# 2013

## **REPORT**

## ON THE WORK OF THE ACADEMY FOR JUDGES AND PUBLIC PROSECUTORS FOR 2013



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#### I INTRODUCTORY REMARKS

The Academy for Judges and Public Prosecutors of the Republic of Macedonia (hereafter the Academy) continued throughout 2013 to pursue its vision and mission and promote itself as a modern institution for training of the justice system, ensuring that judges and prosecutors respect democratic principles, the rule of law, human rights and freedoms, social justice and the principles of international law, as well as common European values, on which the integration of the Republic of Macedonia in the European Union rests.

To this end, the Academy continued to strengthen the partnership with training institutions from the countries of the region and the member states of the European Union, especially in the area of implementation of training modules for fight against terrorism and organised crime, as an integral component of the foreign policy of the Republic of Macedonia. With the aim of successful implementation of the process of harmonisation of domestic legislation with EU legislation, the Academy continued the realisation of another very significant activity, namely translation and publishing of rulings of the European Court of Human Rights and other relevant documents, thus contributing to strengthening the efficiency of the justice system of the Republic of Macedonia.

The Academy has since its establishment been a member of and has taken active part in the activities of international bodies and organisations, exchanging experience and knowledge, with the aim of improving the quality and efficiency and strengthening the capacities of the justice system. The commitment of the Academy for its participation in activities of all important bodies of the European Union and the Council of Europe, such as the JTN, the Council of Europe's GRECO Committee, the Consultative Council of European Judges (CCJE), the European Commission for the Efficiency of Justice (CEPEJ) and many others, will continue in future, as they represent significant sources of comparative information and documents to ensure a high quality and efficient justice system and an exceptional opportunity for promoting the justice system of the Republic of Macedonia.

The Academy receives strong support from the international community aimed at strengthening its capacities through a number of projects, concluded or ongoing, implemented in collaboration with the Embassies of the USA, United Kingdom, Germany, France and the Netherlands, thus continuing to achieve a "crucial role in the improvement of the knowledge and skills of judges and prosecutors", as stated in the last European Commission's Report on the Progress of the Republic of Macedonia.

#### II LEGISLATIVE FRAMEWORK

The Law on the Academy for Judges and Public Prosecutors (Official Gazette of the Republic of Macedonia, Nos. 88/2010, 166/2012 and 26/2013) regulates the operation of the Academy, as a public institution for admission and professional development of candidates for judges and

public prosecutors, continuing training and enhancement of the expertise of judges and public prosecutors, continuing training of professional services in the judiciary and the public prosecutor's offices, training of entities and individuals involved in the enforcement of laws from the area of the justice system, for performing analytical activities in the area of judicial theory and practice, as well as for training of bodies responsible for management and financing of the Academy.

The Articles of Association of the Academy for Judges and Public Prosecutors (Official Gazette of the Republic of Macedonia, Nos. 12/2011, 20/2011 and 50/2012) and relevant bylaws regulate in detail the internal organisation and manner of operation in all segments of work of the Academy.

#### III ACTIVITIES OF THE ACADEMY'S BODIES

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

The Management Board of the Academy (hereafter MB), held in the course of 2013 six sessions, during which issues within the scope of its competence were reviewed. In this sense, at the proposal of the Director of the Academy or the Programme Council of the Academy, the MB adopted a number of bylaws, reports and programmes.

After the open calls announced by the MB, the applicants that met the criteria for admission to the Academy, took an admission examination, upon the conclusion of which 13 candidates were enrolled as initial training participants. On 11<sup>th</sup> December 2013, the theoretical instruction of the initial training of the 5<sup>th</sup> generation of trainees began.

The Management Board received regular reports from the Director of the Academy on all ongoing activities related to the function and work of the Academy, as a basis on which it adopted its conclusion and decisions from its area of competence, reviewed project offers and provided guidance for collaboration with relevant institutions, organisations and associations from the country and abroad.

#### 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 Law and the Articles of Association of the Academy, held sessions which were presided over by the Director of the Academy, thus providing general directions and establishing several training programmes and catalogues, including the programmes for the admission examination and for the initial training.

The Programme Council works in continuation towards upgrading and improving the training

programmes, the teaching methodology and techniques in cooperation with educators and mentors and with the Director and professional service of the Academy, in accordance with the new Law on the Academy for Judges and Public Prosecutors.

The Programme Council embedded the concept proposed by the IPA Project focusing on the practical approach, with application of contemporary teaching methods and techniques and combination of theoretical lectures and practical exercises, simulation and attending real trials in courts, into the new Programme for initial training - theoretical instruction, which serves as the basis for the training of the new generation attending initial training.

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

In the course of 2013, the Director, as managing and executive body of the Academy, carried out all competences provided for by Law, by the Articles of Association and by other bylaws.

In 2013, the Director continued to be an active member of the Judicial Budgetary Council, undertaking as a chairperson of the working group, established within the Ministry of Justice, activities for development of the Action Plan for the implementation of the new Criminal Procedure Code (CPC); as member, she took part at the sessions of the working group for amending the Criminal Code, and in the development of materials for advanced training for the new CPC. As member, she participated in the work of the Judicial Reform Council and in the sessions of the intersectoral body for fight against corruption. She took part in the activities of the working group of the State Commission for Prevention of Corruption for the "Support to the Development of the System of Whistle-blowers in the RM" Project, organised by the State Commission for Prevention of Corruption, in collaboration with the Embassy of the United Kingdom.

As Director of the Academy, she realised her obligations which, in the part of training events, result from the conclusions of the Intersectoral Commission for Enforcement of Decisions of the European Court for Human Rights (ECtHR).

In the course of 2013, the Director of the Academy delivered a number of lectures, presentations and introductory remarks during and participated in 30 noteworthy seminars, workshops and roundtable discussions, organised in collaboration with domestic and international projects and with participation of international lecturers and guests. As a lecturer, she gave presentations on topics arising from the new CPC in connection with the basic training and advanced training in regard to summary proceedings, that were delivered by the Academy in cooperation with the Training Centre of the Ministry of Interior of the RM; she also presented the latest documents of the CCJE Committee of the Council of Europe, in particular the Opinion No. 16 from 2013, which pertains to the relations between judges and attorneys at law, and the latest documents of the Council of Europe addressing the relation between the Judiciary and the media; the Director also took part in the preparation of the Academy's publications.



In the course of 2013, the Director promoted several publications of the Academy, in collaboration with and with the support of a number of projects, which are of significance not only to the justice system of the RM, but also to representatives of other legal professions and law school students, including:

- ➤ Publication of rulings of the ECtHR, issued within the MATRA Project aimed at strengthening Macedonian case law, containing Macedonian translations of 20 rulings of the ECtHR against other states;
- Publications: "Practical Guide on Admissibility Criteria for Applications in front of the European Court of Human Rights" and "European Law", issued in collaboration with IRZ German Foundation for International Legal Cooperation, the Ombudsman of the Republic of Macedonia and the Bar Association of the Republic of Macedonia;
- ➤ Collection of "Rulings from the Case Law of the European Court for Human Rights and the Court of Justice of the European Union regarding the Issue of Discrimination";
- ➤ Collection of "Rulings of the ECtHR on Article 10 Freedom of Expression" 70 rulings translated into Macedonian, a two-volume publication.

