



EUROPEAN COMMISSION FOR THE EFFICIENCY OF JUSTICE
(CEPEJ)

SCHEME FOR EVALUATING JUDICIAL SYSTEMS 2009

Country: Azerbaijan

National correspondent

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1. Demographic and economic data

1. 1. General information

1. 1. 1. Inhabitants and economic information

1) Number of inhabitants

8629900

2) Total of annual State public expenditure / where appropriate, public expenditure at regional or federal entity level (in €)

	Amount
State level	8884016064
Regional / entity level	

3) Per capita GDP (in €)

3566

4) Average gross annual salary (in €)

2856

5) Exchange rate from national currency (non-Euro zone) to € on 1 January 2009

12450

Please indicate the sources for questions 1 to 4 and give comments concerning the interpretation of the figures supplied if appropriate:

Annual report of The State Statistical Committee of the Republic of Azerbaijan, Law on state budget for 2008 year of the Republic of Azerbaijan (30 November 2007)

1. 2. Budgetary data concerning judicial system

1. 2. 1. Budget (courts, public prosecution, legal aid, fees)

6) Total annual approved budget allocated to all courts (in €)

30114000

7) Please specify

These figures are included funds for all courts excluding Constitutional Court, Judicial legal council.

8) Does the approved budget of the courts include the following items? Please give for each item (or some of them) a specification of the amount concerned or indicate NA (not available) in case that the information cannot be supplied

Please provide comments to explain the data provided under question 8:

Annual public budget allocated to (gross) salaries	NA
Annual public budget allocated to computerisation (equipment, investments, maintenance)	NA
Annual public budget allocated to justice expenses	NA
Annual public budget allocated to court buildings (maintenance, operation costs)	NA
Annual public budget allocated to investments in new (court) buildings	NA
Annual public budget allocated to training and education	NA
Other (please specify):	NA

Comment :

9) Has the annual public budget of the courts changed (increased or decreased) over the last five years?

- Yes
 No

If yes, please specify (i.e. provide an indication of the increase or decrease of the budget over the last five years:

Over the last seven years the state budget allocated to the court system increased as follows:

2002 - 4708221 Euro
 2003 - 4937669 Euro
 2004 - 6640485 Euro
 2005 - 9936000 Euro
 2006 - 10749280 Euro
 2007 - 17166185 Euro
 2008 - 30114000 Euro

10) 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?
 for other than criminal cases?

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.

11) If yes, please specify the annual income of court fees (or taxes) received by the State (in Euros)

421260

12) Total annual approved budget allocated to the whole justice system (in €)**Please provide information concerning the budgetary elements that included in the whole justice system budget:**. Amount 60305580

Comment :

13) Total annual approved public budget allocated to legal aid (in €)**Please provide comments to explain the figure provided under question 13:**. Amount 249600

Comment :

14) If possible, please specify (if no data is available (NA) or if it does not apply to your system (NAP) please indicate it with the relevant abbreviation):

	Annual public budget allocated to legal aid in criminal law cases	Annual public budget allocated to legal aid in non criminal law cases
Amount	249651	NA

Comment :

15) Is the public budget allocated to legal aid included in the court budget ? Yes No**16) Total annual approved public budget allocated to the public prosecution system (in €)****Please provide comments to explain the figure provided under question 16:**. Amount 30191580

Comment :

In the state budget the funds for prosecution system are allocated separately from court system. That`s why it is easy to submit these figures.

17) Is the budget allocated to the public prosecution included in the court budget?

Yes No**18) Authorities formally responsible for the budget allocated to the courts:**

	Preparation of the total court budget	Adoption of the total court budget	Management and allocation of the budget among the individual courts	Evaluation of the use of the budget at a national level
Ministry of Justice	Yes	No	Yes	Yes
Other ministry	No	No	No	No
Parliament	No	Yes	Yes	Yes
Supreme Court	Yes	No	Yes	Yes
Judicial Council	No	No	No	No
Courts	Yes	No	Yes	Yes
Inspection body	No	No	No	No
Other	No	No	No	No

19) If other Ministry and/or inspection body and/or other, please specify (in regards to question 18):**You can indicate below:**

- any useful comments for interpreting the data mentioned in this chapter
- the characteristics of your budgetary system and the main reforms that have been implemented over the last two years
- if available an organisation scheme with a description of the competencies of the different authorities responsible for the budget process

Please indicate the sources for answering the questions 6, 8, 11, 12, 13, 14 and 16.

Laws on state budget, Civil presedural code, Criminal prosedural code and other legislative acts

2. Access to Justice and to all courts

2. 1. Legal aid

2. 1. 1. Principles

20) Does legal aid concerns:

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

21) If other, please specify (in regards to question 20):

22) Does legal aid foresee the covering or the exoneration of court fees?

- Yes
 No

If yes, please specify:

23) Can legal aid be granted for the fees that are related to the execution of judicial decisions?

- Yes
 No

24) Number of cases granted with legal aid provided by (national, regional, local) public authorities (if no data is available (NA) or if it does not apply to your system (NAP) please indicate it with the relevant abbreviation):

	Number
Total	NA
in criminal cases	NA
Other than criminal cases	NA

Comment :

25) 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
 No

26) Does your country have an income and asset test for granting legal aid:

	Yes	Amount in €
for criminal cases	NA	NA
for other than criminal cases?	NA	NA

Comment :

27) In other than criminal cases, is it possible to refuse legal aid for lack of merit of the case (for example for frivolous action)?

- Yes
 No

Please provide comments to explain the answer under question 27:

28) If yes, is the decision for granting or refusing legal aid taken by:

- the court?
 an authority external to the court?
 a mixed decision-making authority (court and external)?

29) Is there a private system of legal expense insurance enabling individuals to finance court proceedings?

- Yes
 No

Please specify:

30) Do judicial decisions have an impact on who bears the legal costs which are paid by the parties during the procedure in:

	Yes (the decision has an impact on who bears the legal costs)
criminal cases?	Yes
other than criminal cases?	Yes

You can indicate below:

- any useful comments for interpreting the data mentioned in this chapter
- the characteristics of your legal aid system and the main reforms that have been implemented over the last two years

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 proportion 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.

According to the article 198 of the Criminal Procedural Code of the Republic of Azerbaijan adopted on 14 July 2000 and came into force on 1 September 2000, 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.

