**Responses to the Questionnaire of the Special Rapporteur on the independence of judges and lawyers to the report on the disciplinary, civil and criminal liability of judges**

**1.** **The Law on courts and the Law on the Judicial Council of the Republic of North Macedonia regulates grounds, discipline measures and disciplinary proceedings against the judge.**

**Law on courts**

**2. Dismissal of a judge**

**Article 74**

(1) The judge shall be dismissed from the judicial office:

- due to serious disciplinary offence that makes him/her discreditable to exercise the judicial office prescribed by law and

- due to unprofessional and neglectful exercise of the judicial office under the conditions defined by law.

(2) Decision on dismissal of the judge shall be adopted by the Judicial Council of the Republic of Macedonia.

(3) The judge shall be dismissed from the judicial office in accordance with the grounds stipulated in paragraph (1) of this Article if the violation is committed:

- with the intention or apparent negligence by the fault of the judge without justified reasons and

- the injury caused severe consequences.

(4) In case of an easier form of violation of the grounds referred to in paragraph (1) of this Article, a disciplinary measure may be imposed on the judge.

(5) As of the day of entry into force of the decision on dismissal of the judge by the Judicial Council of the Republic of Macedonia on the grounds referred to in paragraph (1) of this Article, the judge’s right to salary shall cease.

**3. Serious disciplinary offence**

**Article 75**

1. A more severe disciplinary violation for which a procedure for establishing a judge's responsibility is instituted shall be considered as:
2. severe violation of public order and peace and other more serious forms of misconduct that violates the reputation of the court and his/her reputation;
3. gross influence and interference in the performance of the judicial function of another judge;
4. if he refuses to file a statement of assets and interests according to law or if his statement contains gross inaccuracies or
5. manifestly violation of the rules for exemption in situations in which the judge knew or should have known about the existence of one of the grounds for exemption provided for by law.
6. For the disciplinary violation referred to in paragraph (1) of this Article, the president of the court shall notify the Judicial Council of the Republic of Macedonia in writing within a period of eight days from the day of recognizing the committed violation, but not longer than three months from the committed violation.
7. In cases of disciplinary violation of paragraph (1) line 1 of this Article, when there was a final judicial decision, the court that had adopted the decision has to immediately after obtaining decision’s effectiveness, to inform the Judicial Council of the Republic of Macedonia and the president of the court where the judge is performing the judicial function about it.
8. The procedure for establishing responsibility of judges in the case of paragraph 1 point 1 of this Article, may be initiated even when there is no previously adopted effective judicial decision.

**4. Unprofessional and unethical performance of the judicial function**

**Article 76**

1. Unprofessional and unethical performance of the judicial function implies unsatisfactory expertise or unconscientiousness of the judge that affects the quality and promptness of the work, as follows:
2. if in two consecutive assessments the judge does not fulfill the criteria for successful work, by his fault without justifying reasons, for which he has received two negative grades, in procedure established by the Law on Judicial Council in of the Republic of Macedonia;
3. if he was convicted by a final court verdict, with punishment lower than that determined in the Art. 73, paragraph(1) point 5 of this law which is a direct result of acting in the performance of the judicial office, deliberately or with conscious negligence;
4. is publishing unauthorized classified information, i.e. provided information and data on court cases that violates the obligation to protect the secrecy of the procedure established by law and when the public is excluded in accordance with the law;
5. without justified reasons, does not schedule the hearings in the cases assigned to him or otherwise delay the procedure;
6. does not take the matter into consideration because of which expiration of a criminal prosecution or statute of limitations on the execution of a criminal sanction for a crime occur;
7. takes on a case that has not been allocated to him through the automatic computer system for conducting of court cases in the courts; ;
8. Intentionally and inexcusably makes gross professional mistake, while differences in interpretation of law and facts cannot be taken as ground for determination of judges’ responsibility.

 (2) For the disciplinary violation referred to in paragraph (1) of this Article, the president of the court shall be obliged to inform the Judicial Council of the Republic of Macedonia in writing within eight days from the day of perceiving the committed violation, but not longer than six months after the violation.

