



ЦЕНТАР ЗА ПРАВНИ
ИСТРАЖУВАЊА И АНАЛИЗИ
CENTER FOR LEGAL RESEARCH AND ANALYSIS

CHALLENGES OF THE JUDICIARY DURING A STATE OF EMERGENCY

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Executive summary

The declared state of emergency in the Republic of North Macedonia caused by the spread of the COVID-19 virus, the recommendations of the Commission for Protection against Infectious Diseases and the measures for protection against the virus adopted by the Government of the Republic of North Macedonia caused drastic changes in the daily life of the citizens and the operation of state institutions.

In the absence of a legal framework that would regulate the functioning of the judiciary during the state of emergency, between April and May 2020, the Center for Legal Research and Analysis conducted a survey on the manner of operation of the judiciary during the state of emergency, while emphasizing the manner of organization, functioning, handling of cases and communication of the judiciary with the citizens.

The survey covers courts of all instances (basic courts, appellate courts, the Administrative and Higher Administrative Court, the Supreme Court), the Judicial Council of RNM and the Academy for Judges and Public Prosecutors. The purpose of this document is to provide the state institutions and the public a comprehensive overview of the situation and challenges faced by the judicial institutions to continue providing effective judicial protection, while protecting the employees and the parties from the threat of the COVID-19 virus.

The survey provides a realistic overview of the conditions and problems faced by the courts during the declared state of emergency. Starting from the fact that for the first time in the Republic of North Macedonia a state of emergency was declared, the judicial system, despite the variety of actions, responded appropriately to the challenges arising from the need to change the regular operation. From the point of view of its functioning, the main problems were the lack of a clear and precise normative act that regulates the work of the judiciary and the insufficient information-technological equipment of the courts. Despite the difficulties and shortcomings faced by the judiciary, during the state of emergency in the Republic of North Macedonia, the first online trial was held, which confirmed the need to pave the way for modernization of the judicial operation and improvement of the efficiency of the courts in North Macedonia, not only in conditions of state of emergency, but also in normal conditions.

Introduction

For the first time in the history, on March 18, 2020, a state of emergency was declared in the Republic of North Macedonia by a Decision of the President of the country due to a declared pandemic of the COVID-19 virus. The state of emergency was declared by the President of the country, having in mind that the Assembly of RNM was dissembled as a result of the then announced early parliamentary elections. In addition to the intensified measures for protection of the health of the population, the state of emergency has caused the need to introduce new practices and to adapt the existing work procedures in various social processes in the country. The health crisis and the state of emergency certainly affected the functionality and operation of the judiciary and the exercise of judicial protection in the country.

The operation of the courts was determined with the Decision for acting of the courts in the Republic of North Macedonia under increased threat from the COVID-19 virus dated March 17, 2020, adopted by the Judicial Council of RNM. The Decision provided instructions for the courts to take precautionary measures to reduce the risk of infection with the COVID-19 virus. The provisions of the Decision refer to the management of court cases (determining of proceeding with urgent and priority cases) and measures for protection of the judicial service, the parties and other participants in the procedure (control of court entrance, disinfection of courtrooms and other court premises). In addition, the Government stopped the legal and preclusive deadlines for filing lawsuits in civil and criminal proceedings, as well as administrative disputes, and stopped the deadlines for declaring regular and extraordinary legal remedies during the state of emergency, by adopting a Decree with legal force on the deadlines in court proceedings during the state of emergency and the actions of courts and public prosecutor's offices.

During the state of emergency, the Judicial Council's decision was amended twice. Primarily, on May 7, 2020, by adopting a Decision on amending the Decision dated March 17, domestic violence was introduced as part of the urgent and priority cases in which the courts must act upon under conditions of increased threat of the COVID - 19 virus. Additionally, by adopting the Decision dated May 29, the Judicial Council amended the Decision dated March 17 and stipulated that the courts in the Republic of North Macedonia will continue to act in accordance with the measures, decisions and protocols of the competent authorities for prevention and spread of COVID-19 virus in cases deemed not urgent.

The declared state of emergency directly expressed the judiciary's exposure to the challenge of ensuring functioning and judicial protection. It is understandable that the regular functioning of the judiciary was not possible due to compliance with the measures for protection and prevention of the virus, which meant social distancing, and thus limited the access of citizens to the court. For the needs of this survey, the majority of the courts stated that the judiciary did not participate in the process of proposing measures and activities to deal with the risk of the COVID-19 virus, i.e. in the operation of the General Crisis Headquarter. Some court presidents stated that they see the Ministry of Justice as the link between the judiciary and the Crisis Headquarter, and point out the Ministry as a responsible institution that should take care of the proper operation of the judiciary during the state of emergency, by transmitting the judicial needs to the Crisis Headquarter.

Guided by the lack of envisaged normative rules and procedures, the courts faced the challenge of providing effective judicial protection of citizens' rights and freedoms. In this situation, the courts, in accordance with the available possibilities, applied different manners and methods of organization in response to the measures for protection against the COVID-19 virus. Hence, the need to analyze the conditions in which

the judiciary functioned during the state of emergency, in order to find solutions to overcome the detected problems to improve procedures, application of digital tools, introduction of new methods of operation etc. Namely, the measures taken by the judicial institutions during a state of emergency should be designed and aimed at dealing with the situation, but also with the consequences arising from it.

Methodology

The analysis of the challenges faced by the Macedonian judiciary during the state of emergency is structured in order to elaborate the operation of the judiciary via three key aspects: manner of organization, handling of cases and communication with the public, all during a state of emergency.

The survey was conducted in the period between April-May 2020.

The data in the report were collected by drafting and submitting online questionnaires to the presidents and court administrators of all basic and appellate courts, the Administrative Court, the Higher Administrative Court and the Supreme Court, to the President and Secretary General of the Judicial Council and the Director of the Academy for Judges and Public prosecutors. Depending on the scope and manner of work, some of the answers to the questionnaires were given in writing, and telephone interviews were conducted with the Director of the Academy and some of the presidents and court administrators in order to specify all aspects of the proceedings, the manner of providing judicial protection and organization of the judicial service of the judicial authorities during the pandemic and the state of emergency. The obtained data were processed and analyzed from aspect of the new conditions faced by the courts in the internal organization and the treatment of the parties and the public, and the results were presented as a percentage with a graphic presentation.

The comparative method was used in writing of this analysis, in order to present the guidelines of the Council of Europe, the European Court of Human Rights and other international institutions for providing judicial protection and justice during a period of a global pandemic or a state of emergency. The methods of the operation of the judiciary after the declaration of the pandemic in some of the member states of the European Union and the neighboring countries of the Western Balkans were researched. The comparative overview was prepared in order to determine the position of the Macedonian judiciary and its needs in relation to other legal systems, as well as to review the best practices in court proceedings in conditions of state of emergency.

All courts in the Republic participated in the survey, with the exception of the basic courts in Bitola, Delcevo and Radovis, which did not submit answers to the submitted questionnaires.

Comparative experiences from the Council of Europe and member states of the European Union

On March 11, 2020, the World Health Organization (WHO) declared new type of COVID-19 virus as a global epidemic or global pandemic. In order to provide guidelines for dealing with the unprecedented ongoing crisis, while respecting the fundamental values of democracy, the rule of law and human rights, the **Council of Europe** adopted a set of tools for the member states - Respect for democracy, rule of law and human rights in the context of the sanitary crisis related to COVID -19. The measures contained in such document refer to the protection of the fundamental rights of the citizens and their sacredness even during a state of emergency. They specifically address the sacred right to live¹, the prohibition of torture and inhuman treatment², the right to freedom and security³, the right to a fair trial⁴, the right to privacy⁵, the right to freedom of expression⁶, the right to association⁷ and the prohibition of discrimination⁸. The Council of Europe's guidelines also cover Article 15 of the European Convention on Human Rights, which stipulates that in the event of a general danger to the life of a nation, any signatory state may take measures that deviate from the obligations of the states within the Convention, i.e. which does not allow any deviation from the right to live and the prohibition of torture and inhuman treatment. In addition, Article 15 directs the signatory states of the Convention which exercise the right to withdraw, to notify the Secretary General of the Council of Europe of any action taken, the causes that led to such withdrawal, as well as of the date on which the provisions of the Convention were fully reinstalled. The **European Court of Human Rights**, taking into account the risk of declaring a state of emergency due to the new world pandemic, in December 2019 updated the Guide to Article 15 of the ECHR - derogation during a state of emergency. The Guide analyzes and summarizes the case law related to Article 15 of the European Convention on Human Rights and presents key principles and relevant precedents in this area.

Significant in this context is the opinion of the **Venice Commission** regarding the declaration of a state of emergency and, together with it, the derogation of certain rights provided in the European Convention for the Protection of Human Rights and Fundamental Freedoms, the International Covenant on Civil and Political Rights and the US Convention on the Protection of Human Rights. Namely, the analysis of the Venice Commission gives an overview of the respect for fundamental human rights during a state of emergency. Identical to the above, those absolute rights of citizens which cannot be restricted either during a state of emergency or in a situation that requires taking measures to protect the wider public interest are covered. The Venice Commission emphasizes that declaring a state of emergency does not in any way imply a reversal or non-compliance with the rule for distribution of powers, towards the effective rule of law and the exercise of human rights during a specific situation, emphasizing the inevitable presence of the judiciary to control the application of individual government acts and to protect from possible abuse of human rights and freedoms.

¹ European Convention of Human Rights, Article 2

² European Convention of Human Rights, Article 3

³ European Convention of Human Rights, Article 5

⁴ European Convention of Human Rights, Article 6

⁵ European Convention of Human Rights, Article 8

⁶ European Convention of Human Rights, Article 10

⁷ European Convention of Human Rights, Article 11

⁸ European Convention of Human Rights, Article 14 and Protocol no. 12, Article 1

Characteristically for most of the European countries during the period of the global pandemic is acting only upon emergency cases. Most often these cases refer to detention cases, and the hearings are conducted only for those cases in which the direct presence of the defendant is necessary⁹.

Given the exceptional circumstances faced by the judicial systems across Europe, specific measures have been taken in most countries to extend procedural deadlines in court proceedings, such as France, Spain, Portugal and Slovenia¹⁰. In some countries, the preclusive deadlines were not suspended even during the state of emergency, with the aim of providing effective judicial protection of the citizens' rights, especially during a state of emergency. Such example is Germany¹¹ where the court deadlines continue during the state of emergency, and if the party misses the deadline, it is obliged to explain in writing the reasons for missing the deadline. Additionally, in Hungary¹² non-compliance with legal deadlines was enabled only in cases where the parties or the court were not able to use electronic communication for the submission of documents. Outside the European Union, electronic submission of documents is fully operational in Azerbaijan, while Turkey has established and developed a National Judicial Information Center that uses it for remote communication between courts and parties.¹³

In a small number of member states of the Union, such as Lithuania, during the pandemic, the courts had to decide on the handling of each case on a case by case basis. The Lithuanian Judicial Council¹⁴ has advised the judges to assess the impact of measures for protection of public health and to take action to protect the rights of citizens in accordance with their competencies.

The COVID-19 virus pandemic has served as an indicator of the current level of use of new IT technology in the judiciary, and other segments of society. European countries have an enviable level of technical organization for conducting procedural actions through the use of video conferencing between judges and parties in the proceedings. The courts in France, the Netherlands and the Czech Republic¹⁵ carry out most of the procedural actions through the use of electronic means of communication. The above is feasible as a result of good internal institutional organization, possession of appropriate technical equipment for virtual conducting of hearings and undertaking other procedural actions, while respecting the basic principles for protection of the rights of parties and participants in the procedure. As a result of the statistical increase in the number of reported cases of domestic violence during the pandemic, during this period in the courts in Europe the most present are family cases and cases related to non-compliance with the measures taken to protect against the COVID-19 virus (ex. non-compliance with the quarantine period of 14 days upon arrival from a risky country).

It is worth noting the fact that the courts in Europe functioned uninterruptedly during the declared world pandemic and state of emergency in some countries. What can be concluded is that most of the mentioned European countries act on cases that are urgent by nature, in accordance with the specific regulations adopted in the country, but the important aspect of their partially uninterrupted operation during the state of emergency is the appropriate technical equipment and organization of human resources.

⁹ Management of the judiciary - compilation of comments and comments by country, available on <https://www.coe.int/en/web/cepej/compilation-comments>

¹⁰ Ibid

¹¹ Ibid

¹² Ibid

¹³ Ibid

¹⁴ Ibid

¹⁵ Ibid

I. Judiciary organization during the state of emergency in North Macedonia

The manner in which the courts are organized is a key factor in ensuring efficiency of the judiciary. The judiciary response to a state of emergency implies an urgent need to reorganize the way they operate, defining competencies and roles as an approach that is a prerequisite for any public action. During the state of emergency, the courts operated and were organized in accordance with the Decision for acting of the courts in the Republic of North Macedonia under increased threat from the COVID-19 virus¹⁶ determining the urgent and priority cases that need to be acted upon by the courts. The decision defines the necessary precautionary measures to be taken by the courts, in order to protect the health of employees and parties. In addition, the decision states the necessary matters and cases to be dealt with by the courts during the state of emergency.

Given the nature of the state of emergency and the mandatory security measures, **all courts in the country, in accordance with their competence, acted at a closed session without holding hearings.** The handling of cases that are not urgent was maintained only if the conditions for protection of the health of the judges, the judicial service, the parties and other participants in the procedure were met, while respecting the measures for distancing and wearing protective equipment. Due to the circumstances, it is important to note that the Judicial Council in its Decision encourages the use of electronic communication and delivery between courts and parties as the most appropriate method of operation in this situation (if there are technical conditions), and provides the opportunity to perform certain activities from home.

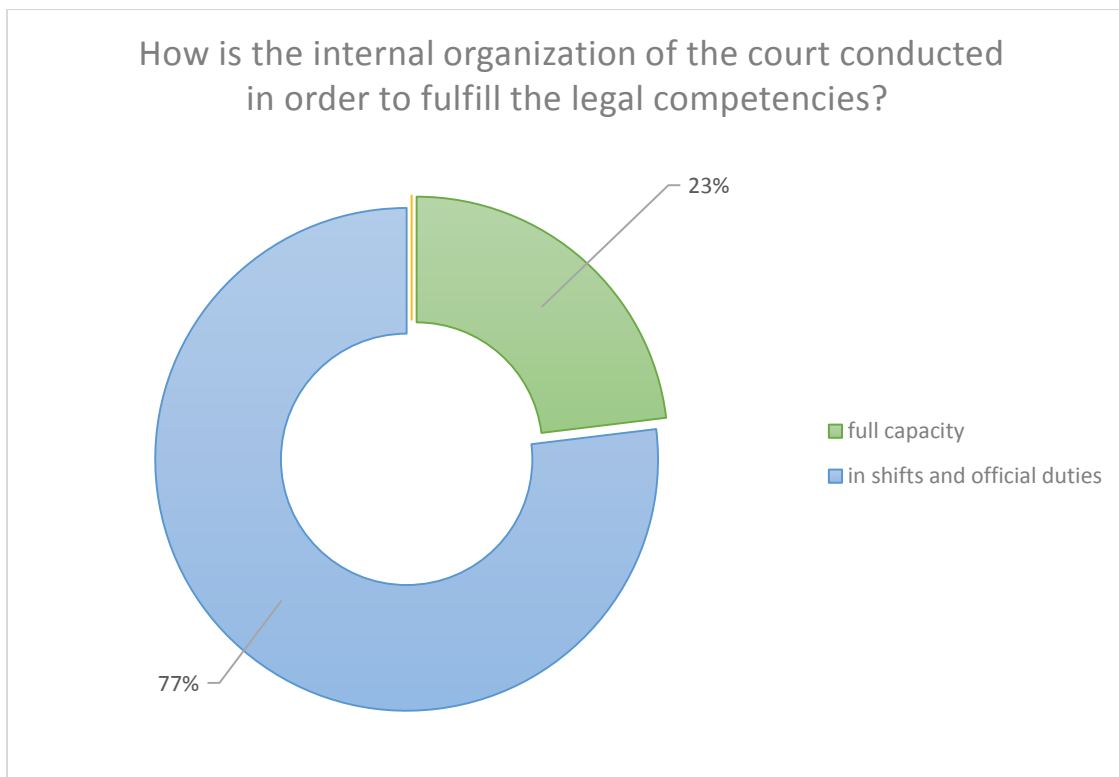
The decision of the Judicial Council was in fact upheld by a Decree with legal force on the deadlines in court proceedings during the state of emergency and the operation of the courts and public prosecutors dated March 30, 2020¹⁷, determining that the legal and preclusive deadlines for procedural actions in civil and criminal proceedings and administrative disputes (filing a lawsuit in a litigation procedure, a motion for criminal prosecution, a lawsuit for initiating an administrative dispute, filing an appeal or appealing decisions and declaring extraordinary legal remedies) cease to run during the state of emergency.