Please indicate the sources for answering the questions 24 and 26

2. 2. Users of the courts and victims

2. 2. 1. Rights of the users and victims

31) 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:

- legal texts (e.g. codes, laws, regulations, etc.)? Internet address(es): Yes www.justice.gov.az,
www.e-qanun.gov.az
- case-law of the higher court/s? Internet address(es): Yes www.supremecourt.gov.az
- other documents (for examples forms)? Internet address(es): Yes

32) Is there an obligation to provide information to the parties concerning the foreseeable timeframe of the proceeding?

- Yes
- No

If yes, please specify:

33) Is there a public and free-of-charge specific information system to inform and to help victims of crimes?

- Yes
- No

If yes, please specify:

34) Are there special favourable arrangements to be applied, during judicial proceedings, to the following categories of vulnerable persons:

	Information mechanism	Hearing measures	Procedural rights	Other
Victims of rape	Yes	Yes	Yes	No

Victims of terrorism	No	No	No	No
Children/Witnesses/Victims	Yes	Yes	Yes	No
Victims of domestic violence	Yes	Yes	Yes	No
Ethnic minorities	Yes	Yes	Yes	No
Disabled persons	Yes	Yes	Yes	No
Juvenile offenders	Yes	Yes	Yes	No
Other	No	No	No	No

Comment :

According to the Criminal Procedural Code of the Republic of Azerbaijan adopted on 14 July 2000 and came into force on 01 September 2000 all evidences which open personal or family secrets as well as state`s secrets, professional and commercial secrets are to be considered in closed session of the court.

35) Does your country have a compensation procedure for victims of crimes?

- Yes
 No

36) If yes, does this compensation procedure consist in:

- a public fund?
 a court decision?
 a private fund?

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

According to the article 191.1 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.

37) Are there studies to evaluate the recovery rate of the compensation awarded by courts to victims?

- Yes
 No

If yes, please specify:

38) Is there a specific role for the public prosecutor with respect to the (protection of the position and assistance of) victims?

- Yes
 No

If yes, please specify:

39) Do victims of crimes have the right to contest to a decision of the public prosecution to discontinue a case?

- Yes
 No

If yes, please specify:

According to the article 281 of the Criminal Procedural Code of the Republic of Azerbaijan adopted on 14 July 2000 and came into force on 1 September 2000, the copy of the decision of investigator on discontinue of the criminal case is to be sent to victim of crime, The investigator should explain him the right to contest to this decision to prosecutor supervising preliminary investigation or the court carrying out the court supervision within 10 days from the day of receiving of the copy of decision.

2. 2. 2. Confidence of citizens in their justice system

40) Is there a system for compensating users in the following circumstances:

- excessive length of proceedings?
 non execution of court decisions?
 wrongful arrest?
 wrongful condemnation?

If yes, please specify (fund, daily tariff):

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

According to the article 191.1 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.

41) Does your country have surveys aimed at users or legal professionals (judges, lawyers, officials, etc.) to measure their trust and/or satisfaction (with the services delivered by the judiciary system)?

- (Satisfaction) surveys aimed at judges

- (Satisfaction) surveys aimed at court staff
- (Satisfaction) surveys aimed at public prosecutors
- (Satisfaction) surveys aimed at lawyers
- (Satisfaction) surveys aimed at citizens (visitors of the court)
- (Satisfaction) surveys aimed at other clients of the courts

If possible, please specify their titles, how to find these surveys, etc:

Some non-government organizations and scholars conduct surveys on effectiveness of the judiciary. At the same time within the implementation of the World Bank Project - Judicial Modernization Project it is planning to conduct survey covering all abovementioned persons.

42) If possible, please specify:

	Yes (surveys at a regular interval: for example annual)	Yes (incidental surveys)
Surveys at national level	Yes	Yes
Surveys at court level	No	No

43) Is there a national or local procedure for making complaints about the functioning (for example the treatment of a case by a judge or the duration of a proceeding) of the judicial system?

- Yes
 No

44) If yes, please specify:

Please give elements of information concerning the efficiency of this complaint procedure:

	Time limit to respond (Yes)	Time limit for dealing with the complaint (Yes)
Court concerned	Yes	Yes
Higher court	Yes	Yes
Ministry of Justice	Yes	Yes
High Council of the Judiciary	Yes	Yes
Other external organisations (e.g. Ombudsman)	No	No

Comment :

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 11 June 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 28 December 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 necessity 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 23 December 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 10 June 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.

3. Organisation of the court system

3. 1. Functioning

3. 1. 1. Courts

45) Number of courts considered as legal entities (administrative structures) and geographic locations (please, complete the table. If no data is available (NA) or if it does not apply to your system (NAP) please indicate it with the relevant abbreviation.

	Total number
First instance courts of general jurisdiction	85
Specialised first instance Courts (legal entities)	19
All the Courts (geographic locations) * (this includes Supreme Courts and/or High Courts)	112

46) Please specify the different areas of specialisation (and, if possible, the number of courts concerned):

Military courts - 9

Commercial (economic) courts - 7

Courts considering the severe and very severe criminal cases - 3

47) Is there a change in the structure in the courts foreseen (for example a reduction of the number of courts (geographic locations) or a change in the powers of courts)?

Yes

No

If yes, please specify:

It is planning to increase the number of specialized courts considering the severe and very severe criminal cases according to the number of regional appeal courts.

Besides that it is planning to start the operating of administrative courts.

48) Number of first instance courts competent for a case concerning (if no data is available (NA) or if it does not apply to your system (NAP) please indicate it with the relevant abbreviation):

	Number
a debt collection for small claims	NA
a dismissal	85
a robbery	3

Please specify what is meant by small claims in your country (answer only if the definition has been changed since the previous evaluation cycle):

Please indicate the sources for answering the questions 45 and 48:

Judicial-Legal Council, Ministry of Justice, Law on courts and judges

3. 1. 2. Judges, courts staff

49) Number of professional judges sitting in courts (please give the information in full time equivalent and for permanent posts; if there is no data please indicate this with NA)

Please provide comments to explain the answer under question 49:

Number . 494

Comment :

As a result of legal reforms in 2007 the number of courts and judges has been increased. The number of judges is increased from 338 to 494.

50) Number of professional judges sitting in courts on an occasional basis and who are paid as such:

	Number
gross figure	
if possible, in full time equivalent	

51) Please provide comments to explain the answer under question 50:

52) Is there in the legal system non-professional judges (including lay judges and excluding jurees) who are not remunerated but who can possibly receive a simple defrayal of costs? (Please indicate NA if no figures are available).

