prosecutor's office.

The candidates were referred for practical work also to other institutions connected with the judicial and prosecutorial function, such as the Ministry of Interior of the Republic of Macedonia – Sector for Criminalistic Technology, the Institute for Forensic Medicine and Criminalistics, penal and correctional institutions, the Centre for Social Work, the Cadastre, etc.

Practical training was carried out through:

- attendance at hearings held by the mentor or another judge,
- preparation of draft court decisions, draft indictments and other acts,
- participation at trial simulations,
- performance of legal assignments in other justice system authorities and related institutions and organisations.

In the course of the practical training, a number of trial simulations were held in all mentorship regions, as follows:



Upon completion of the practical training, on 29<sup>th</sup> and 30<sup>th</sup> November and 1<sup>st</sup> December 2011, preparatory instruction was held for the candidates and their mentors focused on the final examination; the aim was comprehensive preparation of the candidates for the final examination and also harmonisation of the differences in the court practice that exist between the different appellate regions.

### **Final examination**

The Management Board of the Academy adopted a decision for constituting the Final Examination Commission.

The written part of the examination, the simulations and the oral part were carried out on 5<sup>th</sup>, 6<sup>th</sup>, 7<sup>th</sup> and 9<sup>th</sup> December 2011, respectively.

The Commission calculated on 9<sup>th</sup> December 2011 the final examination overall score of each individual candidate, with no objections raised against the preliminary ranking list, and on 13<sup>th</sup> December 2011 the final ranking list from the final examination was published.

On 15<sup>th</sup> December 2011, the Commission summarised the overall results for the candidates in their initial training, and the results with their overall score were published in the form of a preliminary ranking list. The final ranking list presenting the achievements of the candidates in initial training was published on 29<sup>th</sup> December 2011, against which no objections were submitted. All 9 candidates from the fourth generation successfully completed their initial training.

**The Academy commenced in 2011 intensive preparation towards implementation of the new provisions of the Law on the Academy in the section on admission of new generations of applicants for initial training. In this sense, given that the Law provides for administering of internationally recognised psychological tests and tests of integrity as part of the admission exam to the Academy, an international expert institution prepared the psychological tests and the tests of integrity, and intensive work was carried out on the preparation of the body of bylaws required for their administering.**

## **VII CONTINUING TRAINING**

### **CONTENT OF THE TRAINING EVENTS**

The Academy conducted general and special training events on diverse topics, following the recent changes in the national legislation, as well as the latest changes in the regulation and practice of the institutions and bodies of the European Union and the Council of Europe. Special emphasis was placed on training events in the areas and on the topics that were indicated in the Accession Partnership as priorities for harmonisation of the legislation with the *acquis*, also stipulated in the NPAA, primarily training events focused on the following areas: on amendments and supplements to the Law on Litigation Proceedings, on the Criminal Code and the new Law on Criminal Proceedings; on the fight against organised crime and corruption and financial crime, on application of special investigation measures, on conflict of interests, on implementation of the European Convention on Human Rights, on certain areas of EU Law, bankruptcy, intellectual property, etc.

The continuing training of judges and public prosecutors was carried out in line with the General Programme for Continuing In-service Training of Judges and Public Prosecutors for the years

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2011/2012 and the detailed quarterly calendars (January-March 2011, April-July 2011 and September-December 2011), which were realised in full.

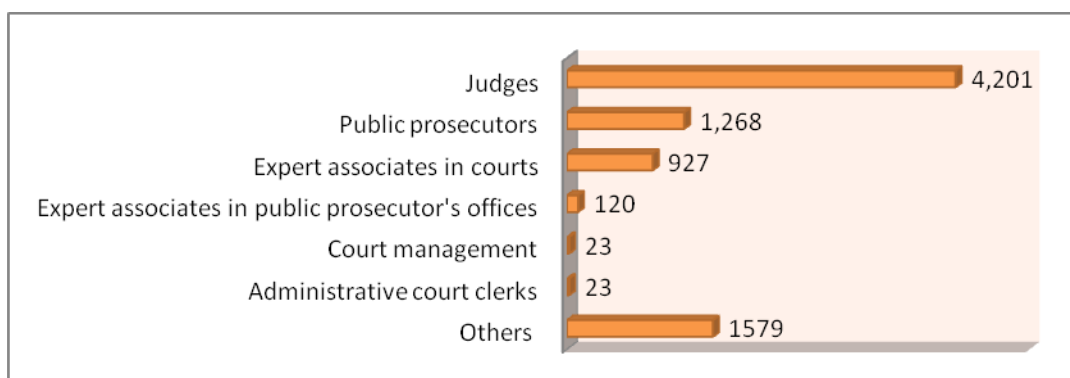
### **NUMBER OF TRAINING EVENTS IN 2011**



In the period from 1<sup>st</sup> January 2011 to 31<sup>st</sup> December 2011, the Academy organised and delivered a total of 294 training events, with a total of 441 training days attended, at the invitation of the Academy, by 8 141 participants, of whom 4 201 were judges, 1 268 public prosecutors, 927 expert associates from courts, 120 expert associates from prosecutor's offices, 23 court management officials, 23 administrative court clerks and 1 579 other participants – representatives of other relevant institutions, organisations, the nongovernmental sector, etc., working on areas related to the content of the respective training event.

This year, the Academy delivered the largest number of training events since its establishment.

### **STRUCTURE OF THE TARGET GROUPS**



### **ORGANISATION OF TRAINING EVENTS**

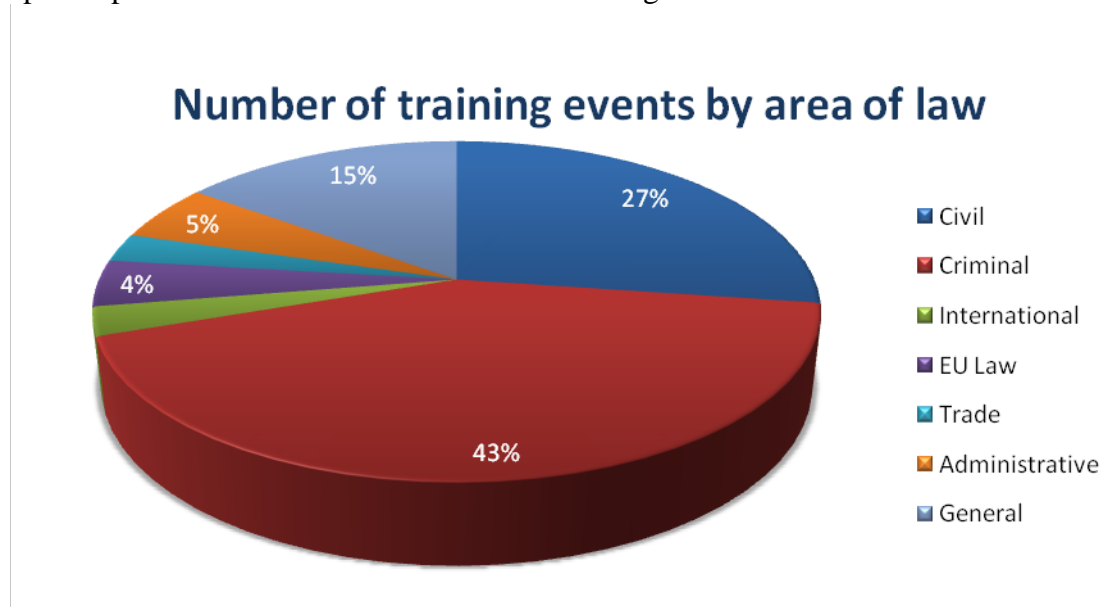
From the total of 294 training events realised in the reporting period, 149 training events were organised by the Academy by itself, whereas 145 training events were organised by the Academy in cooperation with, and with partial or full funding from other national and international projects, associations, organisations and institutions.



### CONTENT OF THE TRAINING EVENTS

From the total of 294 training events organised in the reporting period, 80 training events were dedicated to Civil Law, 125 to Criminal Law, 8 training events pertained to the area of International Law, 13 training events were devoted to EU Law, 16 to Administrative Law, 8 to Trade Law, whereas 44 were general training events.

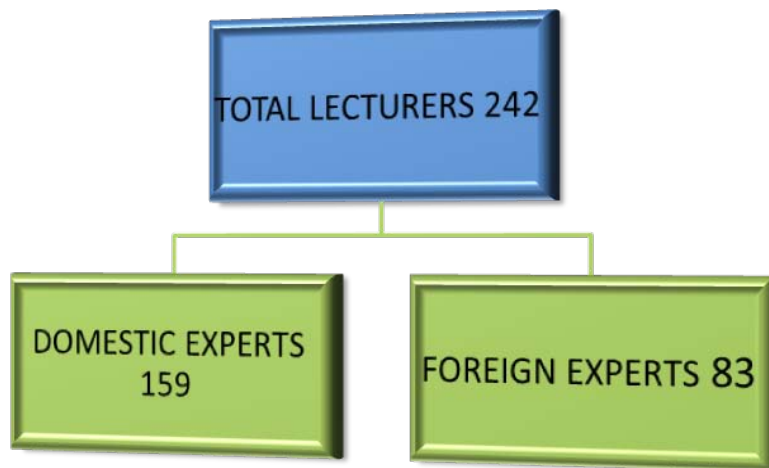
The graphic representation of the structure of the training events is as follows:



**In the course of 2011, 242 lecturers in total were engaged, of whom 159 were domestic and 83 foreign experts.**

**As a result of the successful cooperation with the international partners and projects, in 2011, the Academy made exceptional progress in regard to the profile and level of the co-opted foreign experts, through hiring experts of the highest level – judges and public prosecutors from the highest instances, supreme courts, constitutional courts, state public prosecutor’s offices, judges from the European Court of Human Rights and other leading experts.**

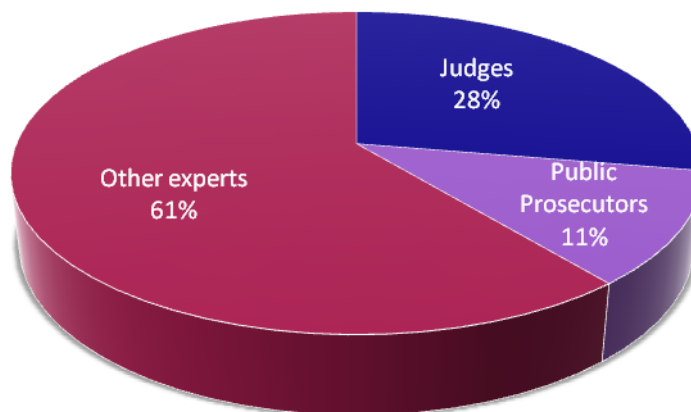




In addition to the lecturers who are on the Academy's list of permanent lecturers, which was expanded and defined by the Management Board of the Academy on 7<sup>th</sup> July 2011 at the proposal of the Director of the Academy (and based upon an opinion previously obtained from the Judicial Council of the Republic of Macedonia, the Council of Public Prosecutors of the Republic of Macedonia, the Supreme Court of the Republic of Macedonia, the Public Prosecutor's Office of the Republic of Macedonia and the Programme Council of the Academy), the Academy also hired temporary lecturers – experts from the respective ministries, institutes, authorities and other state bodies, institutions and organisations, especially those collaborating with the Academy in the fulfilment of its training obligations pursuant to the NPAA (primarily the Ministry of Justice, the Ministry of Finance, the Ministry of Interior, the Ministry of Labour and Social Policy, the Ministry of Economy, the State Institute for Industrial Property, the State Commission for Prevention of Corruption, the Real Estate Cadastre Agency, the Ombudsman, the Ombudsman for the State, the Stock Market, the Centre for Social Work, experts from the non-governmental sector, retired judges, professors, teaching assistants, attorneys at law, notaries, enforcement agents, expert witnesses, psychiatrists and many other profiles required for the specific training).