Manners of internal organization

The organization of the court administration in a state of emergency is not regulated by any legal act, the Rules of Court Procedure or the Law on Courts. But in any case, it is the responsibility of the presidents of the courts to take measures for the efficient and orderly performance of the operations in the court. Taking into account the decision of the Judicial Council and the mandatory measures of the Government, the courts were internally organized in accordance with the scope of work and the number of cases.

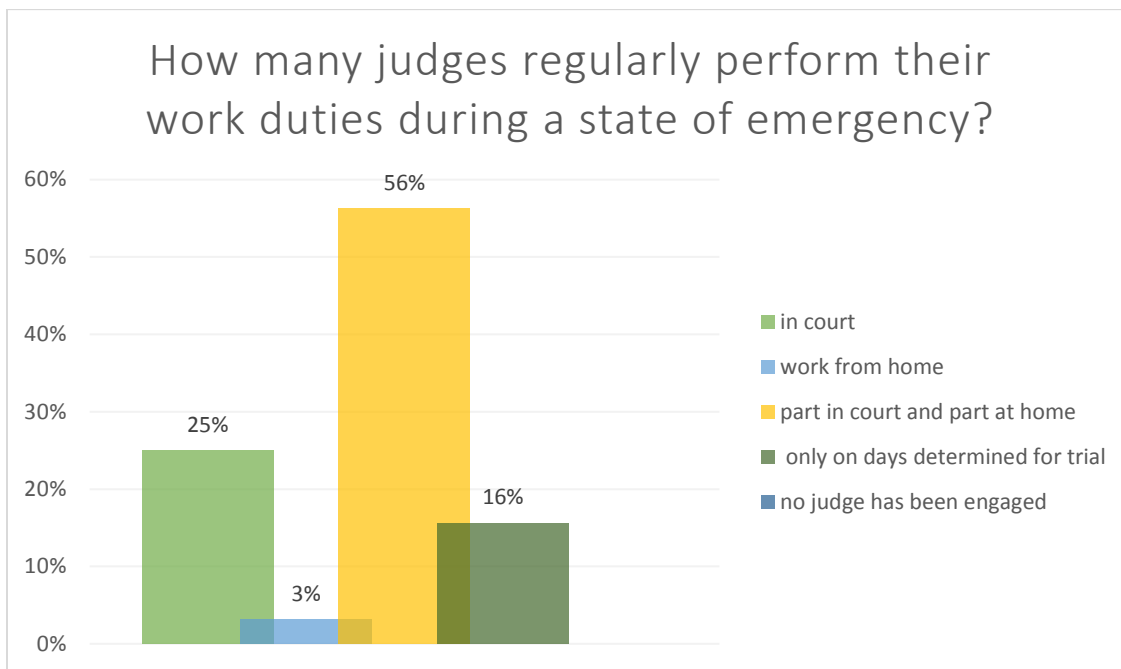
¹⁶ Decision of the Judicial Council of RNM no. 02-606/1 dated March 17, 2020

¹⁷ Official Gazette of RNM no.84/20 and 89/20



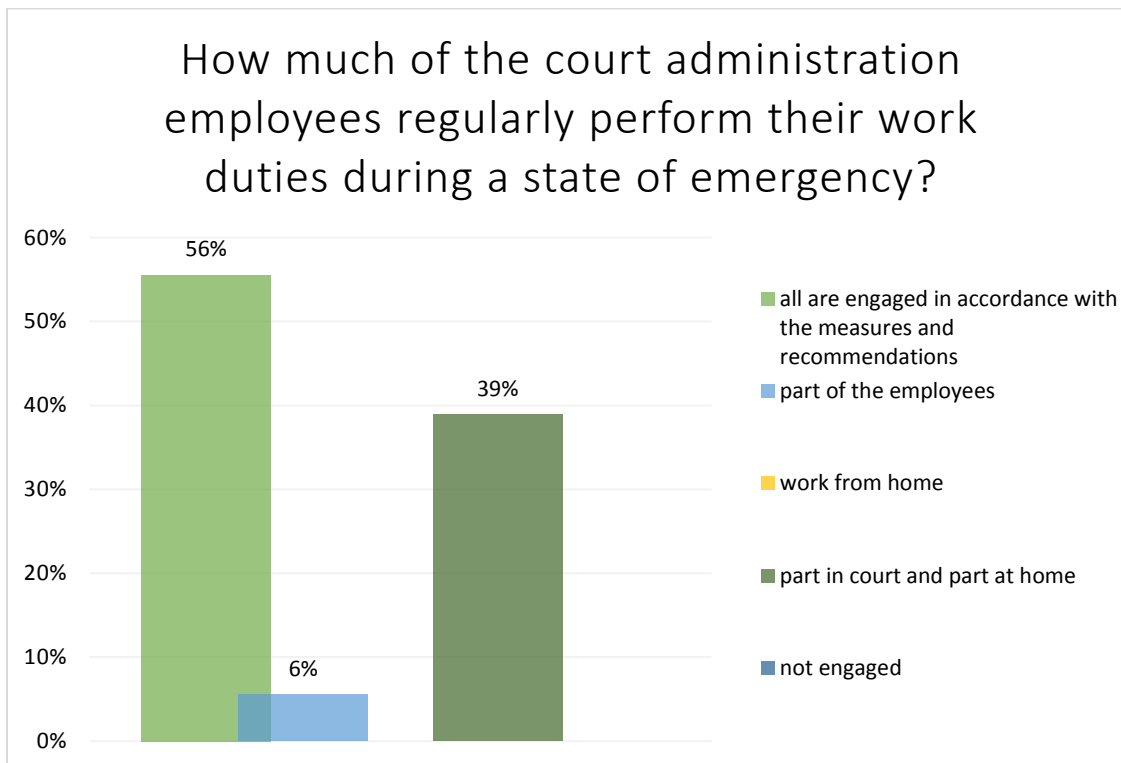
Graph no. 1

The survey found that **23% of the country's courts continued to operate at full capacity during the state of emergency** while complying with the measures for protection. It is interesting that these courts are first instance courts, i.e. basic courts such as Basic Court Negotino, Basic Court Resen, Basic Court Strumica, Basic Court Struga, Basic Court Sveti Nikole and Basic Court Stip. On the contrary, the remaining **77% of the courts**, including the Supreme Court, the administrative, appellate, and part of the basic courts, **organized their work into shifts and official duties**. At the same time, most often the judges themselves, according to their own assessment, determined the priority and urgent cases for action. More than half of the judges, or about 56% performed their duties both in court and in their own homes. Most often, judges only came to court premises on pre-determined trial days, while other matters (case study, decision-drafting) were done from home.



Graph no. 2

The court officials operated in a similar manner, i.e. came to court with rotation of shifts. Namely, the court administrators pointed out that over 55% of the court administration was engaged regularly. In accordance with the measures for protection, most of the judicial service is regularly engaged in the court premises and complies with the measures and recommendations.



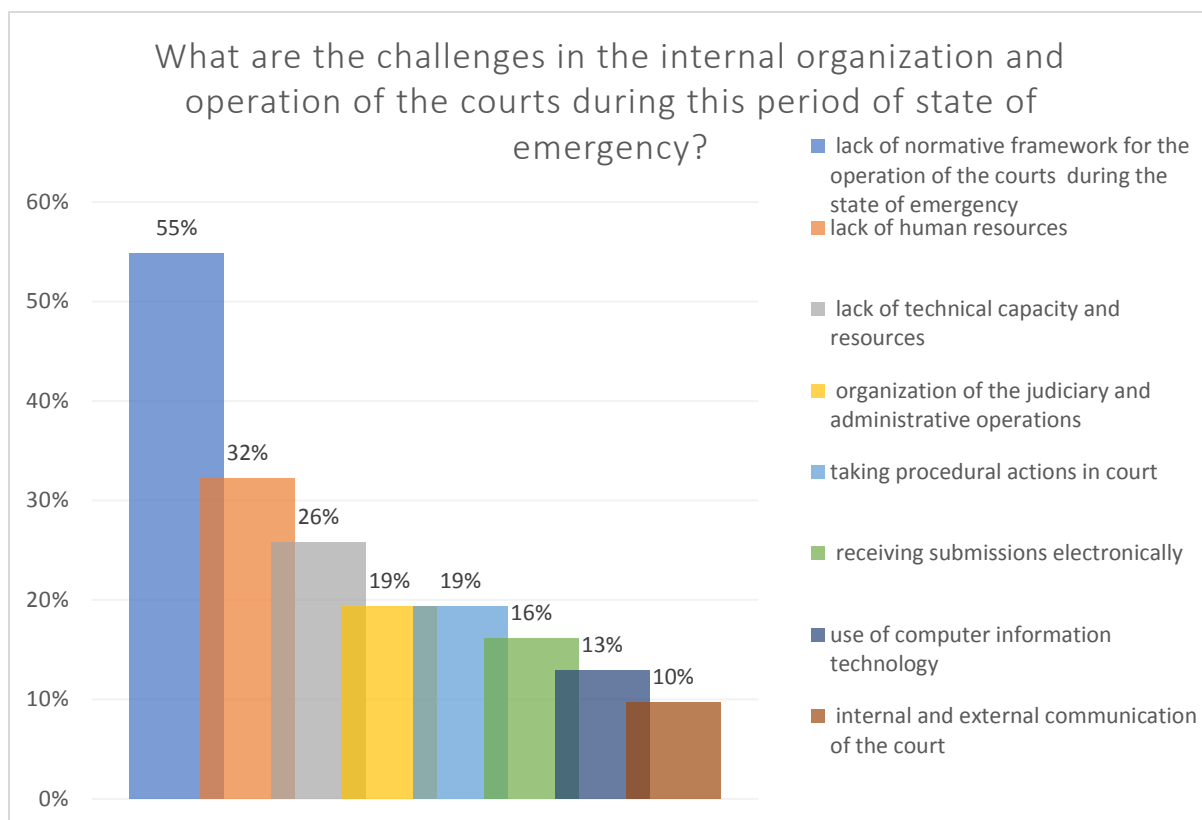
Graph no. 3

In most of the basic courts, the court's registry office and the admissions department worked regularly. Some of the courts, such as the Basic Court Veles and the Basic Court Prilep, organized their work of judicial service for conducting delayed obligations (archiving, documentation, etc.) during this period.

Main challenges in the internal organization

A majority of presidents and court administrators noted that the lack of standardization in the process primarily hampered the organization of internal operation in the courts, the court management bodies and the administrative work during the state of emergency. Additionally, other problems faced by the judiciary in the past were highlighted, such as the lack of human resources and the lack of equipment and technical capacities in information technology and the court's communication with the parties and state institutions.

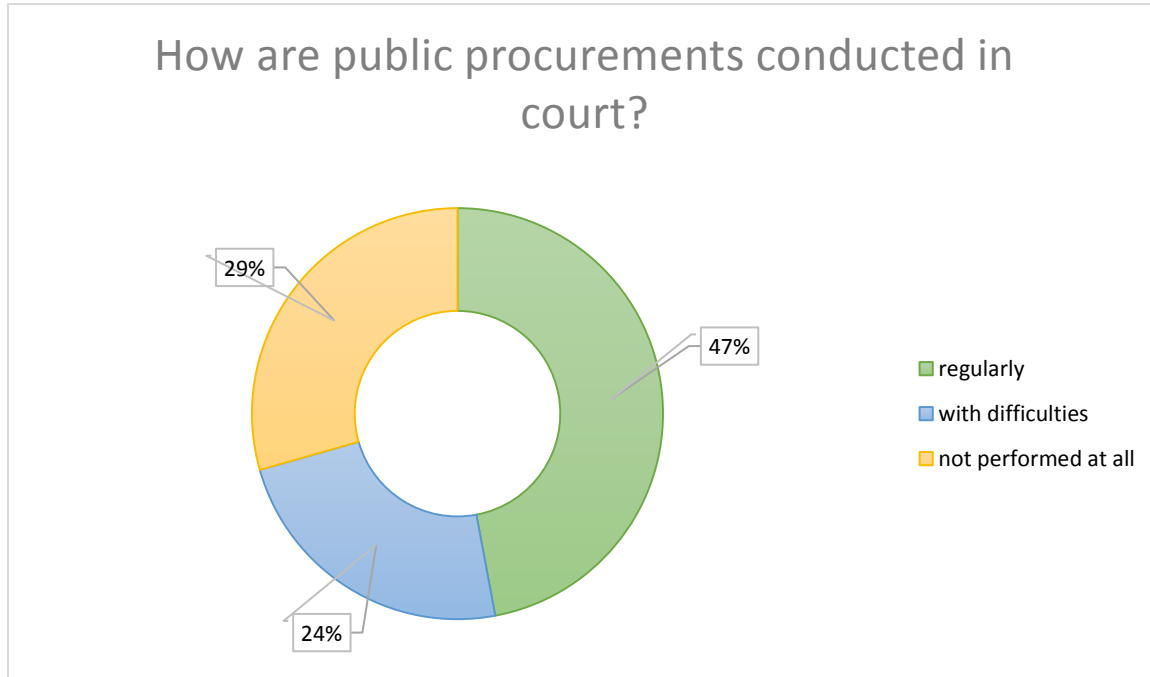
In the survey, respondents noted all the challenges they faced during the state of emergency and most of them, namely, **55% of the respondents noted that the insufficiently clear and precise normative framework for the operation of the courts was the main difficulty during the operation, while 32% of the courts during the state of emergency faced a lack of human resources.** With regard to the regular operation of the court, the courts pointed out the problem with the procedural actions that were conducted with difficulties, because of the measures for distancing (submitting evidence, calling witnesses). But despite these conditions, some courts found ways to handle court cases through the use of e-communication and the use of online platforms.



Graph no. 4

Finances and public procurements

Most of the court administrators from the courts that took part in the survey, or **47%**, said that during the state of emergency, the courts did not face any difficulties in the public procurement process. However, they pointed out certain situations when public procurement could not be realized due to the conditions related to the virus.



Graph no. 5

In accordance with safety precautions for employees and parties, the courts regularly procured products and resources for the regular disinfection of buildings and offices. Given the fact that the courts operate with an already limited and projected budget, the courts used funds that were planned for regular and ongoing activities for these costs. Additionally, they point out the problem with the insufficient number of hygienic technicians who have increased activities for regular disinfection and cleaning of the premises during this period. The courts pointed out that such extraordinary costs could cause problems in the financial operation of the courts, and noted that it might have been more effective if such central procurement for the entire judiciary had been carried out through the Judicial Budget Council, or if guidelines for proper distribution of the court budget during the state of emergency had been provided.

I.1. Supreme Court of RNM

Similar to other courts, the Supreme Court of RNM faced a lack of human resources and technical capacities, as well as problems related to the lack of standardization of the court's operation during a state of emergency. The Supreme Court of the Republic of North Macedonia generally has a shortage of human resources, but this problem has been particularly noted during this period due to the Government's measures to exempt from work chronically ill people and parents of children under 10 years of age. Due to the lack of technical capacities, the general sessions of the Supreme Court of the Republic of North Macedonia during the application of the measures for protection against COVID-19 were held indirectly (from a distance) by submitting the agenda and materials by e-mail address.

The operation of the Supreme Court was organized in shifts and in official duties, and for some of the cases, the regular councils in the court continued to act (ex. detention cases). The general session of the Supreme Court during this period was held for cases with deadlines, such as cases on appeal against decisions on the election of a judge and objections to the annual work schedules of the courts. Within the Supreme Court, a permanent Council which acts on urgent cases has been established. Due to the risk of possible obstruction of the members of the Council to act on these cases (due to the measures of self-isolation or mandatory quarantine), deputies in the Council were also appointed during the state of emergency.

During this period, some of the judges of the Supreme Court performed their duties in the court premises, and some performed their duties at home, considering the fact that only the priority cases were handled.

„Duty shifts are organized to fully cover working hours in all courts registry offices. A plan was made by adopting a Decision for operation of the professional court associates regarding the review of the audits for timeliness, permissibility and the need for administrative return of the cases for acting upon them, immediately after the beginning of the councils with regular trial. Internal Guidelines for conducting an electronic general session has been prepared by the President of the court and the sessions regarding the urgent cases that are within the competence of the General Session were organized by the court administrator and the cabinet.“¹⁸

I.2. Appellate courts

Difficulties in the operation **due to lack of standardization of the process of work** of the courts during the state of emergency were also emphasized by the appellate courts. In order to temporarily overcome the problem, the Appellate Court Gostivar adopted an [Operational Plan for the work of judges and the court administration to act in conditions of increased threat of the COVID-19 virus](#) on March 20, 2020. The operational plan was adopted in order to ensure the functionality of the operation of the Appellate Court Gostivar and uninterrupted handling of urgent cases. The plan is based on the Decision of the Judicial Council, and introduces a special schedule of working hours and engaging court employees and encourages the use of information computer technology, if there are adequate technical possibilities. The operational plan was published on the court's website and was sent to the basic courts (Gostivar, Tetovo, Debar and Kicevo) which are part of the appellate area of Gostivar.