Please provide comments to explain the answer under question 52:

	Yes	Number
Do you have non-professional judges?		

Comment :

53) Does your judicial system include trial by jury with the participation of citizens?

Yes

No

If yes, for which type of case(s)?

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 very 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.

54) If possible, indicate the number of citizens who were involved in such juries for the year of reference?

NA

55) Number of non-judge staff who are working in courts (in full time equivalent and for permanent posts). Please indicate NA if no figures are available.

Please provide comments to explain the answer under question 55:

Number . 1753

Comment :

56) If possible, could you distribute this staff according to the 4 following categories. If no data is available (NA) or if it does not apply to your system (NAP) please indicate it with the relevant abbreviation).

- non-judge staff (Rechtspfleger or similar bodies), with judicial or quasi-judicial tasks having autonomous competence and whose decisions could be subject to appeal NA
- 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 NA
- 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) NA
- technical staff NA

Comment :

57) If there are Rechtspfleger (or similar bodies) in your judicial system, please describe briefly their status and functions:

3. 1. 3. Prosecutors

58) Number of public prosecutors (in full time equivalent and for permanent posts).

If there is no data available please indicate it (NA).

Number . 1160

Comment :

59) Do any other persons have similar duties as public prosecutors?

Yes

No

If yes, please specify:

There are investigators in other public authorities who are responsible for conducting the investigation like public prosecutors.

60) Number of staff (non prosecutors) attached to the public prosecution service (in full time equivalent and for permanent posts). If there is no data available please indicate it (NA).

Please provide comments to explain the answer under question 60:

Number . 800

Comment :

3. 1. 4. Court budget and new technologies

61) Who is entrusted with the individual court budget?

	Preparation of the budget	Arbitration and allocation	Day to day management of the budget	Evaluation and control of the use of the budget
Management Board	No	No	No	No
Court President	Yes	Yes	Yes	Yes
Court administrative director	No	No	No	No
Head of the court clerk office	No	No	No	No
Other	No	Yes	Yes	Yes

62) You can indicate below:

- any useful comments for interpreting the data mentioned above

- if available an organisation scheme with a description of the competencies of the different authorities responsible for the budget process in the court

The Ministry of Justice is responsible for financial issues of first instance courts.

63) For direct assistance to the judge/court clerk, what are the computer facilities used within the courts?

Word processing	No	Yes	No	No
Electronic data base of jurisprudence	No	Yes	No	No

Electronic files	No	No	No	Yes
E-mail	No	No	Yes	No
Internet connection	No	No	Yes	No

64) For administration and management, what are the computer facilities used within the courts?

	100% of courts	+50% of courts	-50% of courts	-10% of courts
Case registration system	No	Yes	No	No
Court management information system	No	No	Yes	No
Financial information system	No	No	Yes	No

65) For the communication between the court and the parties, what are the computer facilities used within the courts?

	100% of courts	+50% of courts	-50% of courts	-10% of courts
Electronic web forms	No	No	Yes	No
Special Website	No	No	Yes	No
Other electronic communication facilities	No	No	No	Yes

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

- Yes
 No

If yes, please specify the name and the address of this institution:

Ministry of Justice is responsible for collection of all statistical data for all courts.

You can indicate below:

- any useful comments for interpreting the data mentioned in this chapter
- the characteristics of your judicial system and the main reforms that has been implemented over the last two years

3. 2. Monitoring and evaluation

3. 2. 1. Monitoring and evaluation

67) Are the courts required to prepare an annual activity report?

- Yes
 No

68) Do you have a regular monitoring system of court activities concerning the

- number of incoming cases?
- number of decisions?
- number of postponed cases?
- length of proceedings (timeframes)?
- other?

Please specify:

All courts have to submit twice a year (after six months and at the end of year) the statistical report about their activity and considered cases to the MoJ.

69) Do you have a regular system to evaluate the performance of each court?

- Yes
- No

Please specify:

The evaluation of judges is doing by the Judicial-Legal Council once every five years.

70) Concerning court activities, have you defined performance indicators (if no, go to question 72)?

- Yes
- No

71) Please select the 4 main performance and quality indicators that is used for a proper functioning of courts:

- incoming cases
- length of proceedings (timeframes)
- closed cases
- pending cases and backlogs
- productivity of judges and court staff
- percentage of cases that are treated by a single sitting judge
- enforcement of penal decisions
- satisfaction of employees of the courts
- satisfaction of clients (regarding the services delivered by the courts)
- judicial quality and organisational quality of the courts
- costs of the judicial procedures
- other:

Please specify:

72) Are there performance targets defined for individual judges (if no go to question 74) ?

- Yes

No

73) Please specify who is responsible for setting the targets:

- executive power (for example the ministry of Justice)?
- legislative power
- judicial power (for example a High Judicial Council or a Higher Court)
- other

If other, please specify:

74) Are there performance targets defined at the level of the courts (if no go to question 77)?

- Yes
- No

75) Please specify who is responsible for setting the targets:

- executive power (for example the ministry of Justice)?
- legislative power
- judicial power (for example a High Judicial Council or a Higher Court)
- other

If other, please specify:

76) Please specify the main targets applied

77) Which authority is responsible for the evaluation of the performances of the courts:

- High Council of judiciary
- Ministry of justice
- inspection authority
- Supreme Court
- external audit body
- other

If other, 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 carries 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.

78) Are there quality standards (organisational quality and/or judicial quality policy) formulated for the courts (existence of a quality system for the judiciary)?

Yes

No

If yes, please specify:

79) Do you have specialised court staff which is entrusted with quality policy and/or quality systems for the judiciary?

- Yes
 No

80) Is there a system which measures the backlogs and which detects the cases not processed within a reasonable timeframe for:

- civil cases?
 criminal cases?
 administrative cases?

81) Do you have a way of analysing waiting time during court procedures?

- Yes
 No

If yes, please specify:

Through the submitted statistical report it is possible to analyse the waiting time.

82) Is there a system to evaluate the functioning of courts on the basis of an evaluation plan (timetable for visits) agreed a priori?

- Yes
 No

Please specify (including an indication of the frequency of the evaluation):

According to the Law of the Republic of Azerbaijan "On Judicial-Legal Council", the Judicial-Legal Council is empowered to evaluate the activity of judges. The activity of the newly appointed judges is to be evaluated once a year during five years.

83) Is there a system for monitoring and evaluating the functioning of the prosecution services?