(3) For the disciplinary violation referred to in paragraph (1) line 2 of this Article, the court that adopted the final decision shall immediately after obtaining decision’s effectiveness, inform the Judicial Council of the Republic of Macedonia and the president of the court where the judge is performing the judicial function about it.

**Article 77**

(1) As a disciplinary violation for which a procedure for determining the responsibility of a judge for which a disciplinary measure is imposed shall be considered:

1) less severe breach of public order or other less serious misconduct that violates the reputation of the court and his/her reputation

2) use his office or the reputation of the court to accomplish his personal interests

3) failure to perform mentoring duties;

4) violation of the rules on absence from work;

5) failure to attend obligatory trainings or

5) not wearing a court gown during the trials.

 (2) For the disciplinary violation referred to in paragraph (1) of this Article, the president of the court shall be obliged to inform the Judicial Council of the Republic of Macedonia in writing within eight days from the day of perceiving the committed violation, but not longer than six months after the violation.

(3) The disciplinary measure shall be imposed to a judge in the cases from paragraph (1) of this article, if:

- the disciplinary measure has been done with the intention or apparent negligence by the fault of the judge without justified reasons and

- the disciplinary measure caused severe consequences.

**The Law on the Judicial Council of the Republic of North Macedonia**

Grounds for dismissal of a judge

Article 60

The judge shall be dismissed from the judicial office:

1) for committing serious disciplinary violation prescribed by law, makes him disreputable for performance of the judicial office, and

2) due to unprofessional and in bad faith exercise of the judicial office, determined by law.

**2. Disciplinary procedure against the judge is conducted by the Judicial Council.**

**According to Amendment XXIX paragraph 1 of the Constitution of the Republic of North Macedonia**

“…The Judicial Council of the Republic of North Macedonia:

… - decides on the disciplinary accountability of judges…”

**The law on the Judicial Council of the Republic of North Macedonia**

**Procedure for determination of liability of a judge or a president of a court**

**Article 61**

(1) The procedure for determination of liability of a judge or a president of a court (hereinafter: the procedure), shall be initiated within a period of six months as of the day of discovering the committed violation, but not later than three years as of the day of omission of the violation.

(2) The procedure shall be urgent and confidential, shall be conducted without the presence of the public and by respecting the reputation and dignity of the judge or the president of the court, at the same time taking care to protect the personal data of the judge or the president of the court in accordance with the regulations on personal data protection.

(3) Upon a request of the judge or the president of the court, the Council shall decide the procedure to be public.

(4) Upon a request of the judge or the president of the court, a representative from the Association of Judges may also attend the session.

**A request for initiation of a procedure for determination of liability of a judge**

**or a president of a court**

**Article 62**

(1) The reasoned request for initiation of a procedure for determination of liability of a judge or a president of a court (hereinafter: the request) shall be submitted to the Council and shall contain: name and surname of the judge or the president of the court, address and place of residence, in which court he exercises the office, description of the violation, legal term for the violation by stating the provisions of the Law on Courts, and proposed evidence that have to be exhibited at the discussion.

(2) The evidence on which the request is based shall be submitted together with the request.

**Commission of Rapporteurs**

**Article 63**

(1) After the request for determination of the responsibility of the judge or president of the court is received, the Council shall establish a Commission of Rapporteurs (hereinafter: the Commission) from the members with a right to vote by lot, which is composed of three members, two of which are from among the members elected by the judges, and one is from among the members elected by the Assembly of the Republic of North Macedonia. The president of the Commission is elected by lot from among the members of the Commission.

(2) A member of the Council who is the submitter of the request cannot be a member of the Commission referred to in paragraph (1) of this Article.

(3) When the Council determines responsibility of a judge or president of a court belonging to communities that are not a majority in the Republic of North Macedonia in the Commission referred to in paragraph (1) of this Article, one member must be a member of the communities that are not the majority in the Republic of North Macedonia.