The Director held working meetings with representatives of a number of domestic and international institutions; in connection with the admission of the fifth generation of students in the Initial Training Programme, in particular, the Director of the Academy carried out several promotional meetings with interested candidates from all appellate regions.

#### Memoranda of Cooperation signed in the course of 2013:

- ➤ On 6<sup>th</sup> February 2013, the Memorandum between the Academy and the Public Revenue Service of the Republic of Macedonia was signed, enhancing the cooperation between the two institutions. The cooperation will be carried out within the framework of the legal competences of both institutions, with the aim of proper application of the tax legislation by legal practitioners.
- ➤ On 18<sup>th</sup> May, the Memorandum between the Academy and the **Bar Association of the Republic of Macedonia** was signed, enhancing their mutual collaboration and strengthening the continuing professional development of judges, public prosecutors and attorneys at law, through joint coordinated action for realisation of these common goals.

With the support of the TAIEX Programme of the European Commission of the European Union, and in preparation of the new concept of initial training, the Director of the Academy visited the Judicial School of Spain (Escuela Judicial Espanola).

Within her regular work assignments and in the capacity of Head of the Delegation of the Republic of Macedonia in the GRECO Committee, she attended the 59<sup>th</sup>, 60<sup>th</sup>, 61<sup>st</sup> and 62<sup>nd</sup> Plenary Sessions of GRECO (Council of Europe), held between March and December 2013. To this end and in collaboration with the Ministry of Justice of the RM, she realised activities for implementation of the obligations of the RM arising from the Third and Fourth GRECO Evaluation Rounds, namely preparation of Reponses to the Questionnaire for the Fourth Evaluation Round, organisation and realisation of the GRECO Assessment Mission, preparation of the Draft Report and of the Report on the Status of Follow-up on Recommendations provided within the Third Evaluation Round.

Within the framework of the obligations assumed in the capacity of Head of Delegation in GRECO and with a view to wide dissemination of GRECO activities and documents, the Director presented at a number of seminars organised by the Academy or with partners, in particular the State Commission for Prevention of Corruption, activities and recommendations from the Third GRECO Evaluation Round pertaining to the Republic of Macedonia, as well as a comparative analysis of the implementation of GRECO recommendations in other member states.

With a view towards implementation of recommendations resulting from the Plenary Sessions of the GRECO Committee, the Director of the Academy gave presentations at conferences on topics related to the Code of Ethics and the areas of conflict of interest and anticorruption measures, and on the recommendations provided to respective countries that had already gone through the Fourth GRECO Evaluation Round, related to the issue of prevention of corruption among parliamentarians, judges and prosecutors.

As part of the activities within the long-standing successful collaboration between the Academy and the Embassy of the Republic of France to the Republic of Macedonia, and the State Judicial School of France, the Director held several working meetings with delegations, legal experts, and representatives from the Republic of France. In October 2013, she presented together with the French experts the stages of the entire process of conceptual design and implementation of the initial training in front of post graduate students majoring in legal studies at the *Iustinianus Primus* Faculty of Law at the *Ss. Cyril and Methodius* University.

Among the many activities aimed at improving the international collaboration, the Director completed the following visits:

- In November 2013, the Director presented at the 6<sup>th</sup> International Conference on Judicial Training, held in Washington, USA, the activities of the Academy as part of the justice system of the Republic of Macedonia.
- ➤ In December 2013, at the invitation of the Ministry of Justice of the Czech Republic, in her capacity as Head of the Delegation of the Republic of Macedonia to the GRECO Committee, during the Conference on the topic of "Gender Dimension of Corruption" organised by the GRECO Committee, she held a lecture on the role of the woman

parliamentarian, judge and prosecutor in strengthening anti-corruption mechanisms, and presented the situation and prospects of the Republic of Macedonia in the field of efficient implementation of the fight against corruption.

During the reporting period, the Director of the Academy, with the aim of greater transparency in the work of the Academy, gave seven interviews, of which 2 with the Macedonian Information Agency on the activities the Academy had implemented and on the contents of the Annual Report; in addition she gave a joint interview for "Deutsche Welle" with Mr Marin Mrcela, PhD, President of the GRECO Committee, on the topic of "Progress of Macedonia in the fight against corruption", as well as interviews with "24 Vesti", "Voice of America", "Akademik" and the daily press "Dnevnik".

#### IV Work and activities of the Professional Service of the Academy

The professional service of the Academy continued in the course of 2013 to carry out all activities and tasks necessary for its unimpeded operation, thus making a significant contribution to the implementation of all planned and defined goals within the various segments of operation of the Academy, as well as to its institutional strengthening, through proposing and implementing respective programmes, 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 audience of foreign delegations at the Academy. All obligations and priorities resulting from the regulations governing employment, public procurement, budget, as well as other activities aimed at furthering the quality of work of the Academy were completed timely and efficiently.

#### PROFESSIONAL DEVELOPMENT AND TRAINING

The participation of state servants at different training events resulted in their acquisition of new knowledge necessary for their daily execution of assigned tasks, so that they can efficiently and professionally respond to their obligations. The selection of training events was made in accordance with the working obligations of each employee individually, hence the attendance at generic training events necessary for each state servant, irrespective of his/her job and assignment description.

The Academy maintains continuing collaboration with the Administration Agency, the Bureau for Public Procurement, the Judicial Budget Council and other institutions and organisations competent for the training of the state and the public administration.

2013 saw the completion of the implementation of the system for micro learning *Knowledge Pulse* at the Academy for Judges and Public Prosecutors, by installing the application Knowledge Pulse on the personal computers of the employees of the Academy for Judges and Public Prosecutors.

In the course of 2013, the Academy staff attended a number of training events organised for state servants aimed at their professional development and professional and efficient work, addressing diverse topics.

The staff of the professional service participated at regional workshops, as well as at training events organised in the countries of the EU (MATRA Patrol – the Netherlands).

The Academy, as member of the European network for exchange of information between individuals and entities responsible for training of judges and public prosecutors (the Lisbon Network) within the Council of Europe, continued in 2013 to take active part in the HELP Programme, which aims at integrating the ECHR and the jurisprudence of the ECtHR into the regular programmes for training of judges and public prosecutors in all 46 member countries.

## PARTICIPATION OF THE PROFESSIONAL SERVICE IN VARIOUS WORKING BODIES AND GROUPS

The staff from the professional service of the Academy, in addition to carrying out their regular duties from the operational area and activities of the Academy and as authorised by the Director, actively participated as members in a number of working groups and coordination bodies at the Ministry of Justice, State Bureau for Industrial property, the Ministry of Economy and the Ministry of Labour and Social Policy.

