

Strasbourg, 10 September 2006

CEPEJ (2006)  
**Version finale**

**Answer to the  
REVISED SCHEME  
FOR  
EVALUATING JUDICIAL SYSTEMS  
2004 Data**

**Réponse à la  
GRILLE REVISEE  
POUR  
L'ÉVALUATION DES SYSTÈMES JUDICIAIRES  
Données 2004**

---

**AZERBAÏJAN/AZERBAÏDJAN**

**EUROPEAN COMMISSION FOR THE EFFICIENCY OF JUSTICE  
(CEPEJ)**

**REVISED SCHEME FOR EVALUATING JUDICIAL SYSTEMS**

**adopted by the CEPEJ at its 5<sup>th</sup> Plenary Meeting (Strasbourg, 15 – 17 June 2005) and  
approved by the Committee of Ministers on 7 September 2005  
(936<sup>th</sup> meeting of the Ministers' Deputies)**

**REVISED SCHEME FOR EVALUATING JUDICIAL SYSTEMS**

**COUNTRY:****National correspondent**

First Name – Name Ramin Gurbanov  
Position senior adviser  
Organisation Ministry of Justice  
E-mail ramingurbanov@yahoo.com  
Telephone 99 412 403 02 53

**I. Demographic and economic data****I. A. General information**

**1. Number of inhabitants** 8.347.000

*Source: State Statistical Committee of the Republic of Azerbaijan*

**2. Total of annual State public expenditure / where appropriate, public expenditure at regional or federal entity level**

State level

Regional/entity level

State public expenditure 1.305.570.000,0 EURO

Public expenditure on providing judicial branch, prosecutor`s,  
lawenforcement and security authorities 135.141.323,5 EURO

*Source: The Law of the Republic of Azerbaijan "On state budget of the Republic of Azerbaijan for 2004" adopted on November 28, 2003*

**3. Per capita GDP** 852 EURO

*Source: State Statistical Committee of the Republic of Azerbaijan*

**4. Average gross annual salary** 994 EURO

*Source: State Statistical Committee of the Republic of Azerbaijan*

**I. B. Budgetary data concerning judicial system**

**5. Total annual budget allocated to all courts** 6.915.056,5 EURO

*Source: The Law of the Republic of Azerbaijan "On state budget of the Republic of Azerbaijan for 2004 year" adopted on November 28, 2003*

**6. Within this budget, can you isolate the following budgets and specify, if appropriate, their amount: N.A.**

- Salaries?
- IT?
- Justice expenses borne by the State?

7. Annual public budget allocated on legal aid 33.333 EURO  
 Annual public budget allocated on legal aid 28.500 EURO

Source: Ministry of Finance of the Republic of Azerbaijan

8. If possible, please specify: N.A.
- the annual public budget spent on legal aid in criminal cases
  - the annual public budget spent on legal aid in other court cases

9. Annual public budget allocated on prosecution system 10.916.740,18 EURO

Source: General Prosecutor's Office of the Republic of Azerbaijan

10. Bodies formally responsible for budgets allocated to the courts:

	Preparation of the budget (Yes/No)	Adoption of the budget (Yes/No)	Management and allocation of the budget among courts (Yes/No)	Evaluation of the use of the budget (Yes/No)
Ministry of Finance	Yes	-	Yes	Yes
Parliament	-	Yes	-	-
Constitutional Court	Yes	-	-	-
Supreme Court	Yes	-	-	-
Supreme Court of NAR	Yes	-	-	-
Appellate courts	Yes	-	-	-
Ministry of Justice	Yes	-	-	-
Other.	-	-	-	-

\*\*\*

## II. Access to Justice and to all courts

### II. A. Legal aid

11. Does legal aid concern:

	Criminal cases	Other than criminal cases
Representation in court (Yes/No)	Yes	No
Legal advice (Yes/No)	No	No

12. Number of legal aid cases: N.A.

- total

- criminal cases
  - other than criminal cases
13. In a criminal case, can any individual who does not have sufficient financial means be assisted by a free of charge (or financed by public budget) lawyer? Yes
14. Does your country have an income and asset test for granting legal aid: N.A.
- for criminal cases?
  - for other than criminal cases?
15. In other than criminal cases, is it possible to refuse legal aid for lack of merit of the case (for example for frivolous action)? N.A.
16. If yes, is the decision taken by: N.A.
- the court?
  - a body external to the court?
  - a mixed decision-making body (court and external)?
17. In general are litigants required to pay a court tax or fee to start a proceeding at a court of general jurisdiction:
- for criminal cases? No
  - for other than criminal cases? Yes

**If yes, are there exceptions? Please specify:**

According to the Civil Procedural Code of the Republic of Azerbaijan adopted on 28 December 1999 and came into force on 1 September 2000, each suitor is to pay state duty defined by the legislation of the Republic of Azerbaijan. According to the article 9 of the Law of the Republic of Azerbaijan "On state duty" adopted 4 December 2001, individuals and legal entities are exempted from paying duties when applying to the courts in twenty two cases, such as, for instance, suitors in cases on paying alimony; suitors in cases on paying wages and other labour activity disputes; suitors in cases on restoration of consumers` rights; suitors if they are legal entities financed from budget, National Bank and it`s divisions as well as municipalities; persons participating in the court sessions when they appeal court decisions; juveniles applying to the courts for protection of their rights and etc.

18. Is there a private system of legal expense insurance for individuals in order to finance legal proceedings to court? Yes
19. Do judicial decisions have an impact on who bears the legal costs which are paid by the parties during the procedure in:
- criminal cases? Yes
  - other than criminal cases? Yes

**Please specify:**

Judicial decisions in civil and criminal cases have an impact on parties of the case. For instance, according to the article 119.2 of the Civil Procedural Code of the Republic of Azerbaijan adopted on 28 December 1999 and came into force on 1 September 2000, if the suitor is exempted from paying of state duty in accordance with defined procedure, state duty is to be exacted from respondent in proportion to the satisfied part of the claim. In article 124.1 of the Civil Procedural Code is saying that all court expences concerning consideration of the case and state duty from paying of which suitor is exempted are to be paid by the respondent in propotion to the satisfied part of claim. Article 124.2 states that if the claim is not satisfied, all courts expences beared by the court concerning consideration of the case are to be paid by the suiters who are not exempted from paying courts expences.

Acording to the article 198 of the Criminal Procedural Code of the Republic of Azerbaijan courts expences may be exacted from prisoner. If the person who had been private prosecuted was

acquitted or private indictor refused from protection of accusation in court, the court expences may be exacted from private indictor. If the person who had been private prosecuted and the private indictor are conciliated, the court exacted the courts expences from one or both sides of the criminal process.