(4) The Commission will reject the request for determining responsibility of the judge or president of the court if the request:

- is not timely,

- is not complete, or

- clearly unmeritorious, i.e. it revokes on facts that were already a case for examination by a higher court in a procedure after a legal remedy or could have been a case for examination by a higher court but have not been commenced with a legal remedy.

(5) In the cases of paragraph (4) of this Article, the procedure for determining responsibility of the judge or president of the court finishes with the decision of the Commission.

(6) The Commission decides with at least two votes, except of the decision for rejection of the demand from paragraph (4) which is adopted with consensus, i.e. three votes.

(7) If the Commission does not reject the request for determining the responsibility of a judge or president of a court, it shall notify the Council of the established factual situation, which is obliged to decide within seven days from the day of the notification of stopping or continuation of the procedure.

(8) If the Council decides to continue the procedure, the Commission shall be obliged to collect all necessary information and to prepare a report within a period of three months from the day of receipt of the request.

**Gathering data and evidence**

**Article 64**

(1) The Commission shall obtain data and evidence of interest in determining the situation regarding the request.

(2) If the data and evidence referred to in paragraph (1) of this Article are found with a state body, a body of the local self-government unit or person or legal person entrusted with exercising public authorizations they shall be obliged, without compensation, to submit them to the Council within the deadline specified in the request referred to in paragraph (1) of this Article.

**Delivery**

**Article 65**

(1) The Commission shall submit the request and the evidence personally to the judge or the president of the court against which it has been filed, through the archive of the court in which it performs the judicial office or with a registered shipment at the home address.

(2) If the judge is not found at the place of delivery referred to in paragraph (1) of this Article, a written notification of the place and time for the withdrawal of the request shall be made, and it shall be considered as a proper delivery.

(3) The judge or president of the court may respond in writing to the allegations in the request or to give an oral statement within eight days of receiving the request.

(4) A judge or president of a court against whom a claim has been filed shall have the right to a defense counsel who informs her/him and provides him for the hearing.

(5) Together with the response to the request, the judge or the court president shall provide all the evidence on the base of which he shall base his response to the request.

(6) The judge or the president of the court in the reply to the request shall be obliged to indicate the address to which the letter will be sent in the course of the procedure in a written procedure with a registered consignment, as well as the electronic address where the written submission will be sent electronically.

(7) If the judge or the president of the court is not found at the address stated in the reply to the request where the delivery of the letter is to be made, the supplier will leave a written notification for arrival on a certain day and hour in a certain Council premises to receive the letter. If the judge or president of the court does not act upon the notification, it is considered that the delivery was done on the day and hour indicated in the notice.

(8) Delivery by electronic means shall be performed in accordance with the provisions of the Law on Civil Procedure.

**Hearing regarding the request**

**Article 66**

(1) The Commission shall schedule a hearing within seven days from the day of receiving the response to the request by the judge or the president of the court. The Commission works in full composition and is managed by the President.

(2) The judge, i.e. the president of the court, shall be invited at the hearing.

(3) If the judge or the president of the court duly invited does not come to the hearing, and if he does not justify the absence, the hearing will be held.

(4) At the hearing the evidence proposed by the applicant, the judge or the president of the court, as well as the evidence obtained from the Commission, shall be carried out.

(5) The judge, that is, the president of the court has the right to make verbal record or in writing within three days after all the evidence is presented at the hearing.

(6) Minutes shall be prepared for the actions taken at the hearing. The minutes are completed by a person from among the professional service of the Council.

(7) The minutes shall in particular contain data on: the day, hour and venue of the hearing, the president and the members of the Commission and the person who keeps the records, the names of the persons present, the statement of the judge or the president of the court or his counsel and the evidence are performed. The records shall be signed by the applicant, the judge, or the president of the court, i.e. their counsel, the Commission and the person who keeps the records.

(8) If one of the persons referred to in paragraph (7) of this Article does not sign the minutes, it shall be recorded in the minutes.