During this period, the Appellate Court Skopje pointed to the **lack of human resources** as the biggest problem the court has faced, as most of the employees used the measures and recommendations of the Government for protection against the COVID-19 virus. However, the President of the Appellate Court Skopje noted that IT officials have managed to facilitate the functioning of the court even in conditions of significantly reduced staff. Additionally, Appellate Court Skopje prepared a **Guideline for operation in a state of emergency** intended for the basic courts in the area of Skopje, which requires the court to act on urgent, i.e. priority cases. On the other hand, Appellate Court Skopje pointed out that for a certain period during the state of emergency, all judges from the criminal department of the court were simultaneously in self-isolation due to a colleague from the department who tested positive for the COVID-19 virus. These circumstances have led to the impossibility of acting by the department that decides on the urgent detention

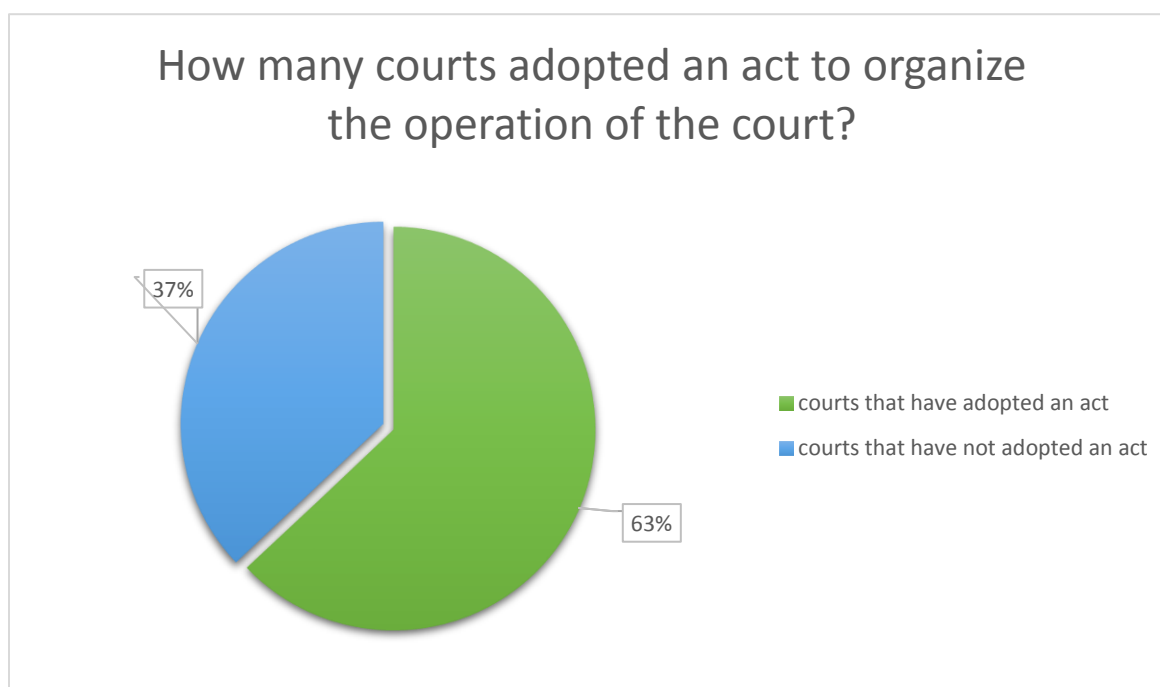
¹⁸ Extract from an answer to the questionnaire from the President and the court administrator of the Supreme Court

cases. In order for the criminal department to continue working uninterruptedly, Appellate Court Skopje made an amendment to the Annual Schedule and the handling of these cases was taken over by some of the judges from the civil department with prior consent.

The other appellate courts continued to operate regularly on closed sessions and pointed out that they were handling the number of new cases. However, they also point out that they have had significant difficulties in their operation due to the large number of employees who used the Government's measures.

I.3. Basic courts

The presidents of most of the basic courts pointed out that the main challenge for the internal organization of the courts during the state of emergency was the **lack of standardization in the process**. The presidents of the basic courts pointed out that it is necessary to prepare regulations that will refer to the operation of all courts during state of emergency, in order to avoid differences in the operation. In that way, procedural violations will be avoided and proper protection of the rights of the parties will be provided.



Graph no. 6

In response to the non-existent normative framework, **63% of the basic courts in RNM adopted an act** (guideline or operational plan) at a court level **that regulates the manner of operation of judges and the judiciary service during the declared state of emergency**. Most of the Guidelines on operation of the basic courts encourage the use of information computer technology and Microsoft teams, Zoom and Skype programs for direct communication and for performing certain working activities from home. However, some courts did not publish these acts on their websites (Basic Courts Gevgelija, Basic Courts Ohrid, Basic Courts Krusevo, Basic Courts Delcevo, Basic Courts Radovis, Basic Courts Strumica, Basic Courts Bitola, Basic Courts Stip, Supreme Court).

In addition to the Appellate Court Gostivar, operational plans of the courts have been adopted by another 4 basic courts - Basic Court Kavadarci, Basic Court Negotino, Basic Court Skopje, and Basic Court Bitola, for the period during the state of emergency.¹⁹

The difficulties in taking procedural actions were also highlighted by most of the basic courts, given the decision according to which they acted only in urgent and priority cases. In accordance with the Decree of the Government of RNM and the recommendations of the Judicial Council of RNM, the Basic Criminal Court in Skopje prepared a list of urgent and priority cases along with a list of parties who had access to the court and it was published on the court's website, along with notice for delay of court hearings.

The lack of human capacity and resources continues to be a contributing factor, especially for courts that were part of the virus's crisis hotspots during this past period. Following the guidelines in the Judicial Council's Decision, the presidents of the basic courts applied different ways to organize the work of judges by determining work from home (studying cases and coming to court on trial days, writing decisions, etc.) and by coming to court premises only on certain trial days. The judicial administration, on the other hand, was usually organized through shift work, although all were required to be regularly available on their official cellphones, including those exercising their right to paid leave in accordance with the measures of the Government of RNM. A significant number of courts have stated that they do not have enough human capacity to organize shift work, so they were regularly going to work during the state of emergency.

...,In smaller courts, the organization of court officials is particularly difficult, given that there is only one court official for a specific job position, so problems have been encountered due to the use of measures for justified absence from work by a parent with a child up to 10 years of age. On the other hand, there was also great dissatisfaction among court officials who have regularly come to work and replaced one or two other job positions, that were are also equally paid as the officials who did not come to work...²⁰

Many of the employees in the Basic Criminal Court in Skopje used the recommendations of the Government of RNM and were not been coming to work, due to which the work of the judicial service was reorganized (employees came to work every second week), so that there is no delay in the court proceedings. There was a similar way of organization in other courts (Basic Court Kavadarci), whose operational plan provided guidelines for the presence of up to 10 people in the court in accordance with a previously established weekly work schedule of judges and judicial service.

Due to the state of crisis in part of the territory of the Republic of North Macedonia in the municipalities of Debar and Centar Zupa, the Basic Court Debar continued to operate in shifts in reduced composition. After the end of the state of crisis, the court continued to work only in shifts and in accordance with the recommendations of the competent authorities.

The survey showed that many of the courts faced **difficulties in receiving court submissions electronically**, such as the Basic Court Gevgelija, which for some time now have been functioning without IT competent court official. Some courts have faced problems in establishing an internal communication system between judges and the court administration, but stressed that **external communication with the parties, representatives and the general public was a problem.**

¹⁹ Available on the website www.sud.mk

²⁰ Extract from an answer to the questionnaire from a president and a court administrator of a basic court

I.4. Administrative and Higher Administrative Court

Based on the Conclusions of the Government of RNM regarding the implementation of additional measures and actions for prevention of the spread of the COVID-19 virus, as well as the Decision of the Judicial Council, the Administrative Court and Higher Administrative Court, postponed all trials to be decided on public or closed session, except for cases of urgent nature (temporary measures), cases which are urgent by law and in which there is a danger of violation of the principle of trial within a reasonable time.

The President of the Administrative Court of the Republic of North Macedonia stated that **communication with state institutions** was the biggest challenge for this court during the state of emergency. Namely, even in the procedures for urgent cases, the Administrative Court faced difficulties in submitting documents and information on the cases. In addition, the Administrative Court faced a problem with the spatial capacity of the current location of the court. Namely, the recommendations and measures for protection against the virus envisage, above all, maintaining social distance and distance between people. In the offices of the judges in the Administrative Court, two judges work in each office, while the judicial service performs its work in offices where up to four court associates work. According to the recommendations and measures for protection, the spatial conditions of the Administrative Court are not suitable for work during this period.

During the state of emergency, the Higher Administrative Court prepared [Guidelines for the manner of work of the Higher Administrative Court during the declared state of emergency](#) that regulates the manner of work and communication of judges with the parties and the court administration. The guidelines regulate the work of judges from home and the availability of judicial officials. Among other things, the Guidelines of the Higher Administrative Court encourages the intensive use of electronic delivery and communication with the parties whenever there are conditions for this and encourages regular provision of conditions for delivery of court documents electronically.

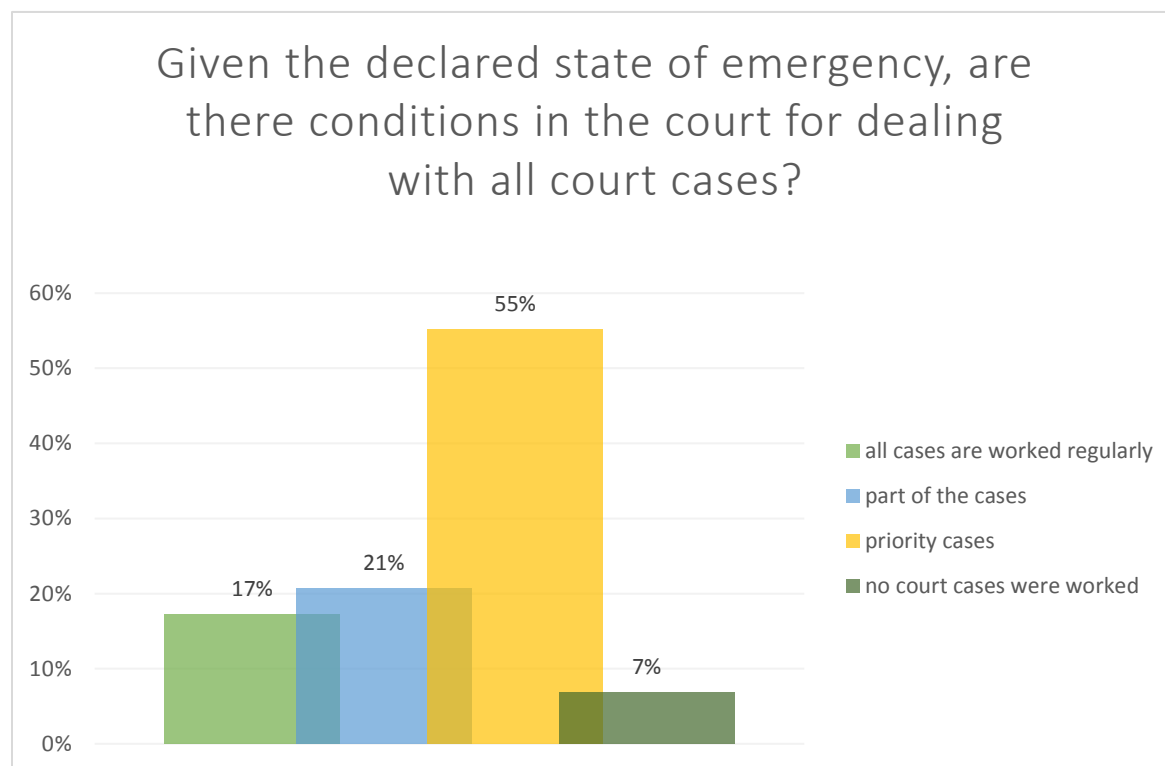
In addition to the lack of standardization of the process, the administrative courts emphasize the problem of **lack of human resources in the court administration**.

II. Acting of the judiciary during the state of emergency in North Macedonia

The pandemic caused by the COVID-19 virus encouraged **the use of information technology in the courts**. Especially in cases where online trials have taken place, the perception for civil justice, conducting public hearings and contact with the parties has been transformed. Many judicial systems in Europe have applied remote work with digital methods of operation as the most effective way to deal with a crisis of this magnitude. For example, court proceedings in the Baltic States (Estonia, Latvia, and Lithuania) are conducted exclusively by video conference, and there is regular established electronic communication with lawyers, executors, and notaries. Norway has adopted a full digital approach, including online administrative and budget management, as well as video court hearings, while the decisions adopted by the councils are signed only by the judge-reporter with an electronic signature. In Denmark, priority cases were determined according to the local situation in relation to the epidemic, individually assessing the cases and the possibilities for holding hearings through a video conference.²¹

Handling of cases

Defining the criteria and the manner of acting upon urgent and priority cases in accordance with the available resources of the courts, is essential for the efficient functioning of the judiciary during a state of emergency. According to the Decision of the Judicial Council, during the state of emergency only emergency and priority cases were handled in the courts in North Macedonia.

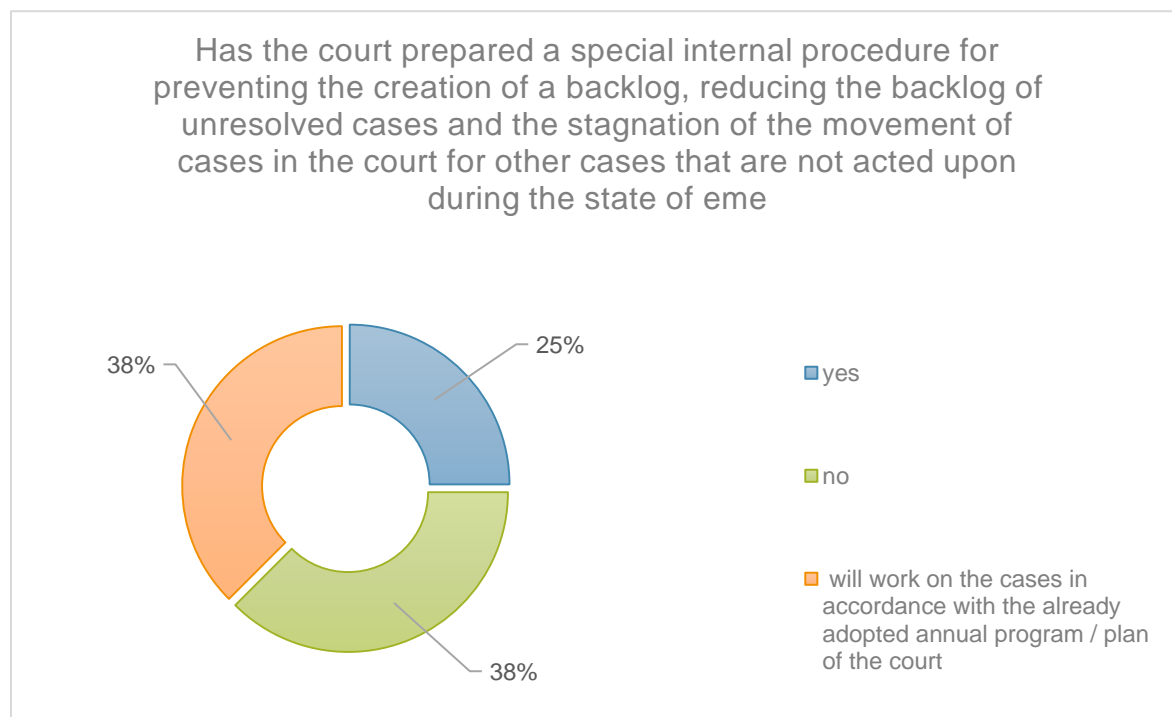


Graph no. 7

²¹ Response of judicial systems to the COVID-19 pandemic, CEEPEJ May 2020

More than half of the courts (55%) stated that they followed the Council's Decision and acted only upon priority cases. However, in some cases, some of the judges also acted upon other regular cases, respecting the measures and recommendations for protection against the COVID-19 virus (wearing protective equipment, using disinfectants, etc.). About 21% of the courts also worked on cases other than the ones envisaged, and 17% worked on all cases on a regular basis. The presidents of the courts commented that the decision of the Judicial Council for dealing with urgent/priority cases is not precise enough to determine the conditions for urgent and priority action, and that it is necessary to make a plan for dealing with the remaining cases from this period.

