Macedonia Justice Initiative

- A Case Study of the Republic of Macedonia’s Alternatives to Pretrial Detention

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Executive Summary

Macedonia is an independent state since 1991 and has a population of approximately 2.1 million people. It is a candidate country for membership of the European Union. There are challenging contextual circumstances including, ongoing political instability, ethnic and religious division related to 25% of the population being ethnic Albanians. It almost became a civil war in 2001. General inequalities experienced by ethnic minorities include unequal access to education, employment, legal rights, and as well as experiencing abuse and mistreatment.

Macedonia has a civil law system. The age of criminal responsibility is fourteen and the minimum age for custodial sanctions and measures is 16 years old. As of 2015, the total prison population consisted of 3,427 people, of which 350 were held in pretrial detention. This is approximately 10%, which is rather small compared to other countries. Macedonian detention facilities have been described as being some of the worst in Europe. The primary issues are; prolonged judicial procedures; excessive and lengthy detentions; failure to present substantial grounds for detention; failure to consider alternative measures; and lack of transparency.

As part of the Diplomacy Lab Project 68 “Comparative Analysis of Pre-Trial Detention and Alternatives”, we introduce our project, the Macedonia Justice Initiative, where we propose that the Republic of Macedonia will be able to decrease its pretrial detention population, and improve its current conditions by implementing and/or expanding the following best practices; Legislation, Mediation, and Paralegals.

1. The Macedonia Justice Legislation (MJL) is a similar legislation to the one that was implemented in Portugal in 2007, where the number of offences for which pretrial detention will decrease. Furthermore, we advocate for a 50% decrease in the current maximum allotted time of 6 months in pre-indictment detention, and two years of post-indictment detention.

2. Macedonia Justice Mediators (MJMs) program provides an alternative to arrest or detention. In brief, a person suspected of an offense in a criminal case is given an opportunity to meet and discuss with another party confidentially in order to redress the harm or to solve the problem instead of proceeding to trial. The main component of this alternative is a skilled mediator who assists both parties to reach an agreement. This program has its benefits in helping saving time for courts and lower costs as it will be associated with volunteer-provided services at a pro bono course requirement can contribute to service at no cost.

3. Macedonia Justice Paralegals (MJPs) program has been successfully implemented in i.e. but not limited to; Malawi, Liberia, and the Ukraine. Some benefits include; awareness of legal rights, improving the current lack of trust, provide efficiency, increase transparency, and reduce costs. It will be pro bono service and the paralegals will provide expertise under supervision.

The timeline for this project is 5 years with a budget of US$5 million. The first year is the official program launch. The focus will be implementing the Macedonia Justice Legislation, logistic procedures, training volunteers from NGOs and various disciplines to become certified mediators. The Macedonia Justice Mediation program (MJMs) and the Macedonia Justice Paralegals program will be launched during the second year. The third to fifth year will focus on oversight and evaluation. We provide a detailed sustainability plan with identified limitations. If the identified limitations and contextual challenges are addressed, we believe our proposed plan which include legislation (prevention), mediation (alternative justice), paralegals (assurance of fair trials) will be successful in reducing the Macedonian pretrial detention population, improving the overall conditions, and promoting efficiency, transparency, and accountability.
### Abbreviations

<table>
<thead>
<tr>
<th>Abbreviation</th>
<th>Description</th>
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<tbody>
<tr>
<td>BBC</td>
<td>The British Broadcasting Corporation</td>
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<tr>
<td>CCP</td>
<td>Code of Criminal Procedure</td>
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<tr>
<td>ECtHR</td>
<td>The European Court of Human Rights</td>
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<td>EU</td>
<td>The European Union</td>
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<td>FYROM: LFLA</td>
<td>The Former Yugoslav Republic of Macedonia: Law on Free Legal Aid</td>
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<td>ICRC</td>
<td>International Committee of the Red Cross</td>
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<td>INL</td>
<td>Bureau of International Narcotics and Law Enforcement Affairs</td>
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<td>LCP</td>
<td>Law on Criminal Procedure</td>
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<td>MJL</td>
<td>Macedonia Justice Legislation program</td>
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<td>MJMs</td>
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<td>MJP</td>
<td>s Macedonia Justice Paralegals program</td>
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<td>NACM</td>
<td>National Association of Certified Mediators</td>
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<td>NATO</td>
<td>The North Atlantic Treaty Organization</td>
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<td>NGOs</td>
<td>Non-governmental organizations</td>
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<td>OSCE</td>
<td>Organization for Security and Co-operation in Europe</td>
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<td>RHMs</td>
<td>Roma Health Mediators</td>
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<td>USAID</td>
<td>The United States Agency for International Development</td>
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<td>WBAMP</td>
<td>The Western Balkans Assembly Monitor Project</td>
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Macedonia Justice Initiative

