



EUROPEAN COMMISSION FOR THE EFFICIENCY OF JUSTICE
(CEPEJ)

SCHEME FOR EVALUATING JUDICIAL SYSTEMS 2011

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 (if possible on 1 January 2011)

8 997 600

2) Total of annual public expenditure at state level and where appropriate, public expenditure at regional or federal entity level (in €) - (If data is not available, please indicate NA. If the situation is not applicable in your country, please indicate NAP)

	Amount
State level	11 624 337 100
Regional / federal entity level (total for all regions / federal entities)	NAP

3) Per capita GDP (in €)

4 406

4) Average gross annual salary (in €)

3 820

5) Exchange rate from national currency (non-Euro zone) to € on 1 January 2011

1,0560

A.1

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

Statistical yearbook of Azerbaijan State Statistical Committee for 2011 and Law on state budget for 2010 dated 26.11.2009.

1. 2. Budgetary data concerning judicial system

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

6) Annual approved public budget allocated to the functioning of all courts, in €(if possible without the budget of the public prosecution services and without the budget of legal aid):

TOTAL annual approved budget allocated to the functioning of all courts (1 + 2 + 3 + 4 + 5 + 6 + 7)	<input checked="" type="checkbox"/> Yes	40 315 230
1. Annual public budget allocated to (gross) salaries	<input checked="" type="checkbox"/> Yes	22 576 111
2. Annual public budget allocated to computerisation (equipment, investments, maintenance)	<input checked="" type="checkbox"/> Yes	2 710 000
3. Annual public budget allocated to justice expenses (expertise, interpretation, etc), without legal aid. NB: this does not concern the taxes and fees to be paid by the parties.		NAP
4. Annual public budget allocated to court buildings (maintenance, operating costs)	<input checked="" type="checkbox"/> Yes	2 771 000
5. Annual public budget allocated to investments in new (court) buildings	<input checked="" type="checkbox"/> Yes	9 186 553
6. Annual public budget allocated to training and education	<input checked="" type="checkbox"/> Yes	1 293 230
7. Other (please specify):	<input checked="" type="checkbox"/> Yes	1 778 336

7) If you cannot separate the budget of the public prosecution services and the budget of legal aid from the budget allocated to all courts, please indicate it clearly. If "other", please specify:

The other covers item 3 and other issues relating to the item 4.

8) Are litigants in general 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 to the rule to pay court a tax or fee? Please provide comments on those exceptions:

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.

9) Annual income of court taxes or fees received by the State (in €)

779 988

10) Annual approved public budget allocated to the whole justice system, in €(this global budget does not include only the court system as defined under question 6, but also the prison system, the judicial protection of juveniles, the operation of the Ministry of Justice, etc.)

NA

100 914 019

11) Please indicate the budgetary elements that are included in the whole justice system. If "other", please specify in the "comment" box below.

Court system	Yes
Legal aid	Yes
Public prosecution services	Yes
Prison system	Yes
Probation services	No
Council of the judiciary	Yes
Judicial protection of juveniles	No
Functioning of the Ministry of Justice	Yes
Refugees and asylum seekers services	No
Other	No

Comment :

12) Annual approved public budget allocated to legal aid, in €- If one or several data are not available, please indicate NA. If the situation is not applicable in your country, please indicate NAP.

	Total annual approved public budget allocated to legal aid (12.1 + 12.2)	12.1 Annual public budget allocated to legal aid in criminal law cases	12.2 Annual public budget allocated to legal aid in non criminal law cases
Amount (in €)	345054	345054	NA

13) Total annual approved public budget allocated to the public prosecution services (in €). Please indicate

in the "comment" box below any useful information to explain the figures provided.

Amount

40 007 281

Comment :

The increasing of the budget for prosecution is explained by the fact that the government allocates significant financial funds for improving not only the court system, but also prosecution system of Azerbaijan, especially its infrastructure.

14) Authorities formally responsible for the budgets allocated to the courts (multiple options possible) :

	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	Yes	No	No	Yes
Parliament	No	Yes	No	Yes
Supreme Court	Yes	No	Yes	No
Judicial Council	Yes	No	No	No
Courts	Yes	No	No	No
Inspection body	No	No	No	No
Other	No	No	No	No

15) If any other Ministry and/or inspection body and/or other, please specify (considering question 14):

All first instance courts are submitted the requests to the Ministry of Justice. The MoJ summarizes these requests taking into account also the information of Judicial-Legal Council and submits it to the Ministry of Finance. Afterwards the representative of the MoJ together with representative of Judicial-Legal Council participate in the session of Parliament and defend their budget project.

The Supreme Court and courts of appeal are drafted their budget by themselves and submit it to the Ministry of Finance. The MoF submit it to the Parliament.

The Judicial-Legal Council is very actively participated in defining the financial needs of judicial branch.