(9) During the course of the hearing, along with the minutes a sound recording is performed.

(10) The minutes, i.e. the sound recording from paragraph (9), within 48 hours shall be reviewed and joined with to the minutes, together with the transcript of the sound recording.

**Report of the Commission**

**Article 67**

(1) The Commission shall, within 15 days from the day of the completion of the hearing, submit a report on the established situation upon the request to the Council.

(2) The report shall contain all the records and acts that the Commission had at its disposal during the procedure, the pronouncement of the judge or the president of the court, as well as the description of the actions undertaken.

(3) All case files must be made available to members of the Council.

**Hearing in front of the Council**

**Article 68**

(1) The President of the Commission shall explain the Report at the hearing before the Council.

 (2) The President and members of the Commission shall participate in the discussion and vote on the decision.

(3) If a member of the Council is the applicant, he shall not be present at the hearing before the Council and shall be exempted from voting on the final decision.

(4) Deciding upon the report, the Council may temporarily distance the judge or the president of the court from performing the judicial office, in accordance with the Law on Courts.

 (5) If the judge or the president of the court against whom a procedure for determining responsibility has been initiated, during the procedure has submitted a request for the termination of the judicial office, the Council will determine the termination of the judicial office and will continue the procedure until the final decision is reached which will be an integral part of the judge's file, that is, of the president of the court’s file.

**Procedure for deciding upon a draft decision on pronouncing a disciplinary measure**

**Article 69**

(1) The Council shall, at a session of the debate after the Report of the Commission and after the conclusion of the hearing, initially decide to stop the procedure if it determines that there is no basis for responsibility, with at least seven votes from the total number of members with a right to vote.   
(2) In the case referred to in paragraph (1) of this Article, the decision for temporary suspension from the performance of the judicial office shall be rendered out of force.

(3) If the Council fails to reach a decision on termination of the procedure, i.e. finds that the judge or the president of the court committed a more severe disciplinary offense or unprofessional and unethical performance of the judicial office, under the conditions determined by law, decides on the dismissal of the judge or the president of the court at least eight votes out of the total number of voting members.

(4) If the Council does not stop the procedure or does not make a decision for dismissal, i.e. it establishes that there is a responsibility of the judge or the president of the court due to a committed disciplinary violation, they shall conduct a vote for pronouncing a disciplinary measure, starting from the difficulty to the easier one with at least seven votes from the total number of voting members.   
(5) The voting shall be interrupted with a decision to impose a disciplinary measure.  
(6) When adopting the decision on dismissal, the judge or the president of the court temporarily moves away from the performance of the judicial function, that is, the president of a court until the final conclusion of the procedure.

**Deciding on the Commission's report**

**Article 70**

If during the hearing of the Commission's report with at least seven votes from the total number of members of the Council with a voting right it is necessary that the case be finalized, the case files may be returned to the Commission for finalization, at most - once, with instructions and guidelines which is obliged to submit the report on the case with all further implemented actions to the Council within 15 days from the date of delivery.

**Submitting a decision**

**Article 71**

(1) The decision referred to in Article 69 of this Law shall be prepared within 10 days from the day of its adoption and it shall mandatory contain an introduction, a statement, a rationale and a legal lesson.

(2) A copy of the decision shall be submitted to the judge, i.e. the president of the court, the applicant and the president of the court where the judge is performing the function, that is, the president of the immediate higher court.

(3) The delivery of the decision referred to in paragraph (2) of this Article shall be performed in accordance with Article 65 of this Law.

**Right to appeal**

**Article 72**

(1) The right to appeal to the Council for deciding upon an appeal to the Supreme Court of the Republic of Northern Macedonia (hereinafter: the Appeals Council) against the decision of the Council, is only the judge or the president of the court for whom the procedure for determining liability, within eight days from the date of receipt of the decision.

