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**CONSULTATIVE COUNCIL OF EUROPEAN JUDGES
(CCJE)**

Questionnaire with a view of the preparation of Opinion No. 14 on the non-materialisation of the judicial process and the use of IT by judges and court staff

FYROM

Questionnaire with a view of the preparation of Opinion No. 14 on the non-materialisation of the judicial process and the use of IT by judges/court staff

1. Access to courts

- a) May legal proceedings be instigated by electronic means?

No, it is still not possible to instigate legal proceedings in the Republic of Macedonia by electronic means.

- b) Is there relevant legislation?

There is legislation that opens up possibilities for instigating proceedings by electronic means, namely:

1. On **03.05.2001** the **Law on Data in Electronic Form and on Electronic Signature** was adopted, **Official Gazette of the RM No. 34/2001**.

This Law regulates electronic operation that involves use of information and telecommunication technology, and use of data in electronic form and of electronic signature in court and administrative proceedings and in payment operations, unless otherwise prescribed by law.

2. On **21.08.2009**, the **Law on Electronic Management** was adopted, **Official Gazette of the RM No. 105/2009**.

This law regulates the work of the ministries, other authorities of the state administration, organisations established by law and other state authorities, courts, the public prosecution and the public attorney, of legal and other entities and persons that have been authorised by law to perform public duties, municipal authorities, the authorities of the City of Skopje and of the municipalities of the City of Skopje (hereafter Authorities), in the exchange of data and documents in electronic form, or carrying out administrative services by electronic means, when stipulated by law.

- c) What are the main requirements for instigating legal proceedings by electronic means? (multiple choice possible)

- The parties must submit the claim with a qualified electronic signature
- The parties must fill in a downloadable form to be submitted electronically
- Other, please specify.

OTHER:

It is necessary to adopt amendments to the Law on Litigation Proceedings, the Law on Criminal Proceedings, the Law on Misdemeanour Offences, the Law on Inheritance, introducing the possibility for parties to file complaints and other submissions by electronic means.

- d) To what extent are legal proceedings instigated by electronic means in practice?

2. Procedure within courts

- a) Once a claim has been issued electronically, does the procedure differ from a traditional procedure?
- b) Does the electronic procedure differ according to the type of case (civil, criminal, administrative, etc.)?

c) How does the court communicate with the parties:

<i>With parties who use electronic means themselves:</i>	<i>With other parties:</i>
<input type="checkbox"/> by traditional means?	<input type="checkbox"/> by traditional means?
<input type="checkbox"/> by using electronic communication?	<input type="checkbox"/> by using electronic communication?
<input type="checkbox"/> both?	<input type="checkbox"/> both?

d) Do specific electronic means exist for the communication between lawyers and courts? Please specify.

Yes, they exist, and that is established in:

The Amendments to the Law on Supplements to the Law on Litigation Proceedings - Official Gazette of the RM, No. 116 from 01.09.2010.

Article 15 para 3 stipulates that the party is required to provide in the written submissions filed with the court his/her e-mail address.

Article 18 of the same Law provides that: "If the submission is sent by electronic means, the sending day is regarded as the day of filing with the court to which it has been addressed to".

This means that the party may send the response to a complaint or any other written submission to the court also in electronic form.

Article 22 of the Law states that: "The court is required to give or send by electronic means to each of the present parties a copy of the Record from para (1) of this article. Within 15 days as of the day of the hearing, at the request of the absent party, the Court will issue or send by electronic means to that party a copy of the records from the hearing which was not attended by the respective party."

According to this amendment to the Law on Litigation Proceedings, the court is required to send to the party, among other, a copy of the record from the held hearing by electronic means.

Article 25 of the Law provides that: "The delivery of written records to attorneys at law, state authorities or authorities of the state administration, of the local self-government, respectively, to legal entities and persons with public authorities, is carried out by electronic means to the electronic mail box."

Article 26 states that: "A party that has been duly requested to attend a hearing or has been notified to undertake specific action, that does not appear before the court regardless of the reason, creates no further obligation for the court to invite. At its request, the court is obligated in the court to serve summons stating the day and hour of the hearing to be held, as well as a copy of the record in written or electronic form, or in the form of an audio recording from the previously held hearing.

(2) If the court, due to whatever reason, is not working on the day of the scheduled hearing, the court is required to publish on its internet site and in a visible place in the court the day and hour of the new hearing, and the party is required to inform itself of the same."

Article 27 states: "(1) The delivery by electronic means is carried out through the information system of the court to the address of the electronic mail box of the recipient of the delivery.

(2) The delivery by electronic means is regarded as carried out on the day of the receipt of the written document by electronic means.

(3) The information system of the court sends, simultaneously to the sending of the written document to the recipient of the delivery to his/her electronic address, also a notification that the information system of the court has dispatched a written document that the owner of the address must collect.

(4) The electronic mail must be collected from the electronic mail box within eight days as of the date of its sending, at the latest.

(5) In the notification from para (3) of this article, the recipient of the delivery is warned that if the electronic mail is not collected from the electronic mail box in the deadline prescribed in para (4) of this article, the delivery will be regarded as completed.

(6) The recipient of the electronic mail confirms his/her identity, reviews his/her electronic mail box, and electronically signs the written document to be sent to the court, and confirms the receipt of electronic mail through his/her electronic signature.

e) Do electronic files exist?

- If an electronic file exist, is there a paper file as well?

- If both exist, which is the "authentic" file?

1. Electronic files.

Electronic files exist in the courts, in line with the electronic management of cases through the software solution – the ACMIS programme, for all filed cases upon which the court is acting, from all areas: the civil, criminal, misdemeanour, non-litigation and investigation areas. The electronic files contain and keep summons for hearings, records from the hearings held, as well as the court decisions.

2. Paper files

The paper files contain and keep complains or indictments, respectively, and all written evidence, evidence of delivery carried out to the parties, and court decisions.

The authentic file is the file maintained on paper, because it contains the entire written documentation for a specific case.

Pursuant to the Court Rules of Procedure and the Law on Management of the Case Flow in Courts, management of both electronic and paper files is obligatory for all courts in the RM, regardless of their jurisdiction and competence.

f) If yes, is there relevant legislation?