- Yes
 No

If yes, please specify:

According to the articles 43-45 of the Law "On prosecution" adopted on 30 December 1999, supervision on the activity of prosecution authorities are carried out by the Parliament, the President and courts.

You can indicate below:

- any useful comments for interpreting the data mentioned in this chapter
 the characteristics of your court monitoring and evaluation system

4. Fair trial

4. 1. Principles

4. 1. 1. General principles

84) What is the percentage of judgements in first instance criminal cases in which the suspect is not attending in person or not represented by a legal professional (i.e. lawyer) during a court session (in absentia judgements)? If no data is available (NA) or if it does not apply to your system (NAP) please indicate it with the relevant abbreviation).

NA

85) Is there a procedure to effectively challenge a judge if a party considers that the judge is not impartial?

Yes

No

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

86) Please give the following data concerning the number of cases regarding Article 6 of the European Convention of Human Rights (on duration and non-execution), for the year of reference. If there is no data available, please indicate it (NA).

	Cases declared inadmissible by the Court	Friendly settlements	Judgements establishing a violation	Judgements establishing a non violation
Civil proceedings - Article 6§1 (duration)	NA			
Civil proceedings - Article 6§1 (non-execution)	NA			
Criminal proceedings - Article 6§1 (duration)	NA			

4. 2. Timeframes of proceedings

4. 2. 1. General information

87) Are there specific procedures for urgent matters as regards:

civil cases?

criminal cases?

administrative cases?

Please specify:

According to the Civil Procedural Code of the Republic of Azerbaijan all civil cases are to be considered within 3 months. Beside that there are some exceptions, such as consideration within 1 month of the labour disputes, alimony disputes and disputes between government organizations and citizens concerning illegal actions and decisions of the state employees and etc. It is stipulated also simplified procedure for some kind of claims concerning paying of the money or demanding of the property (order proceeding).

According to the article 15 of the Criminal Code of the Republic of Azerbaijan criminal offences are divided into: criminal offences which are not of high social danger, less grave criminal offences, grave criminal offences and very grave criminal offences. It is provided in the Criminal Procedural Code of the Republic of Azerbaijan the simplified procedure (without court consideration) for the criminal offences which are not of high social danger, such as illegal adoption, unintentionally damaging or destruction of the property, avoidance of paying credit debts, forcing somebody to sign contract or refuse to sign it and etc,

88) Are there simplified procedures for:

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

Please specify (for example if you have introduced a new law on simplified procedures):

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

- Yes
- No

If yes, please specify:

4. 2. 2. Penal, civil and administrative law cases

90) Total number of cases in the first instance courts (litigious and non-litigious): please complete the table. If the data are not available (NA) or not applicable (NAP) please indicate it in the table with the relevant abbreviations.

	Pending cases on 1 Jan. '08	Incoming cases	Resolved cases	Pending cases on 31 Dec. '08
Total of civil, commercial and administrative law cases (litigious and non litigious)*	NAP	NAP	NAP	NAP
1 Civil (and commercial) litigious cases*	7683	70593	70119	8157
2 Civil (and commercial) non-litigious cases*	NAP	NAP	NAP	NAP
3 Enforcement cases	NA	NA	NA	NA
4 Land registry cases**	NA	NA	NA	NA
5 Business register cases**	NA	NA	NA	NA

6 Administrative law cases	NA	NA	NA	NA
7 Other	NA	NA	NA	NA
Total criminal cases (8+9)	1514	14910	14930	1494
8 Criminal cases (severe criminal offences)	NA	1752	NA	NA
9 Misdemeanour and / or minor offences cases	NA	13158	NA	NA

91) Comments (including an indication of the cases that are included in the total figures of civil, commercial and administrative law case and types of criminal law cases - definition of misdemeanour cases, minor offences and severe criminal cases):

According to the article 15 of the Criminal Code of the Republic of Azerbaijan criminal offences are divided into: criminal offences which are not of high social danger, less grave criminal offences, grave criminal offences and very grave criminal offences.

92) Total number of cases in the second instance (appeal) courts (litigious and non-litigious): please complete the table. If the data are not available (NA) or not applicable (NAP) please indicate it in the table with the relevant abbreviations).

*** Please indicate (in the comments below) which types of cases are included in the total figures of civil, commercial and administrative law cases.**

**** if applicable**

Please check the consistency of data as mentioned under question 91.

Comments (including an indication of the cases that are included in the total figures of civil, commercial and administrative law case and types of criminal law cases and possibly the existence of appeal rates for some case categories):

	Pending cases on 1 Jan. '08	Incoming cases	Resolved cases	Pending cases on 31 Dec. '08
Total of civil, commercial and administrative law cases (litigious and non-litigious)*	NAP	NAP	NAP	NAP
1 Civil (and commercial) litigious cases*	1555	9210	7018	1432
2 Civil (and commercial) non-litigious cases*	NAP	NAP	NAP	NAP
3 Enforcement cases	NA	NA	NA	NA
4 Land registry cases**	NA	NA	NA	NA
5 Business register cases**	NA	NA	NA	NA
6 Administrative law cases	NA	NA	NA	NA
7 Other	NA	NA	NA	NA
Total criminal cases (8+9)	205	2241	2158	175
8 Criminal cases (Severe criminal offences)	NA	700	NA	NA
9 Misdemeanour and/or minor offences cases	NA	1894	NA	NA

Comment :

93) Total number of cases in the highest instance courts (litigious and non-litigious):

please complete the table. If the data is not available (NA) or not applicable (NAP) please indicate it in the table with the relevant abbreviations.

*** Please indicate (in the comments below) which types of cases are included in the total figures of civil, commercial and administrative law cases.**

**** if applicable**

Please check the consistency of data as mentioned under question 88.

Comments (including an indication of the cases that are included in the total figures of civil, commercial and administrative law case and on possible limitations to the appeal to the highest instance court):

	Pending cases on 1 Jan. '08	Incoming cases	Resolved cases	Pending cases on 31 Dec. '08
Total of civil, commercial and administrative law cases* (litigious and non-litigious)	NAP	NAP	NAP	NAP
1 Civil (and commercial) litigious cases*				
2 Civil (and commercial) non-litigious cases*	NAP	NAP	NAP	NAP
3 Enforcement cases	NA	NA	NA	NA
4 Land registry cases**	NA	NA	NA	NA
5 Business register cases**	NA	NA	NA	NA
6 Administrative law cases	NA	NA	NA	NA
7 Other	NA	NA	NA	NA
Total criminal cases (8+9)	78	972	760	134
8 Criminal cases (severe criminal offences)	NA	NA	NA	NA
9 Misdemeanour cases (minor offences)	NA	NA	NA	NA

Comment :

94) Number of litigious divorce cases, employment dismissal cases, robbery cases and intentional homicide cases received and treated by first instance courts: please complete the table. If the data are not available (NA) or not applicable (NAP) please indicate it in the table with the relevant abbreviations.