Within the MATRA Patrol Project "Pre-accession Training on the Rule of Law", in the course of September 2013, a representative of the Academy took part in a 10-day training event dedicated to the topic of "Access to Justice", organised by the Kingdom of the Netherlands and held in The Hague, Holland. This training event was attended by 25 participants, legal practitioners and representatives of relevant justice system institutions from Macedonia, Montenegro, Serbia, Kosovo, Bosnia and Herzegovina and Turkey.

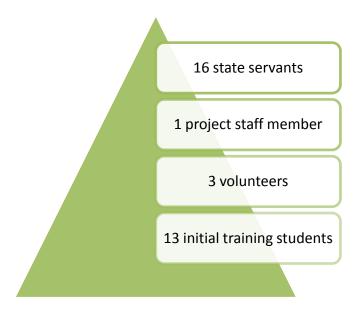
The general aim of this training programme was to stimulate and support the reform processes on-going in the justice systems of these countries by sharing comparative experiences and good practices, which will assist in the development of an efficient, impartial and highly professional justice system.

Such training events necessarily represent a good opportunity to present the justice system of a country beyond its borders and to be taken as a positive example for fast and effective development.

#### **V HUMAN RESOURCES**

In 2013, in addition to the Director, a total of 16 state servants were employed at the Academy, as well as one person hired to work on project basis and three volunteers.

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



#### VI INITIAL TRAINING

In the course of 2013, all necessary preparations were completed for the admission of the fifth generation of initial training students, in accordance with the conditions provided for in the Law on the Academy for Judges and Public Prosecutors from 2010, including the preparations for the implementation of psychological tests and the integrity test and the recruitment of initial training candidates.



Within the process of admission of the fifth generation of initial training students to the Academy for Judges and Public Prosecutors, the entry test was held in September 2013; 13 candidates successfully passed the entry test. After the entry test, a battery of psychological tests was dispensed, as well as an integrity test. The written and oral parts of the examination were carried out in October and November.

By successfully completing the admission examination, candidates were awarded the status of initial training students at the Academy and entered into temporary employment with the Academy for the period of delivery of the initial training and the period after its completion, until the moment of election of the candidate as judge or public prosecutor in a basic court or public prosecutor's office, respectively.

The theoretical instruction component of the initial training commenced on 11<sup>th</sup> December 2013.

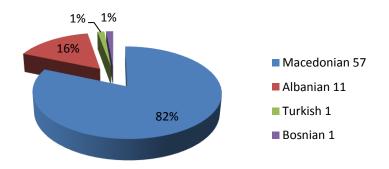
The initial training theoretical instruction takes nine months, in accordance with the Law, and comprises three modules. The first module includes civil law, trade law, constitutional law and information technologies and legal research. The second module comprises criminal law, criminalistics, forensic medicine, forensic psychiatry, communication skills, case management and public relations and international languages (legal terminology). The third module covers international law, EU law, ethics, business culture and deontology, forensic psychology and rhetoric.

In parallel to the stated activities, actions were undertaken to attract and recruit new qualified candidates, including intensive information campaigns and collaboration with the universities in the country.

Since the establishment of the Academy for Judges and Public Prosecutors, four generations of candidates, with a total of 80 candidates, completed the initial training at the Academy. Of them,

71 Academy graduates - candidates were appointed, 37 as judges and 34 as public prosecutors. In the year 2013 alone, 11 candidates - Academy graduates were appointed, of whom 2 as judges and 9 as public prosecutors.

## Ethnic structure of the selected initial training candidates



#### VII CONTINUING TRAINING

In order to address the latest changes in the national legislation and with the aim of its harmonisation with international documents, the country's justice system and the Academy, as an institutions which acts as a link in the process of justice system reforms, devote special attention to modern trends and developments in the European justice systems, with the goal of improving not only the independence, but the efficiency and transparency of the judiciary as well.

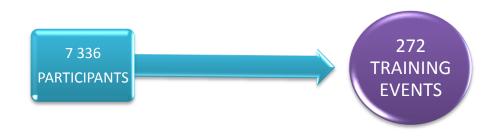
Continuing training of judges and public prosecutors is carried out in accordance with the General Programme for Continuing Training of Judges and Public Prosecutors and the Annual Catalogue of Activities for 2013.

Training events focused on the most important areas of law, in particular on the changes and amendments in the domestic legislation, on international legislation and the legislation and case law of the European Union, including training events on complementary skills and specialised training for newly elected judges and public prosecutors following a specially designed training programme. Special emphasis was placed on training events in fields and on topics indicated in the Accession Partnership as priority areas for the harmonisation of the domestic legislation with the acquis, planned for within the *National Programme for Adoption of the Acquis of the European Union (NPAA)*, in particular: training events on the amendments and supplements to the Law on Litigation Procedure, to the Criminal Code and to the new Criminal Procedure Code, training events on fight against organised crime and corruption and financial crime, ethics and conflict of interests, application of the European Convention on Human Rights, specific areas of EU law, etc.

The majority of training events carried out by the Academy were multidisciplinary in nature, reflected in the interdisciplinary composition of the pool of lecturers and participants.

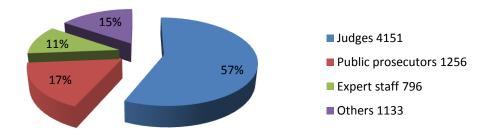
#### **NUMBER OF TRAINING EVENTS IN 2013**

In the period between 1<sup>st</sup> January and 31<sup>st</sup> December 2013, the Academy was responsible for the organisation and delivery of a total number of 272 training events, attended by 7336 participants, of whom 4151 participants were judges, 1256 public prosecutors, 796 expert staff from courts and public prosecutor's offices and 1133 were other participants – representatives of other relevant institutions and organisations, the non-governmental sector, etc., invited by the Academy and working on issues related to the contents of the respective training.



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

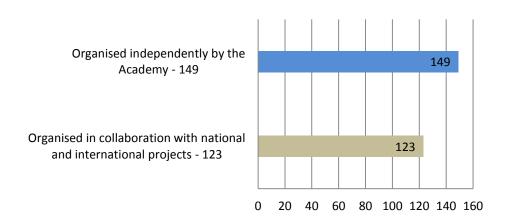
#### In 2013, there were 7 336 participants, of whom



#### **ORGANISATION OF TRAINING EVENTS**

Of the 272 training events delivered in the reporting period, 149 training events were organised by the Academy independently, whereas 123 training events were organised by the Academy in collaboration with and partly or fully co-funded through national or international projects, associations, organisations and institutions.

