

Comenius University in Bratislava, Faculty of Law



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**ADVOCATE AS A GUARDIAN OF RULE OF LAW IN CRIMINAL
PROCEEDINGS IN THE REPUBLIC OF NORTH MACEDONIA**

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“In a society founded on respect for the rule of law the lawyer fulfils a special role. The lawyer’s duties do not begin and end with the faithful performance of what he or she is instructed to do so far as the law permits. A lawyer must serve the interests of justice as well as those whose rights and liberties he or she is trusted to assert and defend and it is the lawyer’s duty not only to plead the client’s cause but to be the client’s adviser. Respect for the lawyer’s professional function is an essential condition for the rule of law and democracy in society.”

- – *the CCBE’s Code of Conduct for European Lawyers, article 1.1*



Introduction in the advocate profession - case of N. Macedonia



Who can be an
advocate in
criminal
proceedings



CRIMINAL LAW

The screenshot shows the website of the Macedonian Bar Association (MBA) with a navigation menu and a central emblem. Below the screenshot, there is a circular icon depicting a wooden gavel resting on a book labeled 'CRIMINAL LAW'.

- Adversarial system

New role



- Compulsory
- Facultative
- Defense of indigent people

Types of
defense





Ethics of advocates profession

“Legal ethics,” also known as “professional responsibility” is the *set of standards of minimally accepted conduct required of an advocate.*



How an advocate could fulfill his duties while he is acting in the best interest of the client especially when the client intends to submit false evidence to the court ?

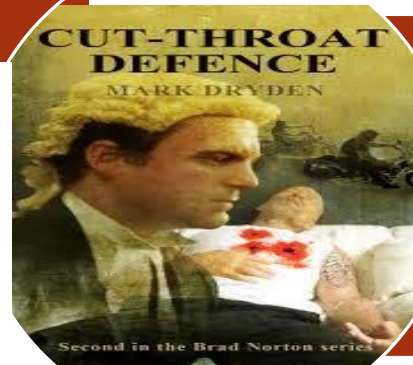


Independence from external influences;

Fundamental principles and values of the advocates profession



Independence from the client and professional detachment; and



Independence from the lawyer's self-interest



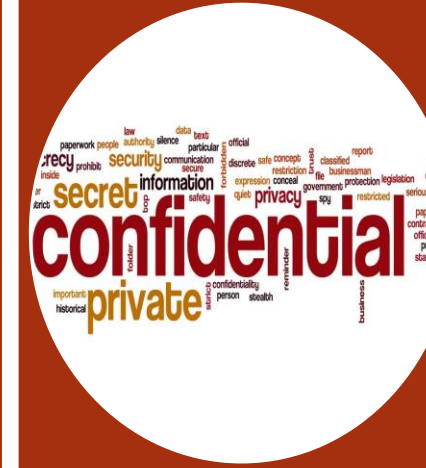
Principles of advocates profession



Principles of honesty, integrity and fairness



Loyalty to the Client's Interests



Principle of confidentiality



The principle of commitment / diligence





Advocates fees

Is justice expensive?

INVOICE

Your email.com
Yourwebsite.com

Address
City, State, Country
Zip Code



Billed To

Client Name
Address
City, State, Country
ZIPCODE

Invoice Number

Date Of Issue

Invoice Total

Description	Unit cost	Qty/Hr Rate	Amount
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Sub Total:
Tax:



Challenges in the advocate profession in criminal proceedings

- ***justice must not only be done: it must also be seen to be done***

Equality of arms constitutes a balance of fairness reasonably adjusted to the roles and responsibilities of the participants in a criminal proceedings



Challenge:



COMPLAIN

SUPPORT

- Complaint against any illegal actions or measures as provided for in Article 290 of the CPC regarding the judicial control over legality?



Challenge:



- the CPC does not contain an explicit sanctioning provision in the event of a violation of the concept of a fair procedure and trial in the general sense, as protected by Article 6 of the European Convention on Human Rights



Challenge:

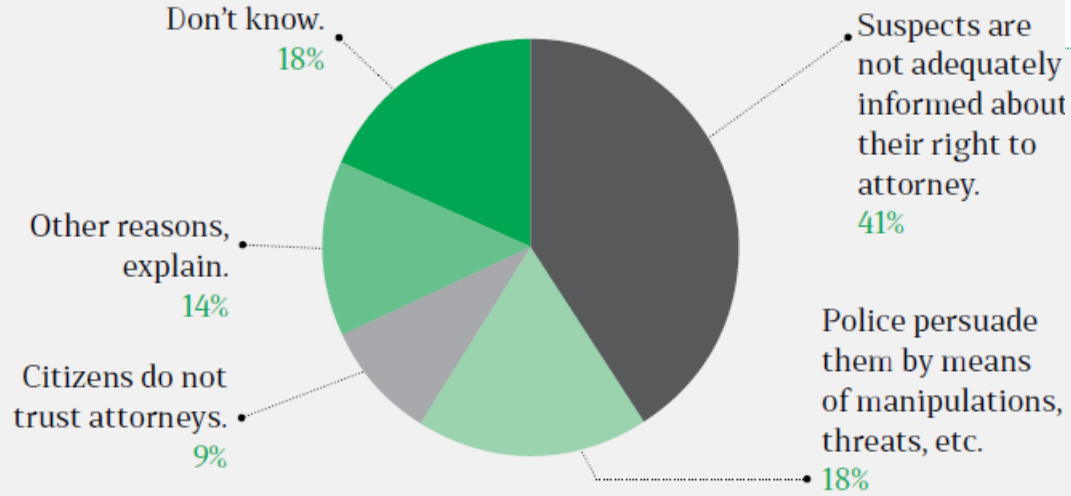
The Principle of Equality of Arms in International Criminal Proceedings



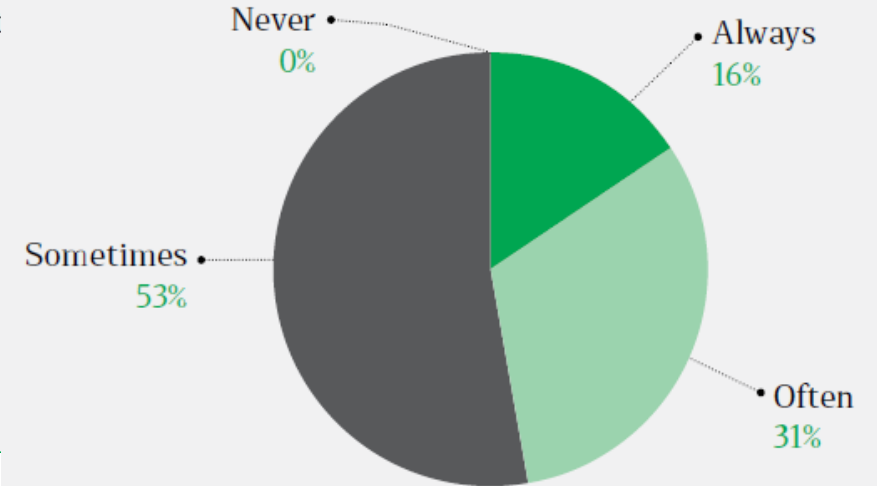
- The ability for the advocate to challenge the expertise of the public prosecutor and to reduce its probative value



What are the reasons for rare presence of defence attorneys at police stations?



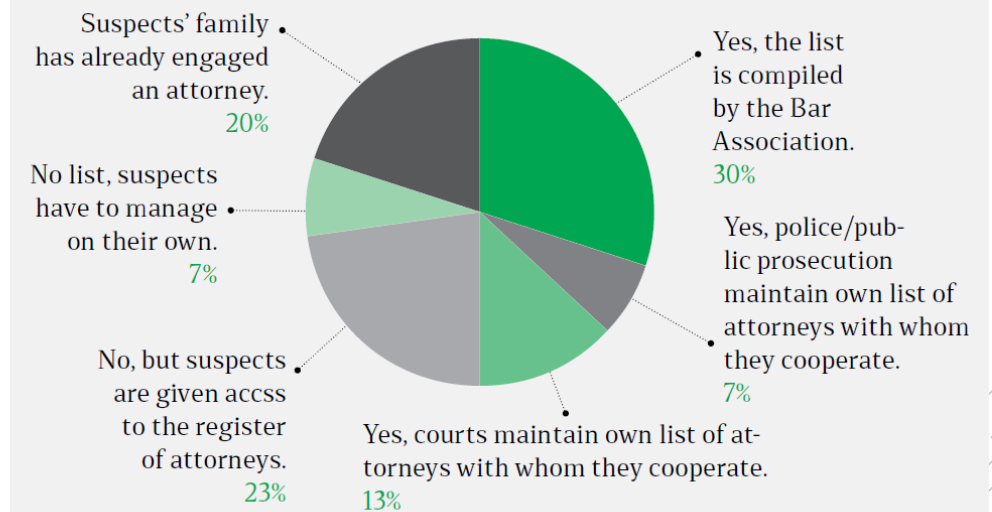
Person has defence attorney



Challenge:

- The real possibility to have an effective and efficient defense advocate during the course of the criminal proceeding

Is there a list of on-duty attorneys for urgent cases, in order to guarantee the right to defence attorney of persons deprived of liberty, even in cases when they cannot afford one?





**Thank you for
the attention !**

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