Yes, the Court Rules of Procedure and their Amendments, published in the Official Gazette of the RM, No. 157 from 28.12.2009 - article 7-a :

"1. ACMIS is an automatised computer system for management of court cases;

2. electronic file is taken to mean all data (facts) and documents in the case which are maintained and kept in electronic form.

g) What are the main requirements with respect to electronic files?

The courts act according to:

- the Rulebook on the Manner and Procedure for Management of Court Cases Using Information Technology, published in the Official Gazette of the RM No. 70/09 from 08.06.2009,

- the Amendments to the Court Rules of Procedure, published in the Official Gazette of the RM No. 157 from 28.12.2009,

- the Law on Management of the Case Flow in Courts, published in the Official Gazette of the RM No. 171/10 from 30.12.2010.

- h) Are there special regulations and safeguards with respect to electronic files containing particularly sensitive information (e.g. health information, information concerning secret services)?
- i) What happens when the authenticity of an electronic document is doubtful/controversial among the parties?

Until now, no such doubt or controversy has been expressed by the parties.

- j) If parties wish to submit documents which are **not** in an electronic form (e.g. documents on paper), what procedure will the parties and the courts follow?

Courts act in accordance with the provisions of:

- the Law on Litigation Proceedings,
- the Law on Criminal Proceedings,
- the Law on Misdemeanour Offences,
- the Law on Non-litigation Proceedings,
- the Court Rules of Procedure,
- the Instruction on Handling Documentary Material and Archives in Office Operation.

These laws and bylaws prescribe precisely the action required for procedures regulating the receipt and procedures regulating written submissions. (Articles 98-102 of the Law on Litigation Proceedings; Articles 72-73 of the Law on Criminal Proceedings; Court Rules of Procedure, Articles 108-116).

**The Law on the Supplements to the Law on Litigation Proceedings
Official Gazette of the RM, No. 116 from 1.09.2010**

Article 15

Article 98 is amended as follows:

“(1) The complaint, the response to the complaint, the legal remedies and other statements, proposals and notifications provided outside of the hearing are to be submitted in writing or by electronic means to the reception department of the competent court (submissions).

(2) The submissions are required to carry a stamp by an attorney at law, with the exception of those compiled by authorised representatives, as stipulated in article 81 para (1) line 2 and line 3 of this Law.

(3) The submissions need to be understandable and must contain all that is necessary for them to be acted upon. They particularly must contain the designation of the court, the name and surname with a confirmation of identification, place of residence or place of temporary residence, respectively, of the parties, or the name and registered offices of the legal entity registered in the Central Register of the Republic of Macedonia or other register, with confirmation through evidence from the respective register, the legal representatives and authorised representatives, if such exist, the subject of the dispute, the value of the dispute, the content of the statement and the signature of the applicant or the electronic signature, the e-mail address and the contact telephone number.

(4) The submissions filed by attorneys at law, a state authority or an authority of the state administration, units of the local self-government, legal entities and persons performing public authority, in additions to the data from para (3) of this article, need to contain also data on the electronic mail box, for the purpose of delivery of writings registered in accordance with the law.

(5) In the submission, the party is required to state its single personal identity number or the single entity identity number of the legal entity during registration.

(6) If the statement also contains a claim, the party needs to state in the submission also the facts on which the claim is based, as well as evidence when required.

(7) The statement provided with the submission may, instead of along with a submission, be provided verbally on record, as an affidavit, with the litigation court.

(8) A submission by an attorney at law must necessarily contain a stamp or an electronic signature of the attorney at law, and an attorney duty stamp as prescribed by

a special law, otherwise the submission will be regarded as unduly submitted, and the court will reject it. Until the adoption of a special law which regulates the attorney at law duty stamp, the submission from an attorney at law must necessarily contain a stamp or an electronic signature, respectively.”

Article 99

(1) The submissions that are to be delivered to the opposing party are presented to the court in a sufficient number of counterparts for the court and for the opposing party. This procedure is to be followed also when the submission contains enclosures.

(2) If the opposing party comprises several individuals with a single legal representative or authorised representative, the submissions and enclosures for all respective individuals may be presented in one copy.

Article 100

(1) The documents enclosed to the submission are submitted in an original, a transcript or a photocopy.

(2) If the party encloses an original document, the court will retain the document, and will allow the opposing party to review it. When the need for the retaining of the respective document at the court ceases, the court will return it to the submitting party at his/her request, but the court may request that the submitting party encloses to the file a transcript or a photocopy thereof.

(3) If the enclosed document is a transcript or a photocopy, the court will, at the request of the opposing party, invite the submitting party to provide the court with an original document, and will allow the opposing party to review it. If and when necessary, the court will determine a deadline in which the document is to be presented or reviewed, respectively.

(4) No appeal is allowed against these decisions.

Article 101

(1) If the submission is unintelligible or does not contain all it needs so that action can be taken upon it, the court will advise the submitting party to correct the submission.

(3) If the submission which is tied to a deadline is corrected or supplemented and presented to the court in the deadline specified for the supplementation or correction, it will be regarded as submitted to the court on the day it had been originally submitted for the first time.

(4) The submission will be regarded as withdrawn if it is not returned to the court in the established deadline, and if it is returned without correction or supplementing, it will be rejected.

The Law on Supplements to the Law on Litigation Proceedings Official Gazette of the RM No. 116 from 1.09.2010

Article 16

A new para (1) is added to Article 101 as follows:

“(1) Submissions presented by an authorised representative, which are unintelligible or do not contain the data from article 98 paras (3), (4), (5) and (8) of this Law or which have not been presented in a sufficient number of copies when submitted in writing, will be rejected by the court.”

COURT RULES OF PROCEDURE

1. Receipt of written documents

Article 107

The receipt of written documents (submissions, records, money letters, telegrams, packets and other deliveries) is carried out in a designated place in the court office. When receiving written documents, special care is taken to remove the deficiencies which may cause difficulties or hinder action upon them.

Article 108

Written documents are received during any working hour, and the day, the hour and minute of receipt are marked thereon.

Outside of regular working hours and on days when the court is not working, only telegrams, faxes and other urgent written documents are to be received.

The receipt is carried out by a designated clerk.

Article 109

The clerk responsible for receipt of written documents directly from parties may not refuse the receipt of written documents addressed to the court.

If the document contains formal deficiencies (e.g. it is not signed, lacks the enclosures listed in the text, the address of the party is not stated), the clerk will advise the respective party of the shortcomings and request that they be remedied.