- A Case Study of the Republic of Macedonia’s Alternatives to Pretrial Detention

Approximately 10-40% of the global prison population is held in pretrial remand (Walmsley, 2017, p. 2). The Republic of Macedonia (hereafter Macedonia) has a population of approximately 2.1 million people (Republic of Macedonia State Statistical Office, 2016, p. 6). As of 2015, 350 people were held in pretrial detention. It is approximately 10% of its total prison population, which is consisting of 3,427 people (Walmsley, 2017, p. 10). Macedonia has a rather small pretrial population compared to other countries (Open Society Foundations, 2014, p. 19), yet has faced significant criticism. For example, it has been accused of hosting some of the worst pretrial detention centers in Europe (Stojanovski, 2014) and failing to present substantial grounds for detention (Organization for Security and Co-operation in Europe, 2008, pp. 17-18).

This case study will provide an overview of Macedonia’s country profile, followed by its pretrial situation, legislative procedures, pretrial issues, along with the past and current efforts at reform. Ultimately, we will introduce our consciously developed policy recommendation for reform. We propose that Macedonia will decrease its pretrial detention population and improve its overall conditions by implementing and/or expanding the following best practices; Legislation, Mediation, and Paralegals. We will provide a detailed 5-year implementation and sustainability plan with identified limitations. We will conclude with how our proposed policy reform will be successful with the given budget of 5 million USD.

Macedonia’s Country Profile

Macedonia is located in the Balkan Peninsula of Southeastern Europe and is one of the successor states of the former Socialist Federal Republic of Yugoslavia (SFRY) from which it

There is a wide range of ethnic composition. 64.2 percent of the population is ethnic Macedonian, while 25.2 percent are ethnic Albanian. There are also people of Turkish, Romani, Serbian, Bosniak, and Vlach decent (U.S. Department of State, 2015, p. 26). The majority of Macedonians are Orthodox Christians, and the majority of Albanians are Muslims (U.S. Department of State, 2015, p. 2). In 2001, an armed conflict erupted between the two ethnic groups and was on the verge of becoming a civil war. The Ohrid Framework Agreement was established creating new laws and amendments that aimed to enhance legal rights for minorities (UNDP, 2012). There have been persistent tensions due to the long presence of institutional and societal discrimination (U.S. Department of State, 2016, p. 2). Ethnic Albanians reportedly have unequal access to education, employment, legal rights, societal recognition, and a lack of political representation in the governmental sphere (U.S. Department of State, 2015, p. 1; U.S. Department of State, 2017, pp. 2, 26 & 32). Furthermore, they have been more susceptible to abuse and mistreatment during arrests and while being held in police stations (Human Rights Watch, 1998). Even though they are a minority in the country, research indicates that for specific crimes, they make up a larger portion of the prison population (Arsovska, 2015, p. 238).

Ethnicity and religion are furthermore interlinked with political affiliation (U.S. Department of State, 2015, p. 2), which is highly visible in the ongoing political crisis. Macedonia is a parliamentary republic. Gjorge Ivanov was reelected President in 2014. New parliamentary elections were held in December of 2016 and the two main opposing parties received an almost identical number of seats in parliament. The Social Democrats ultimately gained majority by colluding with parties favored by the ethnic Albanian community (BBC, 2017). This formation has, however, been
blocked by the President citing a potential threat to Macedonia’s sovereignty due to the fear that it will give more power to the Albanian community (BBC, 2017). Hundreds of protesters, mainly consisting of Macedonian nationalists, stormed the Parliament on April 28, 2017, injuring hundreds of people and politicians when an ethnic Albanian man was selected as the parliament speaker (BBC, 2017). These contextual challenges will be an obstacle for successful reform of its pretrial system.

