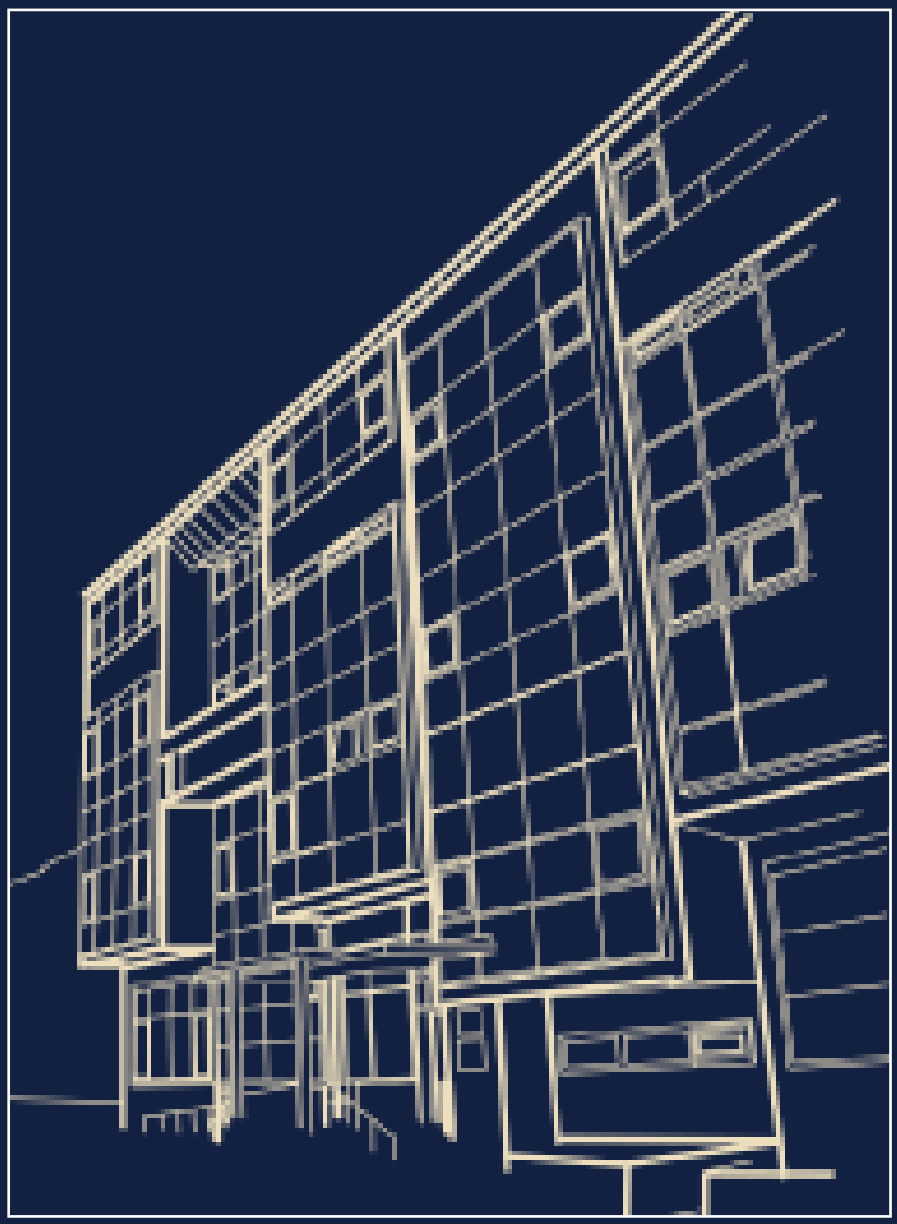
MONITORING REPORT ON

THE WORK OF THE JUDICIAL COUNCIL

January - July 2024



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INTRODUCTION

August - December 2023

The Institute for Human Rights regularly monitors the work of the Judicial Council by attending all open sessions. The purpose of this activity is for the Institute of Human Rights to note the challenges and the progress in the work of the Judicial Council though objective monitoring of its work and to contribute, with evidence-based conclusions and recommendations, towards the improvement of the situation in the judiciary. This activity is implemented under the "Access to Justice for All – Annual Work Programme 2024" Program funded by the European Union, as part of the IPA III Civil Society Facility and Media Programme 2022.

The monitoring report for the Judicial Council of the Republic of North Macedonia (hereinafter: Judicial Council or JCRNM) covers the period from January to July 2024.

This report is divided into three main parts presenting on the issues of **transparency**, **effectiveness** and **efficiency of the Judicial Council**.



For the purposes of this report, the following sources of information were used: attendance at all open sessions of the Judicial Council, minutes and reports of the Judicial Council, announcements and documents published on the website of the Judicial Council, media reports, etc.