This unequal approach affects the overall efficiency of the judiciary, highlighting the lack of a methodologically harmonized approach for determining urgent and priority cases, preconditions and possibilities for action.

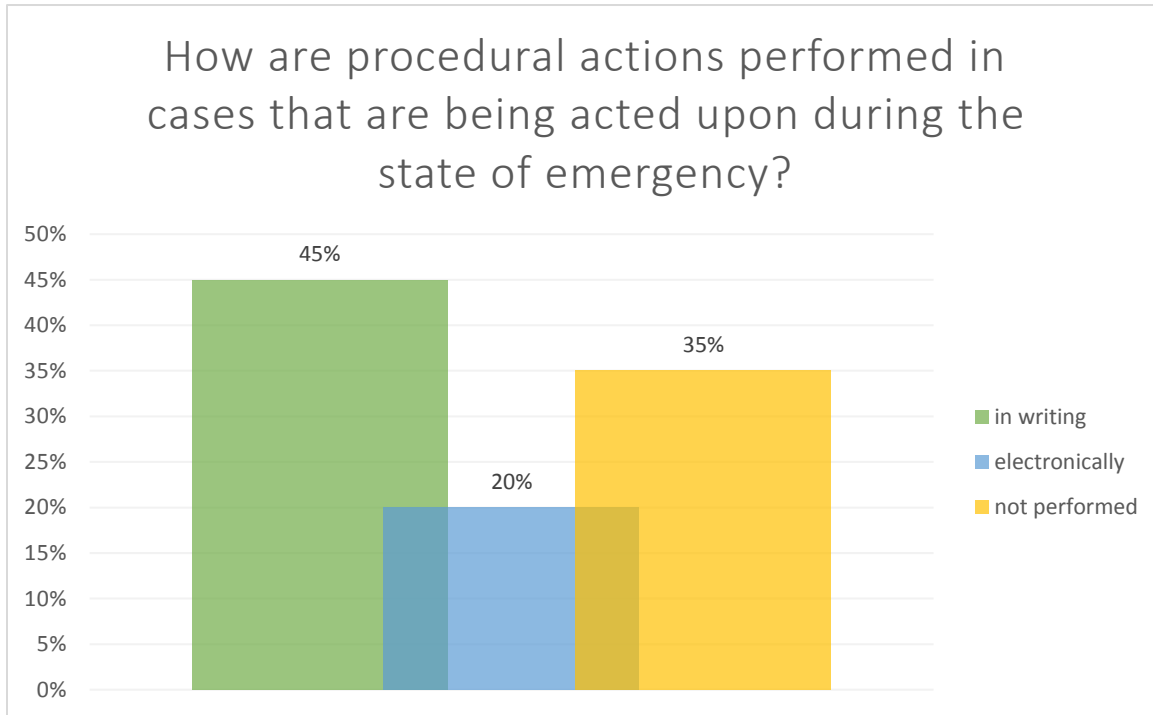


Graph no. 8

Approximately 38% of the courts that did not continue with regular work, i.e. that only acted upon part of the cases, stated that after the end of the state of emergency they will continue to work on the cases in accordance with the already adopted annual program or court plan. A small fraction of the courts, or only 25%, are developing a plan of action on cases that were not categorized as urgent in order to ensure efficiency in dealing with such cases after the end of the state of emergency. A significant fraction of courts in the country, or 38%, have not prepared a plan or internal procedure for dealing with the backlog of unresolved cases.

Undertaking procedural actions

During the state of emergency, similar to the situation with the handling of cases, undertaking of procedural actions varies from court to court.

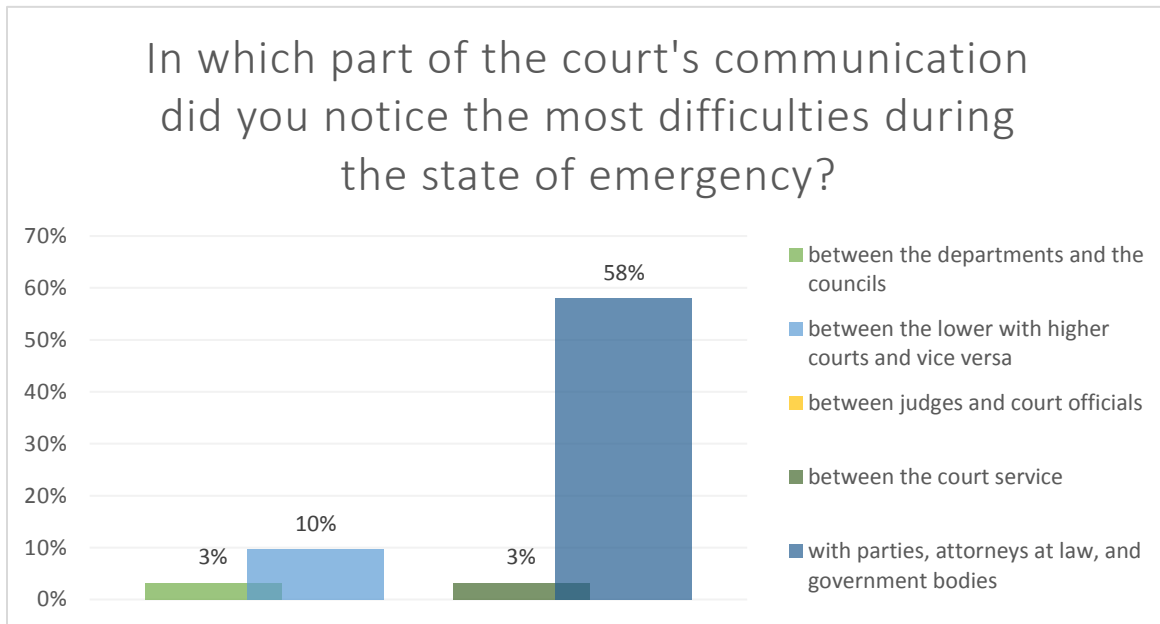


Graph no. 9

Namely, in order to comply with the measures for protection, most of the courts (45%) started performing the procedural actions in writing, and a significant portion of the courts - 35% did not perform any procedural actions in any way. However, some courts, using the equipment and IT technology at their disposal, have been able to carry out the procedural actions electronically. Examples of this are the Basic courts of Gevgelija, Kavadarci, Sveti Nikole and the Administrative Court. In a certain number of courts, or 20%, the implementation of procedural actions continued to be performed in the same way as before the declared state of emergency, i.e. directly.

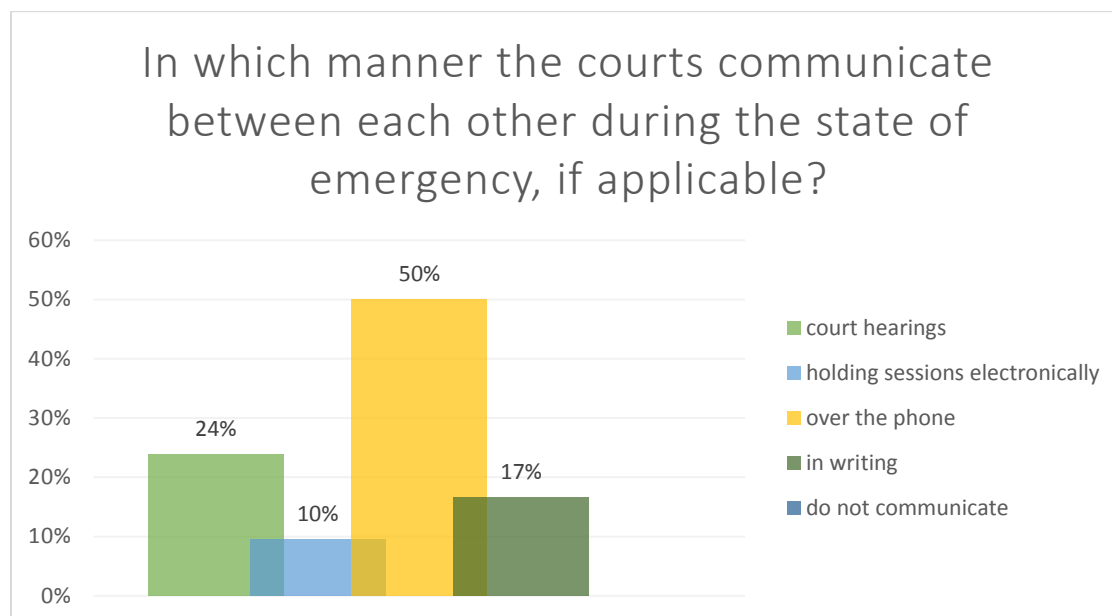
Communication in the court

Maintaining regular communication between council members and departments and the judicial service is crucial to facilitate the operation of the courts and for greater efficiency in their work. The new, more difficult conditions for the operation of the judicial institutions, have brought certain difficulties for the courts in terms of holding sessions, collegiums and the realization of regular communication between judges and the court service.



Graph no. 10

The courts in North Macedonia have hardly registered any problems with the internal communication of judges, councils and court officials. Only a small proportion of respondents, i.e. 3%, indicated that they had difficulty sharing information between departments and councils and between the court service, and 10% of the courts faced challenges in communicating with higher or lower courts. The presidents of the courts and the court administrators agreed that there is a need to establish vertical and horizontal communication between the courts in order to maintain continuity and uniformity in the operation. But unlike the communication within the court, most of the courts, or **as many as 58%**, **said they had difficulty communicating with parties, attorneys at law, and government bodies**. Access to the court was managed in such a way that the parties could access all information from the court by telephone and e-mail, while direct communication was restricted only to the parties in the cases which were acted upon. During the possible presence in the court, mandatory protective equipment for the parties was provided.

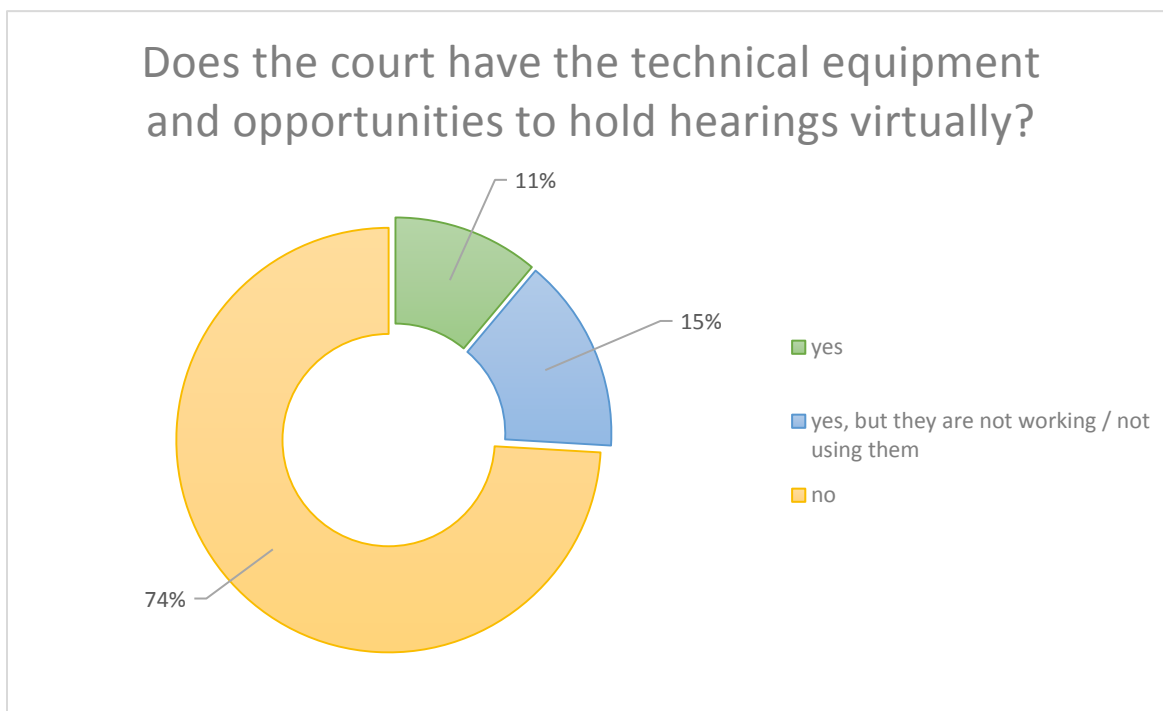


Graph no. 11

Most of the courts encountered no difficulties while communicating within the court because the **internal network of the courts was actively used** to share statements and information with all court employees. The survey found that most courts communicate with each other over the phone, but there are also examples of holding sessions electronically. Part of the courts, such as the Appellate Court Skopje and the Basic Court Kavadarci, have developed models for holding judges' collegiums and councils electronically, using mobile applications such as Viber, Skype, Zoom, and Microsoft teams. The courts that organized the work in this manner point out that the coordination functioned properly and the operation of the court was regularly reviewed because of the usual manners of communication (usually telephone communication), but not due to certain guidelines.

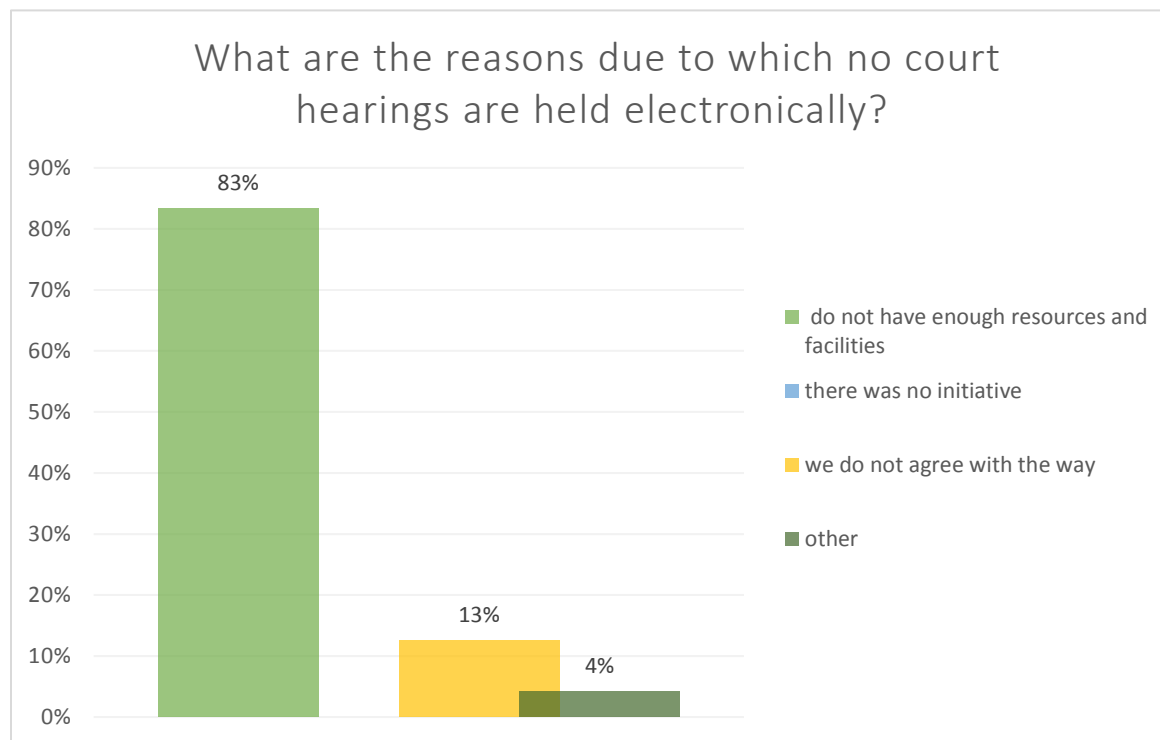
Usage of information technology

Most of the presidents and court administrators stressed out that the introduction and development of information technology processes is necessary to improve work efficiency, undertaking actions and communicating with parties and the public. However, the presidents agreed that in order to enable the proper functioning of the IT in the judiciary, it is necessary to invest primarily in the technical and human resources of the courts. **The use of electronic technical means in the court begins to be recognized as a method of ensuring the functionality of the courts**, especially during this period when it was necessary to ensure uninterrupted handling of urgent cases, in order to prevent contamination with COVID-19. In addition, the problem with insufficient knowledge of information technology is highlighted, which requires continuous training in the use of digital tools.