**Macedonia’s Situation of Pretrial Detention**

Macedonia has a civil law system with a judicial review of legislative acts. The age of criminal responsibility is fourteen and the minimum age for custodial sanctions and measures is sixteen years old, and age of criminal majority is eighteen years old (Aebi, Tiago & Burkhardt, 2016, p. 57). In 2015, Macedonia’s pretrial detention population was 350 people (Walmsley, 2017, p. 10). A research study by the Western Balkans Assembly Monitor Project (WBAMP) (2016) suggested that many defendants who are put in pretrial detention in Macedonia are charged with a minor crime. Furthermore, they found that in all of the cases where the public prosecutor’s office pursued criminal charges against protesters in the political assembly, they requested pretrial detention (p. 19). Macedonian courts also tend to order detention for protestors even though there are other alternatives available that might be more appropriate (WBAMP, 2016, p. 19).

**Pretrial Procedures**

Article 172 of the Code of Criminal Procedure (CCP), 2008 states that the duration of the pretrial detention must be the shortest period of time necessary and the concerned authorities should pay special attention to the proportionality of the severity of the committed criminal act (p. 61). Under this domestic law, a judge issue warrants for the arrest and detention of a suspect based on evidence and, generally, police adhere to this requirement. The law also requires that
prosecutors must arraign a detainee within 24 hours of arrest (CCP, 2008, pp. 63-64). It is only
the public prosecutors that can request detention to be imposed.

While the Judge of the pretrial procedure cannot initiate a proposal for detention, he or
she can decide whether to accept or deny the prosecutor’s request (U.S. Department of State,
2016, p. 7). The Judge may order detention of suspects for up to 72 hours before arraignment and
police generally follow these procedures. Concerned authorities are responsible for promptly
informing detainees of the charges against them. Prior to indictment, detention may last a
maximum of 180 days whereas pretrial detention may last a maximum of two years following

Owing to the above-mentioned law, there are various alternative measures to pretrial
detention available. According to the OSCE (2008), these alternative measures include promise
or an oath taken by the accused in that he or she will not leave his/her permanent or temporary
residence. This measure includes restriction to visit specific places or territory, restriction to have
contact with a specific person, and restriction to take a job that is related to the criminal act;
surety, bail, guarantee; house arrest; obligation to occasionally appear in front of an official; and
temporary withdrawal of a travel or other kinds of documents for crossing state borders (p. 7).

**Pretrial Issues**

Macedonia has domestic law in place to control pretrial detention procedures for its
rather small population but the misuse of pretrial detention is widely recognized (OSCE, 2008;
Stojanovski, 2014; U.S. Department of State, 2016). The country has received significant
criticism from the international community. Numerous studies and visits have found issues such
as problematic and prolonged procedures in which pretrial detention is imposed; excessive and
lengthy detentions; failure to consider alternative measures; a lack of official data of pretrial
detainees; mistreatment by staff, lack of staff and appropriate training, lack of transparency, overcrowding in detention facilities; bad living conditions; poor healthcare and vermin infestations (Council of Europe, 2016; Helsinki Committee for Human Rights of the Republic of Macedonia, 2017; Stojanovski, 2014; U.S. Department of State, 2017, pp. 2-4, & 7).

The procedures Macedonian courts have used when evaluating requests for pretrial detention have been found to be problematic and lacking transparency (United States Department of State, 2016, p. 7). There have also been violations of the presumption of innocence both from the judicial authorities and the government sector, politicians, and the media (para. 4). For example, in the Miladinov and others v. Macedonia judgment from 2014, the European Court of Human Rights (ECtHR) revealed a failure of the domestic courts to explain their decisions why the alternative measures to deprivation of liberty had not been used properly (pp. 13-17).