TRANSPARENCY OF THE JUDICIAL COUNCIL

23 sessions held

During the reporting period, the Judicial Council of the Republic of North Macedonia (JCRNM) held **23 sessions**, of which one was continued twice. Information about scheduled sessions was published timely in most cases. Also, **several emergency sessions were held. One of the sessions was entirely justified as time was of essence and involved determining detention for a judge that was caught committing a criminal offence by the members of the Ministry of Internal Affairs.**

Immediately after the completion of each session, an announcement was published about the adopted decisions and conclusions. **Unlike before, the announcements are more extensive and related to the points discussed and the decisions adopted at the sessions**. In the next period, the **Judicial Council (JC) should maintain this practice in order to improve its transparency.**

Live broadcasting of the JC sessions by the Macedonian Information Agency continues. This practice was introduced in May 2023. Other media outlets are often present, as well as journalists and representatives of non-governmental organizations, reporting on the JC

sessions. This period also marks an increased interest for the Judicial Council's sessions, as well as for the JC actions.

The legal obligation to publish the minutes of the Judicial Council meetings was respected. The minutes are detailed and published upon adoption. **During the reporting period, minutes were regularly published**. It can be noted that for a long period of time, the drafting of the minutes has not been standardized. Despite the appeals of the JC President and of some members, such standardized practice for the drafting of the minutes and presenting the information has not been introduced yet, which is a cause for reactions by the JC members addressed to the court professional service. **It seems that the professional service lacks will to standardize the drafting of the minutes. Some JC members requested that the vote list be made part of the minutes.** The request was accepted by all JC members. Such a request was made to provide greater transparency of the members' voting manner. However, due to reasons of technical nature, the Judicial Council is not yet able to implement this decision.



VOTING AND SOUND RECORDING SYSTEM

During this reporting period, the electronic sound recording and voting systems were operative. The members used the voting system to vote, as that is the regular manner of voting, except when a JC member has doubts about the results and may request the vote to be done by raising a hand.



PUBLIC SESSIONS OF THE JUDICIAL COUNCIL

Concerning the frequency of sessions held on a monthly basis, two to three sessions were held a month, with one monthly session always reserved for deciding on petitions of citizens and legal entities, which is also a statutory requirement.

The practice of holding collegiums before the start of the sessions characteristic for the previous period has ceased, hence no delays were noted in the start of the public sessions due to prior staff or working meetings. Here we can also note the will of the JC President not to schedule urgent sessions any more that are not urgent in essence. Such practice was frequent in the past and was used to make decisions with as little presence of the public as possible.

The work of the JC members during the public sessions can be characterized as quite dynamic, **with active participation of all JC members in the discussions and debates on the many items on the agenda. They were practicing their right to reply, argument and reason, and had different interpretations of certain situations that were previously deliberated and where conclusions were already reached, or specified in more detail certain procedures that were not sufficiently argumented**. There were, however, sometimes, more intense discussions, which gave the impression that JC members were trying to convince each other in the sounder legal grounds of their own argumentation, especially when they had different views on previously discussed situations that are not defined by law. Separate opinions among the members were also noted, and published on the Judicial Council's

website. **Also, more often than not, JC members declared individual responsibility at the sessions, even though the Judicial Council is a collective body deciding with a majority of votes**. Discussions lasted longer, and the JCRNM Rules of Procedure (RoP), defining how and how long a member can discuss a certain issue, were not respected. Often, the JC President asked for applying the RoP provisions that restrict member contributions for a more efficient and effective discussion, without unnecessary repetitions by the members of same or similar statements on the agenda item discussed.

Unlike in the previous reporting periods, when JC members would simply not agree with a proposal put for decision-making, they were explaining their reasons for disagreement and were often providing new, reasoned proposals for consideration concerning the agenda item being discussed.



ANNUAL REPORTS ON THE WORK OF THE JUDICIAL COUNCIL

The 2023 annual report on the work of the Judicial Council has been submitted to the Parliament within the statutory deadline,[1] on 25 April 2024, but has not yet been put on the agenda for adoption at the plenary session.



ATTENDANCE OF THE EX OFFICIO MEMBERS AT THE JUDICIAL COUNCIL SESSIONS

In this reporting period, the **Minister of Justice did not attend any Judicial Council** session even though the Minister, and the President of the Supreme Court of the RNM (SCRNM), are *ex-officio* members of the JCRNM, and can attend the Judicial Council sessions, but without the right to vote.

The President of the Supreme Court attended sessions, and justified her absence by being too busy with the daily obligations running the highest court in the country. At the sessions that she did attend, she took active participation giving opinions, views, proposals and suggestions on certain agenda items. Improvement in the relations of these two institutions has also been noted in this reporting period, but most importantly there is a positive outcome in the initiated disciplinary procedure for the SCRNM President. **Namely, SCRNM did not support the report on the disciplinary procedure of the Disciplinary Commission against the SCRNM President**. The procedure was initiated in November 2023 and was under scrutiny of the public eye.

