



# Macedonia Court Modernization Project



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## Newsletter

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## Look to the Mountains: Court Budget Workshop in Mavrovo

On September 16th through the 18th 2004, at the Bistra Hotel in Mavrovo, Macedonian Court Modernization Project (MCMP) sponsored a program on "Budget Training and Strategic Planning" for the President Judges of Macedonia. The seminar was organized in cooperation with the Administrative Office of the Court Budget Council, under the leadership of Dane Iliev.



The program featured several presenters, including Dr. Ingo Keilitz, who spoke about "Linking Strategy & Budgets." Members of the Ministry of Finance including Dimitar Todeski, Elena Stamenkovska and Ljubica Andonovska provided valuable information to the President Judges concerning specifics of the budgeting process in Macedonia and the relationship between the national budget of Macedonia and the budget for the court system.

Ms. Kirovska addressed the Draft Strategy for Reform of the Judiciary and the Draft Action Plan for the Reform of the Judiciary, emphasizing the priorities and goals identified by the Court Budget Council as important.

Ms. Andonovska and Ms. Stamenkovska presented a detailed examination of budget policy. Mr. Todeski presented an explanation of the Law on

Public Procurements and its appropriate implementation. The workshop finished with a lively discussion on the Law on Public Procurements and the Public Investment Program. In December, this program will be followed by three presentations designed to address the training needs of court secretaries and court accountants. One secretary and one accountant will be invited from each appellate district. Each training will last 2 days and will include the following topics:

- Strategic Planning Techniques
- How to Prepare a Financial Plan Proposal

The ultimate goal of the trainings will be to assist the administrative staff in developing a more effective manner of approaching the budget process.



Basic Court President Judges and representatives from the Ministry of Justice and Ministry of Economy during the session "Court Budgeting".

## Civil Procedure Law Roundtable Bears Fruit

The Working Group of the Ministry of Justice and the Macedonian Court Modernization Project organized a roundtable on the “novelties” in the Proposal for Enactment of the Law on Civil Procedure. The aim of this roundtable was to discuss the proposed changes and receive feedback from the legal community before the draft law entered the government procedure. More than thirty-five judges, president judges, and representatives of the Macedonian Bar and international donor community participated. New solutions for streamlining the court process and



*Douglas Myers, MCMP, center, opening the session on the Civil Procedure Law Roundtable*

reducing the time line for deciding cases were discussed.

The biggest changes proposed are in the area of determination of material truth; the quality representation of parties in court; recusal of judges and lay judges; service of process; legal remedies, and special procedures.

According to the proposed changes, the judge will have the role of an arbiter in the case. The parties will be responsible for presenting all the facts to the judge, who will then decide the case based on the evidence presented by the parties. The court is obliged to carry out the procedure without delay, in a reasonable time, at minimum expense and to prevent any abuse of the procedural rights of the parties. Strict fines will be imposed on parties who violate these principles.

A big step forward has been taken by eliminating the “protection of legality” provisions. These provisions permitted, State intervention in final civil judgements through the Public Prosecutor.

The Proposal for the Enactment of the Law on Civil Procedure entered government procedure on October 7, 2004.



*President Judges and guests from the Ministry of Justice during the Civil Procedure roundtable*

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## To Our Readers:

We offer this issue of our Newsletter to you as a report of our Project's activities over the last two months.

The USAID Macedonia Court Modernization Project (DPK) now approaches the conclusion of its second year. Having commenced our activity in January, 2003, we may expect, if approved by USAID, to have a maximum life span approximately through the end of 2007.

Like all creatures bounded by a finite span of years, we look not only to accomplishments, but to a legacy. We wish to leave our mark, something enduring, so that our work and presence does not merely vanish into the sands.

In the world of international development, these universal concepts are expressed in the shorthand phrase “sustainability.” Sustainability is the contribution of a development project to insti-

tutions and people as realized in the conduct of the public and organizational life of society.

This newsletter presents a profile of the events that make up a project's life. But behind every story and every picture is the effort to build institutions and impart useful skills that constitute the project's sustainable contribution.

A budget training at Mavrovo, a conference for court administrators in Slovenia, a courtroom opening in Tetovo, may appear to be disparate events. But each is part of a coherent scheme: to enable the courts to plan their own budgets with adequate funding; to understand how modern court administration is valued across-the-board in Europe; and to show how dignified, accessible court premises attract public confidence and trust.

Just because we think about our legacy does not mean we are morbid. We believe it's what keeps us alive and vital.