**Of the domestic experts who in the course of 2011 took part in the training events as lecturers, 44 were judges, 18 public prosecutors, and 97 other experts, in accordance with the areas that were covered by the respective training events.**

### STRUCTURE OF DOMESTIC EXPERTS



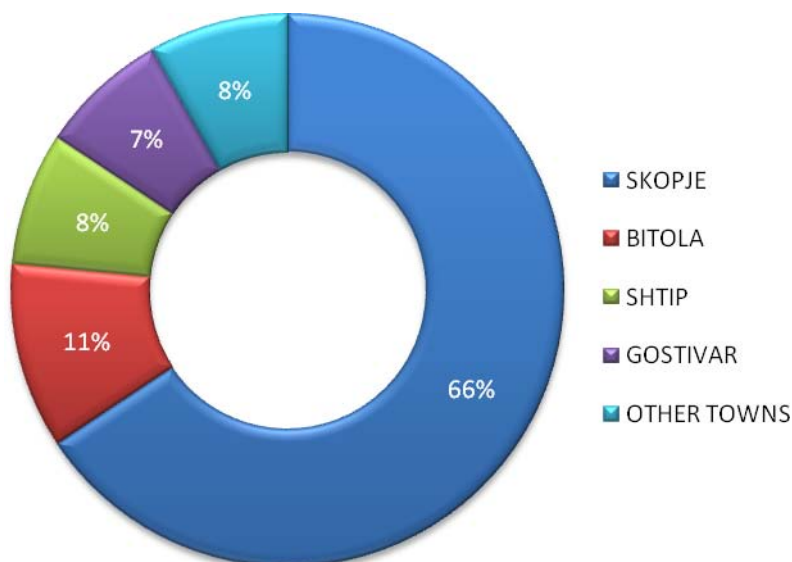
## **METHODOLOGY, TARGET GROUPS AND CONTENT OF THE PROGRAMME FOR CONTINUING TRAINING**

### **DECENTRALISED SYSTEM OF TRAINING**

From the beginning of its operation, the Academy has been developing a system of decentralised training, which has received broad support from all target groups in the regions. Some training events have been carried out, in addition to the Academy premises, also in the premises of the Appellate Courts in Bitola and Shtip, and the facilities of the Gostivar Basic Court.

For the sake of better coordinating the delivery of the training events in the regions, the Academy has appointed in each court and in each public prosecutor's office from all instances, as well as in the Ministry of Justice, contact persons responsible for training events, who assist in the preparation of the needs analysis in the respective courts and public prosecutor's offices, and summarise the topics from the respective areas. In addition, the Academy's Professional Service staff, in line with the work plan and the training events calendar adopted, attends the training events in the regions, provides technical and expert assistance to the presenters, maintains minutes and prepares reports on each training session.

From the total number of training events delivered in the course of the reporting period, 193 training events were held in Skopje, 32 in Bitola, 23 in Shtip and 22 in Gostivar, whereas the remaining 24 training events were held in other locations throughout the Republic of Macedonia (Ohrid, Struga, Strumica, Mavrovo, etc.).



### **METHODOLOGY AND FORMS OF TRAINING EVENTS**

In relation to the teaching methodology and models, the Academy has carried out training events in the form of seminars, workshops, conferences, round-table discussions and debates, applying the most contemporary methods and techniques, and focusing on the practical aspect of the instruction.

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In regard to the structure of the target groups – training participants, the principle of interdisciplinary training was applied, with participation of the main target groups – judges and public prosecutors, but also of other participants with whom they jointly implement or cooperate with in the implementation of the respective laws (Ministry of Justice, Ministry of Interior, Ministry of Transport and Communications, Ministry of Economy, Financial Policy Authority, Public Revenues Office, Customs Authority, Agency for Administration of Confiscated Property, Office for Prevention of Money Laundering and Financing of Terrorism, Office of the Ombudsman for the State, Commission for Access to Public Information, State Commission for Prevention of Corruption, State Institute for Industrial Property, State Market Inspectorate, Agency for Food and Animal Farming, journalists, attorneys at law, notaries, enforcement agents, mediators, bankruptcy administrators and receivers, etc.).

As for the structure of the training events, they continued to be organised according to the area of responsibility of the judges and public prosecutors – Criminal Law, Civil Law, Trade Law, labour disputes, juveniles, fight against organised crime, corruption and the new forms of sophisticated crime, followed by training events on International Law and EU Law, intellectual property, as well as training events on complementary and general topics – mediation, ethics, communication skills, case management, media relations, etc.

### **SPECIALISED PROGRAMMES**

#### **Specialised training of newly elected judges and public prosecutors**

Training events for the newly elected judges in basic courts and newly elected public prosecutors in basic public prosecutor's offices were organised on the basis of a separate specialised programme, in the form of mandatory, several day, intensive, specially designed / tailor-made training events, delivered in three separate modules:

- the General Topics Module, as training on topics of common interest for all newly elected judges and public prosecutors, carried out from 11th to 14th April 2011, for 26 participants, of whom 17 judges from basic courts and 9 public prosecutors from basic public prosecutor's offices, elected between October 2010 and March 2011.

The remaining two modules were carried concurrently in the period 9<sup>th</sup> - 14th May 2011, for the respective target groups in accordance with the legal area they were working in:

- the Penal Law Module, as specialised training aimed at the newly elected public prosecutors and judges allocated to work on criminal and misdemeanour matters, was delivered to 23 participants (14 public prosecutors and 9 judges, elected between July 2010 and April 2011).
- the Civil Law Module, as specialised training for the newly elected judges allocated to work on civil matters, was carried out between 9<sup>th</sup> and 14<sup>th</sup> May 2011 for 19 judges, elected between July 2010 and April 2011.

#### **Specialised programme for the Administrative Court and the Higher Administrative Court**

The implementation of the IPA 2009 *Support for the More Efficient, Effective and Modern Operation and Functioning of the Administrative Court* Project, financed by the European Union, continued in 2011, within the scope of Component III where, in line with the Strategy for Training of the Administrative Court, specialised training events were carried out in coordination with the Academy covering a number of areas.

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The judges and professional court staff of the Administrative Court were the beneficiaries of a workshop on the topic of *Administrative Disputes and Rules of Administrative Proceedings*, organised in cooperation with TAIEX, in addition to which, prior to the extraordinary parliamentary elections a round-table discussion was organised on the topic of *Administrative Court's Handling of Complaints Related to Election Irregularities*, in cooperation with OSCE, attended by all judges of the Administrative Court.

After the commencement of the operation of the newly formed Higher Administrative Court (on 30<sup>th</sup> June 2011), within the framework of the IPA Project, 3 workshops were organised in October and November 2011, namely *Communication and Interpersonal Skills* aimed at all staff, and two specialised workshops were organised for the judges and the court professional staff, one on the topic of *Administrative Dispute, Rules of Administrative Proceedings, Enforcement of Court Decisions and Denationalisation*, and the other on *Public Finances and Public Procurement*.

In addition, the following events were organised for the judges of the Higher Administrative Court and of the Administrative Court: in cooperation with the IRZ Foundation a workshop on the topic of *Appeals Proceedings in Administrative Courts / Enforcement of Decisions of Administrative Courts*, and in cooperation with UNHCR a round-table discussion on the topics of *Refugee Law and Practice*.

Within the IPA Project, two study visits abroad were organised for the judges of the Higher Administrative Court and the Administrative Court. From 18<sup>th</sup> to 21<sup>st</sup> October 2011, five judges from the Administrative Court, four judges from the Higher Administrative Court and one member of the Judicial Council of the RM took part in a study visit to Madrid – Spain, while the other study visit took 10 judges (four judges from the Higher Administrative Court and six judges from the Administrative Court) to Ljubljana, Republic of Slovenia, in the period from 5<sup>th</sup> to 9<sup>th</sup> December 2011.

### **Specialised programme for other target groups**

Special training events were carried out for presidents of courts and for public prosecutors heading the public prosecutor's offices, for the members of the Council of Public Prosecutors of the RM, and for the judges and advisers of the Supreme Court of the RM, as part of the specialised programme.

2011 saw the continuation of the practice of working meetings being held between judges of the appellate courts with the aim of harmonisation of the court practice on civil and criminal matters.

A number of training of trainers events were carried out, as well as training events for the staff of the Ministry of Interior, with a view to strengthening national capacities for combatting domestic violence.

## **INNOVATION IN CONTINUING TRAINING – PREPARATIONS FOR SUCCESSFUL APPLICATION OF NEW LAWS**

### **LAW ON LITIGATION PROCEEDINGS**

#### **Training on the implementation of the Law on Litigation Proceedings (LLP)**

One segment of the overall reform of the justice system, the reforms in the area of litigation proceedings, especially the latest amendments and supplements to the LLP, enabled speedy and efficient litigation proceedings, which will significantly increase the promptness of the work of the courts and will facilitate respect for the principle of trial within a reasonable time, thus restoring in the end the faith in the judiciary and increasing the level of legal safety in the country.

In order to consistently apply the reformed Law on Litigation Proceedings throughout the court practice, the Academy for Judges and Public Prosecutors, in cooperation with the courts, the Ministry of Justice and the JRIP –USAID Project on implementation of judicial reforms, carried out a series of training events (a total of 30 training events with 1 043 participants), covering all judges in the civil law departments in the courts throughout the country. Another primary target group, apart from judges, taking part in the workshops were the court associates, the ombudspersons for the state, attorneys at law and representatives of the Department for Court Proceedings and Protection of Property at the MoI.

Over 20 workshops were held prior to and immediately after the adoption of the Law on Amendments and Supplements to the Law on Litigation Proceedings (published in the Official Gazette of the RM, No. 116 from 1.09.2010), before it started its implementation, during which the novelties in the LLP were presented and the opinions of the members of the civil judiciary, with a view to harmonised application of the Law.

The application of the Law commenced on 9<sup>th</sup> September 2011, and already in November 2011 the Academy delivered five workshops dedicated to reviewing pertinent problems that had emerged at the start of the practical implementation of the new legislative solutions. In this context, two initial technical training events on sound recording of court hearings were organised, aimed at IT staff of all courts in the country and at the Information Centre at the Ministry of Justice, with a total of 39 IT experts and a certain number of judges attending.

In 2012, the Academy will continue to organise training events related to the practical application of the new solutions of the LLP, especially in regard to electronic submissions, sound recording of court hearings, sound tracks and other pertinent issues of interest for a harmonised and uniform application of the Law.

### **LAW ON CRIMINAL PROCEEDINGS**

The enactment of the new Law on Criminal Proceedings is an element of the reform of Penal Law in the Republic of Macedonia, the goal of which is to harmonise legal reforms with the standards and legislation of the European Union. The new Law on Criminal Proceedings completely changes previous penal proceedings, changing in the process the role of all participants in the proceedings, through strengthening the role of the public prosecutor, defining the priorities in the management of the penal policy, applying abridged procedures (summary judgement) and out of court

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settlements on the issue of guilt and sanction. The Academy for Judges and Public Prosecutors, continued in 2011 to implement its respective activities, bearing in mind that timely and comprehensive education of all relevant subject is of paramount importance for successful implementation of the new Law on Criminal Proceedings, pursuant to the Action Plan on Implementation of the new LCP, which contains activities, implementation deadlines, competent institutions and partners in the realisation of activities, especially as regards the delivery of training events.

Given that the Academy conducted serious and comprehensive preparations for successful organisation of the foundation training events for the new LCP, a thorough and detailed report on its activities in relations to capacity building of judges and public prosecutors for application of this strategic Law follows.

### **Training of trainers**

After the selection of 28 trainers from among the members of the working groups that had participated in the drafting of the text of the Law (among them judges, public prosecutors and representatives of the Ministry of Justice, the Ministry of Interior, the Financial Policy Authority, the Office for Prevention of Money Laundering and Financing of Terrorism, the Customs Authority and the Bar Association, as well as professors from the Faculty of Law in Skopje), the Academy for Judges and Public Prosecutors, in cooperation with and funding from OSCE, organised on 3<sup>rd</sup> and 4<sup>th</sup> April 2011 a two day session in isolation on completing the final list of teams and materials for the training on the new Law on Criminal Proceedings, which was attended by 24 participants – trainers on the new Law on Criminal Proceedings. Four teams of trainers were established, that started the delivery of foundation training, comprising diverse profiles – judges, public prosecutors, Faculty of Law professors, attorneys at law and representatives of the MoI of the RM, the Office of the Financial Police and the Customs Authority.

In line with the introduced large scale structural reforms governing the operation of authorities pursuant to the new LCP, as well as the sizeable target group that must be trained for the law to be successfully implemented, the Academy for Judges and Public Prosecutors, in cooperation with and funding from OSCE, expanded the list of trainers, adding to these 25 trainers an additional number of trainers from all target groups, all of whom completed the foundation training.