1 https://www.sobranie.mk/detali-na-materijal.nspx?param=39a30df8-b2ac-4133-a706-915071aa5a7c



ANALYSIS OF THE CONTENT OF THE JUDICIAL COUNCIL'S ANNOUNCEMENTS AND MEDIA STATEMENTS

During this reporting period, **after the comeback of JC President Vesna Dameva, the communication between the JCRNM and the general public has improved, as evident from the Judicial Council's website**. Compared to the previous reporting period, **noted are intensive meetings with ambassadors and domestic institutions in the judiciary, non-governmental organizations, meetings with representatives from the Blueprint Group and briefings with the media**. To improve the cooperation with the institutions, meetings were held and a number of memoranda of cooperation were signed with the Macedonian Lawyers Association, the Notary Chamber and the Enforcement Agents Chamber.

Noted also are announcements of JC president's attendance and speaking at conferences.

As part of the project "EU Support for Rule of Law," financially supported by the EU Delegation in Skopje, a **Conference was held to assess the progress in implementing the recommendations from the EU Evaluation Mission regarding the challenges faced by the Judicial Council**, the activities undertaken so far, and the activities that the Council will undertake in the upcoming period to implement the recommendations from the Evaluation Mission. Additionally, at this conference, the **Communication Strategy of the Judicial Council and the courts (2024-2028) was presented, developed in cooperation with representatives of the Blueprint Group for Judicial Reform, the media, and other representatives from the courts and the judicial sector.**

It can be noted that the transparency of the Judicial Council towards the general public has improved in terms of more frequent and detailed information being shared not only about the immediate competencies of the Judicial Council but also about other activities undertaken by the President and members of the Judicial Council to achieve greater openness towards citizens. However, the current JC website is not sufficiently user-friendly and does not allow for easy searching of documents and announcements.

Furthermore, to increase visibility of the Judicial Council's work under its jurisdiction, it is necessary to publish more frequently announcements about daily activities related to ensuring independence of the judiciary as its primary goal, as well as about current problems and activities undertaken by the Judicial Council to address them.



OPENNESS TO THE PUBLIC AND THE MEDIA

During this monitoring period, there has been a continuous interest in the Judicial Council's work not only from the media, but also from non-governmental organizations and the general public. The announcements are more detailed and provide more information about the agenda items, and the documents that have been adopted are published immediately. **JC sessions are broadcast live by the media agency MIA, but with a fee, unlike before, so that any interested citizen can follow the work of the Judicial Council.**

In January, the Judicial Council celebrated 30 years since its establishment. This significant anniversary was modestly marked by presenting the work of the Judicial Council at the Public Session, where the President also gave a speech.

On the occasion of the celebration of March 31 - the Justice Day, the Judicial Council organized an open day for citizens to visit, so that they could be familiarized with the JC competencies and activities, and establish a direct communication with the JC President and members.

EFFECTIVNESS AND EFFICIENCY OF THE JUDICIAL COUNCIL

IMPLEMENTATION OF EU EVALUATION MISSION RECOMMENDATIONS

The recommendations presented in the 2023 EU Evaluation Mission Report, which focused on improving the situation in the Judicial Council of North Macedonia (JCRNM) and the judiciary as a whole, were accepted by the JCRNM in the form of an adopted Action Plan for their implementation. This plan and several other documents were developed under the "EU Support for Rule of Law" project. The JC members actively participated in their development, thus demonstrating a commitment to their timely and complete implementation, in particular the recommendations related to their work, as they were immediately applicable and did not require any legal or constitutional changes.

According to the Action Plan for implementing the recommendations, a Communication Strategy for the Judicial Council and the courts of RNM was developed and adopted in a transparent and inclusive process. This strategy established the communication standards of the judiciary towards the general public.

Part of the recommendations of the Evaluation Mission addressed the argumentation of the decisions for the election and dismissal of judges and court presidents for which the JCRNM had long been criticized. Based on these recommendations, the Judicial Council adopted amendments to its Rules of Procedure, introducing qualitative changes **regarding the argumentation of the decisions by JC members when voting against election of a judge. Previously, argumentation was only provided for positive votes. Furthermore, changes were made to ensure that future decisions would be individualized, follow objective standards, have consistency, and be comparable concerning the argumentation for the election or non-election of judges. To ensure timely proceedings, deadlines were set for all phases of the disciplinary process for determining the liability of a judge or court president. In line with the recommendations in the EU Evaluation Mission Report, also foreseen is the inclusion of the Judges' Association of the Republic of North Macedonia and civil society organizations in the discussion and adoption of the JCRNM Annual Work Report.**

Furthermore, part of the implemented recommendations addressed the adoption of a **Regulation Amending and Revising the Regulation on the Method of Ranking Candidates for Election of Judges in Higher Courts. The amendments further clarify the evaluation process for the election of judges for the higher courts based on their actual qualitative results.** This resulted from the already completed regular evaluation of the judges' work.