A.2

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

General comment to Chapter 1 : As a result of economic development Azerbaijan continues to increase the state budget funds allocated to the functioning of the court system and to the public prosecution services. Previous CEPEJ reports gave strongly positive input to national reforms and initiatives in Azerbaijan. Further development of the whole justice system is a top priority of the government of Azerbaijan. That`s why we have increase number of judges, court staff, investments to ITC in court system and investments in court infrastructure (court complexes, new buildings).

Q12#2#1 : This amount covers only legal aid in criminal cases.

Q14#1#5 : Relating to the 2010 status please be informed that answer is YES because of new amendment to Law on Judicial-Legal Council.

Q14#3#1 : Relating to this question please be advised that the MoJ is authorized to allocate the budget only for the first instance courts. Supreme Court and appellate courts allocate their budgets by themselves. I think in previous years (2006 and 2008) it was misunderstanding, the answers for previous years had to be YES, but with note giving the explanation which I mentioned above.

Q14#3#4 : The answer should be YES, because but it covers only the Supreme Court. It is better to give the note that Supreme Court allocates it`s own budget.

1. Relating to the comments to the Figure 2.5 (Average annual variation of the public budget allocated to all courts...) please add the following explanation (information) on Azerbaijan:

"Following to the intensive judicial reforms the important measures for improvement of judiciary have been undertaken, especially in terms of significantly increasing of overall court system investments in developing of the unified concept (standards) of designing of court buildings, construction of innovative court buildings (court complexes), implementing the modern ICT projects in courts, increasing significantly the number of judges and court

staff and etc.”.

2. In the end of the comments to the Figure 2.8 sexes (Parts of the budget allocated to investments in new (court) buildings within the total annual public budget allocated to the functioning of all courts ...) please add information about Azerbaijan:

“Azerbaijan continued putting considerable investments in modernization of court infrastructure by constructing innovative court buildings and court complexes despite worldwide financial crisis”.

3. Relating to the comments to the Figure 2.14 (Average annual variation of the public prosecution budget between 2008 and 2010) please add: “significant increase of budget for prosecution is explained by the fact that the government allocates substantial financial funds for improving not only the court system, but also prosecution system in country, especially by the investments in infrastructure, renewing the administrative building and application of IT projects in prosecution authorities”. Also please add that the rebalancing of the role of judges within the judicial system in relation to a traditionally powerful “Prokuratura” has been solved out in Azerbaijan even in 2000”.

cf. 12/07 : 3. In the “Comments” part to the Table 2.1 please include the following information on Azerbaijan:

“Azerbaijan: As a result of rapid economic development this country keeps conducting of large-scales judicial-legal reforms and increasing significantly the overall budget of judiciary”.

1. Relating to the comments to the Figure 2.5 (Average annual variation of the public budget allocated to all courts...) please add the following explanation (information) on Azerbaijan:

“Following to the intensive judicial reforms the important measures for improvement of judiciary have been undertaken, especially in terms of significantly increasing of overall court system investments in developing of the unified concept (standards) of designing of court buildings, construction of innovative court buildings (court complexes), implementing the modern ICT projects in courts, increasing significantly the number of judges and court staff and etc.”.

The peer evaluation members are personally observed most of these significant investments during their visit in Azerbaijan on 30-31 May 2012.

7. Relating to the “Comments” part to Table 2.6 (Break-down by component of court budgets in 2010) please include information relating to Azerbaijan:

“Azerbaijan: the significant increase of the budget allocated to computerization of courts is due to the major investments of state in forming of e-government and e-justice systems throughout the country”.

2. In the end of the comments to the Figure 2.8 sexes (Parts of the budget allocated to investments in new (court) buildings within the total annual public budget allocated to the functioning of all courts ...) please add information about Azerbaijan:

“Azerbaijan continued putting considerable investments in modernization of court infrastructure by constructing innovative court buildings and court complexes despite worldwide financial crisis”.

3. Relating to the comments to the Figure 2.14 (Average annual variation of the public prosecution budget between 2008 and 2010) please add: “significant increase of budget for prosecution is explained by the fact that the government allocates substantial financial funds for improving not only the court system, but also prosecution system in country, especially by the investments in infrastructure, renewing the administrative building and application of IT projects in prosecution authorities”. Also please add that the rebalancing of the role of judges within the judicial system in relation to a traditionally powerful “Prokuratura” has been solved out in Azerbaijan even in 2000”.

Please indicate the sources for answering the questions 6, 9, 10, 11, 12 and 13.

The law on state budget for 2010 dated 26.11.2009 and Presidential decree dated 21.12.2009 on implementation of this law

2. Access to Justice and to all courts

2. 1. Legal aid

2. 1. 1. Principles

16) Does legal aid apply to:

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

17) Does legal aid include the coverage of or the exemption from court fees?