The European Court of Human Rights (ECtHR) has found that Macedonian courts have several times failed to present substantial grounds for holding people in pretrial detention (Stojanovski, 2014, & OSCE, 2008, p. 17). The judgment of the ECtHR, 2010, in Vasilkoski and others v. Macedonia in 2010 found that domestic courts are constantly using the same formula and identical form of words when issuing detention of suspects, regardless of their individual circumstances (pp. 8-11). This issue is also confirmed by a study conducted by the OSCE Mission in Skopje in 2008. The study found that there was nearly 87 percent of the deficiencies in the court’s decision to reason the grounds for detaining a person in pretrial detention (p. 18). Moreover, in many cases, the government of Macedonia has denied international community members, such as the ICRC access to pretrial detainees without the presence of a government representative (Crime and Society, 2017). These pretrial issues are significant challenges for successful attempts at reform.
Past and Current Efforts at Reform

Since Macedonia has been a candidate for accession to the European Union (EU) since 2005 as well as its accession to NATO is currently pending, Macedonia has been trying to initiate various efforts at pretrial detention reform to meet international standards. One of the most powerful attempts at reform is its recent reform of its criminal procedural laws, which came into force in December 2013, as an attempt to strengthen the right to a fair trial (Deanoska & Bozhinovski, 2014). The main focus of the newest amendment of the Law on Criminal Procedure (LCP) is an abandonment of court-driven investigation or reorganization. It means that the control of pretrial procedure is no longer exercised by the investigative judge, but by the Judge of the Pretrial procedure of the “Liberties Judge” (Buzarovska & Kalajdziev, 2010, p. 2-5; Deanoska & Bozhinovski, 2014, para. 4). A study by Deanoska & Bozhinovski (2014) states that this law reform adopts new provisions of the EU Procedural Rights Roadmap on defense rights; thus providing better safeguards of the procedural rights and freedoms of the accused and suspects in the criminal procedure (para. 8). However, it has been met with much criticism and challenges due to the fact that the recent major law reforms of the LCP introduce changes unfamiliar to the traditions and the judiciary’s mentality. At the beginning, there were some challenges in the process of preparing and implementing the new LCP; resulting in a delay in its formal implementation (Deanoska, & Bozhinovski, 2014, para.2).

There are several additional efforts of judicial reform organized by international institutions. First, the Judicial Strengthening Project, a three-year-project supported by USAID. With the budget of 3,696,110 USD, this project aims to strengthen the role of the judiciary in the separation of power, develop the rule of law process and judicial sector reform (USAID, 2015, para 2). One of the main outputs was the successful adoption of sub-regulations on the Law on
Court Service by the Ministry of Justice, which regulate the recruitment procedures for non-judicial court staffs.

Second is the National Programme for Adoption of the Acquis Communautaire. This program aims to establish a detailed plan and timeline for reforming national legislation and policies in order to fulfill the requirement for EU membership (Government of the Republic of Macedonia, 2009). It also aims to reform the existing institutions and increase adequately trained staffs. Third is Legal and Judicial Implementation and Institutional Support Project for Macedonia, from 2006 to 2012, as part of the overall judicial system reforms. This project was implemented in the context of the World Bank’s development policy program with the purpose of contributing to improving judiciary effectiveness and efficiency in Macedonia (The World Bank, 2014).

The underlining and most important reason for failed reform attempts are linked to the systemic corruption that is prevalent in the country. According to the U.S. Department of State (2015-2016), the most significant human rights issues in Macedonia can be linked to extensive corruption in the government and the judicial system such as failure to fully respect the rule of law, violation of people’s right to a public trial, continuation of restricting the freedom of media and interfering in the judiciary procedures (p. 1).

There is a lack of public trust in justice institutions (U.S. Department of State, 2016, p.1). Even though there are criminal penalties for corruption involving officials, a number of implicated officials have been given impunity (U.S. Department of State, 2016, p. 26). For example, on April 12, 2017, President Ivanov stopped all measures taken against a vast number of politicians including the now resigned Prime Minister Nikola Gruevski, indicted for widespread corruption revealed in the release of wiretappings in 2015 (BBC, 2017; Tcherneva & Wesslau, 2017; U.S. Department of State, 2015, p. 1). A survey by Transparency International’s annual Global
Corruption Barometer in 2016 revealed that 12 percent of the respondents reported paying a bribe to obtain public service, which they were legally entitled (U.S. Department of State, 2016, p. 27).

**Macedonia Justice Initiative Reform Proposal**

Our reform proposal “Macedonia Justice Initiative” consist of three components; Legislation, Mediation, and Paralegals.