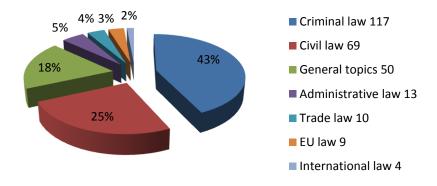
## Organisation of training events in 2013 Total training events 272



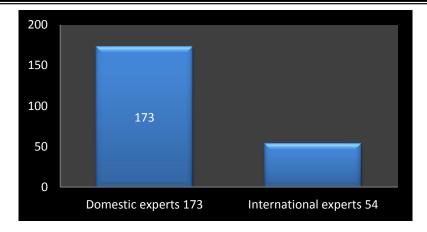
#### **CONTENTS OF THE TRAINING EVENTS**

Of the total number of training events realised in the reporting period, 69 addressed the area of civil law, 117 training events focused on criminal law, 4 on international law, 9 training events addressed the area of EU law, 13 the area of administrative law, 10 training events focused on trade law and 50 training events addressed general topics. The graphic representation of the structure of the training events is as follows:

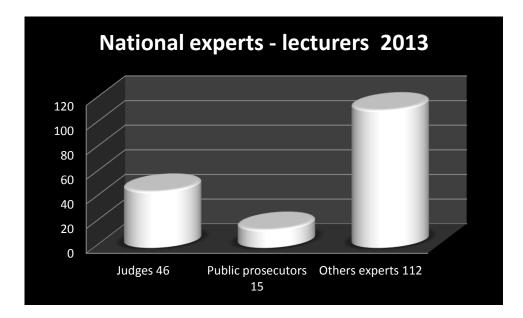
#### Training by areas



In the course of 2013, 227 lecturers were hired, including 173 national experts and 54 international experts.



Of the national experts who took part in training events in the course of 2013, 46 were judges, 15 public prosecutors and 112 were other experts, in line with the areas on which the respective training event focused.



In 2013, as a result of the high rating it had earned in domestic and international relations, the Academy continued to collaborate with the top experts – judges and public prosecutors from the highest instances of other countries, judges from higher courts, constitutional courts, state public prosecutor's offices, professors, judges from the European Court for Human Rights and others.

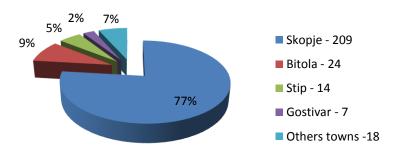
In addition to the lecturers of the Academy, hired as permanent teaching staff, the Academy also hired temporary lecturers – experts from respective ministries, agencies, directorates and other state authorities, institutions and organisations, in particular those who collaborate with the Academy as partners in the process of meeting its training obligations under the NPAA, experts from the non-governmental sector, retired judges, professors, junior university lecturers, attorneys at law, notaries, enforcement agents, expert witnesses, psychiatrists and many others with qualifications necessary for the respective training event.

#### **DECENTRALISED TRAINING SYSTEM**

From the very start, the Academy has developed a system of decentralised training, which has received wide support from all target groups in the regions through the system of hiring contact persons for training events and through ensuring that one Academy professional service staff member attends each training event.

Of the total number of training events realised in the course of the reporting period, 209 training events were held in Skopje, 24 training events in Bitola, 14 in Stip, and 7 in Gostivar, whereas the remaining 16 training events were held in other towns and locations throughout the Republic of Macedonia (Ohrid, Struga, Strumica, Mavrovo, etc.).

#### **Dispersed training events**



#### CONTINUING TRAINING ON THE APPLICATION OF NEW PROCEDURAL LAWS

#### **LAW ON LITIGATION PROCEDURE**

In the course of 2013, 11 consultations were held for judges from civil departments of courts attended by 345 participants, of whom 287 judges, 51 professional court staff and 7 representatives of the business community. The focus of the consultations was on topics which emerged in the course of the initial application of the novelties in the LLP as particularly pertinent or were requested by the practitioners themselves.

In addition, 2 special training events were organised for court delivery clerks.

#### CRIMINAL PROCEDURE CODE

In collaboration with and with financial support from the OSCE Mission in Skopje and the OPDAT Programme of the Embassy of the USA to the Republic of Macedonia, after the completion of the basic training events project, implemented in 2012, the Academy continued to realise the project for advanced training on the CPC. Training events were delivered as specialised modules, as appropriate for each phase of the criminal procedure and focusing in particular on the

developments and innovations in the criminal procedure. The same methodology was applied in these training events as well, which familiarised the participants, with the assistance from the lecturers and combining short presentations and practical exercises, simulations and writing of procedural acts, with all substantive changes in the concept of the new Criminal Procedure Code.



A total of 32 advanced training events were realised, with the following structure:

Module 1: Pre-investigation procedure – 8 training events;

Module 2: Investigation procedure – 8 training events;

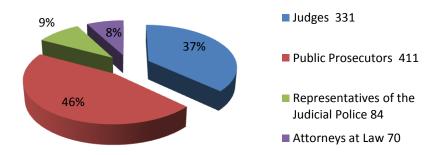
Module 3: Main hearing – 8 training events;

Module 4: Special procedures – 8 training events;

Module 5: Regular and extraordinary legal remedies – 2 roundtable discussions for judges from criminal departments of the Supreme Court of the RM and appellate courts, public prosecutors from the Public Prosecutor's Office of the RM and higher public prosecutor's offices, and for the members of the Judicial Council of the RM and the Council of Public Prosecutors of the RM.

The training events were attended by 896 participants in total, including 331 judges, 411 prosecutors, 84 representatives of the judicial police and 70 attorneys at law.

## Participants at Training Events on the New Criminal Procedure Code

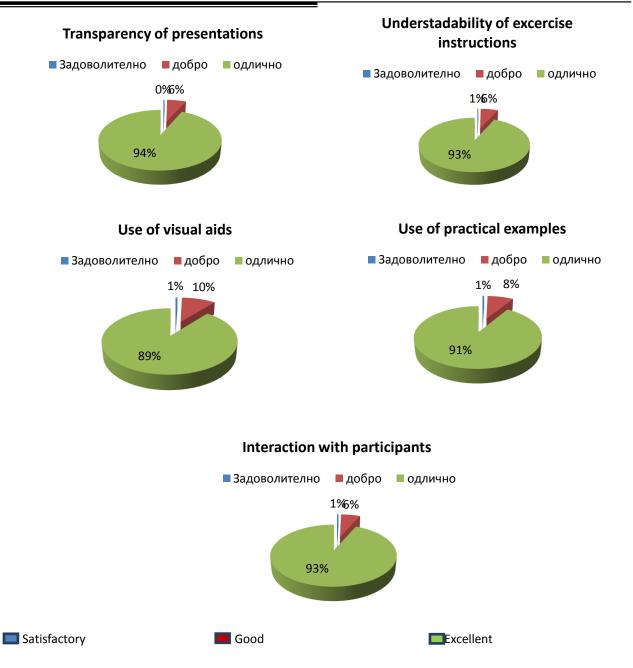


The evaluation of training events was carried out through filling in evaluation questionnaires at the end of each training events. The efforts and dedication of each of the educator teams, along with the active participation of the participants ensured that the training events were assessed as outstandingly successful and useful; this conclusion is supported by the data contained in the evaluated questionnaires, which assessed the timeframe, the contents and the organisation of each training events. The evaluated questionnaires from each training event were summarised in the annual summative questionnaire.

