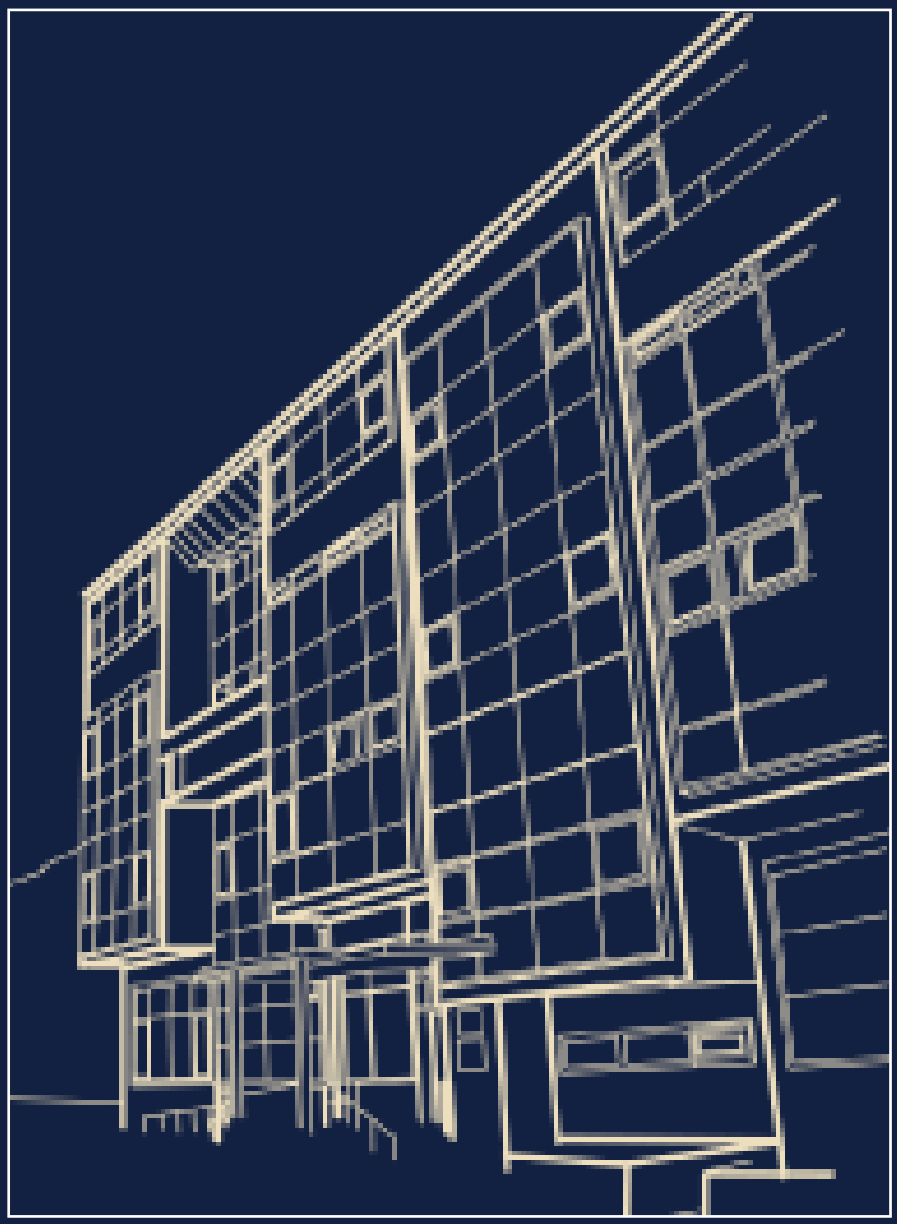
MONITORING REPORT ON

THE WORK OF THE JUDICIAL COUNCIL

August - December 2024



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INTRODUCTION

August - December 2024

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 **August to December 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