### **Training materials prepared**

In order to create a unified teaching methodology, techniques and methods, the members of the working groups, composed of trainers, with the support from OSCE, developed a manual for trainers and trainees. The trainers' manual comprises an introduction and four separate modules that build on one another and cover the operation of all agents relevant for the course of criminal proceedings. Each of the modules pertains to a separate part of the criminal proceedings.

The duration of the seminars on all modules was four days. It was planned that the modules be delivered as workshops combining the theoretical with the practical part.

All activities in the training events, the presentations, exercises, simulations, as well as the acts that were prepared by the participants, were based on a real court case.

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The working materials that were drafted for the lecturers for the new LCP, who are to use a unified methodology, were subsequently edited by university professors from the Department for Criminal Law and Criminology.

In addition to the theoretical part, the Manual contains also materials for practical exercises, as well as a special part presenting examples and templates for different acts adopted in the various stages of the criminal proceedings.

In addition to a Lecturer's Manual, a Trainer's Manual and a detailed four-day agenda were also prepared.

With financial support from OSCE, five other manuals were additionally prepared that should enable better use and application of the Law on Criminal Proceedings by the competent justice system institutions.

The study visit to the European Court of Human Rights in Strasbourg, France, carried out with support from the OPDAT Programme at the Ministry of Justice of the USA and Embassy of the USA in the RM between 2<sup>nd</sup> and 4<sup>th</sup> May 2011, resulted with a compilation of decisions of the European Court of Human Rights related to the articles of the European Convention on Human Rights that are of significance for the correct application of the provisions regulating criminal proceedings, mainly Articles 3, 5 and 6 of the ECHR.

In addition, as an outcome of the training events, a Manual on the practical application of the new LCP is in preparation, and is expected to be distributed to all participants until the commencement of the implementation of the new LCP (until September 2012).

### **Design and implementation of the Programme for Implementation of the Training Action Plan for the period May-December 2011**

During the preparatory period, the Academy developed, in cooperation with the team of trainers, a Programme for the Implementation of the Action Plan for Implementation of the LCP in the area of Training (Training Action Plan, *transl. remark*), containing a schedule of the teams of trainers for each event, a detailed plan and schedule of the foundation training events for the period June-December 2011, with a list of all participants. Of the foundation training events delivered in 2011 (16 in total), OSCE fully funded and supported 12 training events, and OPDAT and the IRZ Foundation covered four.

In agreement with OSCE, the Programme for the Implementation of the Action Plan for Implementation of the new LCP in the Area of Foundation Training Events for 2011 was amended, in the sense that instead of three, each training group should contain seven attorneys at law each, i.e. instead of 30, 112 attorneys at law should be trained; in addition, the number of training events increased from the 16 initially planned foundation training events to 22 foundation training events planned for judges and public prosecutors in courts and public prosecutor's offices with expanded jurisdiction, of which 15 were held by the end of 2011, with 7 training events reallocated to 2012.

## **Memorandum**

In support of the activities planned with the Programme for the Implementation of the Action Plan for Implementation of the Law on Criminal Proceedings, the Ministry of Interior and the Ministry of Justice of the Republic of Macedonia signed a Memorandum of Cooperation on 13<sup>th</sup> May 2011.

Following this Memorandum, which establishes the Academy for Judges and Public Prosecutors and the Training Centre of the Ministry of Interior of the Republic of Macedonia as pillars of the training on the new Law on Criminal Proceedings, and with support from the OSCE Mission in Skopje, between 29<sup>th</sup> and 31<sup>st</sup> May 2011, a pilot training dedicated to the new Law on Criminal Proceedings was held at the Training Centre of the Ministry of Interior in Idrizovo.

**Thus, in the course of 2011, 16 foundation training events were held within the framework of the Programme for Implementation of the Action Plan in the segment on training, namely one pilot and fifteen foundation training events, during which 118 judges who work in all criminal departments in the courts with expanded jurisdiction were trained, 105 public prosecutors from the public prosecutor's offices with expanded jurisdiction, 103 attorneys at law, a total of 61 representative of the judicial police from the investigation centres, of whom 47 representatives from the Centre for Prevention of Organised and Serious Crime at the MoI, 8 from the Customs Authority, 6 from the Office of the Financial Police and 14 representatives from the Ministry of Justice, all of whom took active part in the training.**

## **Study visits**

In the course of 2011, two study visits were organised for the trainers for the new Law on Criminal Proceedings. Between 2<sup>nd</sup> and 4<sup>th</sup> May 2011, a delegation of the Republic of Macedonia, comprising ten representatives from the Prosecutor's Office, the Judiciary, the Ministry of Interior and the body of attorneys at law, led by Jimmy Warren, permanent legal adviser for development and training of prosecutors at the Justice Department of the USA – the OPDAT Programme at the Embassy of the USA in the Republic of Macedonia, and Timothy Foth, police attaché at the ICITAP - International Criminal Investigative Training Assistance Programme of the Department of Justice at the Embassy of the USA in the Republic of Macedonia, conducted an official visit to the European Court of Human Rights in Strasbourg, France.

The second study visit took in September 2011, with financial support from OSCE, when a group of eight judges, public prosecutors, representatives of the judiciary police and attorneys at law, all of whom trainers, visited Bosnia and Herzegovina.

The new Law on Criminal Proceedings was the focus of the following training events with international experts:

The Academy for Judges and Public Prosecutors and the Association Judges of the Republic of Macedonia, in cooperation with The OPDAT Programme of the Ministry of Justice of the USA and the INL Programme of the USA State Department, and with their financial support, organised two two-day seminars on the topic of *The Role of the Judge in the New Accusatory Proceedings*, with a presentation made by Magistrate **Judge Mary Hannah Lauck of the United States District Court for the Eastern District of Virginia.**



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The first seminar took place on 3<sup>rd</sup> and 4<sup>th</sup> October 2011, at the Alexander Palace Hotel in Skopje, bringing together judges from the criminal departments and from the misdemeanour departments of the appellate regions Skopje and Gostivar, as well as representatives of the Ministry of Interior of the Republic of Macedonia.

The second seminar was held on 6<sup>th</sup> and 7<sup>th</sup> October 2011, at the Sileks Hotel in Ohrid, and was aimed at the judges from criminal departments and from the misdemeanour departments of the appellate regions Shtip and Bitola, as well as representatives of the Ministry of Interior of the Republic of Macedonia.

In order to share the international experience with the Macedonian justice system, the Academy for Judges and Public Prosecutors of the Republic of Macedonia, in cooperation with the OSCE Mission and with its financial support, organised a three-day training event on the topic of *Cross-examination*, which was divided into one day foundation training and two days of advanced training on cross-examination, with the presenter being Mr Mark Covan, Public Prosecutor of the Atlantic Regional Office, Canada.

The Academy for Judges and Public Prosecutors, in cooperation with and financial support from the European Union Instrument for Technical Assistance and Exchange of Information (TAIEX), organised a seminar on the topic of **Criminal proceedings in the Republic of Germany** for the current and future trainers for new Law on Criminal Proceedings of the Republic of Macedonia. Lectures at this seminar were held by **Prof. Gordan Kalajdzhev, PhD**, professor at the Iustinianus Primus Faculty of Law at the Ss. Cyril and Methodius University in Skopje, and the German experts **Mr Frank Richter**, President of the County Court in Dieburg (Amtsgericht Dieburg), and **Ms Suzanne Winter**, Public Prosecutor at the Public Prosecutor's Office in Darmstadt (**Staatsanwaltschaft Darmstadt**).

On 28<sup>th</sup> and 29<sup>th</sup> November 2011, the Academy for Judges and Public Prosecutors, in cooperation with the *All for Fair Trials Coalition*, organised training on the topic of **Settlement of Guilt in Criminal Proceedings, pursuant to the new Law on Criminal Proceedings**.

Bearing in mind that during the preparation of the new **Law on Criminal Proceedings**, the solutions and experiences of the criminal justice system of the Republic of Italy were to a large extent used as a starting foundations, **Mr Luca Ferrero**, judge from Torino, was invited as lecturer to present the model of the Law on Criminal Proceedings of the Republic of Italy, with special emphasis on settlement of guilt in criminal proceedings.

The Republic of Croatia has already developed experience in implementing changes to the Law on Criminal Proceedings, changes that in certain parts are similar to the amendments to the Macedonian Law on Criminal Proceedings. Thus, the Academy for Judges and Public Prosecutors, in cooperation with the *All for Fair Trials Coalition*, organised on 6<sup>th</sup> and 7<sup>th</sup> December 2011 a seminar on the topic of the *Relation between the Police and the Public Prosecutor's Office in accordance with the new Law on Criminal Proceedings*, at which **Mr Dragan Novosel**, Deputy Public Prosecutor of the Republic of Croatia was invited.

**During the entire period since the drafting of the new LCP and after its enactment, 14 training of trainers events have been held, with participation of foreign experts from the countries whose experiences and solutions were integrated into the LCP.**

## **TRAINING EVENTS ON THE MOST SIGNIFICANT CHANGES IN THE CRIMINAL CODE (CC)**

Of special significance are the 33 training events carried out in the course of 2011, dedicated to the innovations in the Criminal Code, which entered into force on 22<sup>nd</sup> March 2010, with a total of 49 training days and 1 021 participants, among them in addition to judges and public prosecutors, also other representatives of the relevant institutions that apply the Criminal Code in their daily work and proceedings. The details are as follows:

- Eleven training events on *Confiscation of Property Acquired through Perpetration of Criminal Acts and Expanded Confiscation, Unlawful Acquisition and Concealment of Property and Liability of Legal Entities* (8 two-day and 3 one-day training events, with a total of 19 days of training), which were attended by a total of 297 participants, of whom 142 judges, 1 member of the court management, 43 expert associates from courts, 85 public prosecutors, 9 expert associates from prosecutor's offices, and 17 other representatives of relevant institutions (Ministry of Justice, Office of the Financial Police, Agency for Administration of Confiscated Property, Public Revenues Office, attorneys at law etc.). Two of these training were organised by the Academy on its own, three training events in cooperation with the State Commission for Prevention of Corruption, two training events in cooperation with the European Commission Instrument for Technical Assistance and Exchange of Information - TAIEX, one in cooperation with the European Centre for Judges and Lawyers - EIPA Luxemburg, one in cooperation with OSCE, and two training events in cooperation with the IPA Project for Strengthening the Capacities of the Academy.
- Nine training events on the topic of *Bribe* (2 two-day and 9 one-day training events, with 11 days of training in total), attended by 221 participants, namely 101 judges, 12 expert associates from courts, 86 public prosecutors, 1 expert associate from a prosecutor's office, as well as 21 other representatives of relevant institutions (Ministry of Justice, Ministry of Interior, Public Revenues Office etc.). Of these, two were organised in collaboration with IPA Project for Strengthening the Capacities of the Academy, whereas the rest were organised in cooperation with the State Commission for Prevention of Corruption, the Ministry of Justice and the Ministry of Interior.
- Two training events on *Money Laundering* (2 two-day training events, making up 4 days of training), attended by a total of 98 participants, of whom 49 judges, 42 public prosecutors, 2 expert associates from prosecutor's offices, as well as 5 other representatives of relevant institutions (Ministry of Interior, Office for Prevention of Money Laundering and Financing of Terrorism, Public Revenues Office etc.). Of these training events, one was carried out in cooperation with the European Commission Instrument for Technical Assistance and Exchange of Information – TAIEX, whereas the other was organised in cooperation with IPA Project for Strengthening the Capacities of the Academy.
- Five training events on *Fight against Trafficking in Humans, Arms and Drugs* (1 two-day and 4 one-day training events, making up a total of 6 days of training), attended by a total of 193 participants, of whom 46 judges, 5 expert associates from courts, 44 public prosecutors, 2 expert associates from prosecutor's offices, as well as 95 other representatives of relevant institutions (Ministry of Justice, Ministry of Interior, Customs

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Authority, Ministry of Labour and Social Policy, attorneys at law, etc.). Of these training events, two were organised independently by the Academy, whereas the remaining training events were co-organised jointly with the All for Fair Trials Coalition, the IPA Project for Strengthening the Capacities of the Academy and the International Migration Organisation, IOM.