Graph no. 12

Regarding the use of information technology and equipment in order to hold virtual hearings or trials electronically, **74% of the courts stated that they do not have enough technical equipment and do not have enough knowledge to use information technology to be able to implement virtual hearings in practice.** A small proportion of respondents, or 15%, said that they had some type of equipment that could be used for online trials, but it was outdated and out of order. In the Republic of North Macedonia, during the state of emergency, only the Basic Court Kavadarci held and conducted online hearings. Namely, in the Basic Court Kavadarci, through the application of electronic technical means, the **first online trial for the criminal act "robbery" was held.** This manner or undertaking court action ensured two-way communication without the joint physical presence of the parties and the public, whereby the parties in the procedure could challenge the charges or propose evidence. In this way, the court took and provided all the measures for prevention and ensured the social distance during the established state of emergency, in order to smoothly hold the hearings and undertake action during the court proceedings.



Graph no. 13

Most courts' presidents (83%) said **they did not have the appropriate resources and facilities**, which are in fact the main prerequisites for conducting hearings electronically. In addition to the lack of equipment and facilities, a smaller portion of the courts (about 13%) also pointed out **the lack of procedural provisions** that would regulate the electronic conduct of hearings. Namely, although the Law on Civil Procedure (LCP) regulate the audio and sound recording, the criminal proceedings provisions do not provide for conducting hearings electronically. The judges also pointed out that there were problems in securing the right to a defense counsel for the defendant, whether the principle of contradiction and immediacy in the procedure was secured, as important aspects of the right to a fair trial.

However, most of the interviewed presidents believe that the establishment of **e-judiciary in North Macedonia should be a priority that will facilitate communication within the court itself, but also with the parties and other institutions**. In order to enable the implementation of e-judiciary, the respondents emphasized that it is necessary to continuously provide training for the judicial administration, but also for the use of information technology by the judges in their daily work.

Electronic delivery system

The electronic or e-delivery system was introduced in the Republic of North Macedonia in 2014. Through this system, the registration of new users and the receipt and delivery of court submissions through the courts in the country has been taking place for 6 years.

In accordance with the measures and recommendations of the Government of RNM for physical distancing due to the new situation with the COVID-19 virus, all courts confirmed that they regularly used the system for electronic delivery of court documents. Thereby, the impossibility of the system for achieving two-way communication between the court, the parties and the representatives was emphasized, which during this

period could have significantly facilitated the communication and the operation of the court. In that way, it would significantly facilitate and speed up the procedure and communication in the process of delivery of documents, informing about the procedure and holding hearings, submitting decisions, etc.

...,Difficulties have been encountered in cases where there are witnesses and parties where there is no possibility for electronic delivery to be conducted, as well as in cases where there are many participants and there are no spatial conditions to comply with all recommendations for keeping an appropriate distance²²“.

II.1. Supreme Court of RNM

According to the established practice of most of the courts in the country, the Supreme Court also acted upon cases of urgent nature, i.e. those that had priority in the proceedings. But even in dealing with only urgent and priority cases, the court again faced difficulties in terms of lack of human resources, i.e. judicial service and judges due to the absence from work of certain categories of employees. Thus, during the state of emergency, the judges of the Supreme Court communicated with each other and held sessions through electronic media, in writing and by telephone. However, the President of the Court and the court administrator emphasized that despite the possibility of e-communication within the court, the **Supreme Court did not have sufficiently functional and sophisticated equipment available** to enable them to hold public hearings virtually i.e. electronically. In addition, the court is short of sufficiently trained staff to enable the functioning of electronic sessions.

During the state of emergency, the Supreme Court participated electronically at a Regional working meeting on "The consequences of the COVID-19 pandemic on human rights and rule of law" organized by the Council of Europe's Directorate for Human Rights and Rule of Law. The purpose of the event was to begin a continuous discussion on the challenges of tackling the COVID-19 pandemic issue, with a focus on the standards of the Council of Europe and Strasbourg Court regarding health, freedom of movement, respect for privacy and protection of personal data.

In the course of its operation during the state of emergency, the Supreme Court of the Republic of North Macedonia did not prepare any instructions or guidelines for the actions of the courts during the pandemic related with the COVID-19 virus. The President of the Supreme Court noted that the court cooperated and coordinated with the Judicial Council of RNM in order to ensure direct and full implementation of the measures of the Government. Regarding the previously mentioned problems for organization, functioning and action of the lower courts within the state of emergency, the President stated that the **Supreme Court has communicated with all courts that have requested certain clarifications regarding their work and operation during the state of emergency.**

II.2. Appellate courts

In the Appellate Courts of Bitola and Gostivar all cases were handled regularly, but without holding public hearings and sessions during the state of emergency. On the contrary, the Appellate Courts of Skopje and Stip acted only on urgent cases in accordance with the Decision of the Judicial Council of RNM. None of the appellate courts has developed a special procedure for dealing with backlog of cases, but the Appellate Court Skopje noted that the preparation of such act would be a priority for the court after the end of the state of emergency.

²² Extract from an answer to the questionnaire from a president and a court administrator of a basic court

According to the situation in most of the courts in the country, the appellate courts have noticed that they do not have enough technical equipment and do not have enough knowledge to use information technology to be able to hold hearing online. Due to this, the appellate courts agree that it is necessary to invest in appropriate equipment and staff to hold e-trials, and also recommend appropriate training for staff (judges and judicial service) who would manage and handle this equipment. In the past period, the Appellate Court Skopje has started developing capacities for establishing an e-system in the court, which will enable the holding of online sessions and trials. For this purpose, online training was provided for some of the employees and judges of the court for the use of IT during state of emergency.

Communication between judges in the appellate courts continued to take place mostly by telephone or e-mail, with sessions held electronically (via Viber or Skype applications), and sometimes in the court premises. Like the other courts, the appellate courts emphasized the lack of electronic connection between all courts instances (in terms of notifications, movement of cases, delivery of documents, announcements). The lack of electronic connection of the courts during this period represented hampering factor for the work of the judges. **Connecting horizontally and vertically would significantly help to unify the procedures and increase the efficiency of the courts.**

II.3. Basic courts

The courts with basic jurisdiction during the state of emergency usually acted on the proposals of the Public Prosecutor's Office for non-compliance with health regulations during an epidemic, passing verdicts with a penal order, proposals for temporary measures according to the Law on Securing Claims, Family Law, as well as on proposals for temporary measures for preventing domestic violence.

In terms of e-delivery, the presidents of courts and court administrators noted **the lack of two-way communication via the electronic mailbox** with the parties and their representatives. The judges noted that if there were technical conditions, regular communication with the parties would be established and the delivery would be efficient. The state of crisis that was declared on the territory of the Basic Court Debar is specific, and the work was temporarily stopped and neither the court nor the Macedonian National Post (AD Posta) was able to deliver or receive documents from the parties and their representatives.

Almost all basic courts agree that there is a **lack of IT staff**, which is one of the main reasons for the insufficient use and knowledge of information processes and technologies. Insufficient equipment or knowledge of information technology has slowed down and made the work of the basic courts more difficult. However, during this period of declared pandemic, in order to consistently apply the prescribed measures for prevention of the COVID-19 virus, **the first online trial in North Macedonia** was held in the Basic Court Kavadarci, which found a way to hold trials with all involved participants without their joint physical presence in the court premises. For the needs of the Basic Court Kavadarci, the electronic platform Microsoft Teams was upgraded and an online calendar of trials was established for which the parties receive a link to follow the trial after prior electronic application and approved access. The entire trial is recorded, and the record is stored for review at any time. Through this application, the court offered an alternative way to conduct the communication between the parties in the proceeding and ensured uninterrupted hearings and undertaking of acts the state of emergency.

...,The Basic Court Kavadarci, through a letter to the legal entities - parties to the court, provided registration of about 390 legal entities on the e-delivery system of the court. Additionally, in cooperation with the Ministry of Justice, registration of the e-delivery system was provided to most state bodies and judicial institutions (municipalities, the Ministry of Interiors and its units, the State Attorney's Office, the

Bar Association, the Chamber of Enforcement Agents, the Chamber of Notaries and the Chamber of Mediators, as well as the Judicial Council and the Supreme Court of the RNM). ...The only body that has not yet managed to connect electronically with the e-system of the Basic Court Kavadarci is the Public Prosecutor's Office of RNM“²³

Through the application of the e-delivery during the state of emergency, two-way communication between the parties and the court was established in the Basic Court Kavadarci, and video-collegiums of judges were held through the electronic platform of Microsoft Teams.

On the other hand, some courts are of the opinion that in order to apply electronic means, all aspects of the right to a fair trial should be observed and technical conditions should be provided. Some presidents of the courts believe that there is a partial possibility for trials conducted electronically, but not for all cases. The problem arises from the lack of a procedure or act that would regulate the manner of applying electronic communication while undertaking court actions, and there is a possibility that it can be challenged in an appeal procedure due to many legal inconsistencies and ambiguities. Some judges have dilemmas related to the hearing of a witness, party or other participant in the proceedings that does not have conditions for an online trial, as well as the manner in which it will be checked whether the witness's statement is personal or possibly written by someone else, dilemmas regarding the delivery of written evidence to the court, the manner of scheduling hearings etc.

Although most of the judges agree that in state of emergency, trials can be conducted electronically, they emphasize that it is necessary to provide conditions for the observance of judicial standards.

..., We do not agree with the manner virtual hearings are conducted. In any case, the primary purpose of the courts is to ensure the legal protection of citizens, it is not the primary task to facilitate the operation of the courts. Citizens are not obliged to have the capacity (technical and professional) for this type of trial, and given that the duration of the state of emergency is not predictable (from a long term aspect), the judiciary and citizens do not have the capacity to provide this type of trials in short period.,²⁴

II.4. Administrative and Higher Administrative Court

During the operation of the administrative judiciary during the state of emergency, most of the difficulties in the operation of the Administrative and Higher Administrative Courts occurred during the establishment of communication with state institutions. State bodies and commissions were assessed as inactive, the Administrative Court only singled out the Public Revenue Office as a responsive and diligent state body with which two-way communication was established. The Administrative and Higher Administrative Courts regularly communicated and coordinated in order to harmonize the procedure for undertaking action by the administrative judiciary. Only cases that were considered urgent or priority were dealt with in the administrative courts. The Higher Administrative Court has prepared an act, i.e. a record of the cases that are not being handled in the period of state of emergency, and the Administrative Court is preparing plans for further action on the remaining cases.

Only one session of the judges was held in the Administrative Court through the Viber application, due to difficulties and problems that occurred during the use of the application. There are current attempts to establish an internal application for communication at the court level, but the implementation of this activity is slow and difficult due to the non-functional computer equipment available to the Administrative Court.

²³ Extract from an answer to the questionnaire from a president and a court administrator of a basic court.

²⁴ Extract from an answer to the questionnaire from a president of a basic court

The Higher Administrative Court, on the other hand, does not have the appropriate equipment to hold online hearings. Namely, the desktop computers and laptops used by the Administrative Court are outdated, slow and do not have cameras, which is the main difficulty in the potential conducting online sessions or counsels.

The internal communication in the Higher Administrative Court was conducted in accordance with the adopted Guidelines for operation, according to which all judges and court employees are obliged to be available on their official telephones during working hours, including judges and employees who use the right to paid leave in accordance with the measures of the Government of the Republic of North Macedonia.

Regarding the possibilities for electronic communication (or conducting a public hearing), both administrative courts point out that they do not have the appropriate equipment or other technical possibilities.

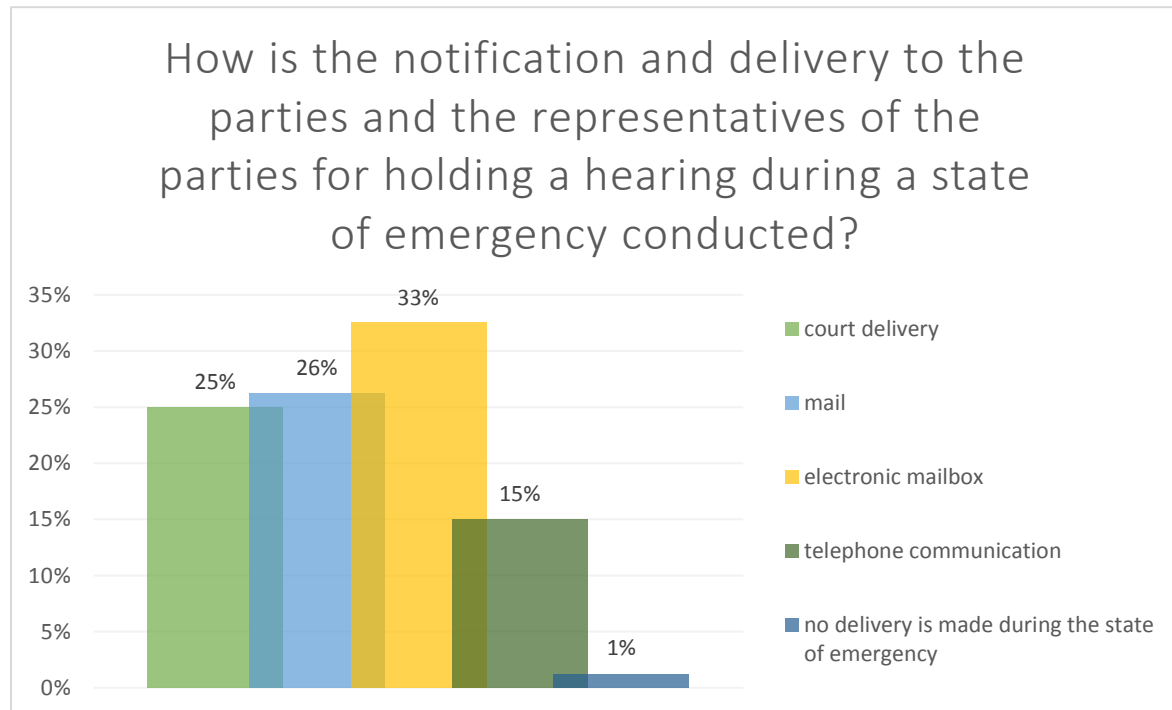
III External communication of the judiciary during the state of emergency in North Macedonia

The COVID-19 virus pandemic has increased the need for electronic services across the region in many ways. Institutions, organizations, but also citizens are in the process of dealing with many challenges, but the assessment of the survey is that the judiciary has seen some improvements in the application of electronic communication. The next steps to be taken should be to make electronic means available for long-term use, through standardized procedures and modes of operation, with continuous and planned strengthening the capacity of the judiciary. The public, the parties and the participants in the procedure were informed through the official websites of the court for all data regarding the operation and conduct of the courts, which during this period of state of emergency were actively used by the judges who practiced publishing announcements and notices of delays and holding hearings.

Given the nature of the situation caused by the pandemic, some courts have noted that there has been increased media interest in criminal charges for failing to comply with measures to prevent the spread of the virus, and that requests for obtaining public information are regularly received and responded to.

Methods of communication with the external parties

The sharp changes in the organization of the courts have led to the need finding appropriate ways to transmit the news regarding the operation of the courts to the direct participants in the proceedings. Despite the suspended preclusive deadlines and other facilitation of the work of the judiciary during the state of emergency, the courts still have the obligation to communicate and share documents with the parties in the proceedings, such as notifications for holding or delaying of a hearing or session.