Yes

No

If yes, please specify:

18) Can legal aid be granted for the fees that are related to the enforcement of judicial decisions (e.g. fees of an enforcement agent)?

Yes

No

If yes, please specify:

19) Can legal aid be granted for other costs (different from questions 16 to 18, e.g. fees of technical advisors or experts, costs of other legal professionals (notaries), travel costs etc ? If yes, please specify it in the "comment" box below).

	Criminal cases	Other than criminal cases
	No	No

Comment :

20) Number of cases referred to the court and for which legal aid has been granted. Please specify in the "comment" box below, when appropriate. If data is not available, please indicate NA. If the situation is not applicable in your country, please indicate NAP.

[This question concerns only the annual number of cases for which legal aid has been granted to those referring a case to a court. It does not concern legal advice provided for cases that are not brought before the court.]

	Number
Total	5 664
in criminal cases	5 664
other than criminal cases	NA

Comment :

21) In criminal cases, can individuals who do not have sufficient financial means be assisted by a free of charge (or financed by a public budget) lawyer? Please specify in the "comment" box below.

Accused individuals	Yes
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Victims	Yes
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Comment :

According to the article 20 of the Law on advocates and advocate activity the accused person and everybody who has not sufficient funds to be represented in the court has the right to be represented in the court by advocates funded by the government.

22) If yes, are individuals free to choose their lawyer within the framework of the legal aid system

- Yes
 No

23) Does your country have an income and assets evaluation for granting legal aid to the applicant ? Please provide in the "comment" box below any information to explain the figures provided. If you have such a system but no data available, please indicate NA. If you do not have such a system, please indicate NAP.

	amount of annual income (if possible for one person) in €	amount of assets in €
for criminal cases	No	NA
for other than criminal cases?	No	NA

Comment :

24) In other than criminal cases, is it possible to refuse legal aid for lack of merit of the case (for example for frivolous action or no chance of success)?

- Yes
 No

If yes, please explain the exact criteria for denying legal aid:

25) Is the decision to grant or refuse legal aid taken by :

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

26) Is there a private system of legal expense insurance enabling individuals (this does not concern companies or other legal persons) to finance court proceedings?

- Yes
 No

If appropriate, please inform about the current development of such insurances in your country; is it a growing phenomenon?

This type of private insurance is exists and depends on citizens` activity to apply to the private insurance companies.

27) Can judicial decisions direct how legal costs, paid by the parties during the procedure, will be shared, in:

criminal cases?	Yes
other than criminal cases?	Yes

B.1

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 privity 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.

Q16#2#1 : The answer is right because of the amendment to the law which gives possibility of legal aid in other than criminal cases.

Q20#1#1 : Total number of criminal cases granted legal aid is 5.664 cases. For this period it was not possible to give the number of non-criminal cases granted with legal aid.

Please indicate the sources for answering the questions 20 and 23

Law on advocates and advocate`s activity, Criminal prosedural code, Civil prosedural code, information provided by Bar Association

2. 2. Users of the courts and victims

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

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

The websites mentioned could appear in particular on the internet website of the CEPEJ. Please specify in the "comment" box below what documents and information the addresses for "other documents" include:

- | | | |
|---|---|---|
| <input type="checkbox"/> legal texts (e.g. codes, laws, regulations, etc.)? Internet address(es): | <input checked="" type="checkbox"/> Yes | www.e-qanun.az |
| <input type="checkbox"/> case-law of the higher court/s? Internet address(es): | <input checked="" type="checkbox"/> Yes | www.courts.az,
www.mahkamalar.az,
www.mehkemeler.az |
| <input type="checkbox"/> other documents (e.g. downloadable forms, online registration)? | <input checked="" type="checkbox"/> Yes | www.justice.gov.az,
www.jlc.gov.az
www.courts.az |

Comment :

Webportal www.courts.az comprises all courts of Azerbaijan and includes information about all courts, judicial system, judges, samples of documents and etc.

29) Is there an obligation to provide information to the parties concerning the foreseeable timeframes of proceedings?

- Yes
 No

If yes, please specify:

2. In the part 4.1 Provisions regarding the supply of information to the court users /General information please add the following wording:

"As it was observed during the presentation of the Azerbaijan delegation during the 18th plenary meeting of CEPEJ on 7-8 December 2011, it is worthy to mention the positive experience of Azerbaijan in forming of the unified web-portal (www.courts.az) which comprised all the courts of the country and consisted of detailed information necessary for citizens such as the information on court system and courts, their jurisdiction, judges, timeframes of court proceedings, judgments, samples of necessary documents (suits, appeals) and this is a good practice of unified approach in collecting all necessary information in one database with aim to ease the access of citizens to information and enforce their rights".

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

- Yes
 No

If yes, please specify:

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.

31) Are there special favourable arrangements to be applied, during judicial proceedings, to the following categories of vulnerable persons. If "other vulnerable person" and/or "other special arrangements", please specify it in the "comment" box below.