16 sessions held

Following the adoption of the Communication Strategy in June 2024, the Judicial Council (JC) has seen a noticeable improvement in overall transparency, reflected in more detailed public announcements. Unlike before, when each published statement was called "Announcement," since September, **announcements on the JC website have had distinct titles, which makes information searches easier**. The practice of promptly publishing statements on decisions and conclusions immediately after each session has been maintained and improved, **now including more comprehensive reports on discussed topics and adopted decisions. This established practice, along with ongoing efforts to enhance JC transparency,** considering the recommendations of the EU Evaluation Mission and documents adopted throughout 2024, provides a strong foundation for increasing public trust and **improving the active transparency of the Judicial Council**.

The legal obligation to publish minutes from Judicial Council sessions has been upheld. The minutes are detailed and published after their adoption. During this period, their regular adoption and publication on the JC website have been noted, along with the publication of

all secondary legislation enacted by the JC, quarterly reports on court performance, reports from judicial visits, and other documents related to the Judicial Council's work.

The live broadcasting of sessions by the Macedonian Information Agency continues, a practice introduced in May 2023. Other media outlets, as well as journalists and representatives of non-governmental organizations, are also frequently present to report on the sessions. Each session's announcement includes a link to the broadcast.

During this period, there has been increased interest in both the sessions and the implementation of recommendations from the EU Evaluation Mission.

During the reporting period, the Judicial Council **held 16 sessions**, with agendas mostly published on time. **It can be noted that only two emergency sessions were held.** One was convened to adopt a decision confirming the termination of a Supreme Court judge's mandate following a final ruling by the Basic Criminal Court Skopje and to establish a working group to investigate a case with suspected judicial misconduct at the Basic Criminal Court Skopje. The second emergency session was held to confirm the termination of the Judicial Council President's mandate due to an irrevocable resignation.



VOTING AND SOUND RECORDING SYSTEM

In December 2024, following a conducted procedure, the Judicial Council **installed a new electronic sound recording and voting system**. This system allows the public to see how each member votes in real time on a monitor. Voting within the system is limited to "yes" or "no," pursuant to the statutory provisions. This change is a step toward improving transparency and individual accountability. It also aligns with the Judicial Council's efforts to prevent discrepancies in voting behavior between public voting (with hand-raising) and secret voting under the previous system.



PUBLIC SESSIONS OF THE JUDICIAL COUNCIL

The monthly frequency of sessions remains unchanged, with at least two sessions held per month. One session is always dedicated to deciding on petitions from citizens and legal entities, as required by law.

Sessions continue to start on time, as in the previous period, while the practice of holding staff meetings before the sessions has now been discontinued. Additionally, the scheduling of emergency sessions remains minimal and justified.

Public sessions of the Judicial Council are extensive, with numerous agenda items. **Active participation in the discussion by all members is evident, including the use of the right to reply, argumentation, and explanation.** Discussions last longer but, unlike before, the Judicial Council's Rules of Procedure are now respected, regulating the manner and the time each member can take to speak on a given issue.

Previously, members who disagreed with a proposed decision did not always provide explanations. Now, they clearly state their reasons for disagreement and frequently offer well-reasoned alternative proposals for decision-making on discussed agenda items.



ANNUAL REPORTS ON THE WORK OF THE JUDICIAL COUNCIL

The 2023 Annual Report of the Judicial Council was submitted to Parliament within the legally prescribed deadline[1], on April 25, 2024. However, **it was not adopted in the plenary session**[2] held on December 16, 2024, following a proposal by the Parliamentary Commission on Political System and Inter-Community Relations of the Macedonian Assemby. **The annual report on the work of the Judicial Council of North Macedonia mainly contains statistical data on the work of the JC and the Judicial Budget Council, as required by law.**