	Pending cases on 1 Jan. '08	Incoming cases	Resolved cases	Pending cases on 31 Jan. '08
Litigious divorce cases*	1693	10243	7152	1964
Employment dismissal cases*	27	400	247	29
Robbery cases	15	198	93	25
Intentional homicide	53	245	226	48

95) Average length of proceeding (from the date of lodging of court proceedings) in days, number of pending cases more than 3 years and percentage of cases subject to appeal: please complete the tale. If the data is not available (NA) or not applicable (NAP) please indicate it in the table with the relevant abbreviations.

Please provide comments to explain the answers to question 92:

	% of decisions subject to appeal	% pending cases more than 3 years	1st instance (average length)	2d instance (average length)	Total procedure (average total length)
Litigious divorce cases*					
Employment dismissal cases*					
Robbery cases					
Intentional homicide					

Comment :

96) Where appropriate, please specify the specific procedure as regards (litigious and non-litigious) 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 (90 days) (but when one side is not agreed the judge has the right to give term of no more than 3 month (90 days) for conciliation). So maximum length of this type of case is 6 months (180 days). One month is provided for submitting appeal and two months for consideration of the case at the Appeal Court. Total is 9 (270 days) months with conciliation period and 6 months without conciliation period.

97) How is the length of proceedings calculated for the four case categories? Please give a description of the calculation method.

Note: 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 consideration 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. The preliminary consideration of the criminal case in the appellate court are to carried out by the judge within 15 days, in case of high number of accused persons or complicity of the criminal case within 30 days. The judge should appoints consideration of the criminal case in 30 days, but in case of high number of accused persons or complicity of the criminal case this term may be extended till 45 days.

98) Please describe the role and powers of the prosecutor in the criminal procedure (multiple options are possible):

- to conduct or supervise police investigation
- to conduct investigation
- when necessary, to demand investigation measures from the judge
- to charge
- to present the case in the court
- to propose a sentence to the judge
- to appeal
- to supervise enforcement procedure
- to end the case by dropping it without the need for a judicial decision
- to end the case by imposing or negotiating a penalty without a judicial decision
- other significant powers

Please specify:

99) Does the prosecutor also have a role in civil and/or administrative cases?

Yes

No

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).

100) Functions of the public prosecutor in relation to criminal cases – please complete this table. If the data is not available (NA) or not applicable (NAP) please indicate it in the table with the relevant abbreviations.

Please provide comments to explain the answers to question 100 and indicate in particular if the data given include traffic offences:

	Received by the public prosecutor	Discontinued by the public prosecutor because the offender could not be identified	Discontinued by the public prosecutor due to the lack of an established offence or a specific legal situation	Discontinued by the public prosecutor for reason of opportunity	Concluded by a penalty, imposed or negotiated by the public prosecutor	Charged by the public prosecutor before the courts
Total number of 1st instance criminal cases	2923	88	415	9		966

Comment :

You can indicate below:

- any useful comments for interpreting the data mentioned in this chapter
- the characteristics of your system concerning timeframes of proceedings and the main reforms that have been implemented over the last two years

Please indicate the sources for answering the questions 90 to 95 and 100:

Ministry of Justice, General Prosecution Office

5. Career of judges and prosecutors

5. 1. Appointment and training

5. 1. 1. Recruitment, nomination and promotion

101) How are judges recruited?

- Through a competitive exam (for instance after a law degree)?
- A specific recruitment procedure for legal professionals with long working experience in the legal field (for example lawyers)?
- A combination of both
- Other

Other, please specify:

102) Are judges initially/at the beginning of their carrier recruited and nominated by:

- An authority composed of judges only?
- An authority composed of non-judges only?
- An authority composed of judges and non-judges?

103) Is the same authority competent for the promotion of judges?

- Yes
- No

If no, please specify which authority is competent for the promotion of judges:

104) Which procedures and criteria are used for promoting judges? Please specify.

105) How are prosecutors recruited?

- Through a competitive exam? (for example after a law degree)
- A specific recruitment procedure for legal professionals with long working experience in the legal field (for example lawyers)?
- A combination of both
- Other

Other, please specify:

106) Are prosecutors initially/at the beginning of their carrier recruited and nominated by:

- An authority composed of prosecutors only?
- An authority composed of non-prosecutors only?

An authority composed of prosecutors and non-prosecutors?

107) Is the same authority formally responsible for the promotion of prosecutors?

- Yes
 No

If no, please specify which authority is competent for promoting prosecutors:

108) Which procedures and criteria are used for promoting prosecutors? Please specify:

109) Is the mandate given for an undetermined period for judges?

- Yes
 No

Are there exceptions? Please specify:

According to the Law "On courts and judges" of the Republic of Azerbaijan newly appointed judges` term is 5 years. Each year during this period they are participated at the training. At the end of this training their activity is evaluated by the Judicial-Legal Council. If the activity of the judge is satisfactory, he (she) is appointed till the pension age – 65, beside that by the recommendation of the Judicial-Legal Council this term can be extended till age 70. The presidents of the courts are appointed on the term of 5 years and can be reappointed only once.

According to the Constitution and the Law "On prosecution" of the Republic of Azerbaijan the General prosecutor is appointed by the President with consent of Parliament. Deputies of the General prosecutor, prosecutors who of the specialized republican presecutor`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. All these prosecutors are appointed on term of 5 years, other prosecutors are appointed by the General prosecutor without term limit.

110) Is there a probation period for judges? If yes, how long is this period?

	Yes	Duration of the probation period (in years)
Probation period for judges	5 years	

111) Is the mandate given for an undetermined period for prosecutors?

- Yes
 No

Are there exceptions? Please specify:

According to the Law "On courts and judges" of the Republic of Azerbaijan newly appointed judges` term is 5 years. Each year during this period they are participated at the training. At the end of this training their activity is evaluated by the Judicial-Legal Council. If the activity of the judge is satisfactory, he (she) is appointed till the pension age – 65, beside that by the recommendation of the Judicial-Legal Council this term can be extended till age 70. The presidents of the courts are appointed on the term of 5 years and can be reappointed only once.