Additionally, the amendments stipulate that any additional work by judges, including temporary reassignments from one court to another, will be considered in their evaluation. A key element is the decision that these amendments will be applied when announcing new calls for the election of judges, while ongoing procedures will be conducted according to the Regulation from 4 February, 2020.

To ensure a realistic evaluation of judges' work, **Guidelines for Amending and Revising the Guidelines on the Method of Calculating Effective Working Hours were also adopted, contributing to the improvement of the secondary legislation governing JCRNM work.**

All adopted amendments to several documents should serve as a basis for improving the substantive transparency of the Judicial Council, which will directly impact the JCRNM effective operation and strengthen trust, not only among the citizens, but also among the judges. However, it remains to be seen how these amendments will be implemented in the future.



ELECTION OF JUDICIAL COUNCIL MEMBERS FROM AMONG THE RANKS OF JUDGES

Acting on the decision of the Administrative Court, the Judicial Council, at the beginning of January 2024, noted that the decision for the dismissal of Vesna Dameva was annulled and that the 2022 decision appointing her as JCRNM President remains in force. At the same session, the then-President Sashko Georgiev submitted a request for termination of his mandate as President of the Judicial Council, which was acknowledged at the session. This successfully concluded the several-month-long crisis in the Judicial Council caused by the unlawful dismissal of President Vesna Dameva.

At the beginning of 2024, the Judicial Council had a vacancy for one member from the ranks of judges of the Supreme Court of North Macedonia (SCRNM). Three announcements were published, but no candidates applied. During January 2024, judge Meri Radevska, who was elected as a JC member from the ranks of judges of the Bitola Appellate Area, retired.

Several candidates applied for the announced vacancies for Judicial Council members from the ranks of judges of the Supreme Court of North Macedonia (SCRNM) and the Bitola Appellate Area. From the SCRNM, two candidates applied: judges Cvetanka Perich and Isamedin Limani. From the Bitola Appellate Area, the candidates were Aleksandar Kambovski, Tatjana Susuleska, and Aleksandra Pop Stefanija. During the session, when determining the candidate lists, a debate arose within the Judicial Council regarding the legal provisions governing the number of JC members who belong to non-majority communities and their interpretation.

Namely, the question arose whether a judge who belongs to any of the non-majority communities in North Macedonia can apply as a candidate from the Supreme Court of North Macedonia (SCRNM) on the general list, given that the Law on the Judicial Council provides for two types of lists: a general list and a unique special list for members of all non-majority communities in North Macedonia. Judges from the Macedonian community and other non-majority communities apply on this special list. A discussion emerged among the JC

members on this issue, with two viewpoints. Some members argued that, as the non-majority community representatives are specifically defined in the Constitution and the Law on the Judicial Council, a member of a non-majority community cannot apply on the general list. They cited constitutional and legal obstacles preventing judge Isamedin Limani, a justice in the Supreme Court of North Macedonia, from being a candidate on the general list for Supreme Court candidates in this specific case. Other members believed that any judge from the Supreme Court should be allowed to apply, regardless of whether on the general or the special list. They argued that the Law on the Judicial Council stipulates that only judges from the Supreme Court can be candidates and elected for the SCRNM seat in the Judicial Council, and therefore, Article 6 of the Law on the Judicial Council should not be interpreted restrictively. Instead, any judge meeting the legal requirements should be allowed to apply as a candidate for JC membership.[2]

The Law on the Judicial Council[3], in Article 6, paragraph 1, indent 2, stipulates that "eight members of the Council are elected by the judges from among their ranks, with three of the elected members being representatives of the non-majority communities in the Republic of North Macedonia, thus ensuring appropriate and equitable representation of citizens belonging to all communities." Given that the same formulation is provided in the Constitution, in Article 104, some JC members believed that when preparing and determining the candidate lists, the Judicial Council was obliged, in each individual case, to consider the composition and number of members, as mandated by the provisions of the Constitution and the law. It is not coincidental or merely a matter of legal drafting that the issue of the Council's composition is regulated prior to the procedure for electing a member of the Council, meaning that attention must be paid to the constitutional and legal provisions regarding the number and composition of the Judicial Council.

At the time of the announcement for the election of Judicial Council members[4], there were already six members elected from among the ranks of the judges, of whom three were Macedonians, and the remaining three were representatives of non-majority communities in the Republic of North Macedonia (two from the Albanian community and one from the Vlach community), meaning that the quota of three Judicial Council members elected from among the ranks of the judges from the non-majority communities was already fulfilled.

After a lengthy discussion and the presentation of opposing views and statements by JC members, including whether a judge registered as Albanian (or with another ethnic affiliation) could apply on the general majority list, the following candidates for Judicial Council membership from among the judges were determined.