The rejection of the report initiated intense debate between political parties, particularly between representatives of the legislative and executive branches, over whether this could serve as grounds for dismissing Judicial Council members elected by the Macedonian Assembly. Representatives of the executive branch firmly argued that Assembly's rejection of the report was sufficient justification for their dismissal. This rhetoric was heavily circulated in the media for an extended period. However, legal provisions from the Constitution and the Assembly's Rules of Procedure indicate that such matters are regulated by law. The Law on the Judicial Council does not provide a procedure for dismissing a member by any authority other than the Judicial Council itself. The only potentially applicable provision by the Assembly is Article 100 of the Law on the Judicial Council, which states: "If the Assembly of North Macedonia does not adopt the report, this will serve as grounds for initiating a discussion before the bodies that elected the Judicial Council members to assess their performance in the Judicial Council." This provision implies that the Assembly may discuss the matter, but the criteria for who can submit a request for dismissal, as well as the procedure for dismissal, are exclusively defined in the Law on the Judicial Council.

The idea of dismissing Judicial Council members, which was intensively promoted between September and December 2024, had a significantly negative impact on the independence and impartiality of the judiciary, which, as one of the three branches of government, should be protected from political pressure. Such rhetoric undermines the already fragile public trust in the judiciary. The governing majority's stance was not supported by the international community, legal experts, or civil society organizations, all of whom warned that such a precedent would have long-term harmful consequences for judicial independence and could open the door to political influence in the future. Interference by the executive and legislative branches in the judicial system is unacceptable and contradicts democratic principles.

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

2 *https://www.sobranie.mk/detali-na-materijal.nspx?param=b811d2fc-52a9-468c-9920-8c5964672d9a*

ATTENDANCE OF EX-OFFICIO MEMBERS AT JUDICIAL COUNCIL SESSIONS

During this reporting period, the **Minister of Justice did not attend any Judicial Council sessions**, despite being an ex-officio member of the Council with the right to participate but not to vote.

The President of the Supreme Court attended some sessions, citing an excessive daily workload as the reason for missing others. When attending the sessions, she actively participated by sharing opinions, perspectives, proposals, and suggestions on certain agenda items.

ANALYSIS OF THE CONTENT OF JUDICIAL COUNCIL ANNOUNCEMENTS AND MEDIA STATEMENTS

During the reporting period, the Judicial Council has maintained **consistent communication with the general public**, as evident from its website.

Notable announcements include reports on visits and participation in conferences where the Judicial Council President or other members delivered speeches. **During this period, the executive branch frequently made public statements advocating for the dismissal of Judicial Council members**. To ease tensions and promote constructive dialogue between the executive and judicial branches, a meeting was held between the Judicial Council President and the Prime Minister. However, the meeting had no positive outcome, further deteriorating relations between the judiciary and the executive branch.

It can be concluded that the Judicial Council has improved transparency by providing more frequent and detailed public updates, not only on its main responsibilities but also on additional activities undertaken by the JC President and members to enhance openness toward citizens. **A positive development is the publication of biographies of candidates for Judicial Council membership from among judges, a practice not previously followed, as only candidate names were published, in line with legal requirements.** However, despite the increased number of documents uploaded to the JC website, **its current format does not facilitate easy document and announcements searches and navigation.**

Regarding heightened media rhetoric about dismissing Judicial Council members, triggered by statements from representatives of the other two branches, the Judicial Council has not issued direct public statements on the matter. The only explicit mention came in the irrevocable resignation letter of former President Vesna Dameva, where she clearly stated that political pressure influenced her decision to resign.

Public statements from the Judicial Council during this period included announcements regarding: the nomination of Judicial Council members to the Management Board of the Academy for Judges and Public Prosecutors; a response concerning the mandate of the Judicial Council President; an expression of concern regarding the U.S. State Department's designation of a judge on the "blacklist"; a statement addressing the intrusion of the Skopje Public Prosecutor's Office into the Judicial Council's offices.

So as to strengthen public trust, the Judicial Council has proactively taken measures to review cases of public interest. This would prevent potential negative consequences should judicial misconduct be found by the Judicial Council in certain cases. Upon conducting investigations, the Judicial Council publicly presented its report and findings based on established facts and took additional actions that could also result in initiating dismissal proceedings for judges or court presidents.