II. B. Users of the courts and victims  
 II. B. 1. Rights of the users and victims

**20. Are there official internet sites/portals (e.g. Ministry of Justice, etc.) for the following, which the general public may have free of charge access to:**

Internet addresses: www.judicialcouncil.org.az, www.justice.gov.az, www.supremecourt.gov.az

**21. Is there an obligation to provide information to the parties concerning the foreseeable timeframe of the proceeding? No**

**22. Is there a public and free-of-charge specific information system (institution) to inform and to help victims of crimes? Yes, Commissioner on the human rights (Ombudsman)**

**23. Are there special arrangements to be applied, during judicial proceedings, to the following categories of vulnerable persons:**

	Information mechanism (Yes/No)	Hearing modalities (Yes/No)	Procedural rights (Yes/No)	Other (Yes/No). Please specify
Victims of rape	Yes*	Yes*	Yes*	-
Victims of terrorism	Yes**	Yes**	Yes**	-
Child/Witness/Victim	Yes*	Yes*	Yes*	-
Victims of domestic violence	Yes*	Yes*	Yes*	-
Ethnic minorities	Yes*	Yes*	Yes*	-
Disabled persons	Yes*	Yes*	Yes*	-
Juvenile offenders	Yes*	Yes*	Yes*	-

\*According to the Criminal Prosedural Code of the Republic of Azerbaijan all evidences which open personal or family secrets are to be considered in closed session of the court.

\*\*According to the Criminal Prosedural Code of the Republic of Azerbaijan all evidences which open state`s secrets as well as professional and commercial secrets are to be considered in closed session of the court.

**24. Does your country have compensation procedure for victims of crimes? Yes**

- 25. If yes, does this compensation procedure consist in:**
- a public fund? Yes
  - a court order?
  - private fund?

**26. If yes, which kind of cases does this procedure concern?**

According to the Law of the Republic of Azerbaijan "On reimbursement of damages to the individuals caused by the illegal acts of the preliminary investigating bodies, prosecutors and

courts” adopted on December 29, 1998, all damages caused to the individuals by the preliminary investigating bodies, prosecutors and courts should be reimbursed by the state.

According to chapter XX of the Criminal Procedural Code of the Republic of Azerbaijan adopted on 14 July 2000 and came into force on 1 September 2000, the court considers the application of the victim of crime about compensation of damages caused by the crime at the expense of state budget.

Note: According to article 2 of the Law of the Republic of Azerbaijan “On adoption, entering the force of the Criminal procedural code and legal matters bound with it” adopted on 14 July 2000, the provisions of the Criminal procedural code concerning the payment of the compensation to the victims of the crime will come into force after completion of the judicial-legal reform and adoption of the relevant law in this field.

27. **For victims, are there studies to evaluate the recovery rate of the compensation awarded by courts?** N.A.

## II. B.2. Confidence of citizens in their justice system

28. **Is there a system for compensating users in the following circumstances:**

- **excessive length of proceedings?** Yes
- **wrongful arrest?** Yes
- **wrongful condemnation?** Yes

29. **Does your country have surveys on users or legal professionals (judges, lawyers, officials, etc.) to measure public trust and satisfaction with the services delivered by the judiciary system?** Some non-government organizations conduct surveys on effectiveness of the judiciary.

30. **If yes, please specify:**

	Trough systematic surveys (Yes/No)	Through ad hoc surveys (Yes/No)
Surveys at national level	-	Yes
Surveys at court level	-	-

31. **Is there a national or local procedure for making complaints about the performance of the judicial system?** Yes

32. **If yes, please specify:**

	Time limit to respond (Yes/No)	Time limit for dealing with the complaint (Yes/No)
Court concerned	Yes	Yes
Higher court	Yes	Yes
Ministry of Justice	Yes	Yes
High Council of Justice	Yes	Yes
Ombudsman	Yes	Yes

### Can you give information elements concerning the efficiency of this complaint procedure?

According to the Law of the Republic of Azerbaijan “About the filing a complaint to the court on the

decisions and acts (inactions) of the officials which violate the rights and freedoms of the individuals” adopted on June 11, 1999, every citizen of the Republic of Azerbaijan has the right to file a complaint to the court on the decisions and acts (inactions) of the state and local bodies, organizations, departments, non-government organizations and officials.

According to the Law of the Republic of Azerbaijan “On commissioner of the human rights (ombudsman)” dated on December 28, 2001, the ombudsman has the right to investigate the complaints relating to violation of human rights connected with undue delays, loss of and non-issuing the documents in time in the first instance courts, as well as the retardation of execution of court decisions. The complaint is to be considered within 30 days, but if there is necessary to investigate or demand additional material the term may be prolonged for 1 month. Besides that on basis of application of applicant the term may be prolonged for more period.

According to the Criminal and Civil procedural codes and the Law of the Republic of Azerbaijan “On Constitutional Court” adopted on December 23, 2003, everyone has the right to appeal against decisions of the first instance courts to the Appellate Court, decisions of the Appellate Court to the Supreme Court, decisions of the Supreme Court to the Board of the Supreme Court, decisions of the Board of the Supreme Court to the Constitutional Court of the Republic of Azerbaijan.

According to the Law of the Republic of Azerbaijan “On courts and judges” adopted on June 10, 1997, Ministry of Justice considers complaints about the violation of the labour and execution discipline in the first instance courts without interference in decision making process. Besides that natural and legal persons have the possibility to apply to Judicial-Legal Council with complaint in order to initiative opening of a disciplinary procedure in respect of judges.

According to the Law of the Republic of Azerbaijan “On the rule of consideration of the applications of the citizens” citizens` applications should be considered by state authorities within 15 days, if there is necessity within 30 days. This period may be prolonged for additional month by decision of the head of the authority where the application is considering.

### III. Organisation of the court system

#### III. A. Functioning

#### 33. Total number of courts (administrative structure):

- **first instance courts of general jurisdiction** 85

*Source: Judicial-legal Council of the Republic of Azerbaijan*

- **specialised first instance courts** 16

*Source: Judicial-Legal Council of the Republic of Azerbaijan*

#### **Please specify the different areas of specialisation and number of courts:**

Total number of specialized courts in Azerbaijan 17. Among these courts 16 are first instance specialized courts and 1 is appellate specialised (economic) court. Mentioned 16 specialised courts may be classified as follows: 10 military courts, 5 economic courts and 1 court on grave crimes.