## Making History

In a joint effort the Macedonian Judges Association/ Center for Continuing Education (MJA/ CCE) and the Macedonian Court Modernization Project provided the first Judicial Branch Education program dedicated entirely to staff members of the Macedonian judiciary. The program was presented in Kriva Palanka on September 24, 2004 and was repeated the following week for staff members in Prilep and Bitola.



Staff members, Basic Court Kriva Palanka, following the presentation

The program, presented by two legal assistants, Deborah Krstevska and Atanas Georgievski, focused on case flow management. The important

role that all staff members can play in improving the effectiveness of the court system was emphasized.

The participation of Ms. Krstevska and Mr. Georgievski is co-sponsored by a grant provided to the CCE by the Soros Foundation and the Macedonia Court Modernization Project. They have been trained to provide curriculum development, faculty development and program management.

The participants were enthusiastic about the material presented on case flow management and the opportunities it provides to enhance efficiency. Many said they looked forward to participating in similar programs in the near future.

CCE and MCMP will continue to assist the courts with staff development by sponsoring training programs designed to foster a cadre of instructors qualified to provide training for judicial staff throughout Macedonia.



Deborah Krstevska, CCE, during the presentation for the staff members of the Macedonia Judiciary in Basic Court Kriva Palanka

## The Future of Judicial Branch Education

The Macedonia Court Modernization Project (MCMP) is pleased to offer a feasibility study on the future of judicial branch education in Macedonia.

This feasibility study provides an objective analysis of the present state of judicial branch education and broad recommendations for the design, structure, and resources needed to ensure effective judicial branch education in the future.

The Feasibility Study was conducted by a team of experts: Hon. Paul Broekhoven, former judge and past President of the Court of Utrecht, the Netherlands; Dr. Patricia Murrell, professor and Director of the Leadership Institute for Judicial Education, University of Memphis, USA; and Hon. Daimar Liiv, former member of Parliament and Director of the Estonia Law Centre Foundation.

The feasibility team recommends that a National Centre for Continuous Education be established to provide mandatory initial training for judicial candidates and aspiring public prosecutors, as well as, continuing professional education for judges, public prosecutors and court personnel. The centre will play a pivotal role in the creation of a professional judicial system and increase the level of public confidence in the judicial system.

## MCMP Stimulates Local Economy

By December 2004, USAID/DPK Consulting, through the Macedonia Court Modernization Project, will invest \$935,056 USD in Macedonian courts, for facility improvements and court furnishings. These activities include: the reconstruction of courtrooms and intake offices, improvements to electrical installations, new furniture and chairs, court security equipment and new computer systems. The improvements were completed by ten (10) Macedonian companies and are detailed below.

Activity	Macedonian Companies	Contracts Completed USD \$	Under Contract USD \$	Total Amount December 2004 USD \$
Construction and electricity installation	4	\$ 188,994	\$ 161,303	\$ 350,297
Court furniture and chairs	3	\$ 182,791	\$ 53,807	\$ 236,598
Court security equipment	2		\$ 343,945	\$ 343,945
Computers	1	\$ 4,216		\$4,216
<b>TOTAL:</b>	<b>10</b>	<b>\$376,001</b>	<b>\$559,055</b>	<b>\$935,056</b>

# Modernization in Action: HOW IT HAPPENED IN BASIC COURT TETOVO



Our program to improve court facilities and equipment in Macedonia took another step forward on October 20<sup>th</sup> with the inauguration of a new courtroom and intake center at the Tetovo Basic Court. Judge Dzemajli Arifi, President of the Court, presided over the inauguration ceremony. U.S. Ambassador to Macedonia, Hon. Lawrence Butler, participated in the ceremony. The Ambassador first visited the new criminal intake area on the ground floor of the courthouse and took part in a ribbon cutting ceremony with Judge Arifi and Mr. Idzet Memeti, Minister of Justice.

An inauguration ceremony then took place in the new courtroom with brief remarks by Mr. Memeti, Lence Sofronievska, President of the Republic Judicial Council and Judge Miftari of the Supreme Court and President of the MJA. The keynote remarks were made by Ambassador Butler. In his remarks, the Ambassador noted that he anticipates court modernization projects such as this to result in improved efficiency in resolving disputes, thereby enhancing the environment for local and foreign investments in Macedonia.

The MCMP worked in partnership with the Tetovo Basic Court and the Ministry of Justice to complete the redesign of the court annex which contains a public intake center and one new model courtroom. MCMP is now procuring security equipment for the new court annex including: x-ray equipment, a large

metal detector, hand held metal detectors, security cameras, and an alarm system for the judges' benches.