[This question does not concern the police investigation phase of the procedure and does not concern compensation mechanisms for victims of criminal offences, which are addressed under questions 32 to 34.]

	Information mechanism	Special arrangements in court hearings	Other
Victims of rape	Yes	Yes	Yes
Victims of terrorism	No	Yes	No
Children (witnesses or victims)	Yes	Yes	Yes
Victims of domestic violence	Yes	No	No
Ethnic minorities	Yes	Yes	No
Disabled persons	Yes	Yes	Yes
Juvenile offenders	Yes	Yes	Yes
Other (e.g. victims of human trafficking)	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.

32) Does your country allocate compensation for victims of crime?

- Yes
 No

If yes, for which kind of offences

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.

33) If yes, does this compensation consist in:

- a public fund?
 damages to be paid by the responsible person (decided by a court decision)?
 a private fund?

34) Are there studies that evaluate the recovery rate of the damages awarded by courts to victims?

- Yes
 No

If yes, please inform about the recovery rate, the title of the studies, the frequency of the studies and the coordinating body:

35) Do public prosecutors have a specific role with respect to the victims (protection and assistance)?

- Yes
 No

If yes, please specify:

36) Do victims of crime have the right to dispute a public prosecutor's decision to discontinue a case?

Please verify the consistency of your answer with that of question 105 regarding the possibility for a public prosecutor "to discontinue a case without needing a judicial decision".

- Yes
 No
 NAP (the public prosecutor cannot decide to discontinue a case on his/her own. A judicial decision is needed).

If necessary, 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

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

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

wrongful condemnation?

Where appropriate, please give details on the compensation procedure, the number of cases, the result of the procedures and the existing mechanism for calculating the compensation (e.g. the amount per day for unjustified detentions or convictions):

38) Does your country have surveys aimed at legal professionals and court users to measure their trust and/or satisfaction with the services delivered by the judicial system? (multiple options possible)

- (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 the parties
- (Satisfaction) surveys aimed at other court users (e.g. jurors, witnesses, experts, interpreters, representatives of governmental agencies)
- (Satisfaction) surveys aimed at victims

If possible, please specify their titles, object and websites where they can be consulted:

Survey on needs assessment (focus on identifying the needs of court users in increasing the legal awareness)

Baseline survey (focus on identifying the satisfaction of judges, court staff, lawyers and court users in court system)

39) If possible, please specify:

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

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

- Yes
- No

41) Please specify which authority is responsible for dealing with such complaints and inform whether there is or not a time limit to respond and/or a time limit for dealing with the complaint (multiple options possible). Please give information concerning the efficiency of this complaint procedure in the "comment" box below.

	Time limit to respond (e.g. to acknowledge receipt of the complaint, to provide information on the follow-up to be given to the complaint, etc.)	Time limit for dealing with the complaint	No time limits
Court concerned	Yes	Yes	No
Higher court	Yes	Yes	No
Ministry of Justice	Yes	Yes	No
High Council of the Judiciary	Yes	Yes	No
Other external bodies (e.g. Ombudsman)	Yes	Yes	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

42) Number of courts considered as legal entities (administrative structures) and geographic locations. If data is not available, please indicate NA. If the situation is not applicable in your country, please indicate NAP.

	Total number
42.1 First instance courts of general jurisdiction (legal entities)	85
42.2 First instance specialised Courts (legal entities)	18
42.3 All the Courts (geographic locations) (this includes 1st instance courts of general jurisdiction, first instance specialised courts, all second instance courts and courts of appeal and all supreme courts)	111

43) Number (legal entities) of first instance specialised courts (or specific judicial order). If "other specialised 1st instance courts", please specify it in the "comment" box below. If data is not available, please indicate NA. If the situation is not applicable in your country, please indicate NAP.

Total (must be the same as the data given under question 42.2)	18
Commercial courts	7
Labour courts	NA
Family courts	NA
Rent and tenancies courts	NA
Enforcement of criminal sanctions courts	NA
Administrative courts	7
Insurance and / or social welfare courts	NA
Military courts	6
Other specialised 1st instance courts	5

Comment :

7 administrative courts also consider commercial disputes

5 other specialized courts are grave crimes courts

In Azerbaijan exist 7 courts which consider both administrative and economic disputes. These are administrative-economic courts.

44) Is there a foreseen change in the structure of courts [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:

45) Number of first instance courts (geographic locations) competent for the following cases. If data is not available, please indicate NA. If the situation is not applicable in your country, please indicate NAP.

	Number of courts

a debt collection for small claims	85
a dismissal	85
a robbery	5

Please give the definition for small claims and indicate the monetary value of a small claim:

Please indicate the sources for answering questions 42, 43 and 45:

Information given by the Apparatus of Judicial-Legal Council and Law on Courts and Judges.