If the party insists that the written documents be received contrary to the advice, the clerk will accept them and the advice will be entered into the written documents themselves.

If the court is not competent to act upon the submission, the clerk will direct the party to the competent authority, but if the respective party still insists that the submission is accepted, the clerk will do so and will enter the notification into the submission.

Article 110

The clerk designated for receiving documents confirms the receipt of the submission by imprinting a receipt stamp on the copy of the written documents.

Article 111

The receipt of written documents from other authorities is confirmed by impressing a date and legible signature and stamp in the delivery log book, on the delivery note, on the return note and on the copy of the written documents, if enclosed.

The time of receipt is indicated by marking the hour and minute in cases when stipulated by specific regulations or when decided by the president of the court.

This information is indicated on the envelope of the received submission, if the clerk carrying out the receipt is not authorised to open it.

Article 112

The receipt of written documents addressed to the court by mail and the collecting of mail from post-boxes is carried out by an authorised clerk.

If mail with designated value or registered mail is damaged, the authorised clerk will refuse the receipt, and will request the post office that its condition and content be ascertained by a commission, upon which he/she will receive the mail along with the protocol of the ascertained situation

Article 113

If the receiving clerk is not authorised to open the mail, he/she is required immediately after the receipt, upon placing on the envelope the date and time of receipt (hour and minute), to hand it over to the authorised clerk to open it. This especially pertains to mail addressed personally to a president of a court, to a judge, an investigation judge, to mail marked as confidential or strictly confidential and mail concerning job advertisements/applications, public tenders etc. Such mail is to be handed over to the president of the court, the judge or the investigation judge, respectively, unopened, and the envelope with a statement of the last will to the competent judge.

The handover of ordinary mail to the designated clerk to open is carried out directly, and of registered mail marked as confidential or strictly confidential and other kind of mail whose receipt is to be confirmed in writing, through a log book.

The Law on Criminal Proceedings

Article 72

(1) Private complaints, indictments and prosecution proposals of the injured party as a plaintiff, proposals, legal remedies and other statements and announcements, are submitted in a written form or are given verbally on record.

(2) Submissions under para 1 of this Article must be comprehensible and contain all that is necessary in order for them to be acted upon.

(3) Unless stated otherwise in this Law, the court will summon the submitting party that has presented the incomprehensible submission or the submission that does not contain all that is necessary in order for it to be acted upon, to correct or supplement, respectively, the submission, and if he/she fails to do so within the prescribed deadline, the court will reject the submission.

(4) In the summons for correction or supplementing, respectively, of the submission, the submitting party is to be warned of the consequences of failure to act.

Article 73

(1) Submissions that are pursuant to this Law submitted to the opposing party are to be submitted to the court in a sufficient number of copies for the court and for the other party.

(2) If such submissions are not submitted to the court in a sufficient number of copies, the court will summon the submitting party within a specified deadline to present a sufficient number of copies. In case of failure to act upon the order of the court, the court will make necessary copies at the expense of the submitting party.

k) Must paper documents be kept? If yes, how long?

Yes. Written documents must be kept for a specified period of time pursuant to the Law on Archive Material, and particularly in line with the Instruction on the Manner and Technique for Handling Documentary Material and Archive Material in Office and Archive Operation (Official Gazette of the RM 60/97), as well as with the Court Rules of Procedure, which establish the time periods for keeping documents, as follows:

Article 207

The following is to be kept permanently in the courthouse and is not delivered to the competent archive for keeping:

1. cases of construction nature with plans and agreements pertaining to the courthouse;
2. the documentation of entities entered into court registers;
3. deed and intabulation books with collections of documents, plans and blueprints with all to them pertaining documents, materials for founding, corrections in the public records, and publication of deed and intabulation books, appropriate entry records and ancillary books, as well as old deed and intabulation books upon their renewal;
4. wills and other separately kept documents, together with the signature on the documents and the appropriate directories;
5. criminal cases - rulings on criminal offences for which a life sentence or a 20 year prison sentence has been given;
6. procedural cases - rulings and agreements pertaining to status disputes and cases when the litigation proceedings have been halted and not continued after the completion of one year as of the intermission, for as long as the intermission continues.
7. probate cases – death certificates, records for division of probate assets and decisions for inheritance;
8. cases relating to pronouncing missing persons dead and to proving death, to removal of capacity for work, and to child adoption;
9. collections of writs and instructions;
10. documentation on employment and list and records of court employees, as well as salary lists;
11. entry books for criminal, litigation, non-litigation and bankruptcy cases, as well as appropriate registers.

The cases from items 2, 3, 5, 9 and 11 are handed to the competent archive upon the expiry of the stipulated deadline.

Article 208

Case files that are not for permanent keeping are removed from the archive upon the expiry of the following deadlines:

1. 20 (twenty) years for cases from the criminal area for which a sentence of over 3 years incarceration has been given, and 10 (ten) years as of the decision becoming valid and binding in other criminal cases;
2. 30 (thirty) years as of the day of the decision becoming valid and binding in litigation cases pertaining to real property legal claims over immovable property;
3. 30 (thirty) years for cases in non-litigation proceedings regarding immovable property, probate and deed-intabulation related cases, as of the day of the decision becoming valid and binding.
4. 5 (five) years as of the day of the carried out, stayed or terminated enforcement of cases in enforcement proceedings;
5. 10 (ten) years for cases relating to court administration;
6. 5 (five) years as of the date of the delivery of the second instance decision for all cases in second instance;
7. 10 (ten) years as of the day of completion of the proceedings in cases pertaining to administrative-court proceedings;
8. 10 (ten) years as of the day of completion of the proceedings in all other cases;
9. 5 (five) years as of the day of the decision becoming valid and binding in misdemeanour proceedings;
10. 3 (three) years in criminal cases initiated upon a private complaint in which the proceedings have been halted, criminal cases in which a fine, a suspended sentence or a court warning has been given, for payment orders, for litigation and non-litigation cases in which the proceedings have been completed by withdrawing of the complaint of due to other formal reasons.

Article 209

Entry books and registers, with the exception of those listed in article 207 of the Court Rules of Procedure, are kept for as long a period as the case files registered therein are kept as well. The entry books for certifications and the financial records with the evidential documentation are kept 10 (ten) years as of the last annual closure.

