

There has been some progress in the area of the judiciary.

The Judicial Council and the Council of Public Prosecutors have striven to ensure the *independence* of the judiciary. By mid-July the Judicial Council had completed the first appraisal of the performance of serving judges and found that most of them have been up to the standards.

The Council of Public Prosecutors assumed full responsibility for appointing new public prosecutors and extending the term of office of prosecutors appointed in 2003 for a six-year period, which was about to expire. Since October 2008 a total of 38 new judges were recruited, as well as 4 new presidents of courts and 21 new public prosecutors had been recruited and the term of office of 159 public prosecutors had been extended. The most recent appointments by the two councils include also the graduates of the first generation of the Academy for training of judges and prosecutors.

The Judicial Council continued to combat corruption and ensure *impartiality*, dismissing 12 judges for abuse of office. However, some documented irregularities regarding recent judicial proceedings have raised questions about the independence and impartiality of parts of the judiciary.

As regards *professionalism and competence*, the first 27 students of the Academy for Training of Judges and Prosecutors (ATJP) graduated. The ATJP provided continuous training, with over 200 events. By July the Judicial Council and the Council of Public Prosecutors had appointed 23 of the graduates from the academy.

Efforts were made to improve the *efficiency* of the judiciary. The budget for the Public Prosecutor's Office was again increased to €4.5 million. The budget of the courts was increased by 8%, despite the difficult economic context. The part of the budget of the ATJP funded by foreign donors decreased to 16.5% thanks to an increase in State budget funding. The increase in the budget was used to recruit extra staff and purchase new equipment. The President of the Judicial Council assumed the chairmanship of the Court Budget Council and a new method for use of the court budget is being implemented.

The Council of Judicial Administration was set up to follow implementation of the 2008 Law on Judicial Administration and improve human resources management. The number of employees in the judicial administration increased and 82% of them received a salary increase of 20%. The IT centre connecting all judicial institutions and allowing regular exchanges of information between them and with the public is operational. The IT offices in the courts were staffed with 38 experts. All courts have operational websites and some have already started publishing their decisions. In 2009, personal computers for the courts for the Public Prosecutor's Offices were purchased with State funds. The automated court case management system (ACCMIS) has been installed in all courts. In 14 basic courts all current cases have been transferred to this system, which allows automated generation of reliable statistics on courts.

In 2008 the courts received 12.3% fewer cases than in 2007. The Public Prosecutor's Office received 5% more cases than in 2007. Of the 27 basic courts, 26 managed to reduce their combined backlog by 16%. The number of cases resolved within six months also increased somewhat. In the first quarter of 2009 the misdemeanour commissions resolved 68.3% of new cases.

Since they were established last year the Court of Appeal in Gostivar has settled over 4,500 cases and the Administrative Court over 7,000. Initial analysis of key aspects of their operations has started. The new Higher Public Prosecutor's Office in Gostivar, which now

consists of five public prosecutors, including the head of the office, has started processing cases.

However, the absence of a human resources management system has slowed down the recruitment of graduates from the ATJP into the judiciary. The Skopje 2 basic court, which is the court with the largest number of cases, and the four courts of appeal along with the Administrative Court were unable to reduce their backlogs. The Administrative Court, the Court of Appeal in Gostivar and most of the Public Prosecutor's Offices need further strengthening in order to build up their capacity. A number of courts continue to face budgetary restrictions. Implementation of the 2006 Law on Mediation has had a limited impact, with 77 measures taken so far. Full implementation of the 2007 Law on Public Prosecutor's Offices requires parallel changes to the Law on Criminal Procedure to allow prosecutors to coordinate fully the investigative phase.

Overall, some progress has been made on implementation of the 2004 strategy for judicial reform, a key priority of the Accession Partnership. Further progress was made towards establishing the independence of the judiciary, although continued efforts are needed. The new posts and new IT equipment helped to make the judiciary somewhat more efficient. However, a number of courts continue to face budgetary restrictions. A track record on implementation of the legislation on the court system and procedures is gradually being established.