

*Unofficial translation*  
*Courtesy of the OSCE Mission to Skopje*

In accordance with Article 17, item 2 of the Statute of the Association of Judges of the Republic of Macedonia, the Annual Membership Meeting on its session held on 20 June 2006 adopted the following

## **CODE OF JUDICIAL ETHICS**

### **Article 1**

**The Code of Judicial Ethics is a set of ethical principles and rules of conduct to which every member of the Association of Judges of the Republic of Macedonia commits him/herself to adhere during the performance of judicial office.**

The principles of judicial ethics are:

1. Independence;
2. Impartiality;
3. Honorability (Integrity);
4. Decorum;
5. Professionalism and Diligence.

### **Article 2**

#### **PRINCIPLE OF INDEPENDENCE**

**Every judge shall uphold to and be an example of judicial independence both at individual and institutional level, because the judicial independence is a prerequisite for the fair trial (administration of justice) and the rule of law.**

#### **Rules of Conduct:**

- The judge shall perform the judicial office independently on the basis of his/her personal assessment of the facts and diligent understanding and application of the law, safe from any external influences, inducements, pressures, threats or interferences imposed directly or indirectly by any party or for any reason;
- The judge shall decline any attempt by the parties to influence his/her decision, and shall safeguard the independence of the court from political pressures and influences at all times;
- In the performance of judicial duties, the judge shall attain his/her opinion independently from the opinion and position of his/her peers, and shall demonstrate and promote high standards of judicial conduct, thereby contributing towards strengthening the public trust and confidence in the judicial independence.

### **Article 3**

#### **PRINCIPLE OF IMPARTIALITY**

**The judge shall perform the judicial office impartially both in terms of the decision making and in terms of conducting the proceedings. Such impartiality is indispensable for proper performance of the judicial office.**

#### **Rules of Conduct:**

- The judge shall carry out his/her judicial duties free from favoritism and bias (inclination), as well as without preconceptions or prejudices;
- The judge, by his/her behavior in and outside of the court, shall strive to maintain and strengthen the confidence of the public, the legal profession and the litigants in the impartiality of the judge and of the judiciary as a whole;
- The judge cannot intentionally make comments regarding the possible outcome of a court proceeding in a pending or impending case before him/her, or give public comments that could affect the fair trial of any person or with respect to any issue;
- The judge shall refrain from *ex parte* communications in a pending case before the court i.e., the judge cannot consider communications of the parties outside the presence or consent of both parties, except in cases determined by law;
- The judge shall be concerned with and shall pay close attention to his/her disqualification in cases when it is impossible to render an impartial decision, thus avoiding to create a perception that he/she is not in a position to adjudicate impartially.

### **Article 4**

#### **PRINCIPLE OF HONORABILITY (INTEGRITY)**

**By his/her conduct, the judge shall aspire to contribute towards the integrity of his/her high ranking title and to make an impression of being a reasonable, fair and respectful person.**

#### **Rules of Conduct:**

- The judge, by his/her behavior and attitude in both professional and private life, shall reaffirm the confidence of people in the honorability of the judiciary.
- The judge cannot use the prestige of the judicial office to satisfy his/her personal interests, the interests of his/her family or the interests of any other person;
- The judge shall not adjudicate with the aim or expectation to gain any bequest for him/herself or for another person, and the judge is obliged to refrain from any conduct which may be perceived as such;

- The judge and members of his/her family shall not receive or solicit any gift or favor in relation to the performance of judicial office.

## **Article 5**

### **PRINCIPLE OF DECORUM**

**The judge, by his/her decent and courteous behavior, shall contribute towards acknowledgment of his/her authority and reputation, as well as towards upholding the dignity of the court.**

#### **Rules of Conduct:**

- The judge shall avoid impropriety and the appearance of impropriety in all of the judge's activities;
- The judge is exposed to a constant public scrutiny, and therefore must accept personal restrictions and behave him/herself in a manner which corresponds to the integrity and dignity of the judicial office;
- After the election i.e. appointment to the bench, the judge must terminate all party affiliated and political activities, and shall refrain from fundraising for political purposes, attending political gatherings and participating in public debates of political nature;
- The judge may join and accede to associations of judges and engage in civic and voluntary activities, which do not affect adversely his/her impartiality;
- The judge may write, lecture, teach and participate in extra-judicial activities concerning the law, the legal system and the administration of justice, as well as speak publicly about non-legal matters and be involved in historical, educational, cultural and sport activities provided that they do not diminish the dignity of the judicial office.

## **Article 6**

### **PRINCIPLE OF PROFESSIONALISM AND DILEGENCE**

**The judge shall uphold to and advance a high-level standard of professional ability by carrying out his/her judicial duty in a professional, diligent, impartial, efficient and reasonably expeditious manner.**

#### **Rules of Conduct:**

- The judge shall strive to advance his/her professional competence, knowledge and skills by means of continuing professional training and education;
- The judge shall be dedicated to his/her professional vocation and judicial duties, and the judge shall not perform other duties or activities, which may impair the confidence and reputation of the court;

- The judge shall perform the judicial duty diligently, efficiently, orderly, honorably, and in a timely fashion;
- The judge, during the court proceedings, shall be patient, dignified and courteous to the parties, jurors, witnesses, lawyers and others with whom he/she interacts.

## **Article 7**

### **RESPONSIBILITY FOR VIOLATION OF THE PRINCIPLES**

The type of sanctions and the procedure for establishing a violation of the ethical principles of judicial conduct set forth in this Code shall be determined by a special Regulation adopted by the Board of Directors and confirmed by the Annual Membership Meeting of the Association of Judges of the Republic of Macedonia.

Association of Judges of the Republic of Macedonia