Data received from the evaluations point to the satisfaction of the training event participants with their respective duration, choice of topics and usefulness for the participants; especially positive assessments were given to the lecturers in regard to: the clarity of presentations, understandability of exercise instructions, use of visual aids, use of practical examples and interaction with participants. In percentages, the information obtained gives the following picture:







## > SPECIALISED MODULE OF TRAINING – FOR THE ADMINISTRATIVE COURT AND THE HIGHER ADMINISTRATIVE COURT

With the aim of implementing the Administrative Court Training Strategy, which resulted from the "Support for More Efficient, Effective and Modern Work and Functioning of the Administrative Court" IPA Project, the Academy continued in the course of 2013 to organise specialised training events for judges and professional services of the Administrative Court and the Higher Administrative Court, carrying out 12 consultations independently or in collaboration with domestic and international partners (Commission for Protection of Competition, Bureau for Public Procurement, Public Revenue Services, UNHCR), addressing innovations in or the implementation of specific laws from the purview of the administrative judiciary.

In addition, the Academy, in collaboration with and with financial support from the TAIEX instrument of the European Commission of the EU, organised a regional conference on "Asylum and Migration", attended by judges from administrative courts handling cases from the area of refugee law, representatives from the Department for Asylum at the Ministry of Interior of the Republic of Macedonia, representatives of the Office of the Ombudsman, representatives of the UNHCR Skopje Office, as well as representatives from the judicial academies of the countries participating in the conference (54 participants in total).

#### > TRAINING EVENTS ON INTELLECTUAL PROPERTY LAW

In the course of 2013, the Academy followed further on the continuing education of judges and public prosecutors addressing issues from the area of intellectual property in order to ensure, though further strengthening the awareness on the significance of intellectual property rights and the consistent implementation of the respective regulations, efficient prosecution of violators of intellectual property rights and provision of efficient court protection.

In this context, the Academy, independently or in collaboration with state authorities and institutions involved in the system of protection of intellectual property rights, organised 9 training events dedicated to different aspects of the protection of industrial property rights and copyrights and related rights, which were attended by 205 participants, of whom 187 participants from the justice system of the Republic of Macedonia (165 judges, 12 public prosecutors and 6 expert staff) and 22 participants from other relevant institutions – representatives of the Ministry of Culture, the Broadcasting Council of the Republic of Macedonia, the State Industrial Property Office, the State Market Inspectorate and the Intellectual Property Coordination Body.

#### > TRAINING EVENTS ON AMENDMENT TO THE CRIMINAL CODE

In the course of reporting period, the Academy organised 17 training events on the amendments to the Criminal Code, attended by a total of 384 participants, divided as follows: six training events on types of confiscation of proceeds from criminal offences, one on criminal acts committed against elections and voting, three training events on money laundering and tax evasion, two on liability of legal entities, two training events on computer crime, two training events on human trafficking and trafficking of migrants and one on "Incriminations in Connection with bribes / bribing of officials / national and international arbitrators".

## TRAINING EVENTS ON ETHICS AND ON THE FIGHT AGAINST CORRUPTION AND CONFLICT OF INTERESTS

Addressing the recommendations provided by GRECO (Group of States against Corruption) in connection with the fourth round of evaluations pertaining to the prevention of corruption among parliamentarians and judges and public prosecutors, and in preparation of the Republic of Macedonia for the GRECO evaluation mission, the Academy organised in 2013 15 training events with a total of ..... participants, as follows: 7 training events for presidents of courts, judges and public prosecutors, 5 training events for court and public prosecutorial staff and 2

training events for judges-jurors, on topics connected with ethics, ethical behaviour, prevention of conflict of interests and anticorruption measures - prevention of corruption and fight against corruption.



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

#### Training events for implementation of Article 10 of the ECHR – freedom of expression

To ensure proper application of the standards of the European Court for Human Rights in cases of civil liability for libel and slander, the Academy organised in the course of 2013 specialised training for judges from civil departments of courts competent to act in cases from this area of law. Within the framework of this specialised training 8 workshops were realised throughout the country, by appellate region, on the topic of "Decriminalisation of libel — civil liability for libel and slander / the case law of the ECtHR in connection with Article 10 of the ECHR and other relevant rights", attended by 188 participants, of whom 178 judges and 10 court staff.

Within the framework of the collaboration with the British Embassy in the Republic of Macedonia, two training events were organised on the topic of freedom of expression, as well as a conference on the theme of "Article 10 of the ECHR - Freedom of expression", during which Ms Mirjana Lazarova Trajkovska, PhD, Judge in the ECtHR, presented the application of Article 10 of the ECHR in the case law of the ECtHR.



#### Application of Article 5 of the ECHR

A two-day training event was organised for the public prosecutors and judges from criminal departments of courts and attorneys at law on the application of Article 5 of the ECHR, in collaboration with the Council of Europe.

#### **Application of Article 6 of the ECHR**

The application of Article 6 of the ECHR was addressed in two training events, one of which in collaboration with the Council of Europe on the topic of "Article 6 of the ECHR – Equality of Arms", and the other in collaboration with the Bureau for Representation of the RM in front of the ECHR on the topic of "Application of Article 6 of the ECHR in the Civil Procedure".

#### > SPECIALISED TRAINING FOR NEWLY ELECTED JUDGES AND PUBLIC PROSECUTORS

Within the framework of the Specialised training programme for newly elected judges and public prosecutors, in the course of 2013 the three mandatory several-day training modules were delivered: module "Penal Law", attended by 16 newly elected public prosecutors and 19 newly elected judges deliberating in cases in the area of penal law; module "General topics", attended by 40 newly elected judges and 10 newly elected public prosecutors; and module "Civil Law", attended by 15 newly elected judges deliberating in cases in the area of civil and trade law.

#### > TRAINING OF TRAINERS

In the course of 2013 four training of trainers events were organised, of which two events were organised by the Academy on its own, with the remaining two in collaboration with OPDAT, the Embassy of the United Kingdom and OSCE.

#### **TRAINING OF STAFF FROM COURTS AND PUBLIC PROSECUTOR'S OFFICES**

In the course of 2013, the Academy continued to support the professional development of staff from courts and public prosecutor's offices. The training events catered for the needs of diverse target groups, including professional state servants, managerial state servants and professional-administrative workers.

In line with the Programme and the Catalogue for training of staff from courts and public prosecutor's offices, 26 training events in total were organised in 2013, addressing various pertinent topics.

Fulfilling the legal obligation pursuant to Article 42 of the Law on Courts, requiring judges-jurors to attend mandatory specialised training, the Academy commenced in the course of 2013 with the implementation of training events for this target group. Towards the end of 2013, the Academy organised two training events for judges-jurors on the topic of "Ethics and conflict of interests", attended by 63 judges-jurors from the Skopje courts.

#### VIII Collaboration with domestic authorities, organisations and institutions

The collaboration with domestic authorities, institutions, organisations and associations that the Academy has established from the start of its operation, continued with the same intensity in 2013, being in particular successful with the Supreme Court of the RM, the Office Public of the Prosecutor of the RM, as well as with the Judicial Council and the Council of Public Prosecutors of the RM, the Ministry of Justice, the Secretariat for European Affairs, the Ministry of Interior and the other ministries, state authorities and institutions, law faculties, the Bar Association, the Chamber of Notaries and the non-governmental sector.