- Two training events for *Illicit Trade in Cultural Artefacts* (one two-day and one one-day training, totalling 3 days of training), attended by a total of 74 participants, of whom 16 judges, 4 expert associates from courts, 33 public prosecutors, and also 21 other representatives of relevant institutions (Ministry of Justice, Ministry of Interior, State Commission for Prevention of Corruption, etc.). Of these training events, one was organised by the Academy, and the other co-organised with the Ministry of Justice.
- One training on *Criminal Conspiracy*, organised in cooperation with the *All for Fair Trials* Coalition, attended by 37 participants, of whom 11 judges, 4 expert associates from courts, 15 public prosecutors and 7 other representatives of relevant institutions.
- One training on *Criminal Acts against Elections and Voting*, organised in cooperation with OSCE, attended by 37 participants, of whom 16 judges, 14 public prosecutors and 7 other representatives of relevant institutions.
- Two two-day training events on *Fight against Computer Crime*, attended by a total of 64 participants, of whom 6 judges, 6 expert associates from courts, 9 public prosecutors, 2 expert associates from prosecutor's offices, as well as 41 other representatives of relevant institutions (Ministry of Justice, Ministry of Interior, Customs Authority, etc.). One of these training events was carried out in cooperation with the Council of Europe, whereas the other in cooperation with the Ministry of Justice of Bavaria (Bayerisches Staatsministerium der Justiz und für Verbraucherschutz).

These training events were attended by, in addition to judges and public prosecutors, other representatives from relevant institutions which apply the Criminal Code in their everyday work and proceedings.

### **FIGHT AGAINST ORGANISED CRIME AND CORRUPTION**

The training events covering the area of organised crime and corruption were of paramount significance both for the overall justice system, as well as for the Republic of Macedonia in general. In the course of 2011 20 training events were delivered targeting this particular area, with a total of 28 training days attended by a total of 646 participants. Thus, in addition to the above listed training events focusing on the most significant changes in the CC, which also partly pertain to the fight against organised crime (training events covering money laundering, fight against trafficking in humans, arms and drug, illicit trade in cultural artefacts, criminal conspiracy, etc.), the following training events were also held:

- Eight training events on *Fight against Corruption and Prevention of Conflict of Interests* (2 two-day and 6 one-day training events, providing 10 days of training), attended by a total of 175 participants, of whom 81 judges, 8 expert associates from courts, 60 public prosecutors, 6 expert associates from prosecutor's offices, as well as 20 other representatives of relevant institutions (Ministry of Justice, Ministry of Interior, Public

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Revenues Office, etc.). Of these training events, six were organised in cooperation with the State Commission for Prevention of Corruption, whereas the other two two-day training events were held in co-organisation with the IPA Project for Strengthening the Capacities of the Academy.

- Two two-day training events on *Organised Crime and Use of Special Investigation Measures*), attended by a total of 69 participants, of whom 22 judges, 31 public prosecutors and 16 other representatives of relevant institutions. The training events were held in cooperation with the European Centre for Judges and Lawyers, EIPA Luxemburg, and with the OPDAT Programme of the Ministry of Justice of the USA for Assistance and Development of Prosecutor's Offices.

### **TRAINING EVENTS DEDICATED TO SPECIFIC ARTICLES OF THE EUROPEAN CONVENTION ON HUMAN RIGHTS**

In the course of 2011, the Academy organised five conferences dedicated specific articles of the European Convention on Human Rights:

- *Article 5 of the European Convention on Human Rights – Right to liberty and security of person*, conference organised in cooperation with the Council of Europe, with 35 participants, of whom 19 judges, 15 public prosecutors and 1 expert associate from the prosecutor's office.
- *Article 6 of the European Convention on Human Rights – Principle of Equality of Arms*, conference organised in cooperation with the European Commission Instrument for Technical Assistance and Exchange of Information (TAIEX), attended by 45 participants, of whom 4 members of the Judicial Council, 31 judges, 3 expert associates from courts and 7 representatives of other institutions.
- *Article 10 of the European Convention on Human Rights – Relations between the general public, media and judiciary*, conference organised in cooperation with the European Commission Instrument for Technical Assistance and Exchange of Information (TAIEX), with 34 participants in total, of whom 16 judges, 5 expert associates from courts, 8 public prosecutors, 1 expert associate from the prosecutor's office and 4 journalists.
- *Article 10 of the European Convention on Human Rights on the relations between the public prosecutor's office and the media, provision of information on investigations and criminal proceedings and data protection*, in cooperation with the Association of Public Prosecutors and OPDAT.
- *Article 1 of Protocol 1 to the European Convention on Human Rights – Protection of property*, conference organised in cooperation with the European Commission Instrument for Technical Assistance and Exchange of Information (TAIEX), with a total of 67 participants, judges from all instances and from all appellate regions in the Republic of Macedonia.

### **TRAINING EVENTS FOCUSED ON EU LAW**

In the course of the reporting period, the Academy delivered a significant number of training events focused on EU Law, covering the following topics: EU court structure, court competences and jurisdictions, proceedings and analysis of legal instruments; the role of the national judge in the pre-accession period and the principles of EU Law; proceedings in front of the European

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Court of Justice; protection of consumer rights in the EU; protection of the environment in the EU; enforcement of sanctions in the EU; etc.

As one of the components of the IPA Project for Further Strengthening the Institutional Capacities of the Academy is improvement of the system of developing training programmes, which also includes the design and development of a programme and training materials in the area of EU Law and International Law, a group of lecturers on EU Law was created, who participated in two training of trainers events in the area of EU Law (one three-day training event – general-introductory level, and one two-day training event – advanced level), in total five days of training. The events were attended by 20 participants, lecturers of the Academy, of whom 11 judges, 4 public prosecutors and 5 representatives of the Ministry of Justice.

### **TRAINING EVENTS IN THE AREA OF INTELLECTUAL PROPERTY LAW**

The module Intellectual Property Law is a constituent part of the General Programme for Continuing Training of Judges and Public Prosecutors 2011-2012, with the aim of strengthening the implementation of these rights with special emphasis on court protection, through raising the awareness on the significance of intellectual property rights and enhancing knowledge in this field.

In the delivery of this module, the continuing and fruitful cooperation with the State Industrial Property Office was of principal importance, facilitating successful implementation of EU Law guidelines in domestic training events.

In the course of 2011, the Academy organised 15 training events in the area of Intellectual Property Law with a total of 302 participants, of whom 285 participants from the justice system: 176 judges, 70 public prosecutors, 39 advisers/expert associates from courts and prosecutor's offices and 17 participants from other institutions: 8 representatives of the Customs Authority of the Republic of Macedonia, 6 representatives of the State Market Inspectorate, 1 representative of the State Industrial Property Office and 2 representatives of the Broadcasting Council of the Republic of Macedonia.

Of these 15 training events, one was held in March 2011, in the form of training of trainers for intellectual property rights – advanced level, at which 13 participants took part, of whom 10 judges and 3 public prosecutors.

The remaining training events focused on judges and public prosecutors as primary target groups, and were dedicated to diverse topics related to protection of intellectual property rights (in criminal law, misdemeanour law, civil law and administrative court protection), reviewing in the process substantive and procedural aspects of protection, through pointing to the most important issues that might arise in the practice in the course of the implementation of the domestic legislation governing this legal area; in addition, an overview was provided of the most pertinent international documents regulating the respective field.

In December 2011, the Academy organised a two-day national conference on the topic of *Implementation of Intellectual Property Rights*, with 55 participants, of whom 35 judges, 5 public prosecutors and 15 other participants, among them representatives of the Ministry of Justice, Ministry of Culture, the Ministry of Interior, the State Industrial Property Office, the Customs Authority of the Republic of Macedonia and the State Market Inspectorate.

### **TRAINING EVENTS ON BANKRUPTCY**

Within the framework of the fruitful cooperation of the Academy with the World Bank, in the period from 2008 to 2011, four training events were organised each year related to Bankruptcy Law, the events being of three types:

- Training on the Law on Bankruptcy, bringing together bankruptcy judges and bankruptcy administrators;
- Training on proceeding resulting from bankruptcy proceedings (civil and commercial litigation), focusing on commercial and civil judges, as well as bankruptcy administrators.
- Criminal liability of bankruptcy authorities (abuse of official power, false bankruptcy and damage inflicted on creditors), with participants being criminal judges, public prosecutors and bankruptcy administrators.

### **TRAINING EVENTS DEDICATED TO OTHER REGULAR TOPICS**

In addition to the above listed training events, in accordance with the detailed training calendars, the year 2011 saw the organisation and delivery of other training events covering a range of topics valuable for the everyday application of the legislation governing separate areas of the mandate of judges and public prosecutors, and aimed at clerks, but in addition covering general topics, as well as topics for developing their complementary skills, such as topics related to public procurement, use of the computer system in managing court cases, bankruptcy, techniques of writing verdicts, inquiry and expertise in traffic accidents; implementation of legal provisions regarding treatment by competent institutions of persons detained, retained on remand and convicted; securing of property, persons and liability/court practice; criminal and civil aspects of family violence; practical problems in the implementation of the Law on Misdemeanours; Law on Prevention of Conflict of Interests; Law on Juvenile Justice/Mediation; Liability of members of management bodies in trade companies; Techniques of writing prosecutorial decisions; Respect for the principles of the Code of Ethics as basis for prevention of abuse of the judicial and prosecutorial office; Data transparency and protection; Right to competition, competition policies and the role of the justice system; Misdemeanours pursuant to the Electoral Code of Conduct; Judicial ethics, grounds for accountability and liability of judges – national and comparative experience; Antidiscrimination; Relations between public prosecutors and the police; Strengthening the capacities of the members of the MoI and local authorities in the fight against family violence; Children's justice; Application of the Law on Juvenile Justice; The role of the judge in the new accusatory proceedings; Court cooperation in the civil matter; Securities – shares; the concept of non-discrimination; Mediation/Disputes conducive to mediation; Parole/Alternative measures; Implementation of the Law on Free Access to Information of Public Nature, etc.

### **SUPPLEMENTED GENERAL PROGRAMME FOR CONTINUING TRAINING FOR THE PERIOD 2011-2012**

The Academy, following an assessment, survey and analysis of the opinions and needs of judges, public prosecutors and other users of the Academy's services, compiled and adopted the General Programme for Continuing Training of Judges and Public Prosecutors for the period 2011-2012.

## *5 Years Professional Training of the Judiciary*

In addition, the annual reports on the work of all courts and public prosecutor's offices from all instances were taken as basis for the design of the content and teaching methodology, paying due attention to case inflow, areas having the largest backlog of cases, and areas demonstrating the greatest and most frequent violations of the procedural and substantive laws. Special attention was paid to information contained in the annual reports of the higher instance courts that related to areas displaying the highest number of quashed or reversed rulings, in order to focus training on these sensitive areas. The Judicial Council of the RM and the Council of Public Prosecutors of the RM were requested to locate, on the basis of their review of the annual reports of the courts and the prosecutor's offices, respectively, the areas with the most urgent need of training (areas with highest number of grievances, complaints and violations of the code of ethics and deontology, and with the highest instances of grounds for disciplinary liability of judges and public prosecutors), and on this basis to provide suggestions.

In the course of the preparation of the General Programme for Education, a stakeholder consultation process was organised by mail with the faculties of law, the associations of judges and public prosecutors, the Association for Criminal Law and Criminology, the Association of the Court Administration, the professional chambers (the Bar Association, the Chamber of Notaries, the Chamber of Enforcement Agents and Mediators), various institutions - partners of the Academy – all sectors in the Ministry of Justice, the Secretariat for European Affairs at the Government of the RM, the Ministry of Economy, the Ministry of Finance, the Ministry of Interior, the Ministry of Foreign Affairs, the Ministry of Labour and Social Policy, the Ministry of Environment Protection, the Cadastre Agency, the Public Revenues Office, the State Office for Industrial Property, the State Commission for Prevention of Corruption, the State Audit Office, the Ombudsman for the State, the Ombudsman, the Institute of Forensics, the Commission for Protection of Competition, the Securities Commission, the Agency for Administration of Confiscated Property, the Macedonian Stock Market, the Financial Police, the Office for Prevention of Money Laundering, the Public Procurement Bureau, the State Public Procurement Commission, the Directorate for Protection of Personal Data, the Association of Chambers of Commerce, as well as a number of international organisations and projects with whom the Academy cooperates (GTZ, the Information Office of the Council of Europe, All for Fair Trials Coalition, OSCE, OPDAT, the World Bank, UNICEF, UNHCR, USAID/JRIP, etc.).