**Macedonia Justice Legislation (MJL)**

According to Heard (2016), legislative and procedural reforms are among the most successful ways to reduce pretrial detention populations (p. 13). In 2007, the Portuguese Code of Criminal Procedure Amendment no. 48 went into force (van Kalmthout, Knapen, Morgenstern, 2009, p. 1). The components making Amendment no. 48, Article 202 “Remand in Custody Pending Trial “a best practice is; pretrial detention is used as a last resort (van Kalmthout et al., 2009, p. 8); it has decreased the number of offences for which pretrial detention may be ordered; it is only applied for crimes punishable by imprisonment of five years or more, replacing the previous requirement of at least three years imprisonment. The exceptions to this rule are for crimes such as terrorism, violent acts (aggravated theft, fraud, bodily injury, with prohibited weapon and with intent), or highly organized crime, which still recognizes the punishment of at least three years imprisonment (Code of Criminal Procedure Portugal art. 202, p. 23). The World Prison Brief (2017) reports that in 2005, 23.6% of the prison population in Portugal consisted of pretrial detainees. In 2015, it had decreased to 16.3%, and in 2017, to 15.1%. Portugal has seen a vast decrease primarily due to its legislative reform (Heard, 2016, p. 13).

We, therefore, advocate for a similar legislation that was implemented with Amendment no. 48, Article 202 in Portugal in 2007. We believe extending the requirement to crimes of at least five years in prison, with the same exceptions used in Portugal will be applicable to
Macedonia. Furthermore, there is a need to decrease the maximum allotted time of 6 months in pre-indictment detention, and two years of post-indictment detention. We believe by implementing and modifying existing laws, will provide a solid foundation for successful reform.

*Macedonia Justice Mediators (MJMs) program*

Originally, mediation is an alternative dispute resolution (ADR) measure. In the context of reducing pretrial detention, it provides an alternative to arrest or detention. In brief, a person suspected of an offense in a criminal case is given an opportunity to meet and discuss with another party confidentially. Its purpose is to come up with a measure to redress the harm or to solve the problem instead of proceeding to trial.

The mediation programs in Finland and Greece have inspired us to pay attention to this alternative. With this in mind, we had searched if there is any mediation program successfully put in place in Macedonia. We found the “Roma Health Mediators (RHM)s” program, supported by the Open Society Foundation (Open Society Foundation, 2011, p. 49). In short, RHMs are members of the Roma community who are trained to bridge the gap between the community and the health system (Open Society Foundation, 2011, pp. 7-8). Ultimately, the Ministry of Health successfully presented a strategic framework for RHMs to the government for approval (Open Society Foundation, 2011, pp. 49-50). Based on the successful existing program in the same country’s context, we proposed Macedonia Justice Mediators (MJMs) program. The main component of this alternative is a skilled mediator who assists both parties to reach an agreement.

*Who are the Mediators?*

- *Domestic non-governmental organizations*: The interaction between the courts and the NGOs in Macedonia is frequently through the provision of free legal aid (FYROM: LFLA, 2012). Bogdanovska & Auramovski (2016) found that the main part in the NGO-judiciary
cooperation in Macedonia are trial monitoring and court watch whereas the Coalition “All for fair trials” has been playing these roles since its creation in 2003 (para.3). Thus, at the beginning of the MJMs program, we propose to create a partnership firstly with the Coalition and work together to provide services. Volunteers will also directly benefit from participating in our program as they will be trained to be a professional certified mediator.

- **Volunteers from disciplines:** We are looking forward to coordinating with volunteers from various specialty areas such as law, psychology, behavioral health, or teaching, who enroll in the course that requires pro-bono to be graduated. While most of them received their training in a court, college or community setting, they can gain their first mediation experience in a volunteer capacity outside the classroom (Kalish, et al., 2007, p. 14) while earning credits for pro bono requirement.

  **MJMs benefits** include saving time for courts that can process more appropriate cases; lower costs because partnering with NGOs is likely to guarantee the ability to service whereas keeping the cost low, also associated with volunteer-provided services at a pro bono course requirement can contribute to service at no cost.

  Although a solution is not reached, mediation provides the parties advantage of hearing the position of the other side before the case comes to trial. By listening to both sides of the case, parties involved are able to better understand potential options and how to address their case.