According to the Constitution and the Law "On prosecution" of the Republic of Azerbaijan the 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. All these prosecutors are appointed on term of 5 years, other prosecutors are appointed by the General prosecutor without term limit.

112) Is there a probation period for prosecutors? If yes, how long is this period?

	Yes	Duration of the probation period (in years)
Probation period for prosecutors		

113) If the mandate for judges/prosecutors is not for an undetermined period, what is the length of the mandate? Is it renewable?

Please specify the length

- for judges? Yes
- for prosecutors? Yes

You can indicate below:

- any useful comments for interpreting the data mentioned in this chapter
- the characteristics of the selection and nomination procedure of judges and prosecutors and the main reforms that have been implemented over the last two years

5. 1. 2. Training

114) Nature of the training of judges. Is it compulsory?

- Initial training
- General in-service training
- In-service training for specialised judicial functions (e.g. judge for economic or administrative issues)
- In-service training for management functions of the court (e.g. court president)
- In-service training for the use of computer facilities in the court)

115) Frequency of the training of judges

| | | | |

	Annual	Regular	Occasional
Initial training	Yes	No	No
General in-service training	No	Yes	No
In-service training for specialised judicial functions (e.g. judge for economic or administrative issues)	No	No	Yes
In-service training for management functions of the court (e.g. court president)	No	No	Yes
In-service training for the use of computer facilities in the court	No	Yes	No

116) Nature of the training of prosecutors. Is it compulsory?

- Initial training
- General in-service training
- Specialised in-service training (specialised public prosecutor)
- In-service training for management functions of the prosecution services (e.g. head prosecutor and/or managers)
- In-service training for the use of computer facilities in the public prosecution service)

117) Frequency of the training of prosecutors

	Annual	Regular	Occasional
Initial training	Yes	No	No
General in-service training	No	Yes	No
Specialised in-service training (specialised public prosecutor)	No	Yes	No
In-service training for management functions of the prosecution services (e.g. head prosecutor and/or managers)	No	Yes	No
In-service training for the use of computer facilities in the public prosecution service)	No	Yes	No

You can indicate below:

- any useful comments for interpreting the data mentioned in this chapter
- comments regarding the attention given in the curricula to the European Convention on Human Rights and the case law of the Court
- the characteristics of your training system for judges and prosecutors and the main reforms that has been implemented over the last two years

5. 2. Practice of the profession

5. 2. 1. Salaries

118) Salaries of judges and prosecutors: please complete the table. If the data is not available (NA) or not applicable (NAP) please indicate it in the table with the relevant

abbreviations.

Please provide comments to explain the answers to question 118:

	Gross annual salary (€)	Net annual salary (€)
First instance professional judge at the beginning of his/her career	688	557
Judge of the Supreme Court or the Highest Appellate Court	1144	926
Public prosecutor at the beginning of his/her career	-	
Public prosecutor of the Supreme Court or the Highest Appellate Instance	1116	985

Comment :

119) Do judges and public prosecutors have additional benefits?

	Judges	Public prosecutors
Reduced taxation	No	No
Special pension	Yes	Yes
Housing	Yes	Yes
Other financial benefit	No	No

120) If other financial benefit, please specify:**121) Can judges combine their work with any of the following other functions ?**

	Yes with remuneration	Yes without remuneration	No
Teaching	Yes	Yes	No
Research and publication	Yes	Yes	No
Arbitrator	No	No	No
Consultant	No	No	No
Cultural function	No	No	No
Other function	No	No	No

122) If other function, please specify:**123) Can prosecutors combine their work with any of the following other functions ?**

	Yes with remuneration	Yes without remuneration	No
Teaching	Yes	No	No
Research and			

publication	Yes	No	No
Arbitrator	No	No	No
Consultant	No	No	No
Cultural function	No	No	No
Other function	No	No	No

124) If other function, please specify:

125) Do judges receive bonus based on the fulfilment of quantitative objectives relating to the delivering of judgments?

Yes

No

If yes, please specify:

Please indicate the source for answering the question 118

5. 2. 2. Disciplinary procedures

126) Which authority is authorized to initiate disciplinary proceedings against judges and/or prosecutors? Please specify:

see 127

127) Which authority has the disciplinary power on judges and prosecutors? Please specify:

According to the Law of the Republic of Azerbaijan "On Judicial-Legal Council" adopted on 28 December 2004 and the Law "On courts and judges", 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.

According to the article 133 of the Constitution of the Republic of Azerbaijan the General prosecutor is appointed and dismissed by the President with consent of the Parliament of the Republic of Azerbaijan. Deputies of the General prosecutor, prosecutors managing republican specialized prosecutors` offices, prosecutor of the Naxchivan Autonomous Republic are appointed by the president with proposal of the General prosecutor of the Republic of Azerbaijan. Territorial and specialized prosecutors are appointed by the General prosecutor with consent of the president of the Republic of Azerbaijan.

According to the article 27 of the Law "On serving in the prosecutors` authorities" the General prosecutor has the right to empower the military prosecutor, the prosecutor and the military prosecutor of the Naxchivan Autonomous Republic and the prosecutor of the Baku city to start disciplinary proceedings against relevant employees of the prosecutors authorities.

Employees of the prosecutors` authorities can be detained, arrested, brought to criminal liability, tapped, as well as their cars, apartments, offices can be examined only with the consent of the President of the Supreme Court with proposal of the General prosecutor.

The same actions against General prosecutor`s immunity are not allowed to carried out without consent of Board of the Supreme Court of the Republic of Azerbaijan.

The criminal case about employees of the prosecutors` authorities is started by the General prosecutor and is investigated in the General prosecutor`s Office.

128) Number of disciplinary proceedings initiated against judges and prosecutors: please complete the table. If the data is not available (NA) or not applicable (NAP) please indicate it in the table with the relevant abbreviations.

Please provide comments to explain the answers to question 128:

	Judges	Prosecutors
Total number (1+2+3+4)	24	41
1. Breach of professional ethics		4
2. Professional inadequacy		35
3. Criminal offence		2
4. Other		

Comment :

129) Number of sanctions pronounced against judges and prosecutors: please complete the table. If the data is not available (NA) or not applicable (NAP) please indicate it in the table with the relevant abbreviations.