Military courts:

1. Agdam Military Court
2. Baku Military Court
3. Gazax Military Court
4. Lankaran Military Court
5. Military Court of the Naxchivan Autonomous Republic
6. Tartar Military Court
7. Fizuli-Gubadli Military Court



- 8. Sumgayit Military Court
- 9. Gandja Military Court
- 10. Military Court of the Republic of Azerbaijan on Grave Crimes Cases

Economic courts:

- 1. Economic Court of the Republic of Azerbaijan on Disputes arising from International Treaties
- 2. Economic Court №1
- 3. Economic Court №2
- 4. Economic Court №3
- 5. Economic Court of the Naxchivan Autonomous Republic

Other:

Court of the Republic of Azerbaijan on Grave Crimes Cases

**34. Total number of courts (geographic locations)**

Total number of courts:	106
First instance courts:	101
First instance courts of general jurisdiction:	85
Specialized courts:	17
Specialized first instance courts:	16
Higher courts:	5

*Source: Judicial-Legal Council of the Republic of Azerbaijan*

**35. Number of first instance courts competent for a case concerning:**

▪ a debt collection for small claims	90
▪ a dismissal	85
▪ a robbery	3

**36. Number of professional judges sitting in courts** 338

*Source: Judicial-Legal Council of the Republic of Azerbaijan*

**37. Number of professional judges sitting in courts on an occasional basis and who are paid as such: N.A.**

**38. Number of non-professional judges (including lay judges) who are not remunerated but who can possibly receive a simple defrayal of costs: N.A.**

**39. Does your judicial system include trial by jury with the participation of citizens? Yes**

**For which type of case(s)?** Criminal cases

According to the article 359 of the Criminal Procedural Code of the Republic of Azerbaijan dated 14 July 2000, judge may appoint the court investigation with participation of jury in following circumstances:

- if for the crime committed by the accused is provided punishment as imprisonment for life;
- if person who is accused for committing special grave crime demands considering of the criminal case with participation of jury.

Note: This provision of Criminal Procedural Code will be in effect after adoption of the relevant law regulating the activity of jury.

**If possible, number of citizens who were involved in such juries for the year 2004? N.A.**

<b>40. Number of non-judge staff who are working in courts</b>	1.524
Constitutional Court of the Republic of Azerbaijan	135
Supreme Court of the Republic of Azerbaijan	77
Supreme Court of the Naxchivan Autonomous Republic	37
Appellate Court of the Republic of Azerbaijan	90
Appellate Economic Court of the Republic of Azerbaijan	43
First Instance courts	1.142

*Source: Judicial-Legal Council of the Republic of Azerbaijan*

**41. If possible, could you distribute this staff according to the 3 following categories:**

- **non-judge staff whose task is to assist the judges (case file preparation, assistance during the hearing, keeping the minutes of the meetings, helping to prepare the decisions) such as registrars:**

267

Constitutional Court of the Republic of Azerbaijan	20
Supreme Court of the Republic of Azerbaijan	34
Supreme Court of the Naxchivan Autonomous Republic	11
Appellate Court of the Republic of Azerbaijan	42
Appellate Economic Court of the Republic of Azerbaijan	20
First Instance courts	140

- **staff in charge of different administrative tasks as well as of the management of the courts (human resources management, material and equipment management, including computer systems, financial and budgetary management, training management):**

495

Constitutional Court of the Republic of Azerbaijan	89
Supreme Court of the Republic of Azerbaijan	19
Supreme Court of the Naxchivan Autonomous Republic	10
Appellate Court of the Republic of Azerbaijan	28
Appellate Economic Court of the Republic of Azerbaijan	10
First Instance courts	339

- **technical staff:**

762

Constitutional Court of the Republic of Azerbaijan	26
Supreme Court of the Republic of Azerbaijan	24
Supreme Court of the Naxchivan Autonomous Republic	16
Appellate Court of the Republic of Azerbaijan	20
Appellate Economic Court of the Republic of Azerbaijan	13
First Instance courts	663

42. In courts, do you have non-judge staff entrusted with judicial or quasi-judicial tasks having autonomous competence and whose decisions could be subject to appeal (such as German and Austrian Rechtspfleger): N.A.

43. Number of public prosecutors 360

Source: General Prosecutor`s Office of the Republic of Azerbaijan

44. Do you have persons who have similar duties as public prosecutors? N.A.

45. Is the status of prosecutors:

- independent within the judiciary? Yes
- independent from the judiciary ? -
- under the authority of the Ministry of Justice? -

46. Number of staff (non prosecutors) attached to the public prosecution service: 700

Source: General Prosecutor`s Office of the Republic of Azerbaijan

47. Who is entrusted with the individual court budget?

	Preparation of the budget (Yes/No)	Arbitration and allocation (Yes/No)	Day to day management of the budget (Yes/No)	Evaluation and control of the use of the budget (Yes/No)
Management Board	-	-	-	-
Court president	Yes	Yes	Yes	Yes
Court administrative director	-	-	-	-
Head of the court clerk office	-	-	-	-

The budget of the first instance courts (district (city) courts, local economic courts, economic court of the Republic of Azerbaijan on disputes arising from international treaties, court of grave crimes cases, military court of grave crimes cases, military courts) is managed by the Ministry of Justice of the Republic of Azerbaijan. The budget of the other courts (Constitutional Court, Supreme Court, Court of Appeal, Economic Court of Appeal) manages by the presidents of these courts.

48. In general, do the courts in your country have computer facilities? Yes

49. What are the computer facilities used within the courts?

Functions	Facilities	100% of courts	+50% of courts	-50% of courts	- 10 % of courts
Direct assistance to the judge/court clerk	Word processing	+			
	Electronic data base of jurisprudence			+	
	Electronic files			+	
	E-mail		+		
	Internet connection		+		
Administration and management	Case registration system			+	
	Court management information system				+

	Financial information system				+
Communication between the court and the parties	Electronic forms				+
	Special Website			+	
	Other electronic communication facilities				+

50. Is there a centralised institution which is responsible for collecting statistical data regarding the functioning of the courts and judiciary? Yes

Please specify the name and the address of this institution:

Name:	Ministry of Justice of the Republic of Azerbaijan, Department of Organization and Analysis
Address:	1 Inshaatchilar avenue, AZ1073, Baku Azerbaijan

### III. B. Monitoring and evaluation

51. Are the courts required to prepare an annual activity report? No

52. Do you have a regular monitoring system of court activities concerning the: Yes

- number of incoming cases? Yes
- number of decisions? Yes
- number of postponed cases? Yes
- length of proceedings? Yes
- other?

53. Do you have a regular evaluation system of the performance of the court? Yes

54. Concerning court activities, have you defined: N.A.

55. Which authority is responsible for the evaluation of the performances of the courts:

- the High Council of Judiciary? Yes, Judicial-Legal Council
- the Ministry of justice?
- an Inspection body?
- the Supreme Court?
- an external audit body?
- other?