  **Who will fund MJMs?**

Bureau of International Narcotics and Law Enforcement Affairs (INL) will be responsible for MJMs training and continue education. Once the mediators are certified with a global standard, they will be able to work for MJMs program as well as expand the mediation program capacity.
of their own organizations. After INL leaves the country, MJMs will be fund by grants from the local foundation and corporate grants and international grant program and fundraising events.

**Macedonia Justice Paralegals (MJP)**

The third component of our package is implementing paralegals. It is a strategy along with legal aid organizations that are used in criminal justice systems throughout the world, including but not limited to; the Paralegal Advisory Service Institute (PAS) in Malawi, the Legal Assistance and Reform Intervention in Liberia, the Coordinating Centre for Legal Aid in the Ukraine, and the Legal Aid agency in the United Kingdom.

Using paralegals to represent, inform, and advise clients during the pretrial stage have positive effects in reducing pretrial detention populations (Open Society Foundations, 2012, p. 13). As witnessed in Macedonia, there are alternatives to detention available, but fails to be utilized. We argue that expanding the use of paralegals will improve citizens’ knowledge of one’s legal rights and improve the current lack of distrust in judicial organizations. In addition, it will provide efficiency in the system, increase transparency, and reduce costs for the government (Open Society Foundations, 2012, p. 14). Establishing a legal aid institution independent from the Macedonian government would be more effective given its current political crisis, accusations of widespread corruption, and criticism for failing to utilize the alternatives to detention that are already available.

Paralegals are students who are required to conduct pro-bono work in order to graduate. The paralegals will be easily accessible at police stations. They will provide legal expertise, representation, and guidance to clients through their journey in the judicial system under supervision. It is vital that they are allowed to be present during questioning both at police stations and detention facilities and at hearing deciding potential pretrial release. Incorporating
an academic requirement of practical experience in order to complete the education program for paralegals will ensure sustainability of the practice. Introducing paralegals will provide opportunity for skill development through direct practical training. It will encourage more citizens to become paralegals, which will also assist in reducing the high unemployment rate.

**Implementation**

The timeline for this project is 5 years with a budget of 5 million USD.

Timeline: Implementation of pretrial detention reform

We believe the earliest launch date for the MJI program can be January 2019. In preparation for the official launch of the program, one year (2018) will be dedicated to administrative preparation required for the parties involved such as INL and the local governmental and nongovernmental agencies. The primary contact people in Macedonia responsible for implementation will be the Macedonia Ministry of Justice under the supervision of INL. The local Macedonian personnel from the various sectors and INL staff will be selected, informed, and trained. The appropriate procedures for legislative approval will occur during the preparation year. We believe collaborating and informing local lobbyists and advocates for EU
membership of the prior success of the Portuguese legislation and decrease in its pretrial detention population will be vital to pass the proposed law.

The first year of the official program launch will be January-December of 2019. The first focus will be on the continuation of successfully implementing the MJL. The second focus is establishing a nongovernmental legal aid institution and implementing graduation criteria of pro bono work. Once it is created, current Paralegals in training will be carefully selected and those are certified can start the training program under the supervision of INL. The third focus for the first year will be training of volunteers from NGOs and various disciplines to become a certified mediator through a well-known certified mediators organization. One of the largest professional certification association in the world for mediators is National Association of Certified Mediators (NACM). The volunteers will take an online 30-day mediation training course and certification examination to receive a certified card and certificate. INL will be responsible for training costs to get the program started. Within the end of the first year, we can foresee a number of certified mediators who are ready to work in the field. The second year of the program will be January-December 2010. At the beginning of the second year (2020), we will be ready to launch the MJMs program and under the second half of the second year, the MJPs will be launched, both under the supervision of INL. The third to fifth year of the project will be January of 2021 to December of 2023. During these years, the program focus will be on oversight and evaluation.

**Sustainability**

The MJP’s legal aid institution will be independent from the Macedonian government, which will be more effective given its current political crisis, corruption, and public distrust. It will provide opportunity for skill development through direct practical training pro bono for the paralegals themselves as a core requirement for graduation, and is cost-effective. The legal aid
institution will work as a watchdog as it is independent from the Macedonian government. The paralegals will be involved on the local level, oversee pretrial procedures, make sure that alternatives to detention and the newly implemented legislation are respected and utilized.