Tetovo Basic Court is one of seven pilot courts participating in USAID's Court Modernization Project. In addition to working to improve court facilities, the project is conducting many other initiatives, including studies to document the time it takes to dispose of cases. The results of the studies are being used to identify strategies for improving access to the courts and increase public trust and confidence in the courts.

The MCMP is currently in the process of recommending to USAID three additional pilot court sites. Through the expansion of the program throughout Macedonia, the project can capitalize on the best practices learned from the initial seven pilot courts. This pilot court process allows for and promotes greater initiative and proper delegation of administrative authority and control at the basic court level. MCMP used seven criteria to assist in selecting pilot courts. One of the most significant criteria is leadership demonstrated by the Court President and Court Secretary and the court's overall demonstrated capacity to accept and then implement change. Other elements include such areas as court stability (judicial and staffing levels, vacancies, etc.) and diversity (pilot courts representative of ethnic and demographic diversity).



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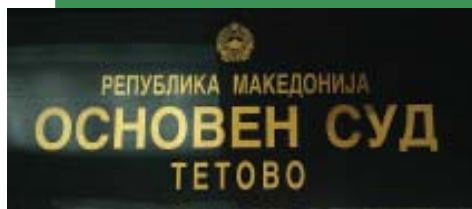


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## OPENING CEREMONY

Photo No 1: Criminal court room before reconstruction  
 Photo No 2: Reconstruction of the criminal court room  
 Photo No 3: Criminal court room after reconstruction  
 Photo No 4: Intake office before reconstruction  
 Photo No 5 and 6: Intake office after reconstruction  
 Photo No 7: Sign, Basic Court Tetovo  
 Photo No 8: Guests at the inauguration ceremony, from left to right: Judge Veli Vedat, President, Appellate Court Skopje; Idzet Memeti, Minister of Justice; Hon. Lawrence E. Butler, Ambassador, United States of America; Judge Dzemajli Arifi, President, Basic Court Tetovo  
 Photo No 9: Distinguished guests and representatives from

USAID, Pilot Courts, media and Court Budget Council during the inauguration ceremony  
 Photo No 10: View of the Judge's bench filled with distinguished guests at the inauguration ceremony  
 Photo No 11: Cutting the ribbon for the new criminal intake office, from left to right: Hon. Lawrence E. Butler, Ambassador, United States of America; Judge Dzemajli Arifi, President, Basic Court Tetovo; Idzet Memeti, Minister of Justice  
 Photo No 12: Cutting the ribbon at the new criminal court room, from left to right: Idzet Memeti, Minister of Justice; Dzemajli Arifi, President, Basic Court Tetovo; Hon. Lawrence E. Butler, Ambassador, United States of America



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## Macedonian Court Administrators Visit Slovenia

By invitation of the Supreme Court of Republic of Slovenia and supported by the USAID Macedonia Court Modernization Project (DPK), a delegation from the Republic of Macedonia attended the First International Conference of Court Administration held in Ljubljana, Slovenia from September 26th to 28th 2004.



*Participants in front of city fountain in Ljubljana*

The members of the Project's delegation included: Sonja Gruevska, Secretary General of the Supreme Court of Macedonia; Zhanina Kirovska, Director of the Administrative Office (AO) of the Court Budget Council (CBC); Zaklina Doveden, Secretary General of the Basic Court in Struga; Suzana Varnalievva, Secretary General of the Basic Court in Veles; Sasho Patovski, Secretary General of the Basic Court in Prilep; Elena Stamenkovska, Ministry of Finance; Douglas Myers, Director of the MCMP; and Boban Misoski, MCMP Coordinator with the AO of the CBC.

Other delegations attending the conference included: the Republic of Croatia, the Federation of Serbia and Montenegro, the Republic of Bosnia and Herzegovina, Finland, Estonia, Rwanda, India, Kingdom of Jordan, the United States of America and Slovenia.

The Conference started on Sunday with a ceremonial opening by the host, the Honorable Franc Testen, President of the Supreme Court of Slovenia.

The Conference was divided into two working sessions over a period of two days. The primary conference topics were court administration and court budgets. The material was illustrated through a comparative study of practices in states with more advanced experience in court administration and court budgets. One working session included a round table discussion regarding the challenges of financing court budgets with funds allocated through centralized government budgets. Participants shared their experiences.

The Director of the AO of the CBC, Zhanina Kirovska, participated in a panel discussion regarding court budgeting. She contributed to the discussion by briefly explaining the legal framework of the Macedonian judiciary, the newly created CBC, its jurisdiction, and the advantages and problems inherent in its functioning and operation.



*AO Director Zhanina Kirovska, center, leads panel*



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