- l) What is the procedure when a judge's or court clerk's hand signature is prescribed? Does digital signature exist?

Yes, pursuant to the Law on Data in Electronic Form and Electronic Signature as well as to the Amendments to the Law on Litigation Proceedings and the Law on Criminal Proceedings, whenever the court sends court written documents to the parties, they are sent from the electronic mail of the court, with there being an electronic signature of the court.

- m) Do parties have access to the complete court file:

- Yes, always
 Yes, but only with specific conditions
 No

Please indicate, if appropriate, the relevant legislation.

The Law on Litigation Proceedings:

Article 144

- (1) The parties are entitled to review, copy or photocopy the documents of the proceedings in which they participate.
- (2) All other persons with a justifiable interest may be allowed to review, copy or photocopy specific documents in the presence of an authorised person in the court.

When the proceedings are in progress, an approval for this is given by the judge presiding over the panel or the individual judge, respectively, and when the proceedings have been completed, by the president of the court or by the by him/her appointed authorised person.

The Law on Criminal Proceedings:

Article 124

(1) The defendant is entitled to reviewing the documents and to reviewing the case files which serve as evidence after he/she has been interrogated.

- n) Do the parties or their lawyers have the possibility to follow the state of the proceedings via internet (secured)?
- o) Is the access to electronic files within the court regulated? Please specify.

The ACMIS Court Information System allows parties via internet to have insight into the scheduled hearings and inquests for all cases in the court, and also into the published anonymised decisions of the court.

- p) Have judges/court staff access:

<i>Judges</i>		<i>Court staff</i>	
<input checked="" type="checkbox"/>	to all court files?	<input type="checkbox"/>	to all court files?
<input type="checkbox"/>	only to files within their jurisdiction?	<input type="checkbox"/>	only to files within their jurisdiction?

3. Oral hearing

- a) Are there oral hearings based on electronic means (e.g. judges act based on electronic files accessible in computer)?

Pursuant to the Law on Management of the Case Flow in Courts and the Court Rules of Procedure, oral hearings are held over the ACMIS, where later, upon the completion of the hearing, the record is electronically archived into the electronic file.

- b) Are the expertise, the draft decision written by the rapporteur and personal notes accessible for judges in computer?

The written decision of the judge is accessible only to the judge who has prepared it and is electronically archived in the case file.

- c) Is the complete file accessible for the parties or their lawyers during the hearing (also in computer)?
- d) Has technical equipment been installed in courts enabling to project documents on screens visible to judges, parties and audience?

In the course of the entire proceedings, the parties and their authorised representatives have full access to the file – to the case in dispute in the court. In addition, all courts in the RM have installed computers, so-called kiosks, through which the parties have access to the electronic file.

- e) Are oral hearings audio or video recorded?

The Law on Supplements to the Law on Litigation Proceedings (Official Gazette of the RM No. 116 from 1.09.2010):

Article 119-a

- (1) The individual judge or the judge presiding over the panel, respectively, manages the process of audio recording the hearing.
- (2) The audio recording of the hearing is carried out on a secure medium for audio recording, and the audio track from the held hearing may not be altered.
- (3) The technical part of the process for audio recording is carried out by the record keeper, who is capable of handling the system for audio recording.
- (4) At the beginning of the hearing, the judge notifies the present parties and other participants in the proceedings, that the hearing will be recorded, and that the recording is an audio track of the held hearing.
- (5) A copy of the audio record from the held hearing is handed over to each party and to the participants at the hearing, in a manner prescribed with this law.
- (6) The audio record from the held hearing is part of the court case file, which is maintained in the automatised computer system for management of court cases (ACMIS).
- (7) The audio recording may not be published, aired or used for purposes and objectives outside of the court proceedings.
- (8) The technical conditions for the audio recording and the manner of audio recording of the hearing, as well as the keeping and storing of the audio track are prescribed in the Court Rules of Procedure.

Article 119-b

- (1) The party or the participant in the proceedings may verbally during the hearing, or through a written submission after the completion of the hearing, request the court to issue a written version of the audio track.
- (2) The written version of the audio track should contain all that has been recorded on the audio track. The written version of the audio track must be created in the form of a record in writing.
- (3) The individual judge, or the judge presiding over the panel, and the record keeper, or the court clerk, respectively, verifies with his/her signature the authenticity of the written version of the audio track.
- (4) The written version of the audio track is a constituent part of the court case file.
- (5) For the written version of the audio track, a court tax is to be paid pursuant to law, which becomes part of the costs of the proceedings.”

- f) Is video conference in public hearing used:
- for the hearing of witnesses?
 - for the hearing of experts?
 - for the hearing of parties?
 - other? Please specify.

Please indicate the relevant legislation as well as the restrictions, if appropriate.

Video conferencing is not practiced in public hearings, as it is not established by law.

- g) If possible, please detail how many courts have been equipped with an adequate and sufficient electronic equipment to assist judges, court clerks and parties during oral hearings?

	<i>100% of courts</i>	<i>+50% of courts</i>	<i>-50% of courts</i>	<i>-10% of courts</i>
Electronic files access	X	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Electronic data base of jurisprudence	X	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Screen projectors	X	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Internet	X	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

access				
Video conferencing	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Audio conferencing	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Video recording	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Audio recording	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

4. Information services for judges

Are there central databases accessible for judges containing:

<i>Database run by State</i>	<i>Database run by a private institution</i>
X national legislation	<input type="checkbox"/> national legislation
X European legislation	<input type="checkbox"/> European legislation
X national case-law	<input type="checkbox"/> national case-law
X international case-law	<input type="checkbox"/> international case-law
<input type="checkbox"/> law review articles	<input type="checkbox"/> law review articles

Please specify the private institution.

5. Practical court work

a) What is the work of the judge:

- in writing the documents?

The judge actively participates in the writing of rulings and decisions, schedules subsequent hearing in the course of one, etc.

- in delivering the documents?

The judge does not participate in the delivery of documents, as that is the responsibility of the court delivery service.

- in registering the documents?

The judge does not participate in the registering of documents, as that is the responsibility of the court archive.

b) What is the work of the court staff:

- in writing the documents?

The writing of rulings, although it is possible for the judge to do it, is a responsibility of the expert assistants and court apprentices which have been allocated to the respective judge.

- in delivering the documents?

That is the responsibility of court delivery clerks.

- in registering the documents?