56. Does the evaluation system include quality standards concerning judicial decisions? Yes  
Please specify:

According to the Law of the Republic of Azerbaijan "On Judicial-Legal Council" adopted on 28 December 2004, Judicial-Legal Council is the body, which within its competence, ensures organization and operation of the court system; arranges selection of candidates who are not judges to the vacant judicial posts; evaluates the activity of judges and organization of work by the presidents of courts, deputy presidents of courts and presidents of the collegial boards of courts; decides on the issues of transfer of judges to different judicial post, their promotion, calling judges to disciplinary liability, as well as other issues related to courts and judges, and implement self-government functions of the judiciary. Judicial-Legal Council is composed of 15 members, mainly judges and representatives of executive and legislative bodies, prosecutor's office, bar association in the following manner:

- head of the Ministry of Justice;
- president of the Supreme Court;
- person appointed by the President of the Republic of Azerbaijan;
- person appointed by Parliament of the Republic of Azerbaijan;

- a judge appointed by the Constitutional Court of the Republic of Azerbaijan;
- two judges of cassation instance court appointed by the Supreme Court from among the candidates by the associations of judges;
- judge of appeal instance court (Court of Appeal of the Republic of Azerbaijan) appointed by the Supreme Court from among the candidates offered by the associations of judges;
- judge of appeal instance court (Economic Court of Appeal of the Republic of Azerbaijan) appointed by the Supreme Court from among the candidates offered by the associations of judges;
- judge of the Supreme Court of Naxchivan Autonomous Republic appointed by the NAR Supreme Court from among the candidates by the associations of judges;
- two judges of the first instance courts appointed by the Minister of Justice of the Republic of Azerbaijan from among the candidates offered by the associations of judges;
- person appointed by Minister of Justice of the Republic of Azerbaijan;
- lawyer appointed by Bar Association of the Republic of Azerbaijan;
- person appointed by the General Prosecutor`s Office of the Republic of Azerbaijan.

Minister of Justice and president of the Supreme Court are ex officio members of the Judicial-Legal Council. Except for persons who are ex officio the members of the Judicial-Legal Council, the same person should not be appointed as a member of the Judicial-Legal Council more than twice.

As a rule Judicial-Legal Council evaluates the work of the judges once every three years. Evaluation of the work of judges is carried out in order to improve the administration of justice, organize training of the judges adequately, as well as to check the aptitude of judges to proceed with their judicial duties. Activities of judges are evaluated on the basis of opinion concerning the way they perform their duties by the President of the Supreme Court, presidents of the courts of appeal, the NAR Supreme Court and the presidents of the courts in the jurisdiction of which these judges are appointed. Also information collected by the Ministry of Justice in the course of implementation of its functions provided by the legislation and information submitted to the Judicial-legal Council is used during evaluation. The information at the disposal of the members of the Judicial-Legal Council also contributes to the setting up of the said evaluation. Judicial-Legal Council determines the procedure and methodology of evaluation of the work of judges.

*Source: Judicial-Legal Council of the Republic of Azerbaijan*

57. **Is there a system enabling to measure the backlogs and to detect the cases which are not processed within an acceptable timeframe for:** N.A.
- **civil cases?**
  - **criminal cases?**
  - **administrative cases?**
58. **Do you have a way of analysing queuing time during court procedures?** N.A.
59. **Do you monitor and evaluate the performance of the prosecution services?** Yes

\*\*\*

#### IV. Fair trial

##### IV. A. Fundamental principles

60. **Is there in your judicial system:**
- **a right for an interpreter for all those within your jurisdiction who cannot understand or speak the language used in court?** Yes
  - **the right to have reasons given for all prisons sentences?** Yes

- for all cases, an effective remedy to a superior jurisdiction? Yes

61. Which is the percentage of judgements in first instance criminal cases in which the suspect is not actually present or represented? No

62. Is there a procedure to effectively challenge a judge if a party consider he/she is not impartial? Yes

If possible, number of successful challenges (in a year): N.A.

63. Please give the following data 2003 and 2004 concerning the number of cases regarding the violation of Article 6 of the European Convention of Human Rights:

		Cases communicated by the Court		Cases declared inadmissible by the Court		Friendly settlements		Judgements establishing a violation		Judgements establishing a non violation	
		2003	2004	2003	2004	2003	2004	2003	2004	2003	2004
Criminal proceedings	Article 6§1	8		3		N.A.	N.A.	N.A.	N.A.	N.A.	N.A.
	Article 6§1					N.A.	N.A.	N.A.	N.A.	N.A.	N.A.
	Article 6§2					N.A.	N.A.	N.A.	N.A.	N.A.	N.A.
	Article 6§3a					N.A.	N.A.	N.A.	N.A.	N.A.	N.A.
	Article 6§3b	-		-		N.A.	N.A.	N.A.	N.A.	N.A.	N.A.
	Article 6§3c					N.A.	N.A.	N.A.	N.A.	N.A.	N.A.
	Article 6§3d					N.A.	N.A.	N.A.	N.A.	N.A.	N.A.
Article 6§3e					N.A.	N.A.	N.A.	N.A.	N.A.	N.A.	
Civil proceedings	Article 6§1	14		4		N.A.	N.A.	N.A.	N.A.	N.A.	N.A.
	Article 6§1					N.A.	N.A.	N.A.	N.A.	N.A.	N.A.
	Article 6§1					N.A.	N.A.	N.A.	N.A.	N.A.	N.A.

Source: Office of the President of the Republic of Azerbaijan

#### IV.B. Timeframes of proceedings

##### IV. B. 1. General

64. Are there specific procedures for urgent matters in:

- civil cases? Yes
- criminal cases? Yes
- administrative cases? Yes

65. Are there simplified procedures for:

- civil cases (small claims)? Yes
- criminal cases (petty offences)? Yes
- administrative cases? Yes

66. Is it possible for a second instance court to send back a case to a first instance court for a new examination? Yes

67. Do courts and lawyers have the possibility to conclude agreements on modalities for processing cases (presentation of files, binding timeframes for lawyers to submit their conclusions and dates of hearings)? Yes

##### IV. B. 2. Civil and administrative cases

68. Total number of civil cases in courts (litigious and not litigious): 53.249

Please specify the main types of cases:

Civil cases includes cases concerning settlement of disputes such as family, labour, tax, private disputes, disputes arising from contracts, disputes concerning inheritance and etc.

Source: Ministry of Justice of the Republic of Azerbaijan

69. Litigious administrative and civil cases in courts – please complete this table concerning the number of cases/length of proceedings/pending cases and specify definitions of incoming cases, starting and ending point of length and pending cases:

		Civil cases	Administrative cases (misconduct)	Administrative cases (dispute between a private person and the State or one of its organs)*	Divorce	Employment dismissal
Total number (1st instance)	Incoming cases	53.249	12.547	2.091	8.748	608
	Decisions on the merits	38.252	12.488	1.648	5.781	370
	Decision on redressing a claim	91,8% (35.126)	1,4% (177)	92,1% (1.517)	99,8% (5.767)	50% (185)
	Decision on dismissing a claim	8,2% (3.126)	-	7,9% (131)	0,2% (14)	(50%) 185
	Percentage of decisions subject to appeal in a higher court	21,9 (8.389)	-	3,3% (55)	2,2% (129)	62,4% (231)
	Pending cases by 1 January 2005	4.616	59	98	1.337	42
	Percentage of pending cases of more than 3 years	N.A.	N.A.	N.A.	N.A.	N.A.