General List of Candidates from the Supreme Court of North Macedonia:

- Cvetanka Perich – Justice in the Supreme Court of North Macedonia
- Isamedin Limani – Justice in the Supreme Court of North Macedonia

General List of Candidates from the Bitola Appellate Area:

- Aleksandar Kambovski – Judge of the Bitola Appellate Court
- Aleksandra Pop Stefanija – Judge of the First Instance Court Ohrid
- Tatjana Susuleska – Judge of the Bitola Appellate Court

2 Article 11 and Article 12 of the Law on the Judicial Council of RNM, Official Gazette of RNM no. 109/2019

3 Article 6 of the Law on the Judicial Council of RNM, Official Gazette of RNM no. 109/2019

4 Public announcement in the Official Gazette of RNM no. 28 from 07 February 2024

Before the election of Judicial Council members from among the ranks of judges began, the candidate from the Supreme Court of North Macedonia, justice Cvetanka Perich, announced that she was withdrawing her candidacy for JCRNM membership due to health reasons. The JC members discussed this new situation, which unfortunately, is not the first such case. Legitimate questions were raised by JC members about whether a candidate withdrawing from the elections due to health reasons can continue to perform judicial office and about the reasons for withdrawal, which could be associated with possible pressures for which the Judicial Council has not received any complaints, and therefore cannot delve into their examination. Given that all election materials were already prepared, the Judicial Council decided that candidate Cvetanka Perich would remain on the ballot.

The elections of JC members from among the ranks of judges from the Supreme Court and the Bitola Appellate Area were held on 6 June, 2024. No problems were observed, nor were there any complaints on the election process submitted.

For the position of member of the Judicial Council of North Macedonia from among the ranks of judges of the Supreme Court, justice Isamedin Limani was elected with 7 votes. In the Judicial Electoral Register, the total number of SCRNM registered justices was 15, of which 11 exercised their right to vote, and 4 ballots remained unused. Two ballots were invalid. Despite her withdrawal, candidate Judge Cvetanka Perich received two votes. In this case, judge Isamedin Limani agreed not to use the affirmative measures established by the additional lists for minorities, meaning he would not have a vote in the "Badinter majority" for the election of judges and court presidents. Instead, his vote would be equal to the other members elected on the general list, regardless of his registration as an Albanian in the Judicial Electoral Register.

For the position of a JCRNM member from the ranks of judges of the Bitola Appellate Area, Aleksandar Kambovski, a judge of the Bitola Appellate Court, was elected with 28 votes. The number of registered judges in the Judicial Register for the Bitola Appellate Area was 43, of which 42 judges voted, and one ballot was unused. One ballot was invalid. Candidate judge Tatjana Susuleska received 10 votes, and candidate judge Aleksandra Pop Stefanija received 3 votes.

According to the applicable legislation, there is no provision regulating the voting quorum, so both candidates for JCRNM membership were elected in accordance with the Law on the Judicial Council of North Macedonia.



DECISION ON REQUEST FOR IMMUNITY REVOCATION AND APPROVAL OF DETENTION

For the first time, the Judicial Council of North Macedonia made a decision to approve the detention of a judge, simultaneously deciding to revoke the judge's immunity, approve the request for detention, and temporarily remove the judge from performing judicial office, in accordance with the statutory provisions and the execution of the Judicial Council's powers.[5] Until now, there has been no case where the Judicial Council fully applied these statutory provisions, although they are not sufficiently precise. In this particular case, the

5 Article 36 paragraph 1, indents 8, 9 and 12, Article 99 of the Law on the Judicial Council of RNM

Judicial Council not only revoked the judge's immunity but also approved the request for detention. No previous composition of the Judicial Council has done this. Why not? Because the wording of the provision in Article 99, paragraph 2, does not correspond terminologically to the meaning of "approving detention for a judge". Therefore, the Judicial Council made the decision but clarified that they did so to avoid obstructing the criminal procedure, considering that the judge was caught in the act of committing a crime, while respecting at the same time the provisions and deadlines for detention in this part of the criminal procedure.

In this case, we can observe lawful, timely, and transparent actions of the Judicial Council in deciding on the request for immunity revocation, detention, and temporary removal from judicial office. This represents a step forward in the fight against corruption and impacts positively the prevailing negative perception of the judiciary as independent and impartial.



ELECTION OF JUDGES AND COURT PRESIDENTS

In February 2024, the Judicial Council reviewed its actions following the decision of the Assembly of North Macedonia to call presidential and parliamentary elections. Specifically, in accordance with the recommendation of the State Anti-Corruption Commission (SACC) for consistent application of Article 8-a of the Electoral Code, stipulating that "no procedure for employing new personnel or terminating employment in state and public institutions may be initiated, and ongoing procedures shall be put on hold, except in cases of urgent and immediate matters," the members had a lengthy discussion on how to proceed with this recommendation and what it should mean for the Judicial Council's regular activities. Some members were adamant that there was no room to interpret this article of the Electoral Code and the SACC's recommendation, as it is clear and should be respected, meaning that all Judicial Council activities related to the election and dismissal of judges/court presidents should be seized during the election period. On the other hand, other members disagreed with the full application of this article, arguing that this restriction did not apply to the judiciary, which is one of the three branches of power, independent of the other two, and the same rules do apply to the judiciary. They pointed out that the Judicial Council does not employ or dismiss judges or court presidents. These are long procedures, and the announcements were issued long before the Assembly's decision. The same applies to dismissal procedures, which are lengthy and have multiple phases. If all Judicial Council activities are suspended, the Judicial Council would not be able to perform its basic duties for an extended period.