General comment : In order to ease the access of citizens to justice and increase the effectiveness of justice the number of courts was(were) increased in Azerbaijan by establishing more than 20 regional courts, such as courts of appeal, administrative-economic courts, courts of grave crimes and etc.

Within the Judicial Modernization Project jointly funded by the Government of Azerbaijan and World Bank, the court infrastructure has been significantly improved and brought in accordance with international standards. As a result the standards for court buildings and the software for automatization of modelling of court buildings designs were developed. Additionally to ease the access of citizens to justice and to reduce the justice expences the designs of regional court complexes consisting of two-four courts were adopted.

Question 42.1.2. The number of courts was decreased in 2010 in comparison with 2006 and 2008 from 19 courts to 18 courts because of decreasing the number of military courts in Azerbaijan.

cf 12/07 : Please add information on Azerbaijan in the bottom of the Table 5.1 (page 2):

"Azerbaijan: As a result of on-going judicial-legal reforms the number of courts has been decreased by merging of regional military courts".

2. Please add below mentioned information about Azerbaijan in the last part of the page 3:

"In Azerbaijan there is a mixture of regional specialized courts such as administrative and economic as a one single court considering both types of cases (Administrative-economic court). At the moment it is started the process of specialization of judges on these two types of cases".

3. Please add information on Azerbaijan in the bottom of the Table 5.4 (page 8):

"Azerbaijan: So as it was obtained positive results in thorough reforms of the reorganization of courts in 2006 there is almost permanency in the number of courts in comparison with 2006".

4. Please add Azerbaijan in the list of countries with minimal change in the number of all courts between 2006 and 2010 after Turkey in the bottom of the Table 5.4bis (page 9).

5. Please add Azerbaijan in the bottom of the Table 5.9 in the list of countries of national court administration after Denmark, Georgia, Ukraine ... because the Judicial-Legal Council is engaged also in the process of overall preparation of budget for court system (page 14).

3. 1. 2. Judges and non-judge staff

46) Number of professional judges sitting in courts (if possible on 31 December 2010)

(please give the information in full-time equivalent and for permanent posts actually filled for all types of courts - general jurisdiction and specialised courts). If data is not available, please indicate NA. If the situation is not applicable in your country, please indicate NAP.

Please provide in the "comment" box below any useful comment for interpreting the data above.

[Please make sure that public prosecutors and their staff are excluded from the following figures (they will be part of questions 55-60). If a distinction between staff attached to judges and staff attached to prosecutors cannot be made, please indicate it clearly.

Please indicate the number of posts that are actually filled at the date of reference and not the theoretical budgetary posts.]

	Total	Males	Females
Total number of professional judges (1 + 2 + 3)	600	545	55
1. Number of first instance professional judges	424	388	36
2. Number of second instance (court of appeal) professional judges	135	122	13
3. Number of supreme court	41	35	6

professional judges			
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Comment :

Due to broad reforms carried out in Azerbaijan the number of judges in comparison with previous years were increased twice.

In 2006 the President of Supreme Court, president of two district courts from 11 district courts and president of economic court in Baku city were female judges. In 2012 the President of one of the regional appellate court has been appointed also the female judge.

As a result of ongoing reforms based on CEPEJ reports the number of judges in Azerbaijan was increased from 494 to 600 judges.

1. Please add below mentioned information about Azerbaijan in the bottom of the table 7.3 (page 6):

“As a continuation of judicial-legal reforms carried out in Azerbaijan and substantial increasing of budget allocated to court system in Azerbaijan the number of judges and human resources devoted to the judicial function have been significantly increased with aim to increase the efficiency of delivering of justice and better organizing the court system in country”.

1. Please add below mentioned information on Azerbaijan in the comments to the table 8.5:

“The comparison of 2006 and 2010 years shows that in Azerbaijan it was a rapid increase in the number of human resources, especially the assistants to judges, consultants and IT experts in courts”.

2. Please add information in the comments of the table 8.3:

“In Azerbaijan the establishment of the new positions of assistants to judge, the increasing of the number of IT consultants in courts and etc. served for and caused in increasing of the productivity of judges. This process is ongoing and it is planning to raise the number of non-professional staff from 3 to 4 per one professional judge”.

1. Please add below mentioned information about Azerbaijan in the bottom of the table 7.3 (page 6):

“As a continuation of judicial-legal reforms carried out in Azerbaijan and substantial increasing of budget allocated to court system in Azerbaijan the number of judges and human resources devoted to the judicial function have been significantly increased with aim to increase the efficiency of delivering of justice and better organizing the court system in country”.

47) Number of court presidents (professional judges). If data is not available, please indicate NA. If the situation is not applicable in your country, please indicate NAP.