At the same time, to enhance the visibility of the Judicial Council's work in exercising its responsibilities, it is essential to continue the frequent publication of announcements on daily activities related to the primary goal of ensuring judicial independence, as well as of updates on current issues and the actions taken by the Judicial Council to address them.

EFFECTIVENESS AND EFFICIENCY OF THE JUDICIAL COUNCIL

IMPLEMENTATION OF EU EVALUATION MISSION RECOMMENDATIONS

The implementation of the recommendations presented in the EU Evaluation Mission Report of 2023, which aimed to improve the situation within the Judicial Council of the Republic of North Macedonia (SSRSM) and the judiciary as a whole, continued during this period through the execution of **the Action Plan adopted by the Judicial Council of North Macedonia. The realization of these recommendations is reflected not only in the documents adopted previously but also in the enhancement of the Judicial Council's operations.**

All adopted amendments to several key documents are expected to serve as a foundation for improving Judicial Council's substantive transparency, directly influencing its effectiveness and strengthening trust not only among citizens but also among judges themselves. However, it remains to be seen how these amendments will be applied in the future.

ELECTION OF JUDICIAL COUNCIL MEMBERS FROM AMONG THE RANKS OF JUDGES

Between September and December 2024, two elections were held to elect Judicial Council members from the ranks of the judges, resulting in the appointment of three new members.

Namely, on September 4, 2024, an election was held for a Judicial Council member from the ranks of judges belonging to communities that constitute less than 20% of the population in North Macedonia, and the sole candidate was Judge **Dzeneta Bektovich** of the Basic Criminal Court in Skopje. This election was conducted across all courts in the country. **Judge Dzeneta Bektovich was elected with a significant majority — receiving 273 votes out of a total of 365 eligible voters.**

The second election for Judicial Council members took place on December 11, 2024. Two members were elected — one from the general list of candidates in the appellate region of Shtip and another from a special unified list of judicial candidates from all non-majority communities across the entire territory of North Macedonia.

The candidates for the position from the appellate region of Shtip were:

- **Aco Tasev**, Judge/President of the Basic Court in Shtip;
- **Danka Ristova**, Judge at the Court of Appeals in Shtip;
- **Meri Gicheva**, Judge at the Basic Court in Shtip;

- **Nevena Perica**, Judge at the Basic Court in Shtip;
- **Toni Delev**, Judge/President of the Court of Appeals in Shtip.

Of the special unified list of judicial candidates representing non-majority communities in the Republic of North Macedonia, nationwide, the sole candidate was:

- **Ariton Ala**, Judge at the Court of Appeals in Skopje.

Hence, the elected Judicial Council members were **Danka Ristova judge from the Appelate Court in Shtip with 27 out of 40 votes, and Ariton Ala judge from the Appelate Court in Skopje with 253 out of 354 votes.**

For the first time, the Judicial Council published the biographies of candidates for JC membership, ensuring that both the public and the judges could familiarize themselves with the professional backgrounds and carriers of those seeking to represent their interests and receive their trust to represent their interests in the Judicial Council.

Current legislation does not mandate a voting quorum for elections, meaning both JC candidates were elected in full compliance with the Law on the Judicial Council of North Macedonia.

Irrevocable resignation of the Judicial Council's President

On December 2, 2024, **JC President Vesna Dameva submitted her irrevocable resignation** in a public address to citizens, the media, Judicial Council members, and the judiciary. **She cited continuous attacks on her and the judiciary by representatives of the executive and legislative branches**,[3] as well as obstruction by these branches in providing necessary conditions and financial resources for the proper functioning of the judiciary. Despite stepping down as president, she retained her membership in the Judicial Council, stating her intention to contribute to improving the Council's work and enhancing judicial independence and impartiality.