Due to the inability to reach a unanimous decision, the Judicial Council decided to suspend the disciplinary procedures for determining liability of a judge/court president in cases where a Reporting Commission has not yet been established. Additionally, the procedures for the election of a court president/judge and the announcement of vacancies were also suspended, even in cases where the election process had been completed.

After some time, to enable the functioning of the Judicial Council, the conclusions regarding the application of the State Anti-Corruption Commission's recommendation were revised. New conclusions were adopted, rendering the previous conclusions null and void, except in urgent and unavoidable situations where actions could and must be taken. It was decided

to continue the procedure for the election of Judicial Council members from among the ranks of judges of the Supreme Court and the Bitola Appellate Area.

Within a period of three months, the Judicial Council did not elect judges based on these conclusions, despite the fact that the procedures for the active announcements were almost completed. Preparatory activities were carried out, including the preparation of the ranking lists of candidates for judges in the higher courts, for the announcements published before the Assembly of North Macedonia's decision to call presidential and parliamentary elections in February 2024.

Still, during this reporting period, three new judges were elected: one to the Gostivar Appellate Court (12 February 2024) and two to the Shtip Appellate Court (13 February 2024).

For the vacancy in the Gostivar Appellate Court, a total of three candidates from the criminal field applied. Emine Murati from the First Instance Court Gostivar was elected a judge for the criminal field with the Gostivar Appellate Court.

For the vacancies in the Shtip Appellate Court, a total of eight candidates applied, five for the criminal field and three for the civil field. Gjorgji Andonov, a judge with the First Instance Court Shtip, was elected a judge for the criminal field with the Shtip Appellate Court, and Todor Pop Panev, a judge with the first Instance Court Shtip, was elected a judge for the civil field with the Shtip Appellate Court.

At the meetings, the scores received by each candidate were reported individually. Based on the scores obtained from the entire evaluation process, a ranking list was drawn, which was then voted on, starting with the candidate who was first on the ranking list with the highest number of points. According to the law, the candidate who receives 8 votes from the Judicial Council members with the right to vote is considered elected. When the number of candidates as required by the announcement are elected, further voting is stopped, and there is no possibility to vote for the remaining candidates and exhaust the entire ranking list. This practice of the Judicial Council is based on the statutory provisions, but the question arises again as to whether another candidate from the ranking list could receive the same or even a higher number of votes than the candidate who has already been voted by the members of the Judicial Council.

Due to the criticism by the general public, the recommendations of the Evaluation Mission and the amendments to the JCRNM Rules of Procedure, this practice is expected to change.

Concerning the election of judges, notable are the debates among JC members about the procedure for determining the ranking list of candidates for judges under a particular announcement. Namely, a Commission for Ranking Candidates for Election of Judges in Higher Courts is established, that reviews the applications and submitted documents. If the Commission finds any issues with the submitted documents, it presents the disputed applications at a JC session, before adopting the report with the ranking list. At this session a decision is made whether to accept the disputed applications as complete or to reject them as incomplete. For a long time, Judicial Council members could not agree on whether the legal provisions specifying which documents a candidate for a judge in a higher court must submit with the application should be "blindly" applied. These documents are part of each judge's file, which the Judicial Council keeps *ex officio* (such as a certificate of citizenship, diploma, the bar exam certificate, etc.). There are differing opinions among the JC members. Some believe that regardless of which documents are at issue, the candidate should

submit all documents specified in the statutory provisions, as this reflects the judge's character in applying the laws. On the other hand, others believe that there is no need for such restrictive adherence to the statutory provisions, as this has to do with inconsistencies in the Macedonian Law on Courts[6] and a restrictive formalism that should be avoided, especially as the Judicial Council already possesses the documents in question as they are part of each judge's file. For these reasons, a conclusion was reached that documents already held by the Judicial Council, that are generally known and without which judges could not have been appointed as judges, should not be required as these are cases of promotion to a higher court. Therefore, for the election to a higher court, only those documents issued by another authority, that are part of the required documents, need to be submitted.

However, despite the adopted conclusion on this issue, the JC members did not take a consistent approach. Sometimes they insist that one candidate must have all the documents, while for another, they agree that these are known facts that do not need to be included in the application documents. Depending on the composition of the Commission for Ranking Candidates for Election of Judges in Higher Courts and the candidates who applied, despite the adopted conclusion, the question of the required documents is raised in each report ranking the candidates for election in higher courts and discussed. The Judicial Council does not always act according to the previously adopted conclusions.