	Total	Males	Females
Total number of court presidents (1 + 2 + 3)	74	74	0
1. Number of first instance court presidents	67	67	0
2. Number of second instance (court of appeal) court presidents	6	6	0
3. Number of supreme court presidents	1	1	0

48) Number of professional judges sitting in courts on an occasional basis and who are paid as such (if possible on 31 December 2010). If necessary, please provide in the "comment" box below any information to explain the answer under question 48.

Gross figure

NAP

If possible, in full-time equivalent

NAP

Comment :

49) Number of non-professional judges who are not remunerated but who can possibly receive a simple defrayal of costs (if possible on 31 December 2010) (e.g. lay judges and “juges consulaires”, but not arbitrators and persons sitting in a jury).

Gross figure

NAP

50) 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.

51) Number of citizens who were involved in such juries for the year of reference:

NA

52) Number of non-judge staff who are working in courts for judges (if possible on 31 December 2010) (this data should not include the staff working for public prosecutors; see question 60) (please give the information in full-time equivalent and for permanent posts actually filled). If "other non-judge staff", please specify it in the "comment" box below.

Total non-judge staff working in courts (1 + 2 + 3 + 4 + 5) Yes 2295

1. Rechtspfleger (or similar bodies) with judicial or quasi-judicial tasks having autonomous competence and whose decisions could be subject to appeal NAP

2. Non-judge staff whose task is to assist the judges (case file preparation, assistance during the hearing, court recording, helping to draft the decisions) such as registrars Yes 935

3. Staff in charge of different administrative tasks and of the management of the courts (human resources management, material and equipment management, including computer systems, financial and budgetary management, training management) Yes 1037

4. Technical staff Yes 323

5. Other non-judge staff NAP

Comment :

In comparison with 2006 year the number of non-judge staff for 2010 is increased by 60% (during four years), in comparison with 2008 is increased by 27% (during two years).

In order to secure the effectiveness of justice in Azerbaijan the number of court staff has been significantly increased.

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

54) Have the courts delegated certain services, which fall within their powers, to private providers (e.g. IT services, training of staff, security, archives, cleaning)?

 Yes No

If yes, please specify:

C.1

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 have been implemented over the last two years

Please indicate the sources for answering questions 46, 47, 48, 49 and 52

Information of the Judicial-legal council, Supreme Court, MoJ and courts of appeal

3. 1. 3. Public prosecutors and staff

55) Number of public prosecutors (if possible on 31 December 2010) (please give the information in full-time equivalent and for permanent posts actually filled, for all types of courts – ordinary and specialised jurisdictions). If data is not available, please indicate NA. If the situation is not applicable in your country, please indicate NAP. Please provide in the "comment" box below any useful information for interpreting the data.

	Total	Males	Females
Total number of prosecutors (1 + 2 + 3)	994	952	42
1. Number of prosecutors at first instance level	NA	NA	NA
2. Number of prosecutors at second instance (court of appeal) level	NA	NA	NA
3. Number of prosecutors at supreme court level	NA	NA	NA

Comment :

56) Number of heads of prosecution offices. If data is not available, please indicate NA. If the situation is not applicable in your country, please indicate NAP. Please provide in the "comment" box below any useful information for interpreting the data.

	Total	Males	Females
Total number of heads of prosecution offices (1 + 2 + 3)	219	219	NA
1. Number of heads of prosecution offices at first instance level	NA	NA	NA
2. Number of heads of prosecution offices at second instance (court of appeal) level	NA	NA	NA
3. Number of heads of prosecution offices at supreme court level	NA	NA	NA

Comment :

57) Do other persons have similar duties to public prosecutors? Yes No

Number (full-time equivalent)

58) If yes, please specify their title and function:**59) If yes, is their number included in the number of public prosecutors that you have indicated under question 55?** Yes No**60) Number of staff (non-public prosecutors) attached to the public prosecution service (if possible on 31 December 2010) (without the number of non-judge staff, see question 52) (in full-time equivalent and for**

permanent posts actually filled).

Number

Yes

1 160

C.2

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 have been implemented over the last two years

cf. 12/07 : 1. Please add below mentioned information on Azerbaijan in the bottom of the table10.1:

"In Azerbaijan all members of prosecution system except technical staff are called prosecutors. In 2010 the number of prosecutors was 994, but from this number 155 are prosecutors who are allowed to defend the state acquisition in the courts" (page 182).

Please indicate the sources for answering questions 55, 56 and 60

Information provided by the General Prosecutor`s Office

3. 1. 4. Court budget and new technologies

61) Who is entrusted with responsibilities related to the budget within the court? If "other", please specify it in the "comment" box below.

	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

Comment :

The budgets of first instance courts are formulated based on proposals made by the presidents of these courts reflected their needs. Afterwards the Ministry of Justice summarized these proposals and submits it to the Ministry of Finance. Then MoF includes it in draft of budget and submits it to the Parliament.