That is the responsibility of the court clerks in the court archive.

c) Is there enough staff to do this work? Please specify.

Almost all courts in the RM have a shortage of administrative staff.

d) Do judges write their decisions themselves on their computer?

It is possible for the judge to write his/her rulings, but the writing of rulings is a responsibility of the expert assistants and court apprentices.

e) Do judges use specific technics (e.g. voice recognition, structure or model of decision available in a database)? Please specify.

No, the judges do not use specific techniques, such as voice recognition. Each judge has in his/her cabinet and in the courtroom a desktop computer, which is accessed only through a password known only to the judge.

- f) Is modern technology used to monitor the length of proceedings and for case flow management within the court (e.g. alert system)?

Yes, the modern technology consists of a software solution, the court automatised system ACMIS, in which the deadlines for acting upon case files are established pursuant to the legal deadlines of the Law on Litigation Proceedings, the Law on Criminal Proceedings, the Law on Misdemeanour Offences, the Law on Non-litigation Proceedings, etc. Through simple search through the ACMIS, data can be obtained on:

- (un)timely scheduled – acted upon cases,
- (un)timely held hearings,
- (un)timely prepared decisions,
- (un)timely published rulings.

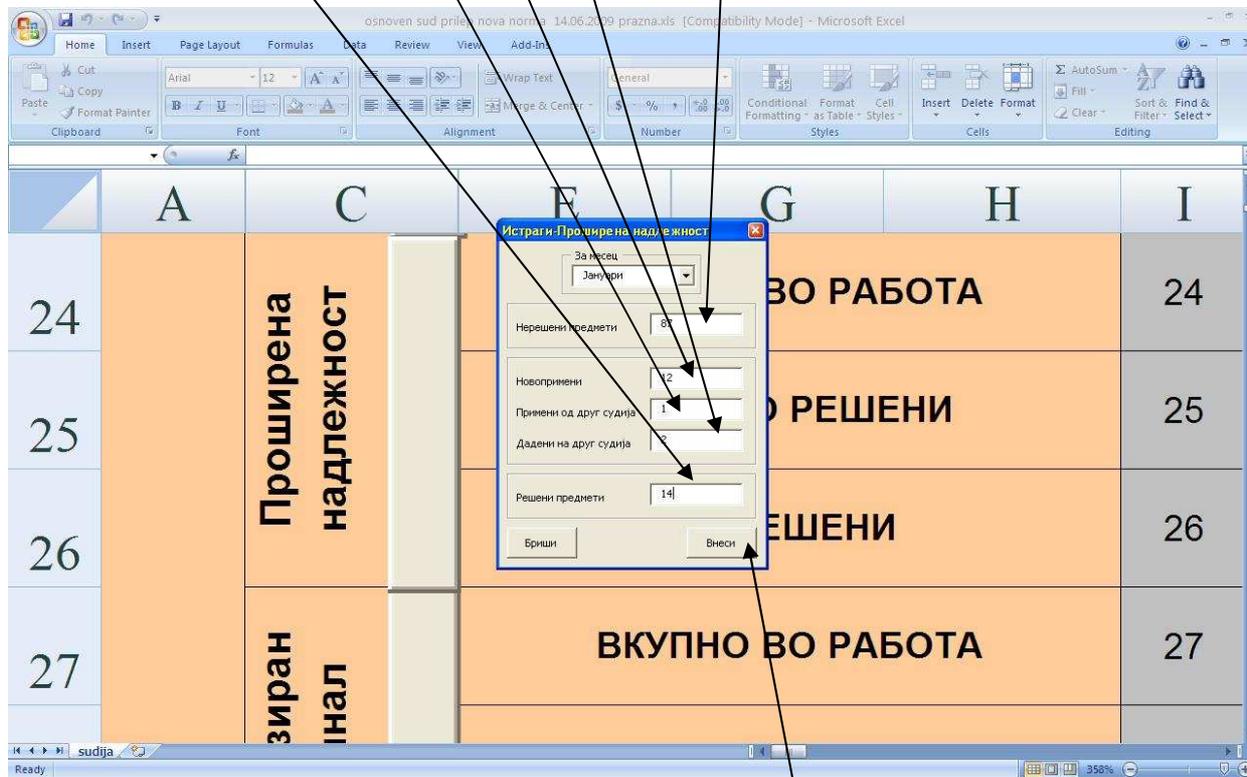
- g) Are data concerning the work of each judge contained in a database which can be used for statistics, evaluations, etc. ? Please specify

Yes, the amendments from the Law on Amendments to the Law on the Judicial Council, introduce the preparation of a form for the monthly workload a judge; this form will also facilitate the assessment of judges.

The data base from which the monthly reports will be drawn is the ACMIS, through which the monthly reports of the judges are prepared.

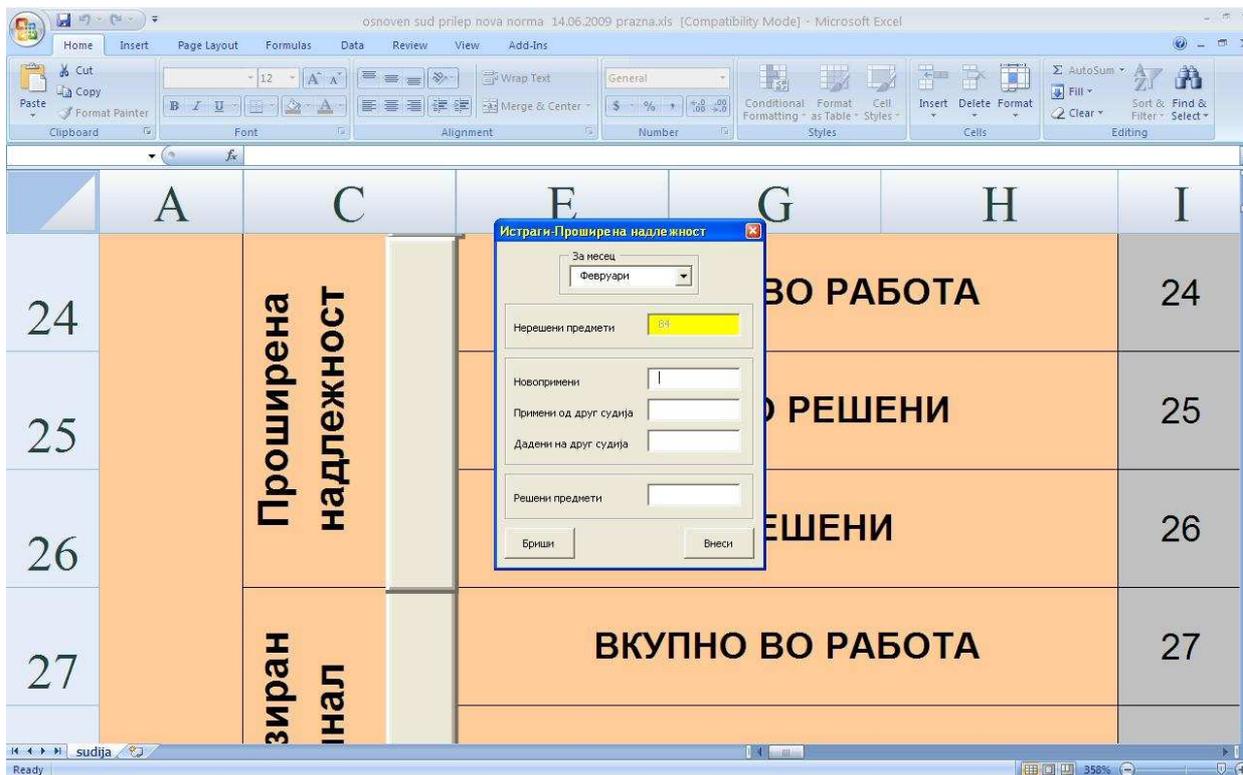
The following is entered into the window:

- unresolved cases from the previous month,
- newly received cases,
- cases received from another judge,
- cases given to another judge,
- cases solved in the course of the month.



After all the fields have been filled in, “ENTER” is selected so that the data can be entered into the table.

Entry of a report for the subsequent month:



osnoven sud prilep nova norma 14.06.2009 prazna.xls [Compatibility Mode] - Microsoft Excel

Home Insert Page Layout Formulas Data Review View Add-Ins

Clipboard Font Alignment Number Styles Cells Editing

AA262

	A	B	C	D	E	F	G	H	I	J	K	L	M	N	O	P	Q	R	S	T	U	V	W	X	Y	Z	AA	AB	
120			Решени предмет		ек. решени	120	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0			
121			ек. решени		ек. решени	121	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0			
122			Нерешени предмети на почетокот на месецот			122	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0			
123			Врзани работи		НОВОПРИМЕНИ	123	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0			
124		Дадени на друг судија		124	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0			
125		Привлечни од друг судија		125	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0			
126		Вкупно грешени		126	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0			
127			ВКУПНО ПРЕДМЕТИ ВО РАБОТА ВО МЕСЕЦОТ			127	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0			
128			ВКУПНО РЕШЕНИ ПРЕДМЕТИ ВО МЕСЕЦОТ			128	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0			
129			НЕРЕШЕНИ ПРЕДМЕТИ НА КРАЈОТ ОД МЕСЕЦОТ			129	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0			
130			ИЗВРШУВАЊЕ НА САНКЦИИ		ек. работи	130	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0			
131				ек. работи	131	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0			
132					нерешени	132	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0			
133					ек. работи	133	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0			
134					ек. работи	134	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0			
135					нерешени	135	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0			
136			КУМОВИ ПОСРЕДНИ СУДИИ		ек. работи	136	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0		
137				ек. работи	137	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0			
138				нерешени	138	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0		
139			ВКУПНО НАКОН РЕШЕНИОСТ		ек. работи	139	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0		
140				ек. работи	140	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0			
141				нерешени	141	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0		
142			Нерешени предмети на почетокот на месецот			142	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0			
143			НОВОПРИМЕНИ			143	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0			

Ready sudija 70%

Cases regarding “Court Administration” registered in the “SU” entry book are to be entered thus.

	A	C	E	G	H	I	J	K
222			Повторување на постапката	примени		222	0	0
223				Дозволено повторување		223	0	0
224				Недозволено повторување		224	0	0
225	АДМИНИСТРАТИВНА РАБОТА НА СУДОТ					225	0	0
226		КРИВИЧНИ ПРЕДМЕТИ		ВКУПНО ВО РАБОТА		226	0	0
227				ВКУПНО РЕШЕНИ		227	0	0
				НЕ РЕШЕНИ		228	0	0

The cases quashed by the Appellate Court are entered in the following rows:

	A	C	E	G	H	I	J	K	L	M	N	O	P
226	УКИНАТИ ПРЕДМЕТИ	КРИВИЧНИ ПРЕДМЕТИ		ВКУПНО ВО РАБОТА	226	0	0	0	0	0	0	0	
227				ВКУПНО РЕШЕНИ	227	0	0	0	0	0	0	0	
228				НЕ РЕШЕНИ	228	0	0	0	0	0	0	0	
229		ГРАЃАНСКИ ПРЕДМЕТИ		ВКУПНО ВО РАБОТА	229	0	0	0	0	0	0	0	
230				ВКУПНО РЕШЕНИ	230	0	0	0	0	0	0	0	
231				НЕ РЕШЕНИ	231	0	0	0	0	0	0	0	
232		ПРЕКШОЧНИ ПРЕДМЕТИ		ВКУПНО ВО РАБОТА	232	0	0	0	0	0	0	0	
233				ВКУПНО РЕШЕНИ	233	0	0	0	0	0	0	0	
234				НЕ РЕШЕНИ	234	0	0	0	0	0	0	0	
235	УКИНАТИ ПРЕДМЕТИ ПО			ВКУПНО ВО РАБОТА	235	0	0	0	0	0	0		

If a judge was on sick leave in the course of the year, his/her absence is recorded here,