Her resignation was accepted at an emergency JC session.[4] **This marks the second resignation of a Judicial Council president citing political pressure as the primary reason. However, despite the gravity of these allegations, the Council has yet to initiate a substantive debate or take concrete steps to address these influences.**

APPOINTMENT OF JUDICIAL COUNCIL MEMBERS TO THE AJPP MANAGING BOARD

At request of the Academy for Judges and Public Prosecutors (AJPP), the Judicial Council proposed JC members who are judges to serve on the AJPP Management Board. This decision was met with criticism from parts of the public and the expert community, who argued that such dual roles could constitute a conflict of interest, as holding two public offices simultaneously is generally impermissible. Concurrently, **the State Commission for the Prevention of Corruption (SCPC) launched an investigation into a possible conflict**

3 Announcement about Judicial Council President Vesna Dameva;s resignation

4 Announcement about the 50th emergency session of the JCRNM

of interest and within a short period, halted the appointments. However, it recommended that the Judicial Council should reconsider its decision and take corrective measures. While the Judicial Council reviewed the SCPC's ruling, it ultimately decided it was inapplicable, arguing in the reasoning that the decision lacked concrete arguments regarding the nature of the conflict and was invoking procedural rules that, according to JC, were irrelevant in this case.

Historically, it is not unprecedented for Judicial Council members to also serve on the AJPP Management Board. Although the statutory provisions have been amended, they remain insufficiently precise to explicitly prohibit such dual membership. The functions of both bodies do not directly overlap, except in the election process of AJPP graduates to be appointed as judges in basic courts. While the AJPP Managing Board handles appeals related to final candidate rankings, the Judicial Council is responsible for the actual appointment of judges. In cases of suspected bias, recusal procedures could be applied.

In the meantime, one of the nominated members, Hanif Zendeli, resigned from his position on the AJPP Management Board.



ELECTION OF JUDGES AND COURT PRESIDENTS

After a prolonged period due to the implementation of presidential and parliamentary elections, which delayed the election of judges for higher courts, the Judicial Council appointed judges to the Court of Appeals in Shtip, where three judges specializing in civil law were promoted. Additionally, judges were appointed to the Court of Appeals in Gostivar, where two judges from the civil law field were elected.

For the announced vacancy at the **Court of Appeals in Shtip**, five candidates specializing in civil law applied. In the first announcement, **one judge was appointed**, while in the second, four candidates applied, and **two judges were elected**.

Similarly, for the vacancy at the **Court of Appeals in Gostivar**, five candidates specializing in civil law applied, and **two were appointed judges**.

During the council sessions, the scores received by each candidate were presented individually. Based on the overall evaluation scores, a ranking list was created and voted on, starting with the highest-ranked candidate. According to the law, a candidate is considered elected if they receive at least eight votes from the voting members of the Judicial Council. Once the required number of candidates, as per the announcement, is elected, further voting ceases, preventing additional candidates from being considered, and exausting the entire ranking list. This practice in the Judicial Council, imposed by the statutory provisions, continues to raise concerns about whether other candidates on the ranking list might receive comparable or even higher number of votes from the Judicial Council members.

Despite public criticism and recommendations from the Evaluation Mission, this practice remained unchanged.

During the election process for judges in higher courts, specifically during promotions, no judge was appointed outside of the ranking order. Consequently, Judicial Council members did not have an opportunity to justify why a specific judge was not chosen despite being next on the list.

There is certain that there is need for legal amendments to standardize the required documentation. However, to ensure predictability for candidates and avoid perceptions of manipulation in ranking for promotion, it is advisable that the Judicial Council adhere to its conclusions, regardless of the composition of the selection and ranking committee.

During this reporting period, **the Judicial Council appointed eight acting court presidents** in the following courts: the Basic Court in Veles, the Basic Court in Krushevo, the Basic Court in Gevgelija, the Basic Court in Kratovo, the Basic Court in Kočani, the Basic Court in Berovo, the Higher Administrative Court, and the Court of Appeals in Gostivar.