The draft of budgets of Supreme Court and courts of appeals are prepared by the Presidents of these courts and submitted to the MoF which in it`s turn submits it to the Parliament.

Judicial-legal council is also very actively involved in identifying the needs of court system in finances and made accordingly the proposals to the MoF and Parliament.

The control over the use of budget is running by the Mof and the Parliament.

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

Word processing	100% of courts
Electronic data base of jurisprudence	100% of courts
Electronic files	100% of courts
E-mail	100% of courts
Internet connection	100% of courts

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

Case registration system	100% of courts
Court management information system	+50% of courts
Financial information system	+50% of courts
Videoconferencing	+50% of courts

64) For the electronic communication and exchange of information between the courts and their environment, what are the computer facilities used by the courts?

Electronic web forms	100% of courts
Website	100% of courts
Follow-up of cases online	+50% of courts
Electronic registers	+50% of courts
Electronic processing of small claims	-50% of courts
Electronic processing of undisputed debt recovery	-50% of courts
Electronic submission of claims	-50% of courts
Videoconferencing	+50% of courts
Other electronic communication facilities	+50% of courts

65) The use of videoconferencing in the courts (details on question 65). Please indicate in the "comment" box below any clarification on the legal framework and the development of videoconferencing in your country.

	65.1 In criminal cases, do courts or prosecution offices use videoconferencing for hearings in the presence of defendants or witnesses?	65.2 Can such court hearing be held in the police station and/or in the prison?	65.3 Is there any specific legislation on the conditions for using videoconferencing in the courts / prosecution offices, especially in order to protect the rights of the defence?	65.4 Is videoconferencing used in other than criminal cases?
	Yes	Yes	Yes	Yes

Comment :

C.3

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

Ministry of Justice/judicial modernization project

General comment : Strong accent and investment has been put in implementing of ICT technologies in justice and court systems such as the ongoing development of e-notary system, electronic registers, e-document and e-case management systems, court proceedings e-recording system, video-conference system, unified web-portal for court system, information database for judicial decisions etc, carried out within the Judicial Modernization Project jointly funded by the Government of Azerbaijan and World Bank.

6. Please mention in the last column - other communication facilities – "YES" for Azerbaijan and add below mentioned information about Azerbaijan in the bottom of the Table 5.11 (page 18):

"Azerbaijan: it is worth to mention that huge financial investments from the Government have been put in the court system with aim to further computerize the courts especially relating to the completing the formation of e-justice system, electronic case and documents systems and establishing e-network among the courts".

9. Please add Azerbaijan in the bottom of the Table 5.14 ter in the list of countries after (Austria, Czech Republic, Germany) and (Portugal) and mention: "following the innovative approach in designing the courthouses and court complexes all necessary conditions and equipment are provided in newly constructed modern courthouses and court complexes for videoconferencing relating to the carrying out the cross border judicial proceedings as well as of witnesses when they reside outside the country or not able to participate the court proceedings" (page 28).

3. 2. Performance and evaluation

3. 2. 1. Performance and evaluation

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

Yes

No

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

Ministry of Justice, 1, Inshaatchilar avenue, Baku, Azerbaijan

67) Are individual courts required to prepare an annual activity report (that includes, for example, data on the number of cases processed or pending cases, the number of judges and administrative staff, targets and assessment of the activity)?

- Yes
 No

68) Do you have, within the courts, a regular monitoring system of court activities concerning:

The monitoring system aims to assess the day-to-day activity of the courts (namely, what the courts produce) thanks in particular to data collections and statistical analysis (see also questions 80 and 81).

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

If other, please specify:

69) Do you have a system to evaluate regularly the activity (in terms of performance and output) of each court?

The evaluation system refers to the performance of the court systems with prospective concerns, using indicators and targets. The evaluation may be of more qualitative nature (see questions 69-77). It does not refer to the evaluation of the overall (good) functioning of the court (see question 82).

- Yes
 No

Please specify:

According to the law on courts and judges all courts have to submit the statistical reports to MoJ which reflect the indicators and targets.

70) Concerning court activities, have you defined performance and quality indicators (if no, please skip to question 72)

- Yes
 No

71) Please select the 4 main performance and quality indicators that have been defined:

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

If other, please specify:

72) Are there quantitative performance targets (for instance a number of cases to be addressed in a month) defined for each judge?

- Yes
 No

73) Who is responsible for setting the targets for each judge?

- 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 court (if no please skip to question 77)?

- Yes
 No

75) Who is responsible for setting the targets for the courts?:

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

If other, please specify:

76) Please specify the main targets applied to the courts:

77) Who is responsible for evaluating the performance of the courts (see questions 69 to 76)? (multiple options possible)

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

If other, please specify:

78) Are quality standards determined for the whole judicial system (are there quality systems for the judiciary and/or judicial quality policies)?