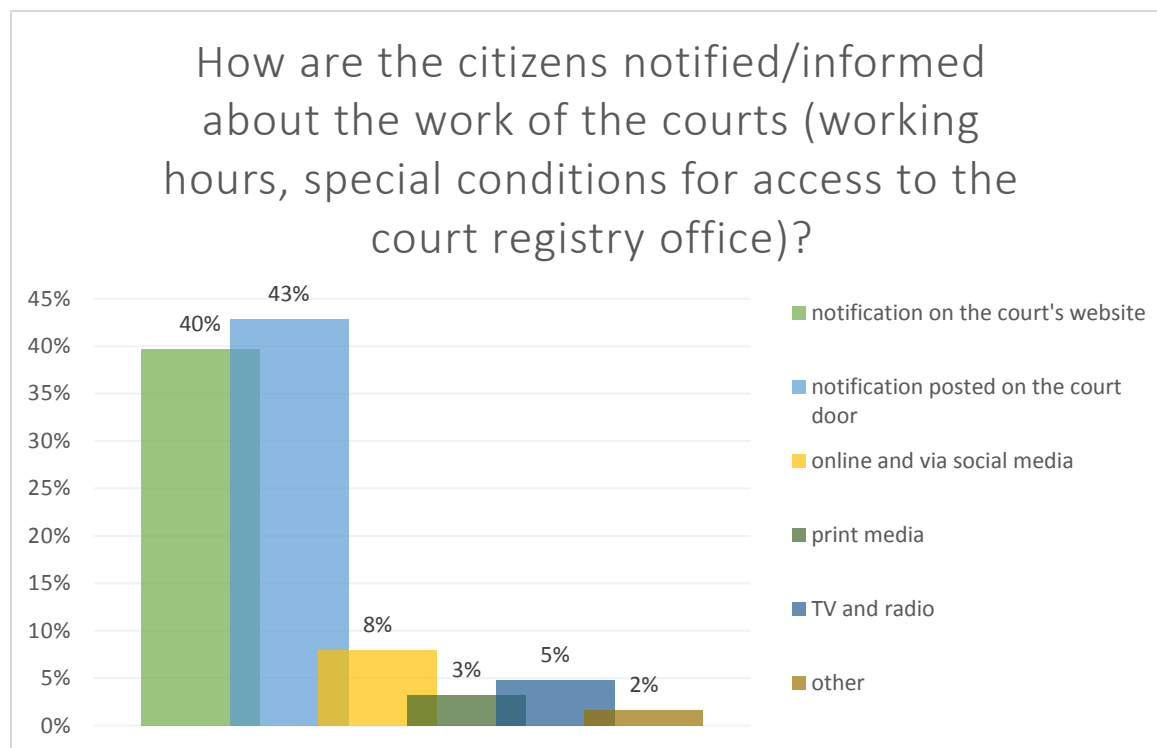


Graph no. 14

The presidents of the courts and court administrators emphasized that during the state of emergency they used several methods and manners of communication with the parties in parallel, so despite the use of electronic mailbox in most cases (33%), notifications were sent by registered mail and following the delivery of the court when possible. The courts even used telephone communication to ensure that the parties received the necessary documents. Only one court, the Basic Court Ohrid, did not make any deliveries during the state of emergency.

Methods of communication with citizens and the public

A mixed approach to information sharing was also applied in the communication of the courts to the citizens regarding their work and actions.



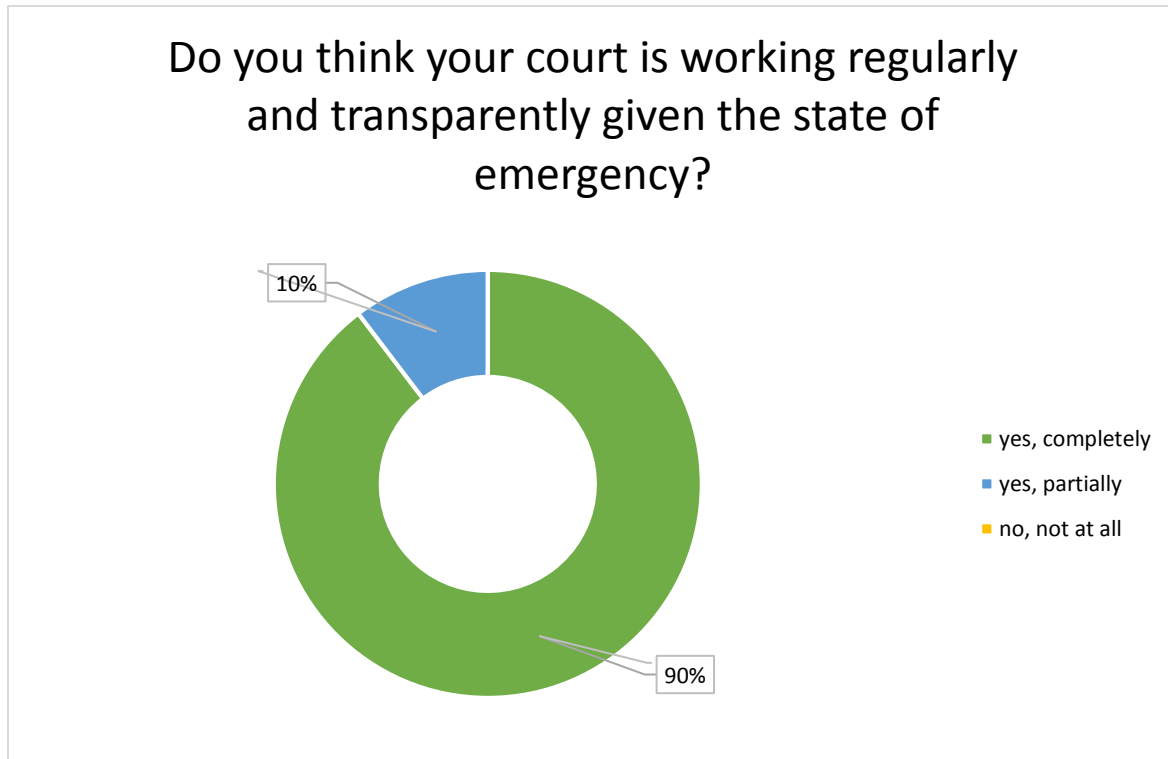
Graph no. 15

During the state of emergency, most courts maintained communication with the public by publishing notices on the court main door (43%) but also by publishing announcements for their work on the websites of the courts as part of the court portal (40%). In addition to the traditional way of transmitting information, some of the courts sent announcements to the print media (3%), online and via social media (8%), as well as TV stations and local radio stations (5%).

Public statements issued by the courts usually contain the Decision for acting of the courts in the Republic of North Macedonia under increased threat from the COVID-19 virus, supplemented by contact phones and e-mails of the courts and encouraging the parties to use these methods of communication for informing on court cases. Through the announcements, the courts inform the citizens about possible changes in the court's working hours, information on hearings and delays at hearings, working hours at the admission department, information regarding judgments for non-compliance with health regulations in a declared pandemic, etc.

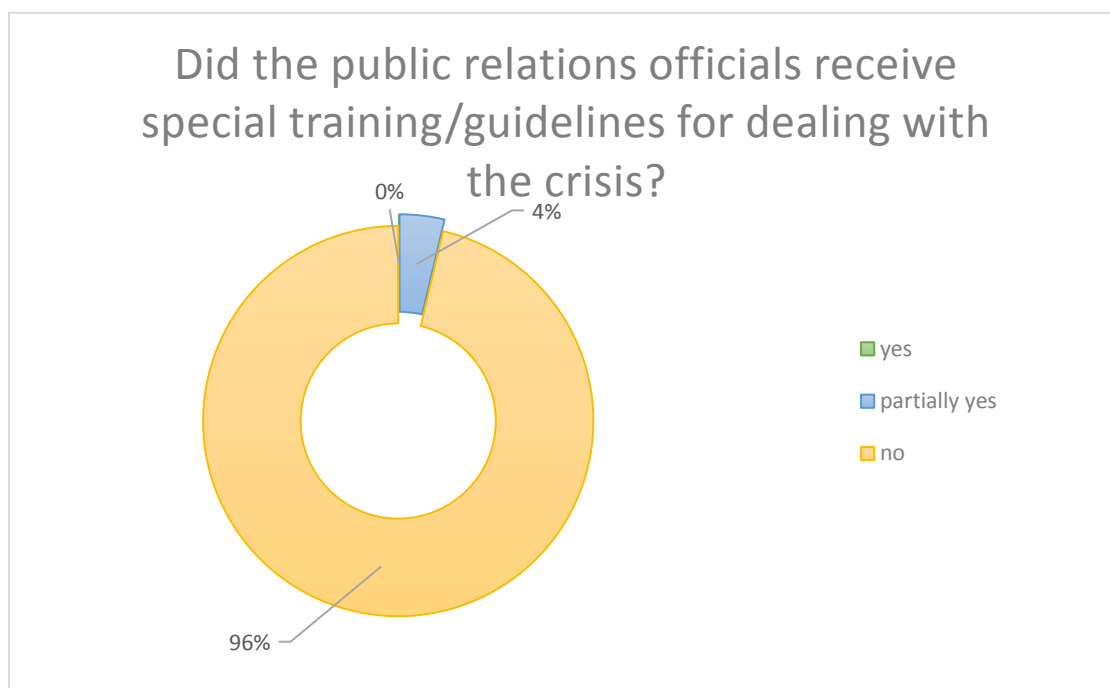
Noticeably, through the announcements/notifications of the courts during the state of emergency, **the classic way of written communication with the parties is gradually abandoned** and the obligation to

apply electronic communication is imposed, in a way that data for electronic delivery of documents to the party and participants in the proceedings is required. Hence, most of the courts agreed that technological trends must be followed and that the electronic communication of the court would facilitate and open the work of the courts to the citizens, but that it is necessary to invest in technical capacities and equipment of the courts.



Graph no. 16

Regarding the established communication with the media and the public, and considering that the courts for the first time faced functioning during a state of emergency, most of the courts (even 90%) assessed their work during the state of emergency as transparent given the opportunities available and the conditions in which they operate. However, a small fraction of courts (about 10%) explained that despite the efforts for transparent and open operation, there is room for improvement, so they assessed their work as partially transparent.



Graph no. 17

Faced with the challenge for transparent and open operation of the courts during this unprecedented situation, the public relations officials in the courts shared information and reports on matters of interest to parties, citizens and the general public. Despite the fact that the situation required special measures for operation, most of the courts, i.e. 96%, stated that no training or guidance was provided to public relations officials during the crisis and the state of emergency.

III.1. Supreme Court

Within the Supreme Court, the scope of work of public relations officials and the cabinet of the president continued with equal intensity, same as prior to the state of emergency. The court informed that, during this period, a reasonable change of the subject of interest of the public and the journalists was noticed, and that they were completely focused on the situations related to the state of emergency and the COVID-19 virus. In one case, the Supreme Court sent a Reaction and a request to publish a denial to a local media outlet, in relation to news regarding the condition of people infected with the virus.

Due to the good organization of the already reduced staff of the court, the access of the parties to the court's registry office of the Supreme Court was enabled during the whole working hours during the state of emergency.

III.2. Appellate courts

In accordance with its competencies and the measures for protection of the parties in the procedure, the judges and the court employees, the appellate courts canceled all public sessions and debates for the duration of the state of emergency, by announcements on their websites. Like most courts in the country, the appellate courts used various methods and manners of external communication in order to provide all the conditions for compliance with the protection measures, but also to ensure the flow of information and notifications.

III.3. Basic courts

Citizens and the media were informed about the operation of the basic courts through published announcements on the website of the court or on the main door of the entrance to the court, and additional information was obtained from the court police and the employees of the admission department.

Most of the communication between the courts and the citizens was conducted via the electronic mailbox. Due to the impossibility of two-way communication between the court and the parties through the mailbox, during the state of emergency, some of the basic courts used the official e-mail of the court to submit written documents to the parties, including certification of public documents with stamps (apostille), certification of agreements, issuance of certificates, confirmations, but at the request of the parties and with proof of urgency when needed. Many courts have also prepared lists of trial days and days in which judges delayed hearings, which have been regularly published on the court's websites and delivered to the parties.

The courts point out that during the state of emergency, the public relation official had a reduced workload, with the exception of the media's interest in acting on criminal orders for non-compliance with self-isolation measures. The Basic Court Debar pointed out that during the state of crisis in the Municipality of Debar and Centar Zupa, the President of the court was in daily telephone communication with journalists in order to inform them about the functioning of the court, and the court had constant direct communication with the Municipal Crisis Headquarter in Debar.

Regarding the delivery of the notifications to the parties and their representatives in respect to holding or delaying hearing during the state of emergency, most of the courts used electronic delivery and delivery by registered mail. Some of the courts, such as the basic courts Gevgelija, Kavadarci, Debar, Stip and the Civil Court in Skopje, used traditional media (print, TV and radio) and social media to send announcements to the public and citizens.

„Individually, each party in the procedure personally receives the notification from the trial judge in the most appropriate manner, with proof of delivered notification, this in order to comply with the legal obligations to notify the parties in case of postponement of hearings. It has not been published on the website of this court because we do not have an IT specialist, but that is why more extensive notification has been sent through the local media.”²⁵

According to the interviewed representatives, the regular reporting on the operation of the courts continued during the state of emergency. The courts sent weekly and monthly reports to the Ministry of Justice, the Judicial Council and the higher courts, and the difficult operating conditions did not adversely affect the court's records of operations and timely notification to the competent institutions.

III.4. Administrative and Higher Administrative Court

In order to minimize the movement of parties and other persons in court premises, the Higher Administrative Court and the Administrative Court instructed the parties, citizens and all other interested parties to request all necessary information related to the cases and procedures by telephone and e-mail. Similar to the other courts in the country, the administrative courts used mixed methods of communication with the citizens and the parties and published the news about their work on the websites of the courts, i.e. on the court portal in a timely manner.

²⁵ Extract from an answer to the questionnaire from a president of a basic court

IV Financial implication upon the judiciary as a result of the Government's measure for dealing with the COVID-19 virus

The Government of the Republic of North Macedonia, at a session held on April 7, 2020, adopted a [Decree with legal force for determining the amount of salary of elected, appointed and designated persons in the public sector during the state of emergency](#). The Decree with legal force refers to the elected and appointed persons in the public sector in the judicial, executive and legislative power. Among other things, the provisions of this Decree refer to the elected judges who exercise the right to salary in accordance with the Law on Salaries of Judges and the elected public prosecutors who exercise the right to salary in accordance with the Law on Salaries of Public Prosecutors. According to this Decree, it was decided that the elected and appointed persons to be paid a salary for the months of April and May 2020 in the amount of the minimum salary determined for the month of December 2019 in the Republic of North Macedonia, in the amount of 14,500 denars.

The purpose of the adopted Decree for determining the amount of salary of elected, appointed and designated persons in the public sector on the minimum wage in the amount of 14,500 denars is to provide funds for implementation of economic measures adopted by the Government of the Republic of North Macedonia to deal with the crisis caused by the COVID-19 virus pandemic. However, this Decree was never implemented in practice. At the proposal of the Basic Civil Court in Skopje, the Management Board of the Association of Judges decided to submit an initiative to assess the constitutionality of the Decree before the Constitutional Court.

Three weeks after the adoption of the abovementioned Decree, the Constitutional Court of the Republic of North Macedonia decided to initiate a procedure for assessing the constitutionality of the Decree. With the Decision No. 49/2020, the Constitutional Court decided to terminate the implementation of this act and the actions arising from this Decree. The argument of the Constitutional Court emphasizes that there is a possibility of restricting the freedoms and rights of citizens, but only in cases determined by the Constitution, which means the freedoms and rights of the citizens that are guaranteed by the Constitution, may be subject to certain restriction by the public authority, only if such restriction is provided in the Constitution, as the cases in which they may be restricted. In this particular case, the Court found that the Government had exceeded its constitutional powers by failing to take into account whether the Government's Decree is restricting the exercise of the rights of public sector employees relating to salary supplements and allowances during the state of emergency, and whether it has a constitutional basis, i.e. whether the Constitution in general regulates certain conditions for limiting the rights arising from employment by law.

While examining the decree with legal force and its amendments, from the aspect of compliance with the Constitution, the Court determined that the restriction of the rights that arise from employment made by the disputed acts has no constitutional basis, i.e. the Constitution does not regulate for such restriction during a state of emergency, more precisely, the Constitution does not contain provisions based on which these rights can be restricted during a state of war or emergency, nor does the Constitution contain a provision under which these rights may be restricted by law or certain conditions for their realization. In addition, the Constitutional Court opposes the Government's stand that funds will be provided in the budget to help the current health and economic crisis caused by the COVID-19 virus based on solidarity, and stressed that the

Decree was not adopted in order to prevent the spread of the virus and to protect the population from the consequences on the health according to the reasons for which the state of emergency has been declared.