Additionally, **three new court presidents** were appointed in the Basic Court in Veles, the Basic Court in Struga, and the Higher Administrative Court.

Notable is a concerning trend in smaller courts, where there continues to be a lack of interested candidates for the position of court president.



DISMISSAL OF JUDGES AND COURT PRESIDENTS

By December 2024, the Judicial Council confirmed the termination of judicial office for 11 judges due to retirement, one judge who voluntarily resigned, and one judge who was dismissed due to a criminal conviction by a final ruling of the Basic Criminal Court.

In September 2024, two public hearings were held regarding the responsibility of judge/court president, initiated at the request of a judge. On one of the hearings one of the judges who requested a hearing did not attend, while on the other the judge requesting it was present. This public hearing was streamed live but was not attended by representatives of the Macedonian Judges' Association, media representatives, or other interested parties, except for the person who submitted the request for the judge's responsibility. During the hearing, both sides presented evidence regarding initiating a disciplinary procedure, including evidence against. At the judge's request, the subsequent proceedings were closed to the public.

In the second half of 2024, the Judicial Council issued seven decisions to halt proceedings for responsibility of a judge/president of court, one decision for dismissal from judicial office, one decision for professional misconduct during judicial office (concerning a judge who is now retired), one decision pronouncing a disciplinary measure - a public reprimand, and one decision to decrese a judge's salary as a disciplinary measure. Additionally, based on requests for initiating disciplinary procedure for determining responaibility of judges/presidents of courts, the Judicial Council temporarily suspended a judge from the Higher Administrative Court from performing judicial duties until the completion of criminal proceedings.

The shortage of judges continues in basic and appellate courts, the Higher Administrative Court, and the Supreme Court of North Macedonia continues, with the number of active judges decreasing monthly. The eighth generation of candidates for judges and public prosecutors from the Academy for Judges and Public Prosecutors (AJPP) has not yet completed its training, despite being expected to do so by the end of 2024. Furthermore, the next generation has not yet started their initial training, as the admissions process was halted in early 2024 due to the election process, and there are no updates on whether and how it will resume.

MONITORING THE WORK OF THE COURTS

To enhance public trust in the judiciary, the president of the Judicial Council, also serving as the president of the Judicial Budget Council, conducted visits to multiple courts across the country. These visits aimed to facilitate direct communication between the Judicial Council and judges. Meetings were held with court presidents and judges to discuss challenges and obstacles they face. There judges also provided suggestions for improving the judicial system, particularly concerning the shortage of judges, court staff, and financial resources for normal courts operation.

These visits and the direct communication helped strengthen cooperation between the Judicial Council and the judges, representing a positive approach given that monitoring judicial performance is one of the council's key responsibilities. In addition to court monitoring, the Judicial Council fulfills its mandate by reviewing and evaluating quarterly and annual reports and conducting regular visits by council-appointed committees. These activities are forseen in the Internal Plan for Monitoring and Evaluating Judicial Performance for 2024 and its accompanying Action Plan, adopted in March 2024.[5]

It can be concluded from the quarterly reports on court performance that there is a continued trend of inefficiency of the courts, pointing as the reasdon for that primarily the declining number of judges, insufficient judicial administrative staff, and an increasing caseload.

As a standard practice, following court visits, the visiting JC members present their visit findings in a council session, highlighting significant observations and proposing actions to address any identified deficiencies in the operation of the courts, judges, or court presidents. If the need arises, extraordinary court visits are conducted, the reason of which are tipically cases of public interest or petitions from citizens or legal entities. During this reporting period court visits were conducted**, and reports from the working visits to the Basic Courts in Bitola, Tetovo, and Ohrid, as well as the Courts of Appeals in Skopje and Gostivar and the Supreme Court of North Macedonia, were presented and adopted at a session.**

DECIDING ON PETITIONS FROM CITIZENS AND LEGAL ENTITIES

Petitions submitted by citizens and legal entities to the Judicial Council of North Macedonia regarding the work of judges and court presidents are regularly reviewed and resolved within the legally prescribed time-limits.

