



REPUBLIC OF SLOVENIA
Ministry of Justice

**Judicial Forum: Relations between Ministry of Justice and Judiciary
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The priority in the programme tasks of the Ministry of Justice of the Republic of Macedonia are the building of a consistent judicial system and the creation and development of efficient tools for the functioning of the legal state, with a view to approximating Macedonian legislation with the European law and integrating EU standards and directives.

The approximation of legislation, in the process of implementation of the Stabilisation and Association Agreement, *inter alia*, implies to enable the judicial system in the Republic of Macedonia to apply the European legislation by modernisation and flexible restructure and adjustment of the work of the courts. The judicial reform is a long-standing and quite complex process and, at the same time, via institutional and organisational reforms, is in the function of creating preconditions for an easier access of citizens to justice and increasing the citizens' confidence in the realisation and protection of their freedoms and rights, established with the Constitution of the Republic of Macedonia.

The judicial power is divided between the Constitutional Court on one hand, and the "ordinary judicial system" composed of Supreme, appellate, and trial courts, on the other. Macedonian Constitution provides that the courts are "autonomous and independent" and cases are to be adjudicated only on the basis of the Constitution, laws, and ratified international agreements and treaties. In 1995, substantial judicial reform was initiated with the adoption of the new Law on the Courts, which eliminated specialized courts, including commercial and military courts.

Under the new law, there are twenty-seven (27) courts of first instance (trial courts) each covering certain geographic area. These courts, having general jurisdiction, handle civil, criminal, commercial, labor, family and other type of cases as well as a variety of non-judicial matters, such as registry of companies and non-governmental organizations.

There are three (3) Appellate Courts, located in Skopje, Bitola and Stip. They exercise appellate jurisdiction over the courts of first instance and no longer have any original jurisdiction.

The Supreme Court has 25 members which sit in panels of five members, and is the highest court, serving a variety of roles. It is charged with providing uniformity in the implementation of the laws by the courts and thus serves the traditional role of court of final resort. It also has original jurisdiction over administrative disputes i.e. extorts judicial control over government agencies' decisions.

In Macedonia, judges are elected by the Parliament upon proposal i.e. nomination by the Republic Judicial Council (RJC), which is a distinct constitutional body composed of seven outstanding members of the legal profession. This body is also charged with evaluating the professional conduct and responsibility of judges' performance and overseeing questions of judicial ethics and professional competence. In 1996-97, the RJC was confronted with enormous task to nominate over 600 new judges at all instances in the Macedonian court system.

Speaking of judicial selection, it is worthwhile to be mentioned that a judicial candidate for trial (first instance) courts needs to fulfill the following conditions: to be a Macedonian citizen, to have a law degree, to have passed the bar exam, to have over 5 years of legal experience, and to enjoy respect to perform the judicial office. The requirement for years of service increases for higher court instances, namely for appellate courts it is over 9 years, and for the Supreme Court it is over 12 years. On the other hand, law graduates qualify to pass the bar exam after completion of a twoyear practical internship either in the courts, prosecutors' offices, attorney's offices, commercial companies, or other legal institutions. Once elected, judges serve for life and currently, there are over 650 judges in office

The judicial power in the Republic of Macedonia is a fundamental part of the legal state with an underlined importance in the realisation of the democratic processes of the civil society fully respecting the principle of the rule of law. The basics of the judicial system are laid down with the provisions in the Constitution, under which courts are independent and autonomous bodies of state administration and adjudicate on the basis of the Constitution, laws and international agreements. The Law on the Courts establishes the aims and functions of the judiciary, where the fundamental values of the judicial system of the Republic of Macedonia are the impartial implementation of the law; the promotion, protection and respect for human freedoms and rights, and the legal safety, by creating conditions for each person to live safely within the framework of the implementation of the law.

The concrete goals in this area presuppose to improve the level of harmonisation of Macedonian legislation with European Union standards by ensuring a single implementation of the laws by the courts; providing appropriate technical means to improve the process of reform of the judicial administration and complete computerisation of the judiciary; reducing the number of unresolved courts cases; establishing an independent court budget; professional further training of the judges and employees in the judicial administration and by increasing the transparency in the execution of the judicial power and in the communication with the public.

The operational activities in the reform of the court system, presuppose complete finalisation of the process of introduction of information technology into the judiciary - the priority of the Justice Ministry-, for which more information will be presented in the course of this forum from other members of Macedonian delegation.