The obligations assumed in the NPAA (National Programme for Adoption of the Acquis of the European Union) were also taken into account, as well as the goals and priorities of Republic of Macedonia towards membership in the European Union, the conclusions of the Government of the RM in regard to the obligations for training, in accordance with the needs for harmonisation of domestic with international legislation, and also the need for the judges and prosecutors of the RM to apply international standards in their everyday work.

It is also a practice to regularly monitor the web page of the Ministry of Justice in respect to the legislation that is in preparation, drafting and enactment stages, especially the legislation with a European connotation. Organisation of round-table discussions is planned for such laws already in the stage before their adoption, in order for the judges and public prosecutors to be updated on the changes in the substantive and procedural laws, so as to ensure uniform application.

**DETAILED CATALOGUE OF ACTIVITIES FOR THE MANDATORY CONTINUING TRAINING OF JUDGES, PUBLIC PROSECUTORS, PRESIDENTS OF COURTS AND PUBLIC PROSECUTORS OF THE PUBLIC PROSECUTOR'S OFFICES FOR THE PERIOD JANUARY-DECEMBER 2012 COMPILED AND PUBLISHED**

In December 2011, in accordance with the General Programme for Continuing Training 2011-2012, and following the recommendations of the IPA Project related to the enhancement of the capacities of the Academy for long-term strategic operation, budget planning and development of training events, and also on the basis of the results from the comprehensively implemented methodology for training needs assessment, which was carried out by the Project, the Academy, for the first time since its establishment, compiled a Catalogue of activities for the mandatory continuing training of judges, public prosecutors, presidents of courts and public prosecutors of public prosecutor's offices for the period January-December 2012, and distributed it to all courts and public prosecutor's offices in the Republic of Macedonia, so that all judges and public prosecutors are made familiar with the Catalogue.

**THREE-YEAR PROGRAMME OF TRAINING OF COURT AND PROSECUTOR'S OFFICE ADMINISTRATION ADOPTED**

The Management Board of the Academy adopted a three-year Programme of training of court and prosecutor's office clerks. Pursuant to the adopted Programme, a training plan for judicial and prosecutorial clerks for the period January-June 2011 and for the period September-December 2011 was adopted, and subsequently distributed to all courts and public prosecutor's offices in the Republic of Macedonia.

Of the respective target group, 432 were court clerks, 65 prosecutor's office clerks 2 came from the Academy for Judges and Public Prosecutors. The following topics were elaborated on during the training:

- The role of the courts and the position of the court administration;
- Budget and budgetary process;
- Communication skills and services for clients;
- Administrative disputes and rules of administrative proceedings;
- Public internal financial control;
- Court rulebook and operation of the ACMIS system;
- Ethics for court and public prosecutor's clerks and standards of conduct;
- Case and time management;
- Public procurement;
- Assessment and accountability of court clerks;
- Improvement of computer skills;
- Amendments of the LLP for court clerks;
- Techniques of drafting indictments and other prosecutorial decisions and acts/trial simulations;
- Techniques of drafting civil case rulings, preparation of cases for trial and legal internet search; and
- Anticorruption measures and ethics in the court and public prosecutor's office services.



**In accordance with the planned activities, a total of 22 training events were held for the court and prosecutor's office clerks in the period January-December 2011, attended by a total of 499 participants.**

**DETAILED PLAN FOR TRAINING OF COURT AND PROSECUTOR'S OFFICE CLERKS FOR THE PERIOD JANUARY-DECEMBER 2012 PREPARED**

In accordance with the adopted three-year programme of training of the court administration, the Academy designed towards the end of 2011, in full coordination and cooperation with the Association of Court Administration, a Plan for the training of court and prosecutor's office clerks for the period January-December 2012.

This training plan includes training on operation of the ACMIS programme, amendments to the Law on Court Service and the Court Rulebook, access to information of public nature and protection of personal data, amendments to the Law on Litigation Proceedings, communication with clients and public relations, planning and executing budgets, ethical issues and professional accountability, report writing, anticorruption measures and respect for the principles of the Judicial Service Code, training events aimed at the court police, etc.

**VIII COOPERATION WITH DOMESTIC AUTHORITIES,  
ORGANISATIONS AND INSTITUTIONS**

The Academy continued in the course of 2011 its successful cooperation with domestic authorities, organisations and other institutions and associations. Thus, with a view to achieving the priorities set out in the Programme of the Government of the Republic of Macedonia – NPAA, the Academy continued to pursue its cooperation with the Supreme Court of the Republic of Macedonia, the Public Prosecutor's Office of the Republic of Macedonia, as well as with the Judicial Council of the Republic of Macedonia, the Council of Public Prosecutors of the Republic of Macedonia, the Ministry of Justice, the Secretariat for European Affairs, the Ministry of Interior, and also with other ministries, state authorities and institutions. The Academy also continued to successfully cooperate with the Association of Judges of the Republic of Macedonia, the Association of Public Prosecutors, the Association for Criminal Law and Criminology, the Bar Association, the faculties of law, the Police Academy, the Institute of Forensic Medicine and Criminalistics, the State Industrial Property Office, the State Commission for Prevention of Corruption, the Chambers of Notaries, Enforcement Agents and Mediators in regard to the organisation of joint training events with a view to enhancing knowledge, exchanging experiences and strengthening the cooperation between these target groups and judges and public prosecutors.

This multidisciplinary approach ensures greater support to and involvement in successful realisation of the judicial reforms by all authorities, organisations and institutions and civil society linked with the justice system.

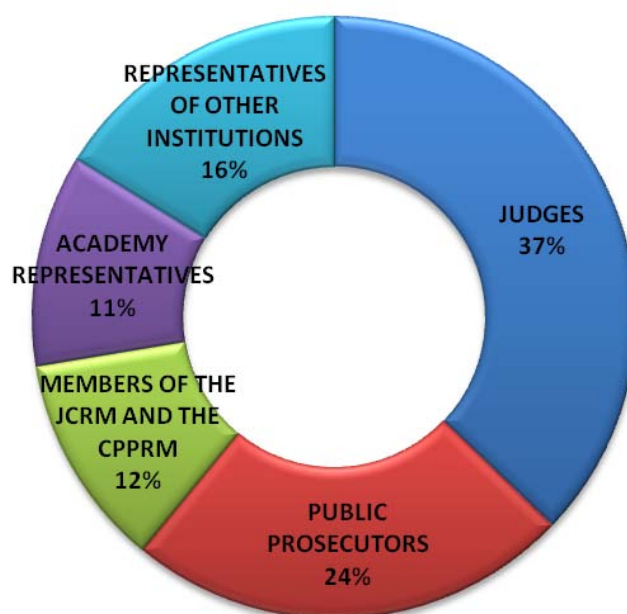
## IX INTERNATIONAL COOPERATION

Within the scope of its international cooperation, the Academy is intensively engaged in co-organisation of training activities with a number of projects and is enhancing its cooperation with the schools for judicial training from abroad in diverse areas; with some of them, the cooperation has been officialised through signing Memoranda of Cooperation.

The practice of involving judges, public prosecutors, candidates for judges and public prosecutors, as well as representatives of the bodies and the professional service of the Academy, the Judicial Council and the Council of Public Prosecutors of the Republic of Macedonia in study visits, international training events, exchanges, meetings, workshops and conferences abroad has continued throughout the year.

**In the course of 2011, the Academy realised a total of 34 study visits abroad, with a total of 105 participants, of whom 39 judges, 25 public prosecutors, 12 representatives of the Council of Public Prosecutors of the Republic of Macedonia and the Judicial Council of the Republic of Macedonia, 12 representatives of the Academy and 17 representatives of other institutions nominated by the Academy (Ministry of Justice, Ministry of Interior, attorneys at law, etc.). The composition, expressed in percentages, would be as follows:**

### STUDY VISITS



**STUDY VISITS IMPORTANT FOR THE PROMOTION OF THE JUSTICE SYSTEM OF THE RM AND ESTABLISHMENT AND ENHANCING OF THE COOPERATION WITH ACADEMIES AND INTERNATIONAL COURTS AND INSTITUTIONS**

**ACADEMY FOR EUROPEAN LAW IN TRIER – ERA**

The Academy maintains direct cooperation with the Academy for European Law (ERA) in Trier through nomination of judges and public prosecutors for attending training activities at this Academy. In the course of 2011, a total of five study visits to this Academy were organised, for 11 participants, of whom 6 judges and 5 public prosecutors.

As a result of the successful cooperation, the Academy, in addition to having sent 11 representatives on the five study visits, was offered the opportunity to send one public prosecutor to be participant in the two winter academies each – two-week programmes for training of judges and public prosecutors on EU law at the ERA, both realised in the period January-February 2011.

**EUROPEAN CENTRE FOR JUDGES AND LAWYERS, EUROPEAN INSTITUTE FOR PUBLIC ADMINISTRATION – EIPA**

The Academy and the European Centre for Judges and Lawyers, the European Institute for Public Administration (EIPA), Luxemburg, within the Luxembourg Technical Assistance Programme for the Republic of Macedonia, *EU Law for the justice system*, realised in the course of 2011 three training events (two two-day and one three-day events) focused on EU law with experts from EIPA, that were attended by a total of 107 participants. The first training event covered the topic of *Corporative Accountability and Financial Crime*, the second one the topic of *Special Investigation Measures and the Practice of the EU Member States*, and the third one on the topic of *Quality of Justice*. The objective of the latter event was three-fold: to research the requirements posed to a country candidate for accession to the EU with special emphasis on the role and responsibilities of the justice system in this respect. Secondly, to discuss the introduction of Total Quality Management (TQM) in the justice system and to inspire the participants with concrete initiatives towards reviewing its implementation in their respective courts/justice system authorities and to provide them with information on the support they could receive from the EIPA CAF Resource Centre – (CAF - Common Assessment Framework. And thirdly, to discuss the ways of documenting equitable access to justice given an ever more demanding general public, with special emphasis on communication strategies.

Furthermore, of special significance within the cooperation between the Academy and the European Centre for Judges and Lawyers, European Institute for Public Administration (EIPA), Luxemburg, is the fact that as a result of the successful cooperation in the course of 2010, the Academy received invitation to nominate two participants to a seminar within the framework of the EIPA Catalogue of activities, open for participants from other countries. This cooperation continued also in 2011, with participation of three of our judges and public prosecutors at respective seminars.

## **REGIONAL ANTICORRUPTION INITIATIVE**

As part of the on-going cooperation within the framework of this project, which is of special importance for the development of the capacities of the justice system of the RM for successful identification, detection, substantiation, prosecution and adjudication of cases of corruption, the Academy was host to the summer school in 2009; in addition, similar to 2010, when the Academy nominated two prosecutors for participation at the summer school held in Albania, the Academy sent in 2011 two judges to the summer school in Bulgaria.

## **OFFICIAL DELEGATIONS**

In the course of the reporting period, the Academy hosted the following delegations:

### **- Visit of the delegation of the Judicial Academy of the Republic of Turkey**

The realisation of this visit in the course of reporting period is highly significant for the Academy, and at the same time also for the relations between the Republic of Macedonia and the Republic of Turkey, as during the visit, in addition to the exchange of experiences between the two institutions, the President of the Judicial Academy of the Republic of Turkey extended an official invitation to the candidates in initial training to visit the Academy of the Republic of Turkey, so as to become familiar with the judicial system of the Republic of Turkey and also with the objective of deepening the fruitful cooperation, which should yield innovative ideas and solutions for improving and strengthening the programmes for initial and continuing training, and thus also the development of the entire justice systems of both countries.

### **- Visit of the justice system delegation from the Republic of Turkey**

In May 2011, a justice system delegation of the Republic of Turkey, visiting the Constitutional Court of the Republic of Macedonia, expressed interest in visiting the Academy for Judges and Public Prosecutors, meeting in the process with the Director of the Academy for Judges and Public Prosecutors, judge Aneta Arnaudovska, as well as with the members of the Management Board and the Programme Council of the Academy. Within the framework of the visit, the Turkish delegation had the opportunity to familiarise itself with the justice system of the Republic of Macedonia, and especially with the organisation and achievements of the Academy for Judges and Public Prosecutors as a relatively young institution, responsible for the education of future and current judges, public prosecutors and other target groups from the field of the justice system.

