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THE WESTERN BALKANS TRIAL MONITORING REPORT FACTSHEET



From Paper to Practice

Evaluating the Effectiveness of Judicial Responses to
Serious Organised Crime and Corruption

Review Period July 2021 - March 2024

NORTH MACEDONIA

Trial monitoring results on serious
organised crime and corruption (OCC) cases

HOW

The Project's Methodology, developed and adapted by the OSCE ODIHR based on its Trial Monitoring Manual & drawing on the extensive experience of OSCE field operations in monitoring OCC cases, encompasses trial monitoring from the confirmation of indictment to the final and binding verdict.

FOCUS



fairness



efficiency



capacities/performance



strategic use of judicial tools



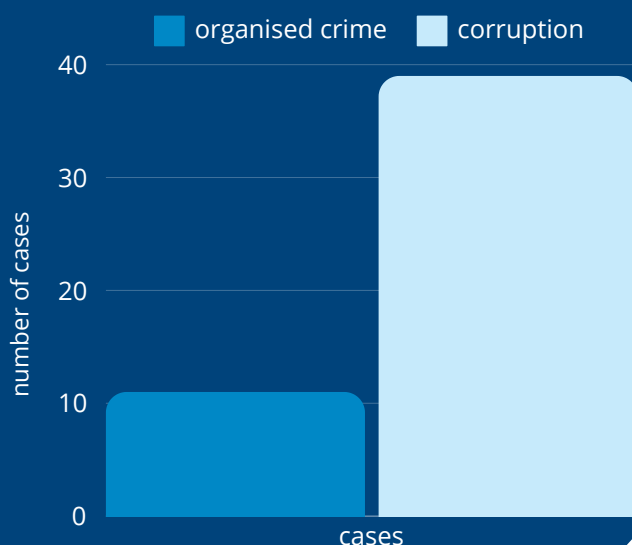
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 **Supreme Court of the Republic of North Macedonia**

 **Appellate Court Skopje**

 **Basic Criminal Court Skopje**

CASES UNDER MONITORING



REPORT FINDINGS

The Project’s trial monitoring identified symptoms of systemic challenges at the institutional, legislative and policy level. However, initiatives are already underway to address many aspects of the issues identified in this Report. These include judicial reform strategies and action plans, steps to enhance transparency as well as adoption of more efficient trial management practices. These are substantial investments, that with sustained efforts can lead to substantial progress.

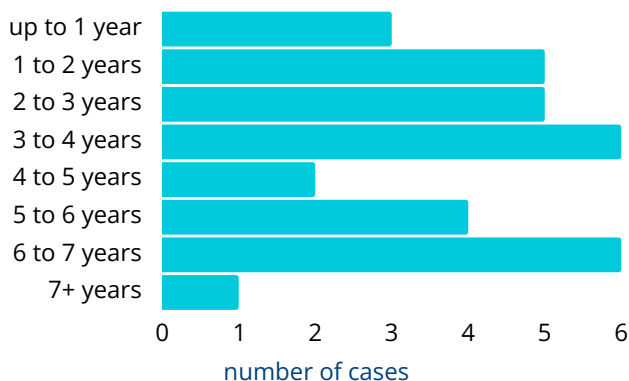
The main identified areas for further improvement relate to:



LENGTH OF PROCEEDINGS

- ▶ **percentage of productive hearings**
- ▶ **length of appellate proceedings**
- ▶ **consistency of case management system use**

LENGTH OF PROCEEDINGS FROM INDICTMENT TO FINAL JUDGEMENT



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TRANSPARENCY

- ▶ anonymization of legal acts
- ▶ consistency of legal provisions for publication of verdicts
- ▶ elections, promotions and disciplinary proceedings for judges and prosecutors



QUALITY OF LEGAL ACTS

- ▶ drafting of indictments
- ▶ charges substantiation
- ▶ details on financial gain or damage
- ▶ reasoning of verdicts



FINANCIAL INVESTIGATIONS & ASSET CONFISCATION

- ▶ number of confiscation proposals
- ▶ interoperability between competent institutions & timely data gathering
- ▶ expert staff for financial investigations



WAY FORWARD

TRACK RECORD

Create preconditions for an effective track record in combatting OCC.

IMPACT

Aim for changes that make an immediate difference.

BUY-IN

Address resistance to change, accounting for operational practices and working cultures.



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STRENGTHEN TRANSPARENCY AND ACCESS TO INFORMATION IN OCC CASES



by adopting necessary legal amendments for publishing the verdicts, increasing the staff and technical resources for anonymisation and publishing legal acts; enhancing co-operation with CSOs in order to increase transparency regarding cases of public interest, further developing of Public Relations skills of judges.

IMPROVE THE STANDARD OF INDICTMENTS AND JUDGEMENTS



by strengthening capacities of judges and public prosecutors, facilitating internal consultative meetings and discussions, developing guidelines for drafting indictments, issuing compendium of well-drafted verdicts, regular assessing of training needs for judges and public prosecutors.

INCREASE USE OF FINANCIAL INVESTIGATIONS AND ASSET FORFEITURE



by improving the interoperability and coordination between relevant institutions for timely and efficient temporary asset seizure and confiscation, allocating more resources for hiring expert staff for conducting financial investigations, drafting a verdicts in which clear link between confiscation measures and the criminal charges is established.

ENSURE EFFECTIVE CASE MANAGEMENT



by adopting methodologies to differentiate and categorise high level OCC cases, developing standards and techniques for the trial management of complex cases based on good practices, increasing the efforts to efficiently process and finalise high-level OCC cases in the appeal phase, ensuring efficient allocation of resources for processing OCC cases, and improving the quality of courtroom recordings.