ОСНОВЕН СУД		Јануари	Февруари	Март	Април	Мај	Јуни	Јули	Август	Септември	Октомври	Новември	Декември	Вкупно	
ВКУПНО	Нерешени предмети на почетокот на месецот	0	0	0	0	0	0	0	0	0	0	0	0	0	
	НОВОПРИВИЕНИ	0	0	0	0	0	0	0	0	0	0	0	0	0	
	Дадени на друг судија	0	0	0	0	0	0	0	0	0	0	0	0	0	
	Премени од друг судија	0	0	0	0	0	0	0	0	0	0	0	0	0	
	Вкупно крајна	0	0	0	0	0	0	0	0	0	0	0	0	0	
	ВКУПНО ПРЕДМЕТИ ВО РАБОТА ВО МЕСЕЦОТ	0	0	0	0	0	0	0	0	0	0	0	0	0	
	ВКУПНО РЕШЕНИ ПРЕДМЕТИ ВО МЕСЕЦОТ	0	0	0	0	0	0	0	0	0	0	0	0	0	
	НЕРЕШЕНИ ПРЕДМЕТИ НА КРАЈОТ ОД МЕСЕЦОТ	0	0	0	0	0	0	0	0	0	0	0	0	0	
	ПРЕДМЕТИ ВО РАБОТА, УКИНАТИ ОД АПЕЛАЦИОНЕН СУД	0	0	0	0	0	0	0	0	0	0	0	0	0	
	РЕШЕНИ УКИНАТИ ПРЕДМЕТИ ОД АПЕЛАЦИОНЕН СУД	0	0	0	0	0	0	0	0	0	0	0	0	0	
	Нерешени предмети на почетокот на месецот	0	0	0	0	0	0	0	0	0	0	0	0	0	
	ИСТРАЖИ	НОВОПРИВИЕНИ	0	0	0	0	0	0	0	0	0	0	0	0	0
Дадени на друг судија		0	0	0	0	0	0	0	0	0	0	0	0	0	
Премени од друг судија		0	0	0	0	0	0	0	0	0	0	0	0	0	
Вкупно крајна		0	0	0	0	0	0	0	0	0	0	0	0	0	
ВКУПНО ПРЕДМЕТИ ВО РАБОТА ВО МЕСЕЦОТ		0	0	0	0	0	0	0	0	0	0	0	0	0	
ВКУПНО РЕШЕНИ ПРЕДМЕТИ ВО МЕСЕЦОТ		0	0	0	0	0	0	0	0	0	0	0	0	0	
НЕРЕШЕНИ ПРЕДМЕТИ НА КРАЈОТ ОД МЕСЕЦОТ		0	0	0	0	0	0	0	0	0	0	0	0	0	
Општена надлежност		ВКУПНО ВО РАБОТА	0	0	0	0	0	0	0	0	0	0	0	0	0
		ВКУПНО РЕШЕНИ	0	0	0	0	0	0	0	0	0	0	0	0	0
		НЕРЕШЕНИ	0	0	0	0	0	0	0	0	0	0	0	0	0
		ВКУПНО ВО РАБОТА	0	0	0	0	0	0	0	0	0	0	0	0	0
Штерна влност		ВКУПНО ВО РАБОТА	0	0	0	0	0	0	0	0	0	0	0	0	0
	ВКУПНО РЕШЕНИ	0	0	0	0	0	0	0	0	0	0	0	0	0	

whereby he/she enters the absence in portions of 0.5, 1, 1.5, 2 or 2.5 months.

After the table has been filled in, it must be saved in an "xls" format under the name of the respective judge for whom it is being filled in.

FILLING OUT OF THE TABLE BY THE JUDICIAL COUNCIL OF THE RM WHEN ASSESSING JUDGES

This part of the table represents full implementation of the changes in the Law on the Judicial Council of the RM in relation to assessment of judges

The table reveals the quality of a respective judge in the civil, criminal and misdemeanour areas.

The table also presents the percentage of reversed case decisions, as well as the norm achieved by the judge - Quantity.

ОЦЕНКА	278	ПРОЦЕНТ НА УКИНАТИ ПРЕДМЕТИ	ПРОЦЕНТ НА ПРЕИНАЧЕНИ ПРЕДМЕТИ	ВКУПНО БОДОВИ	Област	Предмети во работа	Решени предмети	Остаток норма
КВАЛИТЕТ ВО ГРАЃАНСКО	279	0,0	0,0	0,0	Истраги	0	0	0,0
					Кривични	0	0	0,0
КВАЛИТЕТ ВО КРИВИЧНО	281	0,0	0,0	0,0	Прекршоци	0	0	0,0
					Граѓански и ВПП	0	0	0,0
КВАЛИТЕТ ВО ПРЕКРШОЦИ	283	0,0	0,0	0,0	Извршни	0	0	0,0
					Оставина и ликвидации	0	0	0,0
КВАНТИТЕТ	283		0,0		ВКУПНО	0	0	0,0

ПОЧИТУВАЊЕ НА РОКОВИ (Чл. 109)	БОДОВИ СОГЛАСНО чл. 114
	Бодови согласно чл. 112
КАЗНЕНИ БОДОВИ	0

БОДОВИ ЗА УКИНАТИ ПРЕДМЕТИ	БОДОВИ ЗА ПРЕИНАЧЕНИ ПРЕДМЕТИ	Вкупно бодови	Оценка	Вкупен процент на укинати предмети	Вкупен процент на преиначени предмети
0	0		Незадоволително	#DIV/0!	#DIV/0!

The table automatically:

- computes the percentage of quality of quashed case decisions in all areas,
- computes the percentage of reversed case decisions,
- awards pursuant to law points on the basis of percentages achieved,
- computes the total number of points.

The Judicial Council of the RM, through the windows on “respecting deadlines pursuant to article 109”, “points pursuant to article 114” and “points pursuant to article 112”, awards the judge additional points, which the table again computes automatically.

The Judicial Council through the window on penalties awards also points, which the table later automatically subtracts from the total number of points, so that the table automatically calculates the assessment of the judge.

**FILLING OUT OF THE TABLE BY THE JUDICIAL COUNCIL OF THE RM WHEN ASSESSING
PRESIDENTS OF COURTS**

Similarly as in the process of assessing judges, the table automatically determines the percentage of resolved cases, resolved old cases, as well as the ratio between quashed and resolved cases. The Judicial Council awards points pursuant to article 122 of the Law and pursuant to article 114, after which the table automatically computes the total number of points achieved, and on the basis thereof also the assessment of the judge.