#### PROJECTS THE ACADEMY COLLABORATED WITH IN 2013

The established collaboration continued also with international projects, which thanks to their financial and technical support made possible the organisation of numerous workshops, roundtable discussions, and seminars and study visits, among them the most prominent being:

- EIPA.
- the Embassy of the USA to the Republic of Macedonia OPDAT,
- the USAID Project for Strengthening the Judiciary,
- the British Embassy,
- the TAIEX instrument of the European Commission for Technical Assistance and Information Exchange,
- the German Society for International Cooperation GIZ,
- the OSCE Skopje Mission Rule of Law Unit,
- the Centre for International Legal Collaboration (CILC) from the Kingdom of the Netherlands,
- the Embassy of the Republic of France and the Judicial Academy of the Republic of France,
- the British Council,
- the German Foundation for International Legal Cooperation IRZ,
- the Council of Europe,

- the American Bar Association Rule of Law Initiative (ABA ROLI), and
- UNHCR.

## **►** "MACEDONIAN CASE LAW" PROJECT FOR STRENGTHENING THE CAPACITIES OF THE MACEDONIAN JUDICIARY (MATRA)

The Project comprised three components with a number of activities contributing to the improvement and strengthening of the role and utilisation of case law in the domestic legal system, thus increasing the awareness on the role of case law as additional source, and improving the access to and use of domestic and international case law.

In the course of 2013, the activities of the final component of this project were realised, resulting in the design and establishment of a new web portal within the web page of the Supreme Court of the RM (<a href="www.vsrm.mk">www.vsrm.mk</a>). This portal provides access, in addition to translated relevant decisions of the European Court for Human Rights against other countries, 38 in number, also to relevant court decisions of national appellate courts, in particular from civil and commercial departments. This is the first successful effort in the national justice system to house in one place over 200 domestic decisions, important for building the body of domestic case law. This portal is open to all who have a vested interest in or desire to become closely familiarised with the relevant domestic and international case law, which is especially important for strengthening the awareness on the role of this non-formal source of law, and thus strengthening legal protection and public confidence in the judicial system.

#### BRITISH COUNCIL

In the course of 2013 and 2014, the British Council is implementing together with the Ministry of Labour and Social Policy of the RM, a project on raising the awareness among employees in state institutions and authorities on the concept of equality, with the aim of proper application of the Law on Protection and Prevention of Discrimination.

The Academy is a partner in this Project in the area of training for the justice system. In the course of 2013, and within the framework of these activities, 6 training events were carried out, of which four for representatives of the court administration, and two for judges from the appellate regions of Gostivar and Bitola. The training covered 120 participants in total, in line with the Action Plan for implementation of project activities.

This project will continue also during the first three months of 2014, when three additional training events will take place.

#### THE OSCE MONITORING MISSION IN SKOPJE - RULE OF LAW UNIT

The Rule of Law Unit of the OSCE Skopje Mission has in the course of recent years provided valuable support for further development of effective and sustainable mechanisms for rule of law in accordance with the principles of OSCE and the international obligations of the state through implementation of projects that strengthen the rule of law, encouraging the independence of the justice system and enhancing the professionalism of legal experts.

In addition to the collaboration with the Monitoring Mission of OSCE in Skopje which pertains to the realisation of a project for advanced training on the new Criminal Procedure Code, the Academy collaborated with the Mission also on the realisation of the following projects:

The OSCE Mission and the Rule of Law Unit (RoLD), in strategic partnership with the Academy, implemented the project on protection from discrimination, hate crimes and the phenomenon of hate speech. As a result of the activities carried out in 2011 and 2012, several events were organised in the course of 2013, following the planned training programme on the concept of equality. One of the events for training of trainers was attended by judges, attorneys at law and representatives of the Constitutional Court of the RM, and in the second half of the year two more two-day training events were held for dissemination of the knowledge by the trainer teams attending the initial training event. Through these activities, over 50 participants were given the opportunity to expand their knowledge towards strengthening the capacities of law practitioners in the area of non-discrimination.

As support to the practitioners, and within the framework of this module, a Guide on the Role of the Commission for Protection against Discrimination and Shifting of the Burden of Proof was developed, and a publication was prepared containing 13 relevant decisions of the ECtHR and the Court of the European Union in Luxemburg, which directly elaborate discrimination on various grounds and which are often referred to by judges in these international courts.

Within the framework of the collaboration of the Academy with the OSCE Mission, a module was developed for judges and public prosecutors addressing hate crime. Within this module, three events were organised, one for training of future trainers delivered by international and domestic experts from the respective field, and two events as two-day seminars for the four appellate regions, in the form of an interest forum for exchange of experiences on this sensitive type of crime. Following the expressed interest, this collaboration will continue in 2014 through an even greater support provided by the OSCE Mission in Skopje.

#### > AMERICAN BAR ASSOCIATION RULE OF LAW INITIATIVE (ABA ROLI)

In collaboration with and with financial support from the American Bar Association Rule of Law Initiative (ABA ROLI), and in collaboration with the Bar Association of the Republic of Macedonia, the Academy organised in the course of 2013 two workshops on the new Criminal Procedure Code in the form of mock trials, attended by 37 participants - judges working on criminal law issues, public prosecutors and attorneys at law, who through practical exercises elaborated and analysed all aspects and practical skills related to the new Criminal Procedure Code.

In addition, 12 training events were held on forensics in collaboration with the Bar Association of the Republic of Macedonia and the Association of Judges and Public Prosecutors of the Republic of Macedonia, attended by a total of 206 participants – public prosecutors, prosecutorial clerks and attorneys at law.

#### **COUNCIL OF EUROPE**

Within the framework of this collaboration two two-day events were organised dedicated to Article 5 and Article 6 of the European Convention on Human Rights; the first one invited criminal judges and public prosecutors, placing the focus on the justifiability of deciding on the measure detention on remand, the alternatives to this measure and the solutions to this issue in the new Criminal Procedure Code.

In addition to domestic experts, the two events were traditionally enriched with presentations by judges from the European Court for Human Rights in Strasbourg, and attended by a judge from the Republic of Finland and a judge from the Principality of Monaco.

#### > OPDAT PROGRAMME AT THE EMBASSY OF THE USA VO REPUBLIC OF MACEDONIA

The USA, through the OPDAT Programme (Office of Overseas Prosecutorial Development, Assistance and Training) at the Ministry of Justice of the USA, have from the very start actively supported the reforms of the criminal law legislation in the area of capacity development, by organising training of trainers events with participation of renown American experts focusing on skills for procedure management, especially in connection with the solutions adopted from the

American criminal law system, and on the certification of our lecturers through the issuance of a licence from the Illinois National Institute for Trial Advocacy, NITA.

To this end, a programme for partnership between judges from the Republic of Macedonia and the USA was realised focusing on the efficient implementation of the new CPC, on standards for ethical and professional responsibility of judges, and on skills for case management, facilitating in the process exchanges between judges from the



USA and judges from the RM, thus promoting development of direct contacts and partnerships with colleagues from the USA, and enhancing the collaboration between the Macedonian and American justice systems in general.