In the second half of 2024, approximately 190 petitions from citizens and legal entities were examined.

The majority of petitions are dismissed as unfounded, as they primarily request a change in a court decision because one party is not satisfied with the decision. In most cases, the Judicial Council determines that the case can be appealed before a higher court, meaning that the allegations in the petition will be assessed as part of the appeal process. Since

5 *www.sud.mk*

the Judicial Council lacks the authority to intervene in or alter court decisions, it finds no grounds to act upon such petitions.

Also, **rejection of petitions can be noted**, with the primary reason for the rejection being the lack of new facts in relation to the submitted petition, and the fact that the prtition has already been reviewed in one of the previous sessions, or because it does not contain all information necessary for it to be reviewed.

There is a continuing trend of an increasing number of well-founded petitions upheld by the Judicial Council. These petitions typically contain substantial evidence that raises indications of negligent or unprofessional conduct by a judge. When a petition concerns a judge exceeding deadlines for case proceedings, decision announcements, or the preparation of the decision, Judicial Council members document such findings. This is particularly important as adherence to deadlines is a criterion in the judicial evaluation methodology. If a petition provides sufficient indications of judicial misconduct, the Judicial Council may initiate disciplinary proceedings for determining the responsibility of the judge or the court president. If the presented grounds are insufficient for initiating disciplinary proceedings, the substantiated petitions will still be factored into the judge's or court president's performance evaluation.

In this period, inconsistencies in deciding on petitions have been observed. Similar petitions have sometimes been decided differently, and previously established positions have been changed without explanation.

CONCLUSIONS



Between August and December 2024, the Judicial Council faced significant pressure from representatives of the executive and legislative branches, leading to heightened media attention.



The overall transparency of the Judicial Council has notably increased, reflected in the frequent publication of timely information on its website regarding sessions, decisions made, and more detailed reports on the matters discussed.



The Judicial Council has consistently performed its duties, including handling petitions, appointing judges to basic courts, conducting court visits, evaluating judges, and overseeing court operations through visits and quarterly reports.



A positive development is the recognition of a greater number of citizen prtitions as substantiated, allowing the Judicial Council to detect potential judicial misconduct or negligence. However, the Judicial Council should ensure consistency in deciding on same or similar findings in the petitions.



Regarding the promotion of judges to higher courts, the Judicial Council has selected top-ranked candidates from the ranking list, following the established procedure. Ans JC members have provided explanations as to why these judges should be elected. With the adoption of amendments and revisions to the Judicial Council's Rules of Procedure and the amendments and revisions to the Regulation on the Manner of Ranking Candidates for Election of Judges to Hiigher Courts it will be important to monitor how these changes are applied in the next period, particularly in cases where the fisrst-ranked judges are not elected.



An unresolved issue remains in the judicial selection process, where voting is discontinued once enough candidates have been chosen according to the vacancy announcement. This prevents remaining candidates on the ranking list from being considered, even if they could potentially receive equal or higher votes. The ongoing lack of candidates for court president positions in smaller courts continues to impact court operations and remains an issue that should be addressed in strategic planning and legal reforms.



Trust in the Judicial Council remains relatively low, particularly among judges, and efforts should be made to improve confidence both within the judiciary and among the general public.

RECOMMENDATIONS

Based on observations from public sessions of the Judicial Council, reports, the documents and statements publiished on its website, and media coverage, the following recommendations are proposed:



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



The Judicial Council should fully implement its adopted documents that are based on the EU Evaluation Mission's recommendations.



The Judicial Council should focus on increasing the trust of the citizens in the judiciary by being proactive and taking measures to reduce perceptions of judicial corruption.



Clear guidelines and criteria for deciding on petitions should be established and consistently applied in cases with similar findings.



The Judicial Council should work on strengthening trust among judges by ensuring consistent application of legal provisions.