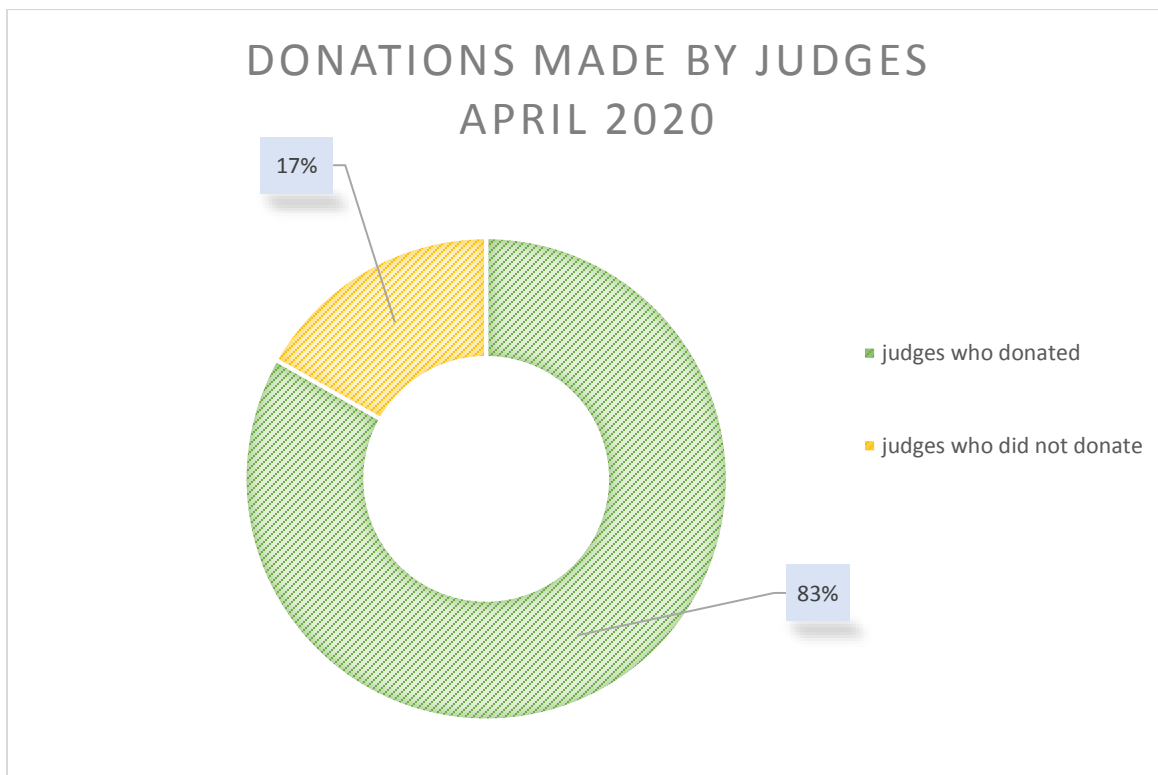
„ ... Also, given the reasons and purpose of declaring a state of emergency, which is to prevent the spread of the virus and to protect the population from the health consequences of that spread, it can be concluded without a doubt that the authorizations of the Government to adopt decrees with legal force, should be in the context of achieving that goal, i.e. in order to take measures that will meet the rapid spread of the infection and measures for timely action in order to deal with and to protect the population from the consequences of the spread of the virus. “

„In the particular case, even though the Government has authorizations to adopt decrees with legal force in a declared state of emergency under the provisions of the Constitution, this does not mean that the Government is authorized to arbitrary assesses which and what decrees with legal force will be adopted during the state of emergency and to regulate issues who are not related with the ongoing situation by adopting decrees with legal force, and even to restrict freedoms and rights for citizens, beyond those decisively provided by the Constitution. “

Extract from Decision No. 49/2020 of the Constitutional Court of RNM

The established constitutional impediment to enforce the provisions of the Decree for determining the salary of elected, appointed and designated persons in the public sector during the state of emergency, was not an obstacle for the judges and the judiciary to be involved in the process of donating funds in the fight against the COVID - 19 virus. Guided by the principle of equality and solidarity, the Management Board of the Association of Judges has adopted a Decision²⁶ that judges should set aside at least 20 percent of their salary for the months of April and May 2020, at the expense of the Solidarity Fund for dealing with the COVID 19 virus.

²⁶ Decision no. 0101-128 dated 29.04.2020



Graph no. 18

The Management Board of the Association adopted the decision as a type of Recommendation, and its implementation depended solely on the will of the judges themselves, i.e. their individual determination to donate. The Association of Judges has published a list of judges and courts that have donated funds to the fight against the pandemic from the salaries for the month of April. According to the data, as many as 83% or a total of 417 judges from RNM donated at least 20% of their salary for the month of April. Judges in RNM demonstrated solidarity by donating a total of 4,632,114 denars (about 75,000 euros) in the Solidarity Fund for dealing with the COVID 19 virus²⁷. This is also the largest amount of organized donations in North Macedonia in terms of dealing with the virus.

²⁷ Appendix 2 – List of court donations for dealing with the virus

V Functioning of the Judicial Council of the Republic of North Macedonia in time of state of emergency

At the 336th session held on March 17, 2020, the Judicial Council adopted a [Decision for acting of the courts in the Republic of North Macedonia under increased threat from the COVID-19 virus](#). The Decision indicates measures and activities to be taken by the courts for protection against COVID-19 virus infection. The Decision refers to the mandatory compliance with the safety measures, control of the number of people circulating in court premises, regular disinfection and maintenance of hygiene in the premises. In addition, the Judicial Council with the Decision encourages the use of electronic communication to deliver and receive requests, certificates and acts between the court, the parties and the representatives. The Decision of the Judicial Council contains a categorization of *urgent actions that are performed in the courts*²⁸, and prescribes that the scheduled hearings on cases that are not urgent will be held if the legal requirements are met, and if the court president and judges assess that those hearings do not represent high risk to the health of the judges, the judicial service, the parties and other participants in the proceedings. The decision was amended on May 7, 2020²⁹, by adding the cases related to domestic violence in the list of urgent and priority cases. Additionally, on May 28 the Judicial Council re-amended and supplemented the initial Decision on the actions of the courts, in order to regulate the proceedings for cases that are not urgent or necessary and prescribed the following: *for cases that are not urgent, the courts in the Republic of North Macedonia will act in accordance with the measures, decisions and protocols of the competent authorities for prevention and spread of the COVID-19 virus*.

Due to the declared state of crisis on part of the territory of the Republic of North Macedonia in the municipalities of Debar and Centar Zupa, the Judicial Council adopted [Guidelines on the actions of the Basic Court Debar during the state of crisis prescribed by the Government of RNM in the municipalities of Debar and Centar Zupa](#). Same as the Decision for action of the courts, the Guidelines for action in the Basic Court Debar also contains categorization of urgent trial. Thereby, the Judicial Council orders the President of the Basic Court Debar to ensure continuous electronic communication with the judges, the judicial service, the competent prosecutor and other participants in the crisis management system. At the same time, the Judicial Council adopted a decision for change of the criteria for fulfillment of the norm by the judges during the state of emergency. By the Decision which determines the orientation norm per month during the evaluation of judges, the restrictions in state of emergency conditions will be taken into account.

²⁸ - Trials in criminal cases when the defendant or some of the defendants are in custody, house arrest or against whom another measure has been imposed to ensure the presence of the defendant in the proceedings;
-Criminal cases of the parties who do not have residence, i.e. temporary residence in the Republic of North Macedonia, and are located in the country;
-Criminal cases for which there is a danger of obsolescence of criminal prosecution;
- Criminal cases for criminal offenses: "Transmission of an infectious disease" - under Article 205 of the Criminal Code, "Failure to act according to health regulations during an epidemic" - under Article 206 of the Criminal Code, "Failure to provide medical assistance" - under Article 208 of the Criminal Code, "Prevention an official in performing an official action "- according to Article 382 of the Criminal Code, " Attack on an official while performing security duties "- according to Article 383 of the Criminal Code, " Organizing Resistance "- according to Article 387 of the Criminal Code;
- Misdemeanor cases of urgent nature;
- Cases for application of temporary measures;
- Cases where the procedure is in the phase of adopting decision;
- Cases in which there is a danger of violation of the principle of trial within a reasonable time;
- Cases that are urgent by law;
- Receipt of submissions and other things related to legally preclusive deadlines.

²⁹ Decision no.02-606/2

In the **absence of a legal act regulating the action of the judiciary in extraordinary circumstances**, the Judicial Council through its decisions, tried to establish a system of priority actions and decision-making of the judiciary in RNM with reduced risk to the health of judges, staff and parties.

However, some courts acted outside the categorization of urgent cases and matters provided by the Judicial Council, explaining that in some courts, cases are dealt with if the judges themselves consider them to be urgent and necessary. The courts locate the unequal treatment in the inaccurate determination of the urgent procedural actions in accordance with the possibilities and working capacities that they have at their disposal in accordance with the state of emergency and the measures for protection against the infection from the virus. The lack of clear regulation regarding the operation of the judiciary during the state of emergency was noted by the President of the Judicial Council, who noted that: *„...First of all, a Law on State of Emergency is missing, which would regulate the procedural provisions for the actions and operation of the courts, as well as online trials. Although the Judicial Council is part of the judiciary in the country, it cannot regulate with bylaws the court proceedings that fall under the systemic laws that are adopted by the Assembly of RNM by a qualified 2/3 majority“*.

Within **the internal organization of the council**, the operation and actions of the Judicial Council during a state of emergency are not regulated by a special act or rulebook. The Council has adopted plans for civil protection, but they are not applicable to the current situation. Subsequently, during the state of emergency, the Judicial Council acts in accordance with the measures and recommendations provided by the Ministry of Health and the Government of RNM.

During the state of emergency, the Judicial Council continued to operate and hold regular sessions. Sessions were held in the premises of the Judicial Council and decisions from the regular operation of the Council were adopted. During the state of emergency, the Judicial Council appointed two temporary presidents of the Appellate Court Stip and the Basic Court Gostivar, it adopted a Decision on determining vacancies in the basic courts in the Republic of North Macedonia for the VIII (eighth) generation of candidates for judges in the Academy for Judges and Public Prosecutors, it reviewed and evaluated reports of the courts for the first quarter of 2020, it organized the events for giving solemn statements by newly appointed judges in the basic and higher courts, and performed various other activities within its competence. The Judicial Council continued to perform its work in the premises of the Council, and the work of the members and the professional officials was organized in shifts in accordance with the adopted measures.

During the state of emergency, the public relation official of the Judicial Council, in accordance with the measures for certain categories of persons, did not perform his work within the Council. When faced with a shortage of staff during the emergency conditions, **the communication with the public** was taken over by the President of the Council and the Secretary General. The Judicial Council maintains the communication with the public, the citizens and the parties, primarily electronically, by regularly publishing announcements and notifications about its work on its website. The website of the JCRNM contains updated information on the sessions of the Council and regularly publishes information about the holding of such sessions. But unlike the information regarding the sessions, the publishing of the decisions on the website is not done in chronological order and creates confusion when searching.

VI Functioning of the Academy for Judges and Public Prosecutors during state of emergency

The Academy for Judges and Public Prosecutors has not adopted a plan, guideline or instruction that regulates and determines the operation of the Academy during a state of emergency. Similar to the courts in the country, the AJPP has faced the problem of **lack of standardization in the operation during state of emergency**. But regardless of the lack of pre-determined internal or national regulations for action, the director of the Academy for Judges and Public Prosecutors noted that during the entire state of emergency the work in the Academy was organized in accordance with national measures for protection and prevention of the COVID-19 virus and the Decrees with legal force relating to the actions of the institutions.

During this period, the appeals of the trainees of the seventh generation of AJPP before the Administrative Court are being resolved, due to which the Academy has not yet started with the training of the eighth generation of candidates for judges and public prosecutors. Therefore, during the state of emergency, the primary focus of the Academy was to hold mandatory continuous training and specialization of judges and public prosecutors.

During the state of emergency in the country, the Academy canceled all trainings, counseling, meetings or events of any nature in its premises. Due to the national measures for protection and prevention of infection, starting from March 19, 2020, the work in the Academy was organized part-time in shifts, with official duties and work from home, in order to maximally reduce the number of people circulating in the premises. In addition to reducing the number of people in the premises, other measures were taken at the Academy to protect employees from the virus, such as the mandatory wearing of masks and the installation of disinfectants.

The ban on conducting trainings, which is the primary activity of the Academy, was also the biggest difficulty that the Academy faced during the pandemic. The impossibility of holding trainings in the traditional way so far, encouraged the AJPP in organizing and holding online trainings on various topics intended for the trainees that are part of the continuous training. The pioneering online trainings also included a different content of the annual plans of the Academy, so during the pandemic a change was made in the Annual Program of the AJPP in order to incorporate the holding of e-trainings and lessons, and thus adapt the program to the newly established system of e-learning. In addition to the Academy, the judges and public prosecutors themselves needed to adapt to the manner of conducting and participating in the trainings online, so during the state of emergency online consultations were held periodically.

Even in the months before the state of emergency in RNM, the Academy for Judges and Public Prosecutors began digitizing the training courses for professional development and continuous training of candidates for judges and public prosecutors. The Academy has focused its work on establishing an online learning platform that will provide judges and public prosecutors with greater access to more useful content. The Academy's website gained a new look with greater functionality aimed towards improving the communication with trainees. The website provides area for electronic registration of an upcoming training published on the training calendar. Parts of the website are under construction and their full functionality is being worked on. After finalizing the ongoing activities, the website will offer the opportunity for registration trainees of the initial and continuous training in the system of the Academy. The system is a database of training courses and curricula and allows downloading materials and training packages from

the trainings, insight into the number of days spent in training and specialization, as well as access to e-diaries for trainees of both theoretical and practical training.

The initiated process of digitization and modernization of the teaching courses of the Academy enabled appropriate adjustment of the operation during the state of emergency. The online trainings were attended by an equal number of interested participants, as well as during the regular consultations at the Academy. During this period, the Academy has sufficient technical and IT equipment for the occasional holding of online trainings. Unlike the start of the state of emergency, online counseling during June were held more frequently and it is expected to continue with greater intensity in September. However, in order for the Academy to be able to conduct online training regularly, and to organize online initial training for the next generation of candidates for judges and public prosecutors, it is necessary to improve its capacity. The Academy needs renewal and upgrade of the IT equipment with which it currently operates, and it is necessary to increase the number of IT professional of the Academy. Improved IT equipment and enhanced human capacity will help the complete modernization of the functioning of the Academy and will facilitate the process of dealing with future situations that may affect the day-to-day operation of the AJPP. But in addition to strengthening the IT capacity, the Academy also needs to improve spatial capacity. Namely, in the Academy there are only two rooms adapted for holding trainings, one of which is located in lamella 3 and gathers no more than 22 people (according to how it is designed), and the other is located in lamella 1 and gathers no more than 36 people (according to how it is designed). According to the current spatial capacities, the Academy does not have adequate space to provide initial and continuous training for the trainees, while fulfilling the national measures for maintaining the distance between the trainees.

Internal and external communication in the Academy was maintained without difficulties or problems. The members of the Management and Program Board, as well as the employees of the Academy continued the mutual communication electronically, i.e. by e-mail, telephone and using the Viber application to share the amendments and news in the operation during the state of emergency.

During the state of emergency, the Academy notes a reduced volume of work in relation to the requirements for information and other communication with the public. The Academy communicates with the external public electronically through notifications published on the Academy's website, online and on social media, as well as in writing through the announcement on the bulletin board and the main door of the Academy. The information published on the website may contain information on trainings that are conducted electronically through the Academy's program. Attendance at these trainings is registered in the annual mandatory training of judges and public prosecutors.

The general conclusion of the survey is that the Academy has successfully adapted to the state of emergency and working conditions. Established distance learning has enabled the development of continuous education training. In order to establish full functionality of the Academy in these conditions and to enable distance learning for the trainees of the initial training of the next generations of candidates, it is **necessary to increase the number of IT employees** who will administer the platform and the database for e-learning and **to improve technical conditions by providing additional IT equipment** in addition to the current equipment available to the Academy.

The lack of standardization of the process of acting in a state of emergency is noted in the operation of the Academy during this period as well. It is necessary to establish procedures for the manner of operation,

organization and communication of judicial institutions and the judiciary during a state of emergency in accordance with the legal competencies and obligations.

Findings

1. Starting from the fact that for the first time in the Republic of North Macedonia a state of emergency has been declared for a period of three months, the judicial system, despite the variety of actions, responded appropriately to the challenges arising from the need to change regular operations. Namely, the analysis shows that all courts, despite the fact that they were guided only by the decision of the Judicial Council, took actions and adopted internal acts that regulated the manner of work, adapting it to the new conditions.
2. From the problems faced by the courts in their operation, we can conclude that the main problem was the **lack of a clear and precise normative act that regulates the operation of the judiciary**. Despite the fast reaction of the courts by adopting internal acts for organization and operation, the lack of legal regulation that leaves room for improvisations and conflicts over the manner of acting, and the undefined conditions and manner of acting on urgent and priority cases, further disrupted the work of the judges and the judicial service.
3. During the implementation of internal acts for functioning and operation, the courts have faced a **lack of informational-technological equipment**. The courts noted the impossibility of electronic connection between the courts, insufficient functionality of the electronic mailbox, as well as lack of well-educated staff and equipment for electronic operation. Additionally, most of the interviewed presidents of the courts believe that the establishment of **e-judiciary in North Macedonia should be a priority, which will facilitate communication in the court itself, but also the communication with parties and other institutions**.
4. One of the positive things that emerged from the new situation with the declared pandemic COVID 19 is that **the first online trial was held in the Republic of North Macedonia**. This way of court hearing only confirmed the need to pave the way for the modernization of the judiciary, but also to improve the efficiency of the courts in North Macedonia, not only in state of emergency but also in normal conditions. This precedent offered an alternative way for the Macedonian judiciary to achieve communication between the parties in the proceedings and to ensure uninterrupted hearings and actions during court proceedings.
5. During the state of emergency, all courts faced an internal reorganization to comply with the prevention and protection measures provided by the competent health institutions. The main problem faced by the courts was the **lack of human resources, i.e. the inadequate number of judicial officials**, which in fact reduced the capacity of the courts. Due to the mandatory measures, some of the judicial officials remained at home, while the rest were engaged in shifts due to the reduced number of officials and employees.
6. In addition to the lack of human resources, the courts have faced a lack of financial resources due to the drastically increased need for hygiene and disinfection products for the court premises, as well as for all judges and employees in the judicial services and all persons entering the court premises. The lack of financial resources arose from the fact that the provision of these funds was made possible through the use of the regular budget funds by the courts for current operations.