Following successful RHMs, where the Ministry of Health of Macedonia’s preventive health program has allocated some budget to support RHMs (Open Society Foundation, 2011, p.49), Ministry of Justice of Macedonia will be responsible for implementing MJMs program, under the supervision of INL. With funding from the Ministry of Justice, the MJMs program will be run by partner NGOs to assist the participating parties to restorative justice.

Additional sustainability requirements include;

- **Ensure institutionalization of MJMs program**: In order to maximize the impact, MJMs must be sustained by Macedonian government. That being said, the program, eventually, should be supported financially by the government, with NGOs playing an advisory role.

- **Be carefully monitored**: Third parties and other stakeholders will carefully monitor and measure the effectiveness of the MJMs and the MJP programs and identify program adaptations if needed.

- **Increase the number of mediators and paralegals to meet the current needs**: national expansion will follow success of the MJMs & MJP programs. The required number of volunteers, mediators, and paralegals will be expanded to meet the national demand. As planned, INL should advocate for the Macedonian government to eventually assume responsibility for the MJM program, while the MJP program will remain nongovernmental to ensure fair justice.

- **Ensure supportive supervision**: INL and relevant NGOs advocacy should ensure standard and consistent quality of supervision. Besides, allocating adequate resources, such as human resource time, tool development, etc., and adequate role definition is essential to ensure that the investments in MJMs and the MJP programs pay off.
Limitations

Giving Macedonia’s current unstable political climate, accusations of widespread corruption, persistent ethnic conflicts over societal inequalities, a successful reform will be difficult. These limitations will certainly be obstacles to a successful reform of its pretrial system.

MJL Program Limitations.

- *Legislation has to be passed and utilized to be effective*: It is a rigorous process to implement legislation and requires the approval and cooperation of the local government. We believe the success from Portugal’s reduction in pretrial detainees, and Macedonia being a candidate country for EU membership and requiring judicial and legislative reform for full membership will be influential in achieving implementation.

MJMs Program Limitations.

- *Difficulty in finding mutual consensus*: Mediation requires the participation and mutual consensus of both parties. This is not always possible due to potential lack of belief in the practice, an inability to locate both parties, and Macedonia’s ethnic and religious issues.

- *Potential governmental failure to evaluate the RHM program*: RHMs program has faced with the government’s failure to learn from RHM’s experience to leverage other programs. Failure to include RHMs experience in program planning to improve other programs yields a lost opportunity. It also displays a missed chance to increase mediator morale and sense of professional accomplishment as it is supposed to gain from RHM role model.

MJPs Program Limitations.

- *National availability*: Paralegals may not be available on a national scale in the beginning of the program, which may exclude remote populations. We aim to expand the MJP program to a national scale once established and functioning.
• **Assurance of quality services**: Beneficial effects of using paralegals are dependent on short-notice availability, proper training, and ability to provide expertise. As the services of paralegals occur on a small-scale basis between client and paralegal, insurance of quality services is difficult.

• **Susceptible to corruption**: In a politically unstable environment as Macedonia, paralegals may be susceptible to corrupt practices, which will interfere and prevent the goal of the practice.

We believe the three-year oversight and evaluation period will ensure quality of paralegal services, utilization of the proposed law, and prevent systemic corruption from occurring. We propose implementation of quarterly reports in order to accurately be able to supervise the progress of the program, be able to identify potential challenges and issues, in order to tackle them instantly. We urge the importance of doing so because of the previous reasons for failed reforms and international criticism has included widespread governmental corruption.

**Conclusion**

Any form of successful reform at this time will be difficult giving Macedonia’s current unstable political climate, widespread corruption, continual ethnic conflicts over societal inequalities, a general lack of trust in the government and judicial system. These limitations will certainly be obstacles to a successful reform of its pretrial system. We believe if these issues are tackled, our proposed holistic plan with legislation (prevention), mediation (alternative justice) and paralegals (assurance of fair trials) will be successful in reducing the Macedonian pretrial detention population, improving overall conditions, and promoting efficiency, transparency, and accountability.
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