### **- Visit of the justice system delegation from the Balkans, the Republic of Turkey, the Federal Republic of Germany and Luxemburg**

In November 2011, a justice system delegation comprising the leading persons of the judicial institutions from the Balkans, the Republic of Turkey, the Federal Republic of Germany and from Luxemburg, visited the Republic of Macedonia at the invitation of the Director of the Academy. The judicial delegation attended the celebration of the five-year anniversary of the Academy for Judges and Public Prosecutors, held under the motto *Five Years Professional Training of the Justice System*, organised in cooperation with the German Foundation for International Cooperation - IRZ and with its financial support, and under the auspices of the Embassy of the Federal Republic of Germany in the Republic of Macedonia. The event also hosted an

international conference, during which a Memorandum of Cooperation was signed between all countries partaking in the conference.

### **OVERVIEW OF PROJECTS THE ACADEMY COLLABORATES WITH**

The fruitful collaboration and the implementation of the two major projects that are of huge significance to the development of the Academy, as a contemporary training institution which functions in accordance with the state of the art international and European standards of training, continued in 2011.

The first project, central for the Academy is the IPA 2008 Project *Further Strengthening of the Institutional Capacities of the Academy for Training of Judges and Public Prosecutors*, which is financed by the European Commission. This project is implemented at the most opportune moment for the Academy, already established and fully functional, and working on adaptation of new legislative solutions.

So far, the progress of the Project, which has four components, reflects the planned dynamics.

Within Component 1 – *Improvement of the system of development of training programmes*, the following activities have been undertaken:

- New methodology for assessment of training needs has been developed;
- System for quality control of the organisation of training events has been elaborated;
- Analysis of the assessment of the training needs has been carried out, and a report prepared;
- Framework programme for continuing training has been designed;
- New comprehensive programme of training in the area of EU Law has been developed;
- New proposal for the programme of initial training has been developed;
- Part of the training events covering EU Law and International Law has been carried out, the remaining are in preparation;
- Training materials covering EU Law and International Law have been developed, both as training material and as library stock.

Many meetings of the working groups established within the framework of this component focused on development of each of the respective programmes and documents were held, with active participation of a number of judges and public prosecutors, as well as candidates from all four generations that had completed initial training.

Component 2 – *Establishment of an e-learning system (electronic learning)*, saw the implementation of the following activities:

- Feasibility study was conducted;
- New system for electronic learning was designed;
- Technical specification and tenders dossier for the commencement of the procurement procedure for the necessary information equipment was compiled;
- Development of the module for electronic learning commenced.

## *5 Years Professional Training of the Judiciary*

The implementation of Component 3 – *Development of mechanisms for decentralised training* took the form of assistance by the Academy to the delivery of training events in the different appellate regions.

The final component, Component 4 – *Strengthening the library and web page related capacities of the Academy* included the following activities:

- Assessment of the situation was carried out;
- Technical specifications for the new internal information system, software for the library and the web page were developed;
- Data base containing laws and training materials was created.

The Academy strives to implement all individual activities and fulfil all objectives within a period of 20 months, in order to meet the interest of the Academy and other stakeholders and to ensure sustainability of the capacities.

In the course of 2011, in cooperation with and with financial support from the Project, the Academy carried out 11 training events, the topics of which related to EU Law and criminal and civil matters. The following topics were covered in 8 two-day training events:

- one training on the topic of Judicial Cooperation in Civil Matters;
- two training events on the topic of Fight against Corruption and Application of International Instruments and Standards;
- Two training events on the topic of Liability of Legal Entities;
- One training on the topic of Structure of the Justice System of the European Union and Procedure for Submitting Preliminary Questions;
- One training on the topic of Role of the National Judge in the Pre-accession Period and the Principles of EU Law;
- One training on the topic of Money Laundering;
- The remaining 3 training events (2 two-day and 1 three-day event) were organised for the lecturers of the Academy, two on European Union Law and one on the new methodology for assessment of the training needs and of the quality control system of the Academy for Judges and Public Prosecutors.

The second project – the **MATRA Jurisprudence Programme**, which started its implementation as of 1<sup>st</sup> April 2010, is aimed at strengthening the capacities of the Macedonian judiciary through the improvement of the utilisation of court practice as an additional source of law. This is a three-year project, that was launched with a conference for the promotion of the project on 7<sup>th</sup> November 2010; its conclusion is planned for 30<sup>th</sup> May 2013. The Project is being financed by the Kingdom of the Netherlands, and the Academy as an implementing partner, collaborates closely with the Centre for International Legal Cooperation (CILC) from the Kingdom of the Netherlands. In addition, according to the approved project, main local partners in the country are the Supreme Court of the RM, the Ministry of Justice of the RM, the Bar Association of the RM, the faculties of law at the “Ss. Cyril and Methodius” University and the “South East European” University, as well as the Macedonian Legal Research Centre.

The Project has three main components, which through the implementation of activities, should meet the following goal and objectives:

- The overall goal of the Project is to strengthen the rule of law in the Republic of Macedonia.
- The objectives of the Project are as follows:

## *5 Years Professional Training of the Judiciary*

- To improve and strengthen the role and utilisation of the court practice in the domestic legal system;
- To raise the awareness on the role of the court practice as an additional source of law;
- To improve access to domestic and international court practice, as well as its application.

The goals and objectives are being achieved through the organisation of diverse activities, such as seminars, workshops, creation of a data base on the Macedonian court practice and a collection of relevant court decisions, and a study visit to the Kingdom of the Netherlands with the aim of appreciating the advantages of the utilisation of the court practice in the legal system of the Kingdom of the Netherlands.

In the course of last year, three round-table discussions were held and one study visit to the Netherlands for 14 participants was organised.

The Academy is also continuing its cooperation with UNICEF within the framework of the two-year *Justice for Children* Project, the commencement of which was launched in October 2010. This project is financed by the EU within the instrument for pre-accession assistance and co-financed by UNICEF. The Project aims at improving the normative framework, strengthening the capacities and protecting children from victimisation and criminalisation.

In the course of 2011 two training of trainers events were held; in the future other training events will be carried out.

In addition to the abovementioned activities, the Academy maintains successful cooperation also with other international projects, with whose technical and financial support it organises numerous workshops, round-table discussions, seminars, study visits, etc., namely:

- **the Project of the Administrative Court for utilisation of the IPA funds;**
- **the European Commission Instrument for Technical Assistance and Exchange of Information – TAIEX;**
- **EIPA;**
- **IRZ – the German Foundation for International Legal Cooperation;**
- **UNHCR;**
- **the World Bank Project at the Ministry of Justice of the Republic of Macedonia;**
- **the Council of Europe;**
- **the USA Embassy in the Republic of Macedonia – OPDAT;**
- **USAID/DPK;**
- **IOM – the International Organisation for Migration;**
- **USAID (USAID);**
- **the All for Fair Trials Coalition;**
- **Project with the Embassy of the Great Britain on confiscation;**
- **UNDP and the Embassy of the Kingdom of the Netherlands – family violence;**
- **Project with the Embassy of the Republic of France and the French national School for the Judiciary;**
- **Project with LTP for development of psychological tests.**

## **JOINING THE PROJECT ON COMPETITION LAW IN COOPERATION WITH THE EUROPEAN LAW DEPARTMENT AT THE UNIVERSITY IN ROME, ITALY**

The Project is planning training events for judges covering the area of Competition Law, with the participation of foreign experts.

### **X COMPUTER SYSTEM**

In the course of 2011, the following was developed:

- a software system for managing internal processes and activities of the Academy;
- a web-based system for organising contents with the aim of creating an internet location of the Academy for Judges and Public Prosecutors – this software will provide the necessary functionality for easy and straightforward maintenance and updating of the contents of the internet location, and also straightforward linking to other internal software systems (the software for managing courses and training events, the software for electronic learning, the library software, etc.); and
- a software for electronic archiving – a system for automatising of the official log book and archiving, including office and archive operation (e-log book), automatic scanning in the e-log book, as well as electronic distribution of archived documents. The software is planned for implementation in the course of 2012.

### **XI LIBRARY**

The library of the Academy for Judges and Public Prosecutors has played a significant role in the enhancement of the knowledge of future judges and public prosecutors, as well as in the advancement of the knowledge of judges and public prosecutors, and of the judicial and prosecutorial administrative personnel.

To this end, the Library has continued to enrich the Academy's collection with legislative texts, domestic and foreign legal literature and professional magazines, thus offering to its users a wide range of legal texts as well as links to data bases published on its web page. In 2011, the Ministry of Justice of the Republic of Macedonia donated to the Library 40 new titles from the area of law from renowned foreign authors translated into Macedonian. The publications are part of the Government Project *Translation of 500 Technical and Scientific Publications*. The Library also received from the Embassy of the USA in Skopje 30 copies of the publication *Law and the Media*, part of the series of manuals issued by the Bureau for International Information Programmes at USA State Department. In cooperation with the German Foundation for International Cooperation (IRZ), the Academy for Judges and Public Prosecutors published *International Documents for an Independent and Efficient Judiciary* – Volumes 1 and 2, compiled by the Director of the Academy



## *5 Years Professional Training of the Judiciary*

for Judges and Public Prosecutors, judge Aneta Arnaudovska, who is a member of the working group of the Consultative Council of European Judges at the Council of Europe; in addition, several copies of the publication *Federal Republic of Germany's Law on Criminal Proceedings* translated into Macedonian and of the publication *Papers on Administrative Law and Administrative Judiciary*, compiled by IRZ were donated. Within the framework of the training event *Confiscation of Proceeds of Criminal Offences*, organised by the Academy in cooperation with the OSCE Mission in Skopje, the *Manual for Confiscation of Proceeds of Criminal Offences* by Vlado Kambovski, member of the Macedonian Academy of Arts and Sciences, and Barbari Vittori, PhD, was promoted and a number of copies were donated to the Library of the Academy. In 2011, the Library received also from the OSCE Mission in Skopje the five manuals published by the OSCE Mission covering the new Law on Criminal Proceedings.

We can claim with satisfaction that at the moment the library has at its disposal a great number of materials addressing the most pertinent and current topics in the area of law.

Following the latest achievements in library operation, the library has actively participated in events, seminars, conferences and training events that contribute to the improvement and advancement of its work. In November 2011, the library of the Academy for Judges and Public Prosecutors was for the second time selected and invited by the Institute in Maribor, Republic of Slovenia - IZUM, and took part in the conference dedicated to the latest achievements in information technology and library electronic operation, during which accomplished experts from the USA and Great Britain presented the latest possibilities offered by information technology and their impact on the development of electronic librarianship; the conference concluded that libraries in modern society play a much greater role and that the librarian today represents the main link between the client and the access to the requested information.

In 2011, the library continued its efforts that had commenced in 2010, focused on the creation of a data base of materials, which houses the presentations and materials of all national educators and international experts who have given a lecture or presentation, as well as all materials prepared by the mentors. Up to the end of 2011, 90 per cent of the material of the Academy had been collected. All these materials will be systematised in special data bases, according to the respective area.

In 2011, the library commenced with translation and publishing activities. Within the scope of this operation, two volumes of the book *International Documents for Independent and Efficient Judiciary* were published, with the introduction being written and the systematisation of the relevant international documents carried out by the Director of the Academy for Judges and Public Prosecutors, judge Aneta Arnaudovska, who is also member of the working group of the Consultative Council of European Judges at the Council of Europe. Similarly, a number of other international documents (laws, recommendations, regulations, etc.) were translated and uploaded on the web page of the Academy to meet the needs of judges, public prosecutors and law practitioners. This process will continue in the coming 2012, when in cooperation with the IPA Project *Further Strengthening of the Institutional Capacities of the Academy for Judges and Public Prosecutors*, all systematised materials will be translated to become part of the new Documentation Centre of the Academy for Judges and Public Prosecutors.

The emergence and development of the information society commands identification of modern and sophisticated solutions that offer beneficiaries easier ways of search for and access to information. To this end, the IPA Project has planned for several activities related to better organisation and improvement of the operation of the library, software that will, through redesigning the web page, offer the beneficiaries easier searching, and a simpler and speedier

access to the library's data bases. So far, the IPA Project experts have put forward several proposals for upgrading of the work of the library pertaining to designing a new internal system for the operation of the electronic library, which would become operational after the redesigning of the Academy's web page.