Average length (from date of lodging of court proceedings*)	1st instance decisions	3 month Most of the cases 1 months some cases It is envisaged other short terms	15 days Term may be prolonged till 1 month by judge 48 hours in administrative cases which envisaged penalty in form of administrative arrest	1 month	3 month 6 months with conciliation period	1 month
	2 <sup>nd</sup> instance decisions	2 months	10 days 3 days in administrative cases which envisaged penalty in form of administrative arrest	2 months	2 months	2 months
	Total procedure	6 months most of the cases 4 months some cases	1 month 10 days 5 days in administrative cases which are envisaged penalty in form of administrative arrest	4 months	6 months 9 months with conciliation period	4 months

\* If you cannot calculate the average length from the date of lodging of court proceedings, how do you calculate length of proceedings?

\* It comprises considering cases on applications of citizens against appropriate executive bodies or local selfregulatory authorities, other institutions and organizations, its divisions and officials` actions and decisions.

**Where appropriate, please specify the specific procedure as regards divorce:**

According to the Family Code of the Republic of Azerbaijan adopted on 28 December 1999 and came in force on 1 September 2000, the length of consideration of the divorce case is 3 month (but when one side is not agreed the judge has the right to give term of no more than 3 month for conciliation). So maximum length of this type of case is 6 months. One month is provided for submitteng appeal and two months for consideration of the case at the Appeal Court. Total is 9 months with conciliation period and 6 months without conciliation period.

Source: Ministry of Justice of the Republic of Azerbaijan

**IV. B. 3. Criminal cases**

**70. Please describe the role and powers of the prosecutor in the criminal procedure:**

- to supervise investigation? Yes
- to conduct investigation? Yes
- when necessary, to demand investigation measures from the judge? No
- to charge? Yes
- to present the case in the court? Yes
- to propose a sentence to the judge? Yes
- to appeal? Yes
- to supervise enforcement procedure? No



- to end the case by dropping it without the need for a judicial decision? Yes
- to end the case by imposing or negotiating a penalty without a judicial decision? No
- other significant powers? Yes

71. Does the prosecutor also have a role in civil and/or administrative cases? Yes

Please specify:

According to the article 50.2 of the Civil Procedural Code of the Republic of Azerbaijan, in case legal entity, of which founder is state or state's bodies, made appropriate application, the prosecutor has right to act as a suiter in civil cases in court for defending interests of the state.

In the article 430 of the Code on Administrative Infractions, prosecutor within his authorities undertakes necessary actions provided by the law for eradication of the breaches of the law made during considering of the administrative cases. Prosecutor supervises implementation and execution of the Constitution, laws and other legislative acts of the Republic of Azerbaijan during consideration of administrative cases.

Prosecutor has the right to: deliver decisions about starting of the proceedings on administrative cases, take part in consideration of administrative cases, enter motion during consideration of administrative cases, appeal decisions delivered on administrative cases. Prosecutor is informed about place and date of consideration of administrative cases on juveniles and administrative cases initiated by him (her).

72. Functions of the public prosecutor in relation to criminal cases:

		Total number of 1st instance criminal cases
Received by the public prosecutor		-
Discontinued by the public prosecutor	In general	145 criminal cases
	Because the offender could not be identified	75 criminal cases
	Due to the lack of an established offence or a specific legal situation	Because of absence of the criminal event 26 criminal cases because of amnesty 13 criminal cases (13 individuals)
Concluded by a penalty, imposed or negotiated by the public prosecutor		Concluded on basis of conciliation 443 criminal cases (443 individuals)
Charged by the public prosecutor before the courts		11.452 criminal cases (13.723 individuals)

Source: General Prosecutor's Office of the Republic of Azerbaijan

73. Criminal cases in courts – please complete this table:

		Criminal cases	Robbery cases	Intentional homicides
	Incoming cases	13.838	87	304
	Considered cases	12.533	78	277
	Judicial decisions (judgement of guilty or acquittal)	10.775	76	261

Total number (1st instance)	Convicted persons	13.353	128	338
	Acquitted persons	6	-	1
	Percentage of decisions subject to appeal in a higher court	18,6% (2.326)	-	-
	Pending cases by 1 January 2005	1.305	9	27
	Percentage of pending cases of more than 3 years	-	-	-
Average length*(from the date of official charging)	1st instance decision 2nd instance decision Total procedure	The length of investigation for these two kinds of criminal cases is 3 month, but the term may be extended till 12 month. As the criminal case enters the court the judge should appoint preparatory process no later than 15 days and from this date should start to court considering of the criminal case in 15 days. In legislation there is no time framework for consideration of criminal cases. According to article 6 of the Convention "On protection of human rights and fundamental freedoms", the judge should consider the criminal case in reasonable time. From the date of the delivering judgment the appeal may be submitted to the court in 20 days. After the criminal case enters the Appellate Court the judge should in 20 days start to consider the case.		

\* If you cannot calculate the average length from the date of official charging, how do you calculate length of proceedings?

Source: Ministry of Justice of the Republic of Azerbaijan

\*\*\*

## V. Career of judges and prosecutors

### V. A. Appointment and training

**74. Are judges initially/at the beginning of their carrier recruited and nominated by:**

- a body composed of members of the judiciary?
- a body composed of members external to the judiciary?
- a body composed of members of the judiciary and external to the judiciary?

Yes, Judges Selection Committee

**75. Are prosecutors initially/at the beginning of their carrier recruited and nominated by:**

- a body composed of members of the prosecution system? Yes
- a body composed of members external to the prosecution system?
- a body composed of members of the prosecution system and external to the prosecution system?

Note: General prosecutor is appointed by the President with consent of Parliament. Deputies of the General prosecutor, prosecutors who of the specialized republican prosecutor's offices and

prosecutor of the Naxchivan Autonomous Republic are appointed by the President on basis of recommendation of General prosecutor. Prosecutors of the territorial and specialized prosecutor's offices are appointed by the General Prosecutor on consent of the President of the Republic of Azerbaijan.

**76. Is the mandate given for an undetermined period for:**

- **judges?** Yes
- **prosecutors?** No

**Are there exceptions? Please specify:**

According to the Law of the Republic of Azerbaijan "On courts and judges", judges appointed on undetermined term. Newly appointed judges are appointed on probational period for a period of five years. During this term judges shall take training course at least once a year. At the end of this period their activity shall be evaluated. If the evaluation does not reveal any professional shortcoming, the mandate of the judge is extended until the age of retirement of 65, by the proposal of the Judicial-Legal Council. If there is necessity to benefit from the professionalism of the judge to have reached his/her age limit, his/her term of office may be extended till 70, subject to the proposal of the Judicial-Legal Council.

According to the Law of the Republic of Azerbaijan "On prosecutor office" the term of General prosecutor, Military prosecutor, prosecutor of the Naxchivan Autonomous Republic, territorial and specialized prosecutors are 5 years. The same person is not allowed to be appointed more than twice on the position of General prosecutor, Military prosecutor, prosecutor of the Naxchivan Autonomous Republic. Territorial and specialized prosecutor are not allowed to be appointed again on the position in the same territory. Prosecutors who are working in departments or divisions are appointed on undetermined period.