#### COLLABORATION WITH USAID

The collaboration with the USAID Strengthening of the Judiciary Project continued in 2013; with the Project's financial assistance two working meetings of judges from civil departments of appellate courts were realised, aimed at harmonisation of the case law in the areas of civil and trade law.

Within the framework of the Programme for continuing training of judges and in collaboration with the USAID Project, three specialised training events for judges from departments for trade disputes were organised. In regard to the practical implementation of the novelties introduced in the LLP, consultations were organised on the provisions governing the electronic delivery of writs and on the Law on Data in Electronic Form and Electronic Signature.

The collaboration with the USAID Project extended also to other activities, such as the organisation of the Conference on Leadership for the presidents of courts, court administrators

and presidents of departments in courts with expanded jurisdiction, the round-table discussion on "Development of Safety of Information Systems in Courts", the training for court delivery clerks, and to the organisation of special training for authorised courts staff in regard to the application of the Law on Free Access to Information of Public Nature.

In December 2013, the USAID Project on strengthening the judiciary organised in collaboration with the Centre for Institutional Development



– CIRA a workshop on the development of the new Strategy for the Judiciary for the period 2014-2016, with active participation of representatives from all relevant institutions operating within the judiciary, including the Academy.

#### **▶** GERMAN FOUNDATION FOR INTERNATIONAL LEGAL COOPERATION — IRZ

Within the reporting period, the Academy, in collaboration with the German Foundation for International Legal Cooperation – IRZ and with its financial support, following the longstanding fruitful cooperation, realised the activities: promotion of the publications "Practical Guide for Admissibility of Applications in front of the ECtHR" and "European Law", and three training events on the topics of Law on Public Procurement, Mobbing, and Tax Evasion and Money Laundry. Also, as part of this collaboration, the regional conference "Court Ethics and Fight against Corruption in the Justice System, comparative experiences and common challenges" was realised in 2013. The training events were attended by over 300 participants, among them judges, public prosecutors, attorneys at law, and representatives of ministries and other institutions.

#### IX INTERNATIONAL COLLABORATION

#### > JUDICIAL STUDY VISITS

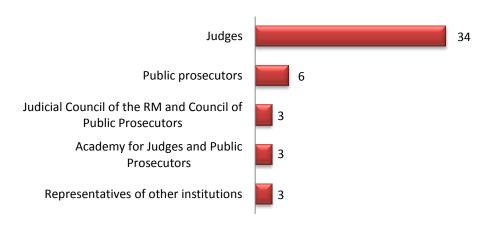
In the area of international collaboration, the Academy is intensively engaged in organizing training-activities through several projects; it is intensifying its collaboration with judicial training

schools from other countries in various segments, and with some the collaborations was made official by the signing of a Memorandum of Collaboration.

The continuing practice of including judges, public prosecutors, candidates for judges and public prosecutors, as well as representatives from the bodies and professional services of the Academy, Judicial Council and Council of Public Prosecutors of the Republic of Macedonia on study visits, international training events, exchanges, meetings, workshops and conferences abroad was maintained throughout the year.

In the course of 2013, Academy realised a total of 19 study visits abroad, which included a total of 49 participants, of which:

#### Study visits in 2013



## TRAINING EVENTS IN COLLABORATION WITH EUROPEAN COMMISSION'S TECHNICAL ASSISTANCE AND INFORMATION EXCHANGE INSTRUMENT TAIEX

The Academy continued the fruitful collaboration with the TAIEX instrument of the European Commission for technical assistance and information exchange, in organizing training events related to EU law and international law. In collaboration with TAIEX, and with its financial support, 12 training events were organised, covering topics related to international and EU law.

In the course of 2013, all applications submitted by the Academy for technical assistance in organizing training events in 2014 were approved by TAIEX. These events will cover topical issues related to the advancement of knowledge of judges and public prosecutors in applying international standards.

## ➤ INTERNATIONAL COLLABORATION WITH THE FRENCH EMBASSY AND ACTIVITIES UP TO DECEMBER 2013, FOLLOWING THE SIGNING OF THE NEW THREE YEAR MEMORANDUM OF COLLABORATION

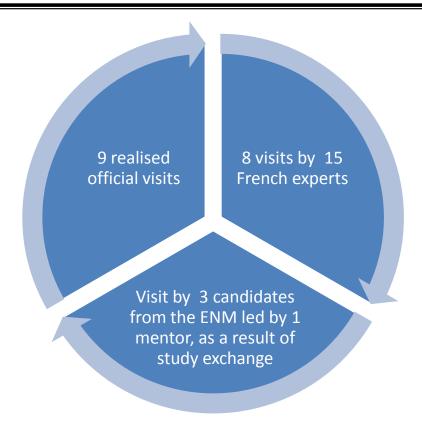
In February, 2012, a new three-year Memorandum of collaboration was signed between Academy for Judges and Public Prosecutors and the Embassy of the French Republic in the

Republic of Macedonia, with the aim of further advancing the French-Macedonian collaboration in the field of training of judges and public prosecutors..



A significant benefit from the initial training activities is the possibility of studying French at a basic and advanced level.

It is important to underscore that in 2013, in line with the obligations undertaken with the signed Memorandum, the Academy organised 9 official visits through which 15 experts from the French Republic visited the Academy and the judicial institutions in the country, and had the opportunity to compare their experiences with national law practitioners. Also, as part of the study visit exchange between the two Academies, a three ENM candidates, led by one mentor, paid an official visit to the Academy and other relevant institutions. In the same time period, 3 candidates from the initial training program of the Academy led my one mentor of the Academy attended the European week in France, where they presented the justice system of the Republic of Macedonia and the role of the Academy for Judges and Public Prosecutors in promoting independent, professional, ethical and highly moral profiles of judges and public prosecutors.



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

In the course of 2013, as part of the technical assistance project of Luxemburg to the Republic of Macedonia entitled "EU law for the Justice System", the Academy and the European Centre for Judges and Lawyers, the European Institute of Public Administration (EIPA), Luxembourg, realised a total of 4 training events dedicated to EU law with experts from EIPA, which was attended by 94 participants.

Furthermore, a very important element of the collaboration between the Academy and EIPA is the nomination of participants for attending seminars listed in the EIPA Catalogue of activities that are open to participants from other countries.

#### X COMPUTER SYSTEM

In 2013, the Academy continued making improvements to existing software, with the primary aim of creating an efficient computer system that will ease the management of the internal processes and activities of the Academy, and will at the same time ensure the necessary functionality for easy and simple daily maintenance and updating of the content on the internet-

location, as well as user friendly connections with other internal software systems. In 2013, a new back-up system was acquired, with the primary aim of ensuring improved protection against loss of data at the disposal of the Academy. Within the framework of the successful collaboration with USAID, the Academy received a donation of computer equipment intended for the fifth generation of initial training students.

Furthermore, in order to ensure good quality, state-of-the-art instruction for the initial training students in the Academy, a video surveillance system was acquired that is connected with the courts in the Republic of Macedonia, and allows the transmission of court proceedings in real time.