## XII BUDGET AND PUBLIC PROCUREMENT

### BUDGET

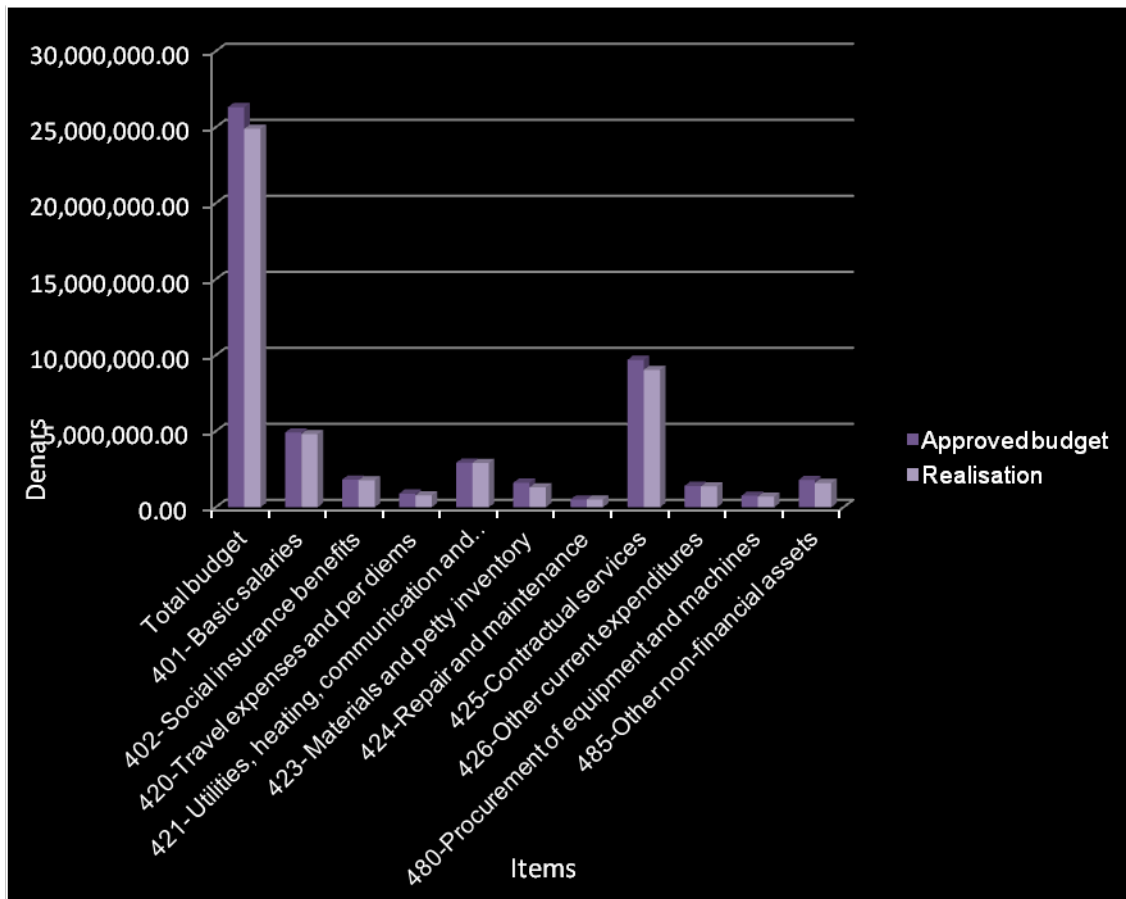
A budget of 26,321,000.00 denars was approved to the Academy for the year 2011.

The Ministry of Finance did not approve additional budget resources to the Academy for Judges and Public Prosecutors in the course of 2011, despite requests for additional funding.

Due to lack of funds for the realisation of the assumed obligations, the Academy reallocated already approved funds into item lines with a substantive deficit that could have affected affecting a significant scope of activities which had to be realised.

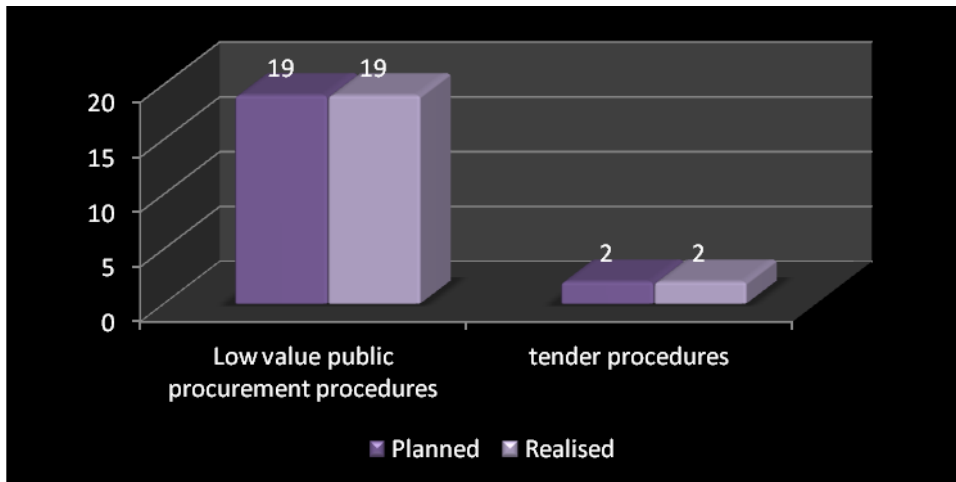
Since the beginning of 2011, up to and inclusive of 31.12.2011, the Academy utilised a budget of 24,894,725.00 denars.

The budget approved for 2011 was allocated to the following item lines:



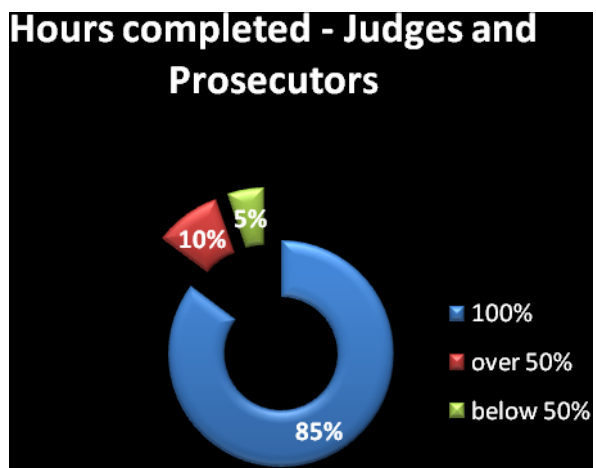
## **PUBLIC PROCUREMENT**

In the course of the reporting period, the Academy realised all 25 public procurements planned for the year 2011, of which 19 were procedures for low value public procurement and two were public tender procedures.

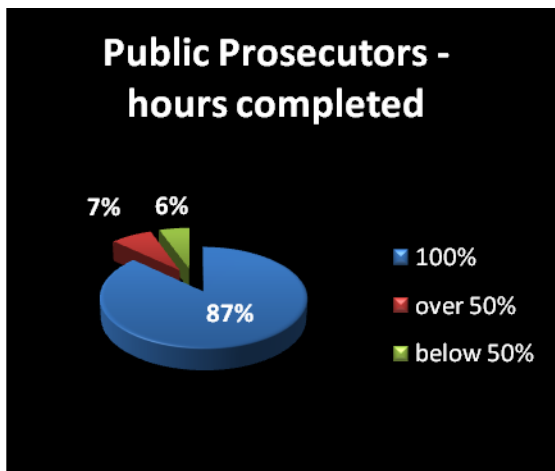


## **XIII STATISTICS**

The Academy is regularly updating the data base on judges and public prosecutors. It, namely, enters all changes in their respective current status, such as their election, retirement, dismissal, transfer from one to another court or public prosecutor's office, respectively, their promotion, and the legal matter upon which they adjudicate. The Academy draws from this base, through different statistical operations, all parameters of importance for the number of planned training events by area in continuing professional in-service training according to the respective target group, offering a sufficient number of training events in order to enable all target groups to meet their mandatory number of lesson hours for the respective year.



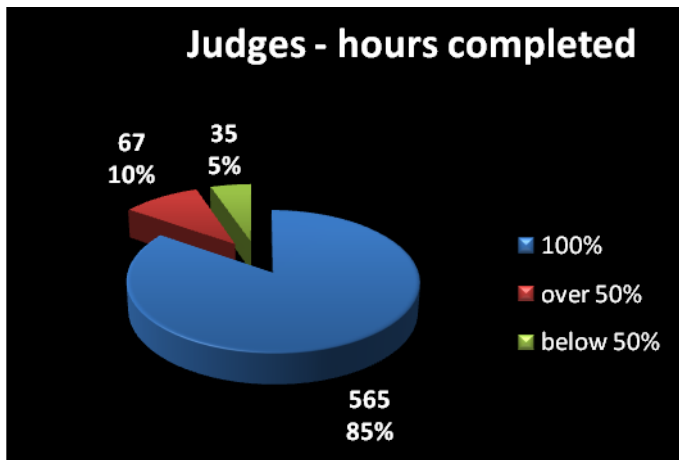
**MONITORING THE ATTENDANCE AND FLUCTUATION OF TRAINING EVENTS**



This way of collecting and monitoring detailed statistics, to a large extent facilitates the work on planning quarterly detailed calendars, thus greatly contributing to rationalisation of financial expenditures, enabling immediate overview of how much training the Academy needs to offer each target group according to the legal matter which the judges and the public prosecutors work on. The analysis of the percentage of completed hours of training in the first part of the current year is especially advantageous, particularly for undertaking anti-crisis measures, the need for which all institutions encounter face on a daily basis, as well as for the

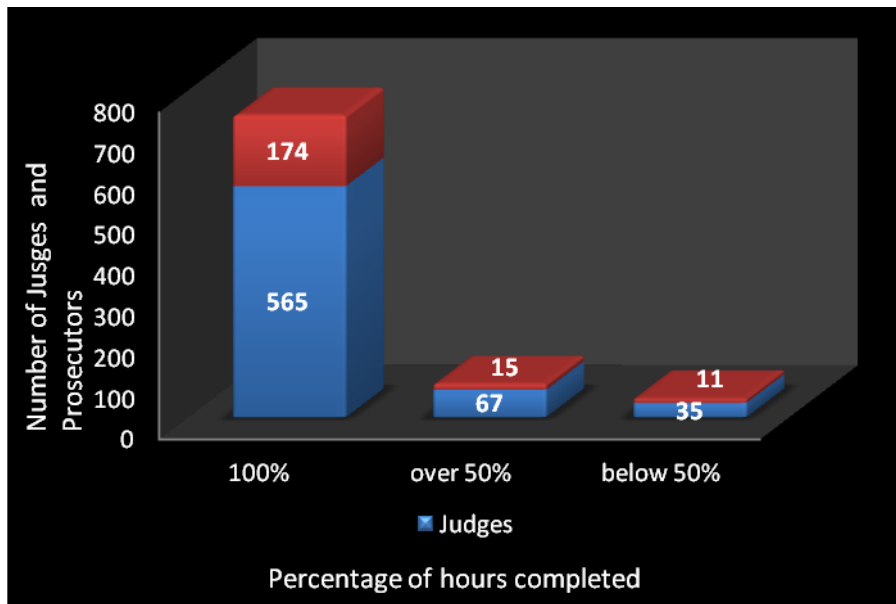
Academy as a public institution.

To this end, the Academy gave priority, when deciding on training events for the period September - December 2011, to the obligations emanating from the NPAA, as well as from the need for the judges and prosecutors of the RM to apply international standards in their daily proceedings. The training events it organises were also taken in consideration during the designing of the calendar.