Recommendations

1. In order to facilitate the operation of the courts and to ensure uniformity in the proceedings, **standardized procedures for the organization of the courts' operation, the handling of cases and communication of the judiciary during a state of emergency need to be adopted** in accordance with its constitutional and legal competencies.
2. For a complete operation of the courts under conditions of pandemic or similar situation, **electronic connection on a horizontal and vertical level is required**. Electronic communication would significantly help to unify the procedures and increase the efficiency of the courts. **Full digitalization of cases, delivery and communication between lower and higher courts**, i.e. electronic connection or interoperability between the courts will greatly increase the efficiency of courts and will speed up the court proceedings on one hand, and will reduce the need for physical access by the parties and other persons to the courts on the other hand. In order to enable the functioning of e-judiciary, in addition to providing the technical conditions, it is also necessary to provide **continuous training for judges and the court administration for the use of information technology in their daily work**.
3. It is necessary to provide **adequate conditions for holding online hearings and following the end of the state of emergency**, as this will lead to greater efficiency of the work of the courts. Ensuring online hearings will facilitate the presence of the parties and witnesses, which will reduce the reasons for the postponement of hearings, especially in criminal cases. This way of operation will further increase the efficiency of the courts, even beyond the state of emergency.
4. It is necessary to implement a **plan for ensuring human resources in the area of judicial service** based on functional analysis in order to ensure a dignified, efficient and effective operation of the courts, and not only in extraordinary but also in ordinary conditions.
5. **In order to perform urgent actions for provision of various means/products for the courts' needs, it is necessary to establish a system of central procurement for the entire judiciary** by the Judicial Budget Council during a state of emergency, which will provide security and protection of the judiciary and the court officials during extraordinary working conditions.
6. The guidelines for dealing with the current crisis for protection of the fundamental values of democracy, the rule of law and human rights, adopted by the Council of Europe, the European Court of Human Rights, the Venice Commission and the international community, must be consistently applied in order to provide protection of the basic rights of the citizens and their sacredness during a state of emergency.

Appendixes

Appendix 1 – Questionnaire to a court president

- 1. What are the challenges in the internal organization and the operation of the court during this state of emergency?**
 - a) Lack of human resources,
 - b) Lack of technical capacity and resources,
 - c) Lack of regulation for the court operational processes during the state of emergency
 - d) Difficulties in the organization of the court administration and the administrative operation
 - e) Difficulties in undertaking procedural activities in the court
 - f) Difficulties in the process of receipt of submissions via electronic means
 - g) Difficulties in the court internal and external communication
 - h) Difficulties in the process of using the information technology

- 2. How is the court internal organization conducted in order to fulfil its legal competencies?**
 - a) The court operates in full capacity
 - b) The court operates in shifts and under duty
 - c) The court does not operate at all

- 3. Are there changes made in the annual schedules for operation of court's departments in accordance with the conditions in the state of emergency?**
 - a) Yes, changes have been made
 - b) No, changes have not been made

- 4. Is there a risk management plan (or other legal act) in the courts, and if there is, does such document regulate situations of state of emergency?**
 - a) Yes there is, and we are compliant with it
 - b) Yes there is, however it is not applicable for such state of emergency
 - c) There is no such plan

- 5. Are any activities and measures for protection of employees and parties from the COVID 19 virus undertaken in the court premises?**
 - a) Yes
 - b) No

- 6. How many of the judges regularly perform its obligations in the state of emergency?**
 - a) All judges perform its obligations in the court premises
 - b) Some of the judges work from home
 - c) Part of the judges works in the court premises, and the other part works from home
 - d) The judges come in the court premises only in days when court hearings are held
 - e) Not a single judge has been engaged in the working process

- 7. Having in mind the state of emergency, does the court have sufficient working conditions to act in all court cases?**
 - a) All cases are regularly taken into work
 - b) Only part of the cases are taken into work
 - c) Only urgent cases are taken into work

- d) No cases are taken into work
- 8. If only part of the court cases are taken into work, does the court have special internal procedure for prevention of back-lock, decrease of back-lock of unsolved cases and the stagnation of the movement of cases in court for other cases that are not taken into work during the state of emergency**
- a) Yes, the court has prepared act (plan, instruction, record) for cases to be taken into work that are not handled during the state of emergency
 - b) No, but following the ending of the state of emergency, the court will prepare working plan for the cases that have not been handled during the state of emergency
 - c) We will take into work the cases in accordance with the adopted annual program/plan of the court
- 9. According to the real competence of the court, which types of disputes and procedures suffer difficulties during the urgent and priority acting of the court in the state of emergency and which are the reasons for this?**
- 10. Does the court have technical equipment and possibilities for holding court hearings in virtual manner (via electronic means)?**
- a) Yes, the court has equipment/technical possibility and uses the same for holding court hearings in virtual manner (via electronic means)
 - b) Yes, the court has equipment/technical possibility but it does not use the same
 - c) No, the court does not have audio, sound and technical equipment nor any other technical equipment
- 11. What are the reasons due to which the court does not hold court hearings via electronic means?**
- a) We do not have enough resources and capacities for holding court hearings via electronic means
 - b) There was no initiative in the court for organization of the resources
 - c) We do not agree to hold court hearings in virtual manner
 - d) Other _____
- 12. How are procedural actions (expertise, hearing of witnesses etc.) performed in cases where the court is acting during the state of emergency?**
- a) Via written manner
 - b) Via electronic manner
 - c) We do not handle the procedural activities
- 13. In your opinion and taking into consideration the state of emergency, which part of the application of the information technology within the court should be improved?**
- 14. Have the higher courts undertaken any activities during the state of emergency in terms of reviewing issues related to the joint operation or organization of separate operation of the lower courts in the area of its competence?**

- 15. In your opinion, which part of the court communication faces difficulties during the state of emergency?**
- a) Communication between the departments and the court councils
 - b) Communication between lower and higher courts and vice versa (vertical and horizontal communication)
 - c) Communication between judges and court officials
 - d) Communication between the court administration
 - e) Communication with parties, attorneys at law and other state bodies
- 16. In which manner the judges of the court communicate between themselves during the state of emergency, if applicable?**
- a) Yes, sessions between the judges in the court are held
 - b) Yes, sessions between the judges are held via electronic media (online)
 - c) Yes, they communicate via telephone
 - d) Yes, they communicate in written manner
 - e) They do not communicate
- 17. How is the internal communication in the court handled?**
- a) Via e-mail
 - b) Via skype
 - c) Via telephone
 - d) Via Viber
 - e) Other _____
- 18. Are the measures for protection of the people from COVID-19 adhered to in cases where the parties must be present?**
- a) Yes, mandatory
 - b) Almost in all cases
 - c) No
- 19. Is the judiciary allowed to participate in the General Crises Headquarter and to propose measures to the Government that are necessary for the uninterrupted operation of the courts?**
- a) Yes, the judiciary is allowed to participate and to propose measures to the Crises Headquarters
 - b) No, the judiciary cannot participate and propose measures to the Crises Headquarters
- 20. What are your suggestions in terms of how to improve the conditions and the capacities of the courts for handling state of emergency in the future?**
- 21. Do the public relations officials or the president of the court have increased activities for informing the public during the state of emergency?**
- a) Yes, they have increased scope of work
 - b) No, the scope of work has been drastically decreased
- 22. How are the parties and their representative informed on the scheduled hearings during a state of emergency?**

- a) Via the court delivery department
- b) Via post
- c) Via electronic mailbox
- d) Via telephone communication
- e) We do not deliver documents during the state of emergency

23. How are the citizens informed/notified on the court's operation (working hours, special conditions for approaching the court admission department)?

- a) Via a notification made on web page of the court
- b) Via a notification made on the court's main entrance
- c) Via a media notification (online and social media)
- d) Printed media
- e) TV and radio
- f) Other _____

24. Do the public relations officials obtained a special training/ instruction for handling the crisis?

- a) Yes,
- b) Partially yes,
- c) No

25. Has the court been sending reports for its operation during the state of emergency?

- a) The court sends notification for its operation to the Judicial Council
- b) The court sends notification for its operation to the Supreme Court of Republic of North Macedonia
- c) The court sends notification for its operation to the higher court
- d) The court does not prepare separate notifications for its operation during the state of emergency

26. Do you consider that your court operates regularly and in a transparent manner, having in mind the state of emergency?

- a) Yes, completely
- b) Yes, partially
- c) No, not at all

Appendix 2 – Questionnaire for a court administrator

- 1. What are the challenges in the internal organization and the operation of the court during this state of emergency?**
 - i) Lack of human resources,
 - j) Lack of technical capacity and resources,
 - k) Lack of regulation for the court operational processes during the state of emergency
 - l) Difficulties in the organization of the court administration and the administrative operation
 - m) Difficulties in undertaking procedural activities in the court
 - n) Difficulties in the process of receipt of submissions via electronic means
 - o) Difficulties in the court internal and external communication
 - p) Difficulties in the process of using the information technology

- 2. How is the court internal organization conducted?**
 - c) The court operates in full capacity
 - d) The court operates in shifts and under duty
 - e) The court does not operate at all

- 3. Which acts regulate the court operation during the state of emergency, if any?**
 - a) Yes
 - b) No

- 4. Is there a risk management plan in the courts, and if there is, does such document regulate the situations of state of emergency?**
 - d) Yes there is, and we are compliant with it
 - e) Yes there is, however it is not applicable for such state of emergency
 - f) There is no such plan

- 5. Are any activities and measures for protection of employees and parties from the COVID 19 virus undertaken in the court premises?**
 - d) Yes
 - e) No

- 6. In your opinion, which part of the court communication faces difficulties during the state of emergency?**
 - f) Communication between the departments and the councils of the court
 - g) Communication between lower and higher courts and vice versa (vertical and horizontal communication)
 - h) Communication between judges and court officials
 - i) Communication between the court administration
 - j) Communication with third parties, attorneys at law and other state bodies

- 7. How is the communication with the employees in the court administration performed, if applicable?**
 - a) Yes, the communication is performed via electronic means (e-mail)
 - b) Yes, the communication is performed via internet (social media)
 - c) Yes, the communication is performed via telephone

- d) Yes, the communication is performed in written manner
 - e) No, there is no communication
- 8. Does the court have technical equipment and possibilities for holding court hearings in virtual manner (via electronic means)?**
- d) Yes, the court has equipment/technical possibility and uses the same for holding court hearings in virtual manner (via electronic means)
 - e) Yes, the court has equipment/technical possibility but it does not use the same
 - f) No, the court does not have audio, sound and technical equipment nor any other technical equipment
- 9. What are the reasons due to which the court does not hold court hearings via electronic means?**
- e) We do not have enough resources and capacities for holding court hearings via electronic means
 - f) There was no initiative in the court for organization of the resources
 - g) We do not agree to hold court hearings in virtual manner
 - h) Other_____
- 10. How are procedural actions (expertise, hearing of witnesses etc.) performed in cases where the court is acting during the state of emergency?**
- d) Via written manner
 - e) Via electronic manner
 - f) We do not handle the procedural activities
- 11. In your opinion and taking into consideration the state of emergency, which part of the application of the information technology within the court should be improved?**
- 12. How are the public procurement in your court conducted and are they conducted according to the anticipated plan?**
- a) The procedure on public procurement is conducted regularly
 - b) The procedure is conducted but with certain difficulties due to the state of emergency
 - c) The procedures on public procurement are not conducted at all during the state of emergency
- 13. How many employees of the court administration regularly perform its duties during the state of emergency?**
- a) All employees are engaged in the court premises in accordance with the measures and recommendation for protection from COVID-19
 - b) Only some of the employees are engaged by the court
 - c) All employees work from home
 - d) Part of the employees are engaged in the court premises, and part of the employees are working from home
 - e) They are not engaged in any manner
- 14. Do the court officials have enough resources to work from home?**
- a) They have the resources
 - b) They have the resources, but only in part

- c) They do not have resources

15. How is the communication handled between the judges and the court officials, and between the court officials?

- f) Directly
- g) Via e-mail
- h) Via skype
- i) Via telephone
- j) Via Viber
- k) Other_____

16. How are the employees notified on the novelties by the court?

- a) Directly
- b) Via e-mail
- c) Via skype
- d) Via telephone
- e) Via Viber
- f) Other_____

17. Are the measures for protection of the people from COVID-19 adhered to in cases where the parties must be present?

- d) Yes, mandatory
- e) Almost in all cases
- f) No

18. Is the judiciary allowed to participate in the General Crises Headquarters and to propose measures necessary for the uninterrupted operation of the courts?

- c) Yes, the judiciary is allowed to participate and to propose measures to the Crises Headquarters
- d) No, the judiciary cannot participate and propose measures to the Crises Headquarters

19. What are your suggestions in terms of how to improve the conditions and the capacities of the courts for handling state of emergency in the future?

20. Do the public relations officials or the president of the court have increased activities for informing the public during the state of emergency?

- c) Yes, they have increased scope of work
- d) No, the scope of work has been drastically decreased

21. How are the parties and their representative informed and delivered with documents?

- f) Via the court delivery department – for urgent cases or parties nearby
- g) Via post – for the area outside of Gostivar
- h) Via electronic mailbox
- i) We do not deliver documents during the state of emergency

22. How is the official communication with other institutions conducted?

- a) Via the court delivery department

- b) Via e-mail
- c) Via skype
- d) Via telephone
- e) Via Viber
- f) Other _____

23. How are the citizens informed/notified regarding the court's operation (working hours, special conditions for approaching the court admission department)?

- g) Via a notification made on web page of the court
- h) Via a notification made on the court's main entrance
- i) Via a media notification (online and social media)
- j) Printed media
- k) TV and radio
- l) Other _____

24. Do the public relations officials obtained a special training/ instruction for handling the crisis?

- d) Yes,
- e) Partially yes,
- f) No

25. Has the court been sending reports for its operation during the state of emergency?

- e) The court sends notification for its operation to the Judicial Council
- f) The court sends notification for its operation to the Supreme Court of Republic of North Macedonia
- g) The court sends notification for its operation to the higher court
- h) The court does not prepare separate notifications for its operation during the state of emergency

26. Do you consider that your court operates regularly and in a transparent manner, having in mind the state of emergency?

- d) Yes, completely
- e) Yes, partially
- f) No, not at all

Appendix 3 – Table for donations by court

Court	Number of judges that have donated	Total amount (in denars)
1. Supreme Court of RM	18	257,400.00
2. Administrative Court of RM		179,000.00
3. Higher Administrative Court	13	192,400.00
4. Appellate Court Skopje	38	475,000.00
5. Appellate Court Gostivar	11	132,000.00
6. Appellate Court Bitola	18	204,950.00
7. Appellate Court Stip	7	65,500.00
8. Basic Criminal Court Skopje	48	575,320.00
9. Basic Civil Court Skopje	57	617,685.00
10. Basic Court Kumanovo	20	274,496.00
11. Basic Court Tetovo	20	210,000.00
12. Basic Court Bitola	16	177,500.00
13. Basic Court Prilep	11	34,000.00
14. Basic Court Strumica	6	55,640.00
15. Basic Court Stip	13	90,000.00
16. Basic Court Gostivar	19	196,200.00
17. Basic Court Veles	15	162,892.00
18. Basic Court Ohrid	12	120,000.00
19. Basic Court Gevgelija	8	51,000.00
20. Basic Court Kavadarci	7	84,600.00
21. Basic Court Kocani	7	34,000.00

22. Basic Court Kicevo	7	84,000.00
23. Basic Court Struga	10	121,921.00
24. Basic Court Radovis		
25. Basic Court Kriva Palanka	6	61,000.00
26. Basic Court Debar	4	40,000.00
27. Basic Court Resen	3	33,142.00
28. Basic Court Negotino	4	41,030.00
29. Basic Court Berovo	2	12,000.00
30. Basic Court Sveti Nikole	3	23,468.00
31. Basic Court Krusevo		No payment
32. Basic Court Delcevo	2	14,000.00
33. Basic Court Vinica		12,000.00
34. Basic Court Kratovo		No payment
TOTAL		4,632,144.00 denars