(2) The Appeal Council is composed of nine members, of which three judges of the Supreme Court of the Republic of Northern Macedonia, one judge from the appellate courts and two judges from the court from which the judge against whom the procedure is conducted is. The members shall be chosen publicly by system of drawings at a general session of the Supreme Court of the Republic of Northern Macedonia, that is, a session of all judges of the respective court, no later than 10 days from the day of receiving the appeal.

(3) The Board of Appeal shall decide at the latest within 30 days from its establishment upon the appeal, appreciating the legality of the procedure.

(4) In the cases referred to in paragraph (3) of this Article, the Appeals Chamber may confirm or revoke the decision of the Council in the event of a gross violation of the provisions on the procedure for the responsibility of a judge or president of a court.

(5) If the Council of Appeal abolishes the decision, the Council shall repeat the procedure, obligatory in compliance with the guidelines of the Appeals Council and shall take a decision and publish it publicly on its website.

(6) An appeal or a lawsuit shall not be allowed against the decision referred to in paragraph (5).

(7) The President of the Supreme Court of the Republic of Northern Macedonia and a judge or a president of a court, a participant in the procedure before the Council, may not be members of the Appeals Chamber referred to in paragraph (2) of this Article.

**Re-opening of the procedure on a final judgment of the European Court of Human Rights**

**in Strasbourg**

Article 73

(1) When the European Court of Human Rights finds a violation of a human right or fundamental freedoms envisaged under the European Convention for the Protection of Human Rights and Fundamental Freedoms and its Additional Protocols, which the Republic of North Macedonia has ratified, in accordance with the Constitution of the Republic of North Macedonia, in a proceedings before the Council and the Supreme Court of the Republic of North Macedonia, the judge or the president of the court whose right has been violated in the proceedings may, within a period of 30 days but within three years at the latest from the date the judgment of the European Court becomes final, apply to the Council for reopening of the proceedings.

(2) The Council shall inform the Inter-Ministerial Commission for execution of the decisions of the European Court of Human Rights of the application filed, in accordance with the Law on Execution of the Decisions of the European Court of Human Rights.

(3) The Council is obliged in the reopened procedure to comply with the legal positions stated in the final judgment of the European Court of Human Rights finding the violation of the human rights and fundamental freedoms.

(4) The Council may, in accordance with Article 25 of the Law on Execution of the Decisions of the European Court of Human Rights, reopen the proceedings to eliminate the violation and the consequences arising from the violation.

(5) The Council shall, from its composition, set up within 15 days a Commission of a chairman and three members to act on the filed application for reopening of the proceedings in which the members of the Council who are members of the Inter-Ministerial Commission for Execution of the Decisions of the European Court for Human Rights may not be included.

(6) The Commission shall assess whether the filed application is timely, complete and admissible.

(7) If the application is incomplete, untimely or inadmissible, the Commission shall propose to the Council to reject it.

(8) If the Commission finds that the application is timely, complete and admissible the Commission shall forward the case to the Council for further handling, which shall submit the case to the Appeal Council at the Supreme Court of the Republic of North Macedonia for competent handling within three days.

(9) The Appeal Council shall, within 15 days after receiving, act upon the case and repeal its decision and the decision of the Council, guided by the legal positions noted in the final judgment of the European Court for Human Rights finding the violation, and shall remit the case immediately, and three days at the latest, to the Council for reopening of the procedure.

(10) The reopened procedure regarding the violation found shall be conducted in accordance with the provisions of this Law relating to the establishment of a responsibility of a judge or president of a court in which new evidence may be proposed and examined.

(11) The unsatisfied party shall have a right to an appeal with the Appeal Council against the decision made in the reopened procedure, within 15 days from the date it received the decision.

**Right to a fair trial**

**Article 74**

During the procedure in front of the Council, the judge or the president of the court against whom a procedure is conducted shall have the right to a fair trial in accordance with the guarantees determined in Article 6 of the European Convention for the Protection of Human Rights and Fundamental Freedoms. “

**3. Disciplinary measures are provided in the Law on courts.**

**“Disciplinary measures**

**Article 78**

(1) For the established responsibility of a judge, the Council may impose one of the following disciplinary measures:

- a written warning,

- public reprimand,

- reduction of the salary in the amount of 15% to 30% of the monthly salary of a judge for a duration of one to six months.