\*\*\*

**77. Nature of the training of judges:**

		Compulsion (Yes/No)		Frequency (Yes/No)	
Initial training (for the applicants to the position of judge)	Compulsory	Yes		4 month	
	Highly recommended	-			
	Optional	-			
General in- service training (for newly appointed judges)	Compulsory	Yes	Annual	-	
	Highly recommended	-	Regular	Once in a year	
	Optional	-	Occasional	-	
In-service training for specialised functions	Compulsory	Yes	Annual	-	
	Highly recommended	-	Regular	Yes	
	Optional	-	Occasional	-	
In-service training for specific functions	Compulsory	Yes	Annual	-	
	Highly recommended	-	Regular	-	
	Optional	-	Occasional	Yes	

**78. Nature of the training of prosecutors:**

	Compulsion (Yes/No)		Frequency (Yes/No)	
	Initial training	Compulsory	Yes	3 month
Highly recommended		-		
Optional		-		
General in-service training	Compulsory	Yes	Annual	-
	Highly recommended	-	Regular	Yes
	Optional	Yes	Occasional	Once in a week
Specialised in-service training	Compulsory	Yes	Annual	-
	Highly recommended	-	Regular	Yes
	Optional	-	Occasional	-

\*\*\*

**V. B. Practice of the profession**

**79. Gross annual salary of a first instance judge at the beginning of his/her career EURO**

First instance courts:

In the Grave Crimes Cases Court, Grave Crimes Cases Military Court and Economic Court on Disputes arising from International Treaties

President – 11.440 EURO

Deputy president – 10.296 EURO

Judge – 9.152 EURO

In the district (city), military and local economic courts

President – 8.580 EURO

Judge – 6.860 EURO

*Source: Judicial-Legal Council of the Republic of Azerbaijan*

**80. Annual salary of a judge of the Supreme Court and appellate courts**

Supreme Court:

President - 14.300 EURO

Deputy president – 12.870 EURO

Judge - 11.440 EURO

Appellate Court:

President – 12.870 EURO

Deputy president – 11.584 EURO

Judge - 10.296 EURO

*Source: Judicial-Legal Council of the Republic of Azerbaijan*

**81. Gross annual salary of a public prosecutor at the beginning of his/her career 3.000 EURO**

*Source: General Prosecutor`s Office of the Republic of Azerbaijan*

**82. Gross annual salary of a public prosecutor of the Supreme Court or appellate courts  
6.635 EURO**

*Source: General Prosecutor`s Office of the Republic of Azerbaijan*

**83. Do judges and public prosecutors have additional benefits?**

	Judges (Yes/No)	Public prosecutors (Yes/No)
Reduced taxation	No	No
Special pension	Yes	Yes
Housing	Yes	Yes
Other financial benefit (If yes, please specify)	Yes 1.Judges are to be twice amount of their monthly wage when they get vacation leave; 2.Life and health of judges are insured at the cost of the state budget at the rate of their five year wage;  3.Judges or their family members shall be reimbursed for the property of the judges destroyed or damaged in the course of their judicial activity; 4.Judges are provided with public medical service; 5.Judges are to be furnished with financial means at the rate of two months wage.	Yes 1.All expences arising with moving of employees of the presutors` authorities and members of their family connecting with appointment; 2.Life and health of the employees of the prosecutors` authorities are insuaranced in the amount of their five wages;  3.During vacation each year they receive allowance in amount of two wages; 4.They and their family members receive free medicine service and etc.

**84. Can judges or prosecutors combine their work with any of the following other professions?**

	Judges			Prosecutors		
	Yes with remuneration	Yes without remuneration	No	Yes with remuneration	Yes without remuneration	No
Teaching	Yes	-	-	Yes	-	-
Research and publication	Yes	-	-	Yes	-	-
Arbitrator	No	No	No	No	-	-
Consultant	No	No	No	No	-	-
Cultural function	No	No	No	No	-	-

**85. Do judges receive bonus based on the fulfilment of quantitative objectives relating to the delivering of judgments? No**

**V. C. Disciplinary procedures**

**86. Types of disciplinary proceedings and sanctions against judges and prosecutors:**

		Judges	Prosecutors
Reasons for disciplinary procedures	Total number	13	63
	Breach of professional ethics	-	2
	Professional inadequacy	-	2
	Criminal offence	-	-

	Seriously and regularly breach the provisions of laws	13	59
Types of sanctions	Total number	13	63
	Reprimand	10	17
	Strictly reprimand	-	19
	Suspension	-	
	Dismissal from position	-	14
	Dismissal from prosecution system	-	8
	Fine	-	
	Reproof	3	5

Note: Till the end of the 2004 disciplinary proceedings may be initiated by the President of the Supreme Court and the Minister of Justice of the Republic of Azerbaijan and materials are to be considered at the Disciplinary Collegium of the Supreme Court of the Republic of Azerbaijan. All mentioned judges were called to disciplinary liability according to the former procedure which was in effect till the end of 2004. Below it is described new system of calling of the judges to disciplinary proceedings.

**You can indicate below:**

- **any useful comments for interpreting the data mentioned above**
- **the characteristics of your system concerning disciplinary procedures for judges and prosecutors**

According to the Law of the Republic of Azerbaijan "On Judicial-Legal Council" adopted on 28 December 2004 and significant new amendments made at the date to the Law "On courts and judges", only the Judicial-Legal Council is entitled to commence disciplinary proceedings against judges subject to the existence of the grounds specified in the Law "On courts and judges". Presidents of the Supreme Court, Court of Appeal, Economic Court of Appeal, NAR Supreme Court and the Minister of Justice are bound, within their competence, to apply to the Judicial-Legal Council with motion to institute disciplinary proceedings, if there are elements on which the initiative of opening of a disciplinary procedure can be based or grounds for calling to disciplinary liability.

Natural and legal persons, in case if they possess information on the elements provided by this law on which the initiative of opening of a disciplinary procedure can be based, may apply to the Judicial-Legal Council.

President of the Supreme Court is entitled to apply to the Judicial-Legal Council with motion to institute disciplinary proceedings regarding all judges of the first, appellate and cassation instances courts.

Minister of Justice is entitled to apply to the Judicial-Legal Council with motion to institute disciplinary proceedings regarding judges of the first and appellate instances courts.

President of the Economic Court of Appeal is entitled to apply to the Judicial-Legal Council with motion to institute disciplinary proceedings regarding all judges of this court, Economic Court of Disputes arising from International Treaties and judges of local economic courts.

President of the Court of Appeal is entitled to apply to the Judicial-Legal Council with motion to institute disciplinary proceedings regarding all judges of this court, judges of the first instance courts, except the judges of NAR district (city) courts, local economic courts and Economic Court of Disputes arising from International Treaties and judges of the NAR Supreme Court's First Instance Collegial Board on Grave Crimes.