Please provide comments to explain the answers to question 129

Total number (total 1 to 9)	15	41

1. Reprimand	12	33
2. Suspension		
3. Withdrawal of cases		
4. Fine		
5. Temporary reduction of salary		
6. Degradation of post		
7. Transfer to another geographical (court) location	3	
8. Dismissal		8
9. Other		

Comment :

You can indicate below:

- any useful comments for interpreting the data mentioned in this chapter
- the characteristics of your system concerning disciplinary procedures for judges and prosecutors and the main reforms that have been implemented over the last two years

6. Lawyers

6. 1. Statute of the profession

6. 1. 1. Profession

130) Total number of lawyers practising in your country. If there is no data available, please indicate it (NA).

780

131) Does this figure include legal advisors (solicitors or in-house counsellor) who cannot represent their clients in court? If no go to question 133.

- Yes
- No
- Not applicable

132) Number of legal advisors. If there is no data available, please indicate it (NA)

133) Do lawyers have a monopoly of representation in (multiple options are possible):

- Civil cases*?
- Criminal cases - Defendant*?
- Criminal cases - Victim*?
- Administrative cases*?

* If appropriate, please specify if it concerns first instance and appeal. And in case there is no monopoly, please specify the organisations or persons which may represent a client before a court (for example a NGO, family member, trade union, etc) and for which types of cases:

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.

According to the Civil Procedural Code any natural or legal person has the right to raise suit in the court personally or by means of representative which rights are proven (power of attorney) by the notary. The disabled persons or persons who are under custody or guardianship, as well as judges, investigators, prosecutors, members of the Parliament, except the occasion when they represent appropriate authorities, can not be representative in the courts. Besides that rights and interests of the disabled citizens are represented by the legal representatives such as: parents, custodians, guardians and other persons.

134) Is the lawyer profession organised through?

- a national bar?
- a regional bar?

a local bar?

Please specify:

According to the article 5 of the Law of the Republic of Azerbaijan "On advocates and advocate`s activity" advocate`s 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 bar, office or bureau and etc., but the founders should be only the advocates – members of the Bar Association.

Please indicate the source for answering the questions 130 and 132:

Bar Association information and the law on Advocates and advocate activity.

6. 1. 2. Training

135) Is there a specific initial training and/or examination to enter the profession of lawyer?

Yes

No

136) Is there a mandatory general system for lawyers requiring continuing professional training?

Yes

No

137) Is the specialisation in some legal fields tied with a specific level of training/ qualification/ specific diploma or specific authorisations?

Yes

No

If yes, please specify:

6. 1. 3. Fees

138) Can users establish easily what the lawyers' fees will be?

Yes

No

Please provide comments to explain the answer under question 138

139) Are lawyers fees

regulated by law?

regulated by Bar association?

freely negotiated?

Please provide comments to explain the answer under question 139:

6. 2. Evaluation

6. 2. 1. Complaints and sanctions

140) Have quality standards been formulated for lawyers?

- Yes
 No

141) If yes, who is responsible for formulating these quality standards:

- the bar association?
 the legislature?
 other?

Please specify (including a description of the quality criteria used):

142) Is it possible to complain about

- the performance of lawyers?
 the amount of fees?

Please specify:

143) Which authority is responsible for disciplinary procedures

- the judge?
 the Ministry of justice?
 a professional authority or other?

Please specify:

144) Disciplinary proceedings initiated against lawyers: please complete the table. If the data is not available (NA) or not applicable (NAP) please indicate it in the table with the relevant abbreviations.

Please provide comments to explain the answers to question 141:

	Breach of professional ethics	Professional inadequacy	Criminal offence	Other
Annual number		5	1	

Comment :

145) Sanctions pronounced against lawyers : please complete the table. If the data is not available (NA) or not applicable (NAP) please indicate it in the table with the relevant abbreviations.

Please provide comments to explain the answers to question 145:

	Reprimand	Suspension	Removal	Fine	Other
Annual number	5		1		

Comment :

You can indicate below:

- any useful comments for interpreting the data mentioned in this chapter
- the characteristics of your system concerning the organisation of the Bar and the main reforms that have been implemented over the last two years

7. Alternative Dispute Resolution

7. 1. Mediation and other forms of ADR

7. 1. 1. Mediation

146) Does the legal system provide for mediation procedures? If no go to question 151

Yes

No

147) If applicable, please specify, by type of cases, the organisation of mediation

	Possibility for private mediation proposed by the judge or court annexed mediation	Private mediator	Public authority (other than the court)	Judge	Prosecutor
Civil and commercial cases	No	No	No	No	No
Family law cases (ex. Divorce)	No	No	No	No	No
Administrative cases	No	No	No	No	No
Employment dismissals	No	No	No	No	No
Criminal cases	No	No	No	No	No

148) Is there a possibility to receive legal aid for mediation procedures?

Yes

No

If yes, please specify:

149) Number of accredited mediators. If there is no data available, please indicate it (NA)

NA

150) Please Indicate the total number of judicial mediation procedures per case category. If the data is not available (NA) or not applicable (NAP) please indicate it in the table with the relevant abbreviations.

civil cases?	NAP
family cases?	NAP
administrative cases?	NAP
employment dismissals?	NAP
criminal cases?	NAP

Please indicate the source for answering the question 150:

7. 1. 2. Other forms of alternative dispute resolution

151) Can you give information concerning other forms of alternative dispute resolution (e.g. arbitration, conciliation)? Please specify:

NA

You can indicate below:

- any useful comments for interpreting the data mentioned in this chapter**
- the characteristics of your system concerning ADR and the main reforms that have been implemented over the last two years**

NA

8. Enforcement of court decisions

8. 1. Execution of decisions in civil matters

8. 1. 1. Functioning

152) Do you have in your system enforcement agents (judicial officers)? If no go to question 154

- Yes
 No

153) Number of enforcement agents. If there is no data available, please indicate it (NA).

6000

154) Are enforcement agents (multiple options are possible):

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

Please specify their status and powers:

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. The supervision on execution of penalties are fulfilling by the employees of penitentiary service of the Ministry of Justice of the Republic of Azerbaijan.

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 the applicant should pass the test examination and be interviewed. The applicant successfully passes through both stages is admitted on the position of bailiff, usher or penitentiary service` employee.

The General department of ushers of the Ministry of Justice is entrusted to organize and supervise the activity of bailiffs and ushers` regional and local structures. Besides that the judges also supervise the execution of delivered decisions. Supervise on execution of penalties is carried out by the employees of the penitentiary service of the Ministry of Justice of the Republic of Azerbaijan.

155) Is there a specific initial training or examination to enter the profession of enforcement agent?