(2) If a judge has been pronounced a disciplinary measure with a final decision on a salary reduction in the amount of 15% to 30% of the monthly salary, the judge can not be elected to a higher court, as a member of the Judicial Council, nominated as a judge in international court, director or deputy director of the Academy for Judges and Public Prosecutors, for the duration of the measure.

(3) When determining and pronouncing disciplinary measures, the severity of the violation, the degree of responsibility, the circumstances under which the violation and the conduct of the judge have been committed, the consequences of the violation as well as the previously stated disciplinary measures shall be taken into consideration. "

**Article 79**

(1) President of a court shall be dismissed from the office of a president, if in a procedure, the Judicial Council of the Republic of Macedonia establishes the following bases:

- overstepping and violation of legal powers,

- unlawful and unintended use of court’s funds,

- influence upon the independence of the judges related to adjudging in certain cases,

- failure to apply the provisions regarding the case management and distribution,

- violation of the provisions regarding the adoption and amendment of the Annual schedule for Judges.

- if he fails to notify the Judicial Council of the Republic of Macedonia for the gross violation of the Articles 75, 76 and 77 of this law by the judge in which he is the president, of the occurrence of the violation was known by the president of the court and purpose of the failure of notification of it is to cover it.

- Hinders supervision in the court pursuant to the law and

(2) By 1 March in the ongoing year at the latest, the president of the court shall be obliged to submit a report to the Judicial Council of the Republic of Macedonia concerning the implementation of the work program for the previous calendar year referred to in paragraph (1) indent 7 of this Article.

(3) In case of milder violation on the grounds referred to in paragraph (1) of this Article, the president of the court may be imposed a disciplinary measure.”

**4. According to the responses form Judicial Council, in the last ten years (2010-2019) 160 judges were subject to disciplinary proceedings and 25 judges were dismissed.**

**5.** **Yes. These questions are regulated in the Constitution of the Republic of North Macedonia, the Law on courts and the Law on the Judicial Council of the Republic of North Macedonia.**

**CONSTITUTION OF THE REPUBLIC OF NORTH MACEDONIA**

Article 100 and Amendment XXVII of the Constitution

Judges enjoy immunity.

A judge cannot be held criminally liable for an opinion and deciding in the process of rendering a court decision.

A judge shall not be detained without the consent of the Judicial Council, except when caught in committing a criminal act for which a prison sentence of at least five years is prescribed.

The judicial function is incompatible with membership in a political party or with another public function or profession determined by law.

Political organisation and activity in the judiciary is prohibited.

**LAW ON COURTS**

**Article 65**

(1) In the exercise of the judicial office, the judges shall enjoy immunity.

(2) A judge cannot be held criminally liable for a stated opinion and manner of deciding during the adoption of a court decision.

(3) A judge cannot be taken in without an approval from the Judicial Council of the Republic of Macedonia, unless caught in commission of a crime for which an imprisonment sentence in duration of at least five years is foreseen.

(4) The Judicial Council of the Republic of Macedonia shall decide upon revocation of the immunity of judges.

(5) The procedure for deciding about revocation of a judge’s immunity shall be urgent.

**Article 67**

(1) The judge shall be suspended from exercising the judicial office while in custody, or while the procedure for the crime for which an imprisonment sentence of at least five years is foreseen is ongoing.

(2) The judge shall be suspended from exercising the judicial office in case of initiated procedure for establishing liability, in accordance with law and when there are justified reasons for suspension from exercising judicial office.

(3) The decision to suspend the judge from exercising the judicial office in the case referred to in paragraphs (1) and (2) of this Article shall be adopted by the Judicial Council of the Republic of Macedonia.

**Article 68**

(1) Anyone shall have the right to lodge a written complaint to the President of the court due to improper or inappropriate behavior of a Judge in official relations with the parties and to receive a reply.