President of the NAR Supreme Court is entitled to apply to the Judicial-Legal Council with motion to institute disciplinary proceedings regarding all judges of this court and judges of NAR district (city) courts.

## VI. Lawyers

**87. Number of lawyers practising in your country** **537**

*Source: Bar Association (Advocates Collegium) of the Republic of Azerbaijan*

**88. Does this figure include legal advisors (solicitors or in-house counsellor) who cannot represent their clients in court?**

No, this figure includes just lawyers who are members of the Bar Association. According to the article 4 of the Law of the Republic of Azerbaijan "On advocates and advocates`s activity" only the individual who was admitted as a member to the Bar Association and made an oath has the right to be engaged in advocates activity. Article 9 of the law also states that the Bar Association is non-government, independent and represented by all advocates organization.

**89. Do lawyers have a monopoly of representation:**

In the first instance courts and appellate courts there are no any prohibition for representation in civil and administrative cases as well as in representation of the victims in criminal cases. According to the article 4 of the Law of the Republic of Azerbaijan "On advocates and advocate`s activity" protection of the suspected or accused in criminal cases, representation of the suiter in civil cases in the Supreme Court during consideration of his (her) appeal and additional appeal, as well as representation of the suiter in the Constitutional Court concerning defending his (her) rights and freedoms are in monopoly of members of the Bar Association.

	Monopoly (Yes/No)		If no, possible representation by (Yes/No)	
Civil cases*	In first instance and appellate courts – No Supreme Court and Constitutional Court – Yes		Member of family	Yes
			Trade Union	Yes
			NGO	Yes
			Other	-
Criminal cases*	Defendant	Yes	Member of family	No
			Trade Union	No
			NGO	No
			Other	
	Victim	In first instance and appellate courts – No	Member of family	Yes
			Trade Union	Yes
			NGO	Yes
			Other	
Administrative cases*	In first instance and appellate courts - No		Member of family	Yes
			Trade Union	Yes
			NGO	Yes
			Other	-

\* If appropriate, please specify if it concerns first instance and appeal.

**90. Is the lawyer profession organised through?**

- a national bar? **Yes**
- a regional bar? **Yes**
- a local bar? **Yes**

**Please specify:**

According to the article 5 of the Law of the Republic of Azerbaijan "On advocates and advocates activity" advocates activity is organized individually or by means of advocates structures forming by the advocates. These structures can be in the form of advocates firms, regional or local advocates bars, office or bureau and etc., but the founders should be only the advocates – members of the Bar Association.

**91. Is there a specific initial training or examination to enter the profession of lawyer?**

Yes, in order to be admitted as a member to the Bar Association citizen of the Republic of Azerbaijan should has diploma in jurisprudence, legal activity not less than three years or teaching activity at the universities not less than three years. Then applicant should pass successfully written test and then interview.

**92. Is there a mandatory general system for lawyers requiring continuing professional development? No**

**93. Is the specialisation in some legal fields tied with a specific level of training/ qualification/ specific diploma or specific authorisations? No**

**94. Can users establish easily what the lawyers' fees will be? Yes**

**95. Are lawyers fees:**

- regulated by law? -
- regulated by Bar Association? -
- freely negotiated? Yes

**96. Have quality standards been formulated for lawyers? Yes**

\*According to the article 61 of the Constitution of the Republic of Azerbaijan and article 3 of the Law of the Republic of Azerbaijan "On advocates and advocates activity" the main obligations of the advocates are to protect rights, freedoms and interests of the individuals and legal entities as well as to deliver highly qualified legal service to them.

**97. If yes, who is responsible for formulating these quality standards:**

- the bar association?
- the legislature? Yes
- other?

**98. Is it possible to complain about :**

- the performance of lawyers? Yes **Please specify: See answer to question 100**
- the amount of fees? Fees are freely negotiated

**99. Disciplinary proceedings and sanctions against lawyers:**

	Yes /No (If yes, please specify the annual number)	
Reasons for disciplinary proceedings	Breach of professional ethics	5
	Professional inadequacy	-
	Criminal offence	
	Reproof	1



Type of sanctions	Reprimand	5
	Suspension	-
	Removal	-
	Fine	-
	Reproof	1

**100. Who is the authority responsible for the disciplinary procedures:**

- **a professional body?** Yes, Bar Association (Advocates Collegium)

**Please specify:**

The complaint submits to the Board of the Bar Association (Advocates Collegium). The Board of the Bar Association starts the disciplinary proceedings and transmits the complaint for consideration to the Disciplinary Commission, members of which are selected at the meeting of the Assembly of the Members (advocates). If the guilt of the advocate is proved, on the basis of the conclusion of the Disciplinary Commission he (her) is sanctioned by the Board of the Bar Association.

It is provided the following types of sanctions: reproof, reprimand and suspension on the period from three months to one year. The decision about sanction concerning suspension may be appealed to the court. If there are grounds for removal on the basis of the conclusion of the Bar Association the Board applies to the court for consideration and settlement of the matter of removal of the advocate from Bar Association.

\*\*\*

**VII. Alternative Dispute Resolution**

**101. If appropriate, please specify, by type of cases, the organisation of the judicial mediation:**

	Compulsion (Yes/No)		Body providing mediation (Yes/No)	
Civil cases	Compulsory stage prior to court proceedings	N.A.	Private mediator	N.A.
			Public or authorised by court body	N.A.
			Court	N.A.
	Compulsory stage in court proceedings	N.A.	Judge	N.A.
	Ordered by judge in certain cases	N.A.	Prosecutor	N.A.
Family cases	Compulsory stage prior to court proceedings		Private mediator	N.A.
			Public or authorised by court body	N.A.
			Court	N.A.
	Compulsory stage in court proceedings	N.A.	Judge	N.A.
	Ordered by judge in certain cases	N.A.	Prosecutor	N.A.
Administrative cases	Compulsory stage prior to court proceedings	N.A.	Private mediator	N.A.
			Public or authorised by court body	N.A.
			Court	N.A.

	Compulsory stage in court proceedings	N.A.	Judge	N.A.
	Ordered by judge in certain cases	N.A.	Prosecutor	N.A.
Employment dismissals	Compulsory stage prior to court proceedings	N.A.	Private mediator	N.A.
			Public or authorised by court body	N.A.
			Court	N.A.
	Compulsory stage in court proceedings	N.A.	Judge	N.A.
	Ordered by judge in certain cases	N.A.	Prosecutor	N.A.
Criminal cases	Compulsory stage prior to court proceedings	N.A.	Private mediator	N.A.
			Public or authorised by court body	N.A.
			Court	N.A.
	Compulsory stage in court proceedings	N.A.	Judge	N.A.
	Ordered by judge in certain cases	N.A.	Prosecutor	N.A.