#### XI LIBRARY

The Library of the Academy for Judges and Public Prosecutors plays a major role in advancing the knowledge of future judges and public prosecutors, as well as updating the knowledge of current judges and public prosecutors, and that of the administrative staff in the courts and Public prosecutor's Office.



To that end, the library continues to enrich its corpus with legal texts, domestic and foreign legal literature and professional journals. Thus, the Academy is able to offer to its users a broad spectre of legal texts and links to data bases that it published on its web-page. The Library has enriched its library collection with several new publications in whose preparation, promotion and distribution it took an active took part, and these are listed in detail in this report.

Within the framework of the IPA project, the new library software was fully upgraded, allowing easier processing of the publications that are a part of the library corpus. By the end of 2013, over 1100 publications were introduced in the internal e-library data base, and it can be concluded that the library data is now available to its end users.

In order to ensure greater transparency and broader access to as much as possible information related to law, in the course of the whole year the Academy published on its web page the bulletins of the International Anticorruption Academy—IACA, as well as other relevant texts sent to the Academy by legal experts and practitioners. The Academy also continues to publish texts related to mediation in USA. As part of its collaboration with the Consultative Council of European Judges at the Council of Europe — CCEJ, and the European Commission for the Efficiency of Justice, the Academy continues to publish on its web site all relevant documents adopted by these two bodies, translated into Macedonian.

For the purpose of acquainting the professional public in the Republic of Macedonia with the work of the GRECO Committee at Council of Europe and that of the Head of Delegation, the web page of the Academy has a special "GRECO" folder, where all activities of the Head of Delegation of the Republic of Macedonia in GRECO are published, as well as relevant documents adopted by this body. A large number of these documents have been translated and are available in the Macedonian language.

The Academy for Judges and Public Prosecutors strongly supports and is actively engaged in the process of translation of relevant documents, texts and other law related content. In this regard, it follows closely the case law of ECtHR, a very important instrument in the daily work of law practitioners in the Republic of Macedonia. With the aim of ensuring broad access to the rulings of the ECtHR related to the articles of the European Convention on Human Rights, the Academy and the Representation Bureau before European Court of Human Rights, implementing partners from Macedonia in the project of the non-governmental organisation "AIRE" from the United Kingdom, have become involved and are taking an active part in the creation of the new web page of the new Regional data base that will host the translated rulings of the European Court of Human Rights, and will link all countries in the Region. To date, over 100 ECtHR rulings against Macedonia have been translated, as well 290 rulings of the ECtHR against other countries that will be available to all countries in the Region through this Regional data base.

#### XII BUDGET AND PUBLIC PROCUREMENT

#### **BUDGET**

For 2013, the Academy was awarded a budget of 27,584.000.00 denars.

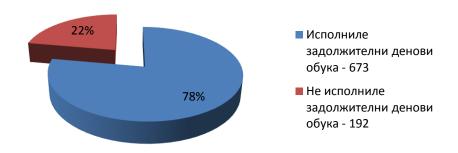
#### PUBLIC PROCUREMENT

In the course of 2013, Academy realised a total of 27 public procurement procedures.

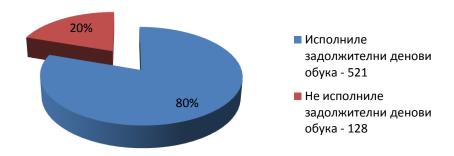
#### **XIII STATISTICS**

In 2013, the Academy continued to regularly update the data base of judges and public prosecutors. From this data base, the Academy draws all parameters related to Consultation sessions planning, by areas of continuing professional development and relevant target groups. Thus the Academy is able to offer a sufficient number of Consultation sessions, ensuring that all target groups meet the required number of days of continuing training for the current year.

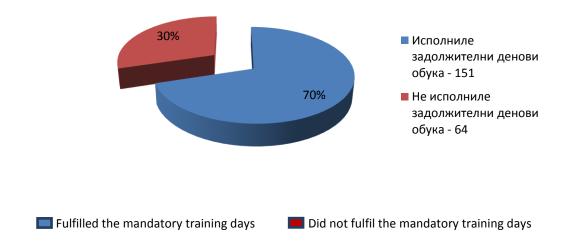
Fulfillment of the mandatory continuing training in 2013
Total judges and public prosecutors



Fulfillment of the mandatory continuing training in 2013
Total judges



## Fulfillment of the mandatory continuing training in 2013 Total public prosecutors



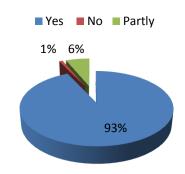
#### **XIV EVALUATION**

Evaluation of the continuing training of judges and public prosecutors is done through Evaluation Questionnaires that are filled out at the end of each Consultation. These forms provide information about the success of the offered programme, the success of the overall event, and the quality of presentation of lecturers. Thus, these questionnaires are conducive to ascertaining the effects of the Consultation, and to improving the quality of instruction of the lecturers, and serve as a source of broader information about the needs of the target groups.

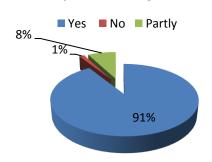
The data received indicates an exceptionally high level of satisfaction of participants from the training events, the manner in which they are organised, the selection of topics, usefulness to participants, choice of lectures and their manner of presentation. Such data serves also as an additional incentive for the Academy to continue working on such training events, with the aim of maintaining and improving the high standards of quality.

The Evaluation Questionnaires are summarised in an Annual Questionnaire Summary, and the data thereof are given in the graphs below.

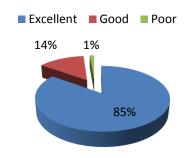
#### Was the programme well structured?



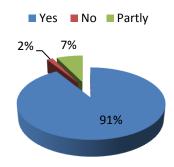
## Will the training help you improve your knowledge?



How do you assess the quality of the presentations by the lecturers?



## Are you satisfied with the organisation of the training?



#### XV WORK TRANSPARENCY

The Academy for Training of Judges and Public Prosecutors ensures regular public and transparent information about its activities thought its internet page at www.jpacademy.gov.mk, the bulletin board, and publication of adopted acts in the "Official Gazette of the of the Republic of Macedonia". Most of the information about the work of the Academy is published on the internet page of the Academy, including: acts, organisation structure and composition, training programmes and calendar of events. Furthermore, important events organised by the Academy are also covered by press releases to the media in the Republic of Macedonia, interviews and other activities of this kind.

In order to ensure greater outreach and transparency of its work, and at the same time to provide timely information about all important events, in the course of 2013, the Academy published on its web site over 360 posts (texts and links). The Academy has an established collaboration with the Macedonian news agency, MIA, which covered over 34 events with

participation of legal experts from the country and abroad, national and international law practitioners, as well as high representatives from the diplomatic corps in the Republic of Macedonia. In addition to MIA, these events were covered by many other electronic and written media from the country.

The statistics for 2013 show a growing frequency of webpage visits. This year, the web page of the Academy was visited over 120.000 times, which in turn attests to the commitment of the Academy to work in a transparent manner, by constantly publishing new contents.