(2) The complaints related to the exercise of the judicial office have to be reviewed by the bodies to which they are submitted, fast and fair and without presence of the public in the procedure.

(3) The judge against whom the complaint is submitted shall reply within a time period defined by law.

**Article 69**

A procedure for damage compensation or another procedure cannot be conducted against a judge or a lay judge by a party that is not satisfied with the decision of the judge.

**Article 70**

(1) The Republic of Macedonia shall be held liable for a damage caused to the citizens or legal entities by a judge or lay judge in unlawful exercise of the office.

(2) In case of dismissal of a judge because of the caused damage referred to in paragraph (1) of this Article, the Republic of Macedonia, by means of a lawsuit, shall require the dismissed judge to return the amount of the paid damage referred to in paragraph (1) of this Article, in the amount defined by the court, in accordance with the law.

(3) After the dismissal of a judge who has caused a damage to citizens or legal entities by unlawful operations, in a period of eight days as of the legal validity of the decision on dismissal, the Judicial Council of the Republic of Macedonia shall notify the State Attorney’s Office in order for it to undertake the measures referred to in paragraph (2) of this Article, within the framework of its competences defined by law.

**LAW ON THE JUDICIAL COUNCIL OF THE REPUBLIC OF NORTH MACEDONIA**

COMPETENCE, ORGANIZATION AND MANNER OF OPERATION OF THE COUNCIL

**Article 36**

(1) The Council shall have the competence to:

* select and dismiss judges,
* select and dismiss the presidents of the courts,
* determine termination of the judicial office,
* select and dismiss lay judges,
* follow and assess the work of the judges,
* to decide on the disciplinary responsibility of a member of the Council,
* decide on the disciplinary liability of a judge, or president of court,
* **decide on revoking the immunity of a judge,**
* decide upon requests for approving detention for a judge,
* nominate two judges of the Constitutional Court of the Republic of North Macedonia from among the judges,
* examine the annual report of the Supreme Court of the Republic of North Macedonia regarding the determined fundamental principles and fundamental legal opinions upon issues of importance for the purpose of securing unity in the application of the laws,
* decide on the temporary suspension of a judge from the judicial office, and a member of a council from performing the office of a member of a council,
* determine the number of necessary judicial positions per courts,
* review and assess the quarterly and annual reports on the work of the courts and to publish them publicly on its web-site, and,
* act upon complaints by citizens and legal entities for the work of the judges, the presidents of the courts and the courts,
* care for the reputation of the judges and the trust of the citizens in the judiciary,
* submit an annual report on the work,
* adopt the Rules of Procedure and other general acts regulating the work within its competence;
* determine an orientation number of cases which should be decided by a judge monthly, and
* carry out other activities determined by law.

(2) At least once per month, the Council is obligated to hold a session to discuss separately all complaints submitted by the citizens and the legal entities regarding the work of the judges, the presidents of the courts and the courts, as well as over delaying the court procedures, and shall decide on each complaint separately within 60 days as of the day of their receipt by the Council at the latest.

(3) The session of the Council referred to in paragraph 2 of this Article shall be public.

(4) The Council adopts an annual work program and action plan no later than 15 December in the current year for the following year.

**Decision to withdraw the immunity of a judge and to decide upon a request for detention**

**Article 99**

(1) The Council shall decide to revoke the immunity of a judge in cases determined by law, at a session of the Council by a majority vote of the total number of members with a right to vote.

(2) The Council at the session decides upon the request for approval of the detention of a judge, i.e. after the notification that the judge has been detained.

(3) The procedure in which the Council decides to revoke the judge's immunity is urgent and it is conducted within 24 hours of the request, i.e. the notification for detention.

**6. According to the response from the Judicial Council of the Republic of North Macedonia, in the last ten years, 2 judges were subject to criminal liability proceedings and they were convicted by the final judgements for more than 6 months imprisonment. For this reason, they were dismissed.**