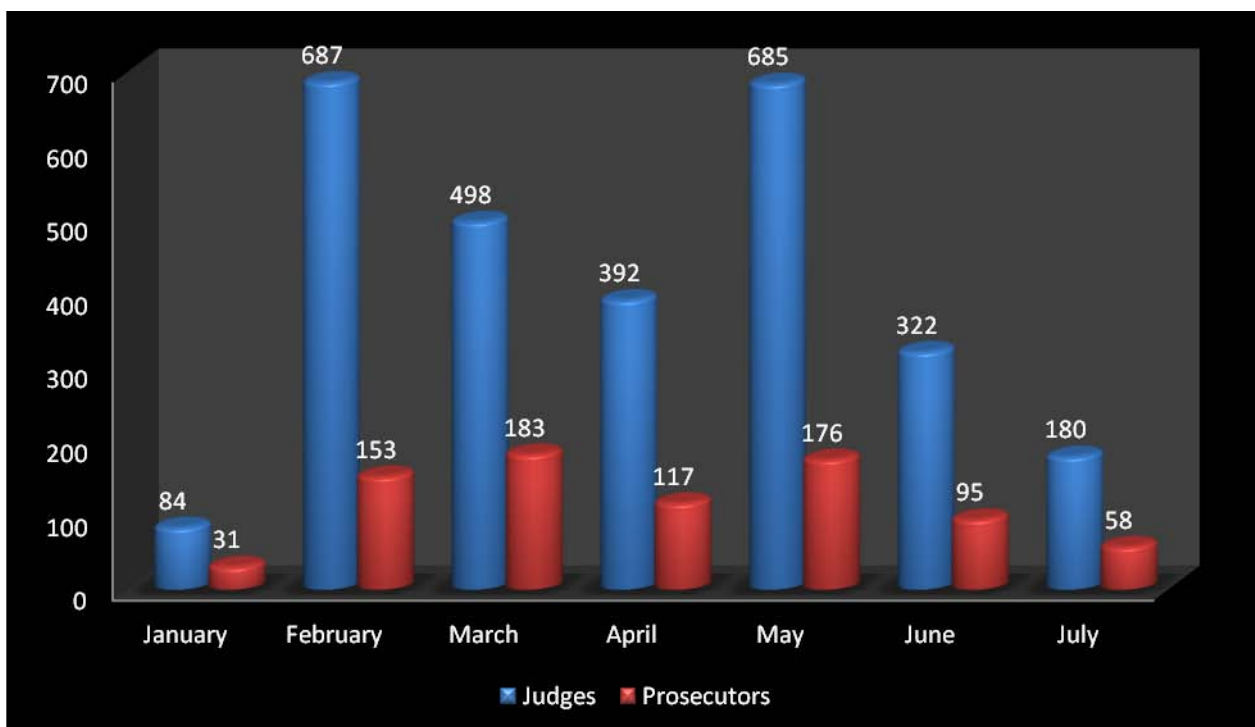


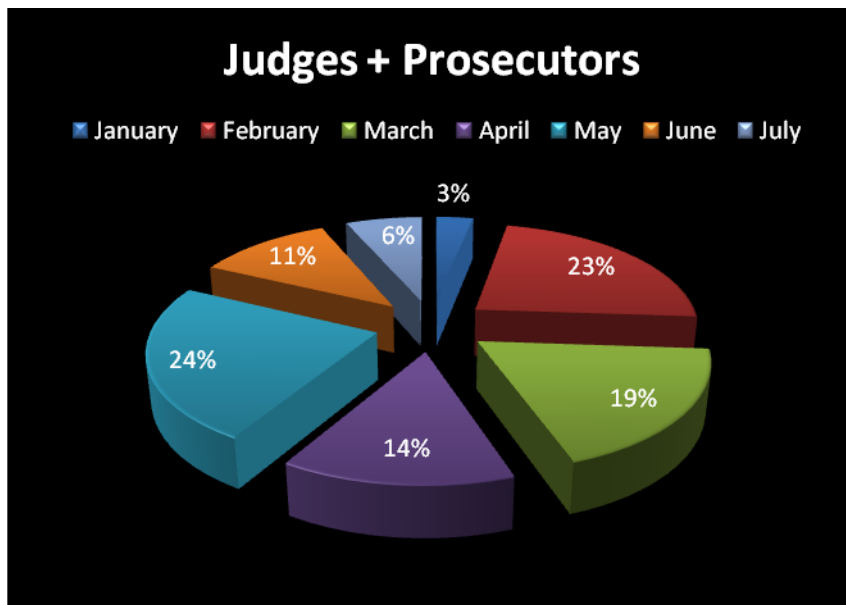
The Academy operates in cooperation with and with co-funding from other projects, non-governmental organisations and institutions, both domestic as well as foreign. This detailed statistical overview facilitated merging of events and avoiding overlaps, with a view to rationalisation of the use of financial resources, ensuring in the process that the respective target groups meet the requirements related to their mandatory training days.

**Overview of the fulfilment of the mandatory minimum of lesson hours of continuing professional in-service of judges and public prosecutors in 2011**

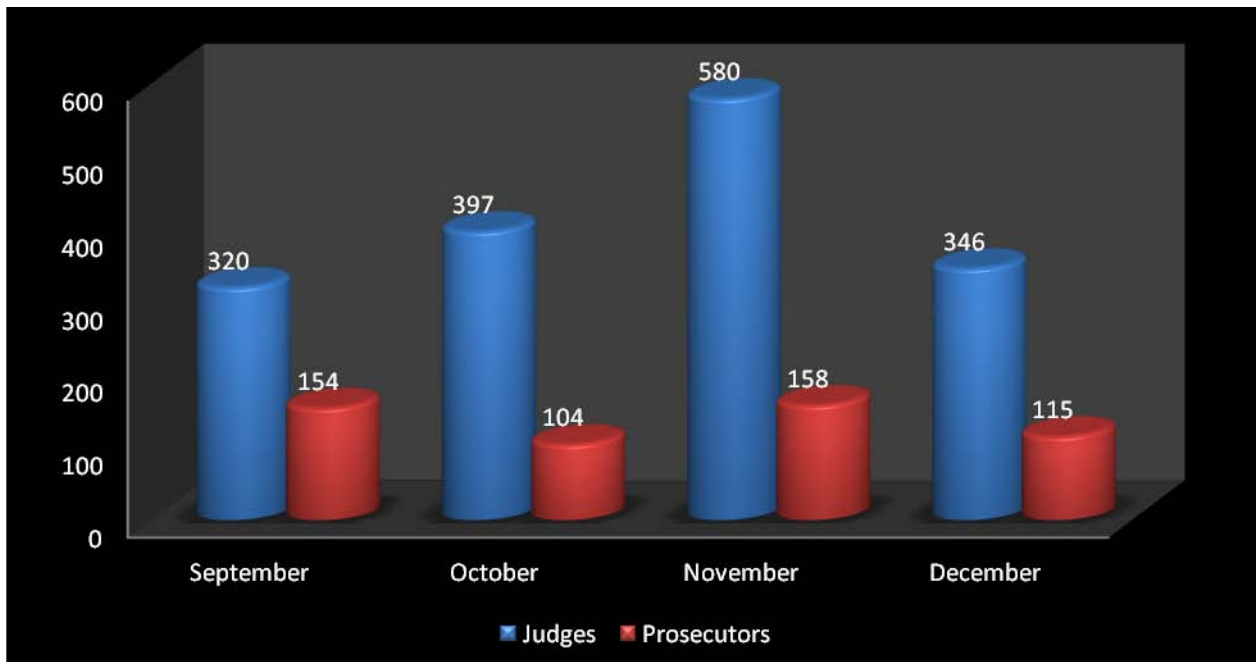


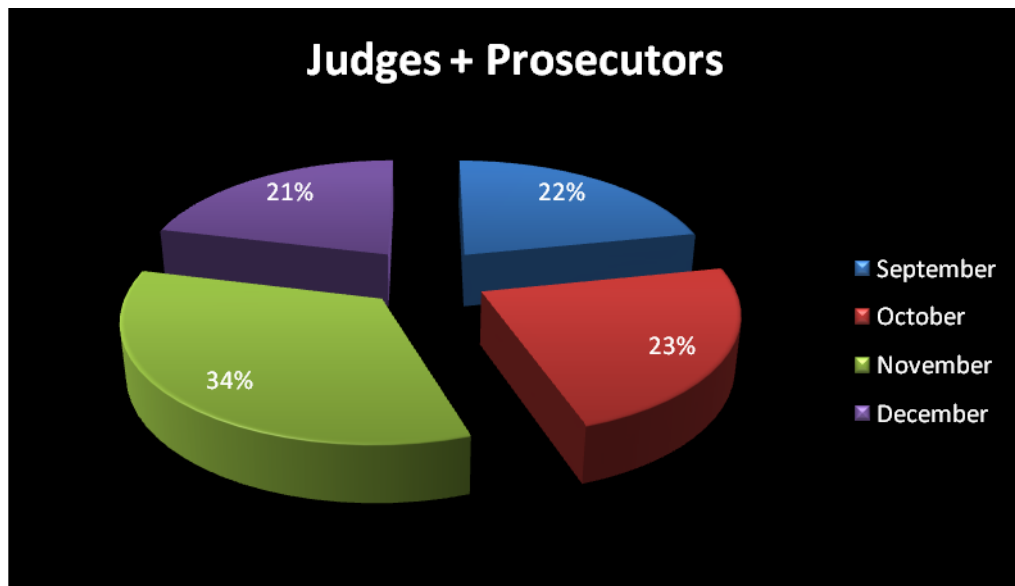
**Overview of the fulfilment of the mandatory lesson hours of training of judges and public prosecutors in the first half of 2011 by month, expressed in numbers and percentages**





**Overview of the fulfilment of the mandatory lesson hours of training of judges and public prosecutors in the second half of 2011 by month, expressed in numbers and percentages**





## **XIV EVALUATION**

The Academy continues to evaluate the initial and continuing training and the work of the educators and the mentors.

The Academy strives to implement international standards of training that require collection of statistics and records and carrying out of various analyses, with the aim of establishing the short-term, the medium-term and the long-term effects of the training.

As regards initial training, an evaluation of the theoretical practical training was carried out by the candidates themselves through evaluating the work of the educators and mentors. The objective of such an evaluation was, through analysis of the remarks, suggestions and proposals made by the candidates, educators and mentors, as well as by the professional service staff of the Academy, to enhance the organisation of the instruction, to improve the teaching contents, techniques and training materials.

The evaluation of the continuing professional in-service training of judges and public prosecutors was carried out permanently through filling out of evaluation questionnaires at the end of each training event. In addition, following the practice from previous years, at the end of 2011, an annual evaluation was carried out of the educators hired to carry out.

These two evaluations are used for improvement of the quality of the instruction, the teaching techniques and skills, and more generally for analysing the needs of the target groups.

## **XV OPENNESS TO THE PUBLIC**

The Academy for Training of Judges and Prosecutors ensures regular public and transparent provision of information on its activities through its web page, [www.jpacademy.gov.mk](http://www.jpacademy.gov.mk), the bulletin board and through publishing of adopted acts in the Official Gazette of the Republic of Macedonia. Most of the information on the work of the Academy has been published on the web page of the Academy, including: the acts, the organisational structure and composition (the organogram), the training programmes and the training events calendars, whereas the Academy also publishes interviews, and provides the media in the Republic of Macedonia with press releases on the more significant events it organises, etc. With the aim of enhancing its transparency, the Academy has concluded a cooperation agreement with the Macedonian News Agency MIA, which regularly covers all significant aspects of the work of the Academy. With the aim of improving relations with the general public and ensuring it is well informed of the reforms in the justice system, the Academy took part in the *New Moment* Project, implemented under the motto “Reforms in the Justice System”, in which, through participating in two events, one dedicated to the new provisions of the Law on Litigation Proceedings, and the other to sound recording of hearings, during which the candidates in initial training at the Academy carried out a trial simulation in front of an audience, the Academy confirmed its support to the process of implementation of reforms in the justice system and in the relations between the judiciary and the media.

One of the most important commitments of the Academy is to strive through redesigning and improving the structure and performances of the web page towards achieving not only greater transparency, but also a better reputation of the institution, as one being oriented towards satisfying the needs of its users and beneficiaries. Through facilitating access to as great a number of materials, presentations and useful links related to the respective workshops as possible, and also making possible electronic application for participation, the Academy will enable more efficient delivery of continuing training to all its beneficiaries, will allow its potential participants to prepare for discussion prior to the training event, and at the same time will ensure access to the training materials also to those who did not attend the respective training event.

Greater transparency in the work of the Academy will be ensured, in addition to the redesigning of the web page, through upgrading of the current software. It is planned for the software to contain a data base which will serve as a documentation centre, storing all working materials that have been used during workshops, conferences and training events and as training/resource materials in initial training.