It is undoubtedly necessary to amend the law in this part and standardize the documents that will be requested. Furthermore, to ensure predictability for the candidates and avoid the impression of manipulation in the ranking of candidates, it is recommended that the Judicial Council adhere to its conclusions, regardless of who are the election commission members responsible for electing and ranking candidates.

During this reporting period, the Judicial Council appointed 8 new acting presidents, specifically for the First Instance Court Gostivar, the First Instance Court Struga, the First Instance Court Bitola, the First Instance Court Kochani, the First Instance Court Radovish, the First Instance Court Strumica, the First Instance Court Berovo, and the First Instance Court Ohrid.

A cause of concern remains the fact that there are no interested candidates for president positions in smaller courts.

To determine the exact number of vacant judicial seats in the courts across the country, the Judicial Council conducted, based on numerous parameters, an **Analysis of Vacant Judicial Seats** that need to be filled in the Supreme Court of North Macedonia, the Higher Administrative Court, the Appellate Court Skopje, the Appellate Court Bitola, the Appellate Court Gostivar, and the Appellate Court Shtip in 2023. In the first half of 2024, it also prepared an Analysis of the Vacant Judicial Seats to be filled in the Administrative Court and the First Instance Courts in the appellate areas of Skopje, Gostivar, Bitola, and Shtip, as well as an Analysis to Determine the Number of Vacant Judicial Seats in the First Instance Courts in North Macedonia. **This can be considered a revision of the judicial network by the Judicial Council, within their powers**. According to these analyses, there is a significant shortage of judges at this moment. Currently, there are 274 filled judicial seats in the First Instance Courts, while for timely and efficient work of the First Instance Courts 434 judges are needed.

6 Article 45 of the Law on the Courts in RM (Official Gazette of RM 58/2006)

DISMISSAL OF JUDGES AND COURT PRESIDENTS

During the period up to July 2024, the Judicial Council noted the termination of the judicial office of 15 judges due to retirement, as well as 1 judge whose judicial office ceased at their own request, and 1 judge whose judicial office ceased due to being elected as a member of another state institution. Hence, the shortage of judges in the first instance and appellate courts persists.

During this period, **Sofia Spasovska Medarska was relieved of her judicial office, having been elected as a member of the State Anti-Corruption Commission in December 2023**, and was due to assume office in February 2024. She submitted a request that her judicial office be held in abeyance pursuant to the provisions of the Law on Labour Relations, invoking such previous practice of the Judicial Council in the cases of several judges. The Judicial Council did not approve this request, invoking the provisions of the Law on the Judicial Council[7] providing that termination of a judicial office of a judge will be determined when they are elected or appointed to another public office, except in cases where the law provides for abeyance as of the date of election or appointment.

The members of the Judicial Council were not in a consensus on this issue. Most members invoked the provisions of the Law on Courts, stating that "the judicial office is mutually exclusive with the office of a Member of Parliament, a member of a municipal council, or the City of Skopje, and with office in state authorities, municipalities, and the City of Skopje."[8]

In the first half of 2024, the Judicial Council made 7 (seven) decisions to suspend disciplinary proceedings against judges or court presidents, brought 2 (two) decisions to withdraw requests for disciplinary proceedings against judges or court presidents and pronounced 3 (three) disciplinary measures to decrease judges' salaries. As per requests to initiate disciplinary proceedings for determining the liability of judges or court presidents, the Judicial Council temporarily removed a Supreme Court judge from the judicial office until final conclusion of criminal proceedings.

Due to the announcement of presidential and parliamentary elections and the overall electoral process, some of the disciplinary proceedings for liability of judges or court presidents were put on hold.

7 Articles 54 and 59 of the Law on the Judicial Council of the RNM

8 Article 52 of the Law on the Courts (Official Gazette of RM no. 58/2006)

MONITORING THE WORK OF THE COURTS

The Judicial Council monitors the work of the courts by way of review and evaluation of quarterly and annual reports, as well as visits to the courts by committees composed of JC members. This is stipulated in the 2024 Internal Plan for Monitoring and Evaluating the Work of the Courts, the Judges, and the Court Presidents and the Action Plan under this Internal Plan adopted in March 2024[9].

The quarterly reports on the work of the courts make evident that the courts continue to be inefficient. The reasons cited for this situation include the decreased number of judges, the insufficient court administration staff and the increased number of cases.

It is common practice that, following visits to the courts, the committee members that visited the court present the report from the visit at a session, highlighting significant findings and proposing conclusions for further action where deficiencies in the work of the courts or some judges or court presidents were identified. When necessary, an extraordinary visit to a court may be conducted, usually due to court cases of public interest or complaints from citizens or legal entities. During this reporting period, visits to courts were conducted, **and the reports from the working visits to the First Instance Court Bitola, the First Instance Court Tetovo, the First Instance Court Ohrid, as well as the reports from the working visits to the Appellate Court Skopje, Appellate Court Gostivar, and the Supreme Court of the Republic of North Macedonia, were presented and adopted at a session.**

DECIDING ON PETITIONS BY CITIZENS AND PRIVATE PERSONS

Petitions from citizens and legal entities, submitted to the Judicial Council concerning the work of judges and court presidents, are regularly reviewed and resolved within the legal time limits.