ОЦЕНКА	278	ПРОЦЕНТ	Остварени бодови	ВКУПНО Бодови	Област	Предмети во работа	Решени предмети	Остаток норма		
ВКУПНО РЕШЕНИ ПРЕДМЕТИ	279	0,0	0	0	Истраги	0	0	0,0	<div style="border: 1px solid black; width: 20px; height: 20px; margin-bottom: 5px;"></div> <div style="border: 1px solid black; width: 20px; height: 20px; margin-bottom: 5px;"></div> <div style="border: 1px solid black; width: 20px; height: 20px; margin-bottom: 5px;"></div> <div style="border: 1px solid black; width: 20px; height: 20px; margin-bottom: 5px;"></div> <div style="border: 1px solid black; width: 20px; height: 20px; margin-bottom: 5px;"></div> <div style="border: 1px solid black; width: 20px; height: 20px; margin-bottom: 5px;"></div> <div style="border: 1px solid black; width: 20px; height: 20px;"></div>	БОДОВИ СОГЛАСНО чл. 114
ВКУПНО РЕШЕНИ СТАРИ ПРЕДМЕТИ	281	#DIV/0!	0		Кривични	0	0	0,0		
СООДНОС НА УКИНАТИ И РЕШЕНИ ПРЕДМЕТИ	283	#DIV/0!	0		Прекршоци	0	0	0,0		
					Граѓански и ВПП	0	0	0,0		
СООДНОС НА УКИНАТИ И РЕШЕНИ ПРЕДМЕТИ	283	#DIV/0!	0	Извршни	0	0	0,0			
				Оставина и ликвидации	0	0	0,0			
				ВКУПНО	0	0	0,0			
БОДОВИ КОИ ГИ ВПИШУВА СУДСКИОТ СОВЕТ на РМ		БОДОВИ								
БОДОВИ СОГЛАСНО ЧЛ. 122 Ефикасно организирана работа во поглед на функционирање на судот	283			Вкупно бодови по чл. 122	<div style="border: 1px solid black; padding: 5px;">Оценка</div> <div style="border: 1px solid black; padding: 10px; font-size: 1.2em;">Незадоволително</div>					
				0,0						
БОДОВИ СОГЛАСНО ЧЛ. 122 Информирање на јавноста за работата на судот	284									
БОДОВИ СОГЛАСНО ЧЛ. 122 Примена на информатичка технологија	284			ВКУПНО БОДОВИ ПО СИТЕ КРИТЕРИУМИ						
				0,0						
КАЗНЕНИ БОДОВИ	284									

6. Internet

- a) Is internet accessible for each judge in his/her office? Is this access limited ? Please specify.

Each judge is allowed access to the internet, of course not to all web pages, with access being limited only to the judicial institutions in the country, the web pages of the daily newspapers, the web pages of the Official Gazette of the RM, and also to the web page "pravo.org.mk".

- b) Do all courts have their own website? Please specify which court and the content of the website.

Yes, each court must necessarily have its own web page, which is uniform for all courts.

The web page offers the following data:

- history of the court,
- its location,
- description of the jurisdiction/competence of the court,
- names and surnames of court judges,
- names and surnames of court staff,
- published decisions,
- monthly and annual reports,
- court practice,
- more important laws,
- various instructions for citizens on court proceedings.

7. Use of private personal computers/laptops by judges and court staff

- a) May a judge use his private PC/laptop for professional purposes (e.g. at home or on the way home and back?)

A judge may is allowed to use his/her private computer/laptop.

- b) May e-mails be sent from the court to a judge's private e-mail address and vice versa containing professional information ?

Depending on the content of the professional information, it is possible to a certain degree to send e-mails to the private e-mail account of a judge. Moreover, each judge is required to provide his/her private e-mail address to the Judicial Council of the RM.

- c) Does this require special technical safeguards (e.g. excluding access by third persons, family members, etc.)? Please specify.

Access to the private e-mail of the judge is necessarily possible only to the judge and no one else. However, notifications from the court to the private e-mail are sent only if the judge is absent for a longer period of time or is on official travel.

- d) Is the situation the same for all court staff?

No, this is not the case for court staff.

8. Use of data

- e) Is the data contained in the procedure used for another aim than the procedure itself?

Data on proceedings may be used also for different purposes, namely:

- number of committed criminal offences,
- number of adopted rulings on divorce,
- number of rulings on family violence.

f) Is this data used for statistics?

Yes, for monitoring statistics and for other research for the needs of natural persons and legal entities.

g) If yes:

- who produces these statistics?

These statistics are generated by the ACMIS.

- how and by whom are these statistics used?

They are used by different natural persons and legal entities upon prior consent by the Supreme Court of the RM and by the president of the court, depending on whether the information in question is classified or not (for example, data on divorce, awarding of child support, etc.).

9. Data security

a) Does legislation exist to protect personal data processed through the electronic infrastructure of a court?

Yes Yes, the following laws are in existence: the Courts Act, the Court Rules of Procedure, the Law on Litigation Proceedings, the Law on Criminal Proceedings, the Law on Management of the Case Flow in Courts.

No

b) If yes, are there requirements applicable to processing data in courts?

rules on access to data by the person concerned or other persons/institutions

correction and deletion requirements

other. Please specify.

c) If there is a general Data Protection Commissioner, has he or she already dealt with IT at the judiciary?

There are information centres providing assistance to all courts, the first one at the Supreme Court of the RM and the second one at the Ministry of Justice, and they are responsible for protection of court data.

d) Is there a special Data Protection Commissioner in each court (e.g. a judge with this additional task)?

There are persons responsible in the abovementioned centres, but they are not judges, but IT specialists.

10. Participation of judges

Who decides about the electronic infrastructure of a court? Are judges implicated in the relevant decisions concerning the implementation of IT in courts?

Decisions on the electronic infrastructure of all courts are made jointly by the Supreme Court of the RM and the Court Budget Council in regard to provision of equipment and replacement of old information equipment with new. Firstly, opinions are collected from all basic and appellate courts through the authorised commissions for information equipment established by the Supreme Court of the RM and the Court Budget Council; on the basis of these findings, a plan and strategy are prepared for provision of equipment to all courts in the RM.

11. Conclusion

Please give your opinion on the advantages and disadvantages of the development of IT in courts?

This questionnaire is too short for all the advantages of the introduction of information technology in the courts to be presented, but the basic benefits must be enumerated, namely:

- decrease in the costs of courts in regard to material resources for their basic operation,
- expedited work of the courts in relation to the application of computers in courts proceedings,
- access to a great amount of information,
- interlink age of courts into a single common automatised court system - ACMIS,
- access to a data base of official gazettes and legislation,
- ongoing updating on new changes in the legislation.