102. Can you provide information about accredited mediators? N.A.

103. Can you provide information about number of mediation procedure concerning: N.A.

104. Can you give information on other alternative dispute resolution (e.g. Arbitration)? N.A.

*\*Alternative disputes resolution is not provided by the legislation of the Republic of Azerbaijan.*

## VIII. Enforcement of court decisions

### VIII. A. Execution of decisions in civil matters

105. Are enforcement agents:

- judges? -
- bailiff practising as private profession ruled by public authorities? -
- bailiff working in a public institution? Yes
- other enforcement agents? -

Please specify their status:

According to the Law "On bailiffs and ushers" dated 28 December 1999, court decisions in civil matters and some court decisions in criminal matters (in which the penalty is not connected with deprivation of freedom) are executed by bailiffs. It is possible to attract also ushers in execution of these decisions.

106. Number of enforcement agents                      bailiffs – 185  
   ushers – 215

*Source: Ministry of Justice of the Republic of Azerbaijan*

107. Is there a specific initial training or examination to enter the profession of enforcement

agent? No

\*The person who is the citizen of the Republic of Azerbaijan, has the diploma in jurisprudence and wishes to be admitted on the position of bailiff or usher should apply to the Ministry of Justice. Then if the applicant should pass the interview. If the applicant passed it successfully, he (her) is admitted on the position of bailiff or usher.

**108. Is the profession of enforcement agent organised by?**

The Department of Bailiffs and Ushers of the Ministry of Justice of the Republic of Azerbaijan

**109. Can users establish easily what the fees of the enforcement agents will be? Yes**

**110. Are enforcement fees:**

- |                      |     |
|----------------------|-----|
| ▪ regulated by law?  | Yes |
| ▪ freely negotiated? | -   |

**111. Is there a body entrusted with supervision and control of the enforcement agents? Yes**

**Which authority is responsible for the supervision and the control of enforcement agents:**

- |                            |     |
|----------------------------|-----|
| ▪ a professional body?     | -   |
| ▪ the judge?               | Yes |
| ▪ the Ministry of Justice? | Yes |
| ▪ the prosecutor?          | -   |

**Please specify:**

The Department of Bailiffs and Ushers of the Ministry of Justice is entrusted to organize and supervise the activity of regional and local bailiffs and ushers` structures. Besides that the judges also supervise the execution of their decisions.

**112. Have quality standards been formulated for enforcement agents? Yes**

**Who is responsible for formulating these quality standards? Parliament**

The quality standards are reflected in the Law "On bailiffs and ushers" dated 28 December 1999. Accordingly the Parliament is responsible for formulating of these standards.

*Source: Ministry of Justice of the Republic of Azerbaijan*

**113. What are the main complaints of users concerning the enforcement procedure:**

- |                             |     |
|-----------------------------|-----|
| ▪ no execution at all?      | Yes |
| ▪ lack of information?      | Yes |
| ▪ excessive length?         | Yes |
| ▪ unlawful practices?       | -   |
| ▪ insufficient supervision? | -   |
| ▪ excessive cost?           | -   |
| ▪ other?                    |     |

*Source: Ministry of Justice of the Republic of Azerbaijan*

**114. Does your country prepared or has established concrete measures to change the situation concerning the enforcement of court decisions? Yes**

**Please specify:**

In framework of support of the European Union to the Republic of Azerbaijan for 2002-2003 it

is envisaged in the National Action Programme to support implementing of the Law of the Republic of Azerbaijan “On court bailiffs and court ushers” and projects on support of penitentiary system. Besides, appropriate normativ acts, which regulate activity of the bailiffs and ushers as well as rules on execution of penalties not connected with deprivation of liberty, have been adopted and more than 50 samples of the executive documents as well as other documents have been distributed among bailiffs and ushers.

115. **Is there a system measuring the timeframes of the enforcement of decisions:** Yes
- for civil cases?
  - for administrative cases?

116. **As regards a decision on debts collection, can you estimate the average timeframe to notify the decision to the parties which live in the city where the court seats:**

- between 1 and 5 days
- between 6 and 10 days Yes
- between 11 and 30 days
- more: please specify

*Source: Ministry of Justice of the Republic of Azerbaijan*

117. **Disciplinary proceedings and sanctions against enforcement agents:**

	Yes /No (If yes, please specify the total number)	
Disciplinary proceedings	Breach of professional ethics	-
	Professional inadequacy	9
	Criminal offence	-
	Other	-
Sanctions	Reprimand	7
	Suspension	
	Dismissal	2
	Fine	

\*\*\*

## VIII. B. Enforcement of decisions in criminal matters

118. **Is there a judge who has in charge the enforcement of judgments?** Yes

**Please specify his/her functions and activities (e.g. Initiative or control functions):**

**Please specify which authority is entrusted with the enforcement of judgements:**

According to the article 19 of the Code of the Republic of Azerbaijan on Execution of Punishments, punishments in form of limitation of liberty, deprivation from liberty and imprisonment for life are executed by the penitentiary institutions which are in the structure of the Ministry of Justice. The activity of these institutins are organized and supervised by the Main Department on Execution of Courts Judgements and Inspection on supervison on execution of punishments of the Ministry of Justice.

Besides that the article 19 (Court supervision) of this code states that institutions which execute punishments should immediately inform judge, who delivered sentence and instruction on execution of sentence, about execution of punishment, place of execution, replacement and release of prisoner. Court supervises the execution of the punishment in settling out the following matters, such as postponing or deleting of the execution of punishment; releasing prisoner because of the illness or serving of the accusational judgement, changing of the detention rejime in prison, applying of amnesty, taking of conviction before time and etc.

Court also delivers court decisions considering compaints concernig activity of the penitentiary institutions.

119. As regards fines decided by a criminal court, are there studies to evaluate the effective recovery rate? Yes

## IX. Notaries

120. Is the status of notaries:

- |   |     |                                   |
|---|-----|-----------------------------------|
| ▪ a private one?  | Yes | -                                 |
| ▪ a status of private worker ruled by the public authorities? | -   | -                                 |
| ▪ a public one?   | Yes | 158 notaries (145 notary offices) |

Please specify:

According to the provisions of the Law "On notaries" dated 26 November 1999, besides state notaries it is provided activity of private ones, but as the financial providing of private notaries is not regulated by this law it was impossible to establish private notaries. Recently by the initiatives of the Ministry of Justice appropriate amendments have been made to this law and in 2006 is planning to conduct necessary actions in order to establish private notaries in country.

*Source: Ministry of Justice of the Republic of Azerbaijan*

121. Do notaries have duties:

- |  |     |
|--|-----|
| ▪ within the framework of civil procedure? |     |
| ▪ in the field of legal advice?            | Yes |
| ▪ to authenticate legal deeds?             | Yes |

122. Is there a body entrusted with the supervision and the control of the notaries? Yes

Which authority is responsible for the supervision and the control of the notaries:

Ministry of Justice (Department on Notaries and Civil Status Acts)

\*\*\*\*\*