- Yes
 No
 Not applicable

156) Is the profession of enforcement agent organised by?

- a national body?

- a regional body?
- a local body?
- not applicable

157) Can users establish easily what the fees of the enforcement agents will be?

- Yes
- No
- Not applicable

158) Are enforcement fees:

- regulated by law?
- freely negotiated?
- not applicable

Please indicate the source for answering the question 153:

8. 1. 2. Supervision

159) Is there a body entrusted with the supervision and the control of the enforcement agents?

- Yes
- No
- Not applicable

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

- a professional body?
- the judge?
- the Ministry of justice?
- the prosecutor?
- other?

Please specify:

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 institutions are organized and supervised by the Main Department on Execution of Courts Judgements and Inspection on supervision 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 complaints concerning activity of the employees of the penitentiary service.

161) Have quality standards been formulated for enforcement agents?

- Yes
 No
 Not applicable

If yes, who is responsible for formulating these quality standards and what are the quality criteria used?

The General department of ushers of the Ministry of Justice is entrusted to organize and supervise the activity of bailiffs and ushers` regional and local structures. Besides that the judges also supervise the execution of delivered decisions. Supervise on execution of penalties is carried out by the employees of the penitentiary service of the Ministry of Justice of the Republic of Azerbaijan.

162) Is there a specific mechanism for executing court decisions rendered against public authorities, including the follow up to this execution?

- Yes
 No

if yes, please specify

163) Is there a system for monitoring the execution?

- Yes
 No

If yes, please specify

8. 1. 3. Complaints and sanctions

164) What are the main complaints of users concerning the enforcement procedure? Please indicate a maximum of 3.

- no execution at all?
- non execution of court decisions against public authorities?
- lack of information?
- excessive length?
- unlawful practices?
- insufficient supervision?
- excessive cost?
- other?

Please specify:

165) Has your country prepared or has established concrete measures to change the situation concerning the enforcement of court decisions – in particular as regards decisions against public authorities?

- Yes
- No

If yes, please specify:

166) Is there a system measuring the timeframes of the enforcement of decisions :

- for civil cases?
- for administrative cases?

167) 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 sits:

- between 1 and 5 days
- between 6 and 10 days
- between 11 and 30 days
- more

If more, please specify

168) Number of disciplinary proceedings initiated against enforcement agents. If the data is not available (NA) or not applicable (NAP) please indicate it in the table with the relevant abbreviations.

- | | | |
|--|---|---|
| Total number of disciplinary proceedings | <input checked="" type="checkbox"/> number: | 8 |
| for breach of professional ethics | <input type="checkbox"/> number: | |
| for professional inadequacy | <input type="checkbox"/> yes, number: | |
| for criminal offence | <input type="checkbox"/> number: | |
| Other | <input type="checkbox"/> number: | |

169) Number of sanctions pronounced against enforcement agents. If the data are not available (NA) or not applicable (NAP) please indicate it in the table with the relevant abbreviations.

Total number of sanctions	<input checked="" type="checkbox"/> number:	5
Reprimand	<input type="checkbox"/> number:	
Suspension	<input type="checkbox"/> number:	
Dismissal	<input type="checkbox"/> number:	
Fine	<input type="checkbox"/> number:	
Other	<input type="checkbox"/> number:	

You can indicate below:

- any useful comments for interpreting the data mentioned in this chapter
- the characteristics of your enforcement system of decisions in civil matters and the main reforms that has been implemented over the last two years

Please indicate the source for answering the questions 167, 168 and 169:

8. 2. Execution of decisions in criminal matters

8. 2. 1. Functioning

170) Is there a judge who is in charge of the enforcement of judgments?

- Yes
 No

If yes, please specify his/her functions and activities (e.g. Initiative or control functions). If no, please specify which authority is entrusted with the enforcement of judgements (e.g. prosecutor):

171) As regards fines decided by a criminal court, are there studies to evaluate the effective recovery rate?

- Yes
 No

If yes, please specify:

You can indicate below:

- any useful comments for interpreting the data mentioned in this chapter
- the characteristics of your enforcement system of decisions in criminal matters and the main reforms that have been implemented over the last two years

9. Notaries

9. 1. Statute

9. 1. 1. Functioning

172) Do you have notaries in your country? If no go to question 177

- Yes
 No

173) Is the status of notaries (if the data are not available (NA) or not applicable (NAP) please indicate it in the table with the relevant abbreviations):

a private one (without control from public authorities)?		NA
a status of private worker ruled by the public authorities?	<input type="checkbox"/> number	
a public one?	<input checked="" type="checkbox"/> number	149
other?	<input type="checkbox"/> number	

Comment :

174) Do notaries have duties:

- within the framework of civil procedure?
 in the field of legal advice?
 to authenticate legal deeds?
 other?

Please specify:

Please indicate the source for answering the question 173

Ministry of Justice, Law on notary

9. 1. 2. Supervision

175) Is there an authority entrusted with the supervision and the control of the notaries?

- Yes
 No

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

- a professional body?
 the judge?

- the Ministry of justice?
- the prosecutor?
- other?
- not applicable

Please specify:

You can indicate below:

- any useful comments for interpreting the data mentioned in this chapter**
- the characteristics of your system of notaries and the main reforms that have been implemented over the last two years**

10. Court interpreters

10. 1. function

10. 1. 1. Statute

177) Is the title of court interpreter protected?

- Yes
 No

178) Is the function of court interpreter regulated?

- Yes
 No

179) Number of certified court interpreters. If the data is not available (NA) or not applicable (NAP) please indicate it in the table with the relevant abbreviations

NA

180) Are there binding provisions regarding the quality of court interpreting in judicial proceedings?

- Yes
 No

If yes, please specify:

181) Are the courts responsible for the selection of court interpreters?

- Yes
 No

Please provide comments to explain the answers to question 178 (in particular, if no, which authority selects court interpreters?) :

11. Functioning of justice

11. 1. Foreseen reforms

11. 1. 1. Reforms

182) Can you provide information on the current debate in your country regarding the functioning of justice? Are there foreseen reforms? For example changes in legislation, changes in the structure of the judiciary, innovation programmes, etc. Please specify:

Within the World Bank funded Judicial Modernization Project it is planning to create automated case and document management system in courts and justice institutions as well as in the Judicial-legal council. Besode that it is going the work within this project for improving the activity, structure and curricula of the Justice Academy. It is going on now the construction of the new court houses according to the international standards.

At the same time it is planning to start operating the administrative courts this year.