In the first half of 2024, approximately 240 petitions submitted by citizens and legal entities were reviewed.

Judicial Council refuses most petitions as unfounded, considering that the petitions most often seek to overturn a court decision due to dissatisfaction with it. In most cases, the Judicial Council finds that the matter can be addressed as an appeal in front of a higher court, where the allegations in the petition will be considered as appeal allegations. Since the Judicial Council does not have the authority to intervene in or alter court decisions, it finds no grounds for acting on the submitted petitions.

It is also noted that some petitions are rejected due to the lack of new facts in the submitted petition, the fact that the petition has already been reviewed in previous sessions, or because the petition does not contain all the necessary information for it to be reviewed.

The number of founded petitions to the Judicial Council continues to increase. Those petitions that the JC members find to be founded contain evidence on the basis of which, dur-

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ing the examination, they can establish indications of unprofessional or negligent conduct by a judge. It is important that when a petition arrives complaining about a judge having exceeded the deadline for taking action, or for publishing the decision, or for drafting the decision, the Judicial Council members note this. One of the reasons for this is that such conduct of the judges falls within the criteria for evaluating judges, in accordance with the Evaluation Methodology. After a thorough examination of the petitions for which there are indications that they are founded, the members of the Judicial Council can also initiate disciplinary proceedings against the judge/president of the court. In cases where the grounds presented in the petition are not sufficient to initiate disciplinary proceedings against the concerned judge/president of the court, the founded petition will become part of the evaluation of the judge/president of the court.

During this period, inconsistent handling of petitions with respect to their admissibility can be observed, as well as the fact that sometimes very similar petitions are resolved differently, or that previously made positions are changed without explanation.

CONCLUSSIONS



In the period from January to July 2024, the Judicial Council of the Republic of North Macedonia (JCRNM) faced significant pressure from the public, domestic experts, non-governmental organizations, the media, and international institutions to restore the trust and its legitimacy as the highest body in the judiciary, with the return of President Vesna Dameva.



The increased general transparency of the Judicial Council is evident as their website is updated with numerous posts and timely information about sessions, decisions made during sessions, and more detailed announcements about the points discussed in the sessions.



The Judicial Council performed its duties regarding the handling of petitions, the election of judges in the first instance courts, working visits to the courts, regular evaluation of judges, and monitoring the work of the courts regularly, by way of visits and quarterly reports.



Several issues remain open regarding the effective and efficient operation of the Judicial Council, as well as its reputation and trust wordiness among the judges and the public, and the inconsistent actions of the JC members in the application of the well-established practices.



The greater number of admitted citizens petitions is positive, as the Judicial Council can consider these when determining indications of unprofessional or negligent conduct by a judge. However, the established practice should be consistently applied when deciding on similar findings in petitions.



In the election of judges for higher courts, the top-ranked candidates were not elected which is not in line with the procedure for promoting judges, and elected were lower-ranked judges. Explanation as to why these judges should be promoted was provided only by some Judicial Council members. As amendments to the JCRNM Rules of Procedure and to the Regulation on Ranking Candidates for Election of Judges in Higher Courts were adopted, the application of the changes made remains to be monitored in the coming period.



An open issue remains the stopping of further voting once a sufficient number of candidates have been elected according to the announcement, whereby the remaining candidates on the ranking list are not given the opportunity to be voted on and achieve the same or a higher number of votes. The lack of candidates in the announcements for the smaller courts, which has been ongoing for a long period, affects the work of these courts and represents an issue that should be considered when making strategic documents and statutory changes.



The trust in the Judicial Council, which is evidently at a relatively low level, needs to be increased primarily among the judges, as well as among the general public.

RECOMMENDATIONS

Based on the monitoring of the open sessions of the Judicial Council, the reports on the Judicial Council, the publications and documents published on the Judicial Council's website, and the media reports, the following recommendations can be made:



Urgent legislative changes are needed to implement the recommendations of the Evaluation Mission of the EU Delegation in North Macedonia.



The Judicial Council should consistently implement the documents it has adopted, resulting from the adoption of the recommendations of the EU Evaluation Mission in North Macedonia.



In the coming period, the Judicial Council should focus its capacities on increasing citizens' trust in the judiciary through a proactive role and taking measures to reduce the perception of corruption in the judiciary.



The Judicial Council should consistently apply the provisions of the newly adopted acts when electing judges for higher courts and provide specific and well-reasoned explanations as to why some of the first ranked judges is not elected for a higher court.



The Judicial Council should work on increasing the confidence in the judges by way of consistent application of the statutory provisions.