- Yes
 No

If yes, please specify:

79) Do you have specialised court staff that is entrusted with these quality standards?

- Yes
 No

80) Do you monitor backlogs and cases that are not processed within a reasonable timeframe for:

- in civil law cases
 in criminal law cases
 in administrative law cases

81) Do you monitor waiting time during court procedures?

- Yes
 No

If yes, please specify:

82) Is there a system to evaluate the overall (smooth) functioning of courts on the basis of an evaluation plan (plan of visits) agreed beforehand?

This question does not concern the specific evaluation of performance indicators.

- Yes
 No

Please specify the frequency of the evaluation:

As it was mentioned the courts submit the statistical reports which reflects the functioning of the particular court. Through these reports it is possible to define the backlogs in courts and efficiency of justice in reasonable and proper timeframe. In the legislature there are timeframes for almost all types of cases and judges are to adhere to these terms.

83) Is there a system for monitoring and evaluating the performance of the public prosecution service?

- Yes
 No

If yes, please give further details:

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.

C.4**You can indicate below:**

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

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.

Q80 : in Azerbaijan exists the system of evaluation both the backlogs and the length of proceedings.

4. Fair trial

4. 1. Principles

4. 1. 1. General information

84) Percentage of first instance criminal in absentia judgments (cases in which the suspect is not attending the hearing in person nor represented by a legal professional)?

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) Number of cases regarding Article 6 of the European Convention of Human Rights on duration and non-execution. If data is not available, please indicate NA.

	Cases declared inadmissible by the Court	Friendly settlements	Judgements establishing a violation	Judgements establishing a non violation
Civil proceedings - Article 6§1 (duration)	NAP	NAP	NAP	NAP
Civil proceedings - Article 6§1 (non-execution)	9	NAP	NAP	NAP
Criminal proceedings - Article 6§1 (duration)	NAP	NAP	NAP	NAP

Please indicate the sources:

It is possible to submit the information at the end of February.

D.1

You can indicate below any useful comments for interpreting the data mentioned in this chapter

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?
 there is no specific procedure

If yes, 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. There is no limitation in time for consideration of administrative cases.

88) Are there simplified procedures for:

- civil cases (small disputes)?
- criminal cases (small offences)?
- administrative cases?
- there is no simplified procedure

If yes, 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. There is no limitation in time for consideration of administrative cases.

89) Do courts and lawyers have the possibility to conclude agreements on arrangements 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. Caseflow management and timeframes of judicial proceedings

90) Comment:

The national correspondents are invited to pay special attention to the quality of the answers to questions 91 to 102 regarding case flow management and timeframes of judicial proceedings. The CEPEJ agreed that the subsequent data would be processed and published only if answers from a significant number of member states – taking into account the data presented in the previous report – are given, enabling a useful comparison between the systems.

91) First instance courts: number of other than criminal cases. If data is not available, please indicate NA. If the situation is not applicable in your country, please indicate NAP.

Note 1: cases mentioned in categories 3 to 5 (enforcement, land registry, business register) should be presented separately in the table. Cases mentioned in category 6 (administrative law) should also be separately mentioned for the countries which have specialised administrative courts or separate

administrative law procedures or are able to distinguish in another way between administrative law cases and civil law cases.

Note 2: check if the figures submitted are (horizontally and vertically) consistent. Horizontal consistent data means: "(pending cases on 1 January 2010 + incoming cases) – resolved cases" should give the correct number of pending cases on 31 December 2010. Vertical consistency of data means that the sum of the individual case categories 1 to 7 should reflect the total number of other than criminal law cases.

	Pending cases on 1 Jan. '10	Incoming cases	Resolved cases	Pending cases on 31 Dec. '10
Total of other than criminal law cases (1+2+3+4+5+6+7)*	9 783	122 783	120 996	11 570
1. Civil (and commercial) litigious cases (if feasible without administrative law cases, see category 6)*	9 704	98 712	96 951	11 465
2. Civil (and commercial) non-litigious cases, e.g. uncontested payment orders, request for a change of name, etc. (if feasible without administrative law cases; without enforcement cases, registration cases and other cases, see categories 3-7)*	79	24 071	24 045	105
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 (litigious and non-litigious)	NAP	NAP	NAP	NAP
7. Other cases (e.g. insolvency registry cases)	NA	NA	NA	NA

92) If courts deal with "civil (and commercial) non-litigious cases", please indicate the case categories included:

alimony cases which does not need court consideration, gas, electricity and other payments, all disputes when demand based on notarized contracts, demand of the calculated, but not paid salary of employee and etc.

93) If "other cases", please indicate the case categories included:

94) First instance courts: number of criminal law cases. If data is not available, please indicate NA. If the situation is not applicable in your country, please indicate NAP.

Note: please check if the figures submitted are (horizontally and vertically) consistent. Horizontal consistent data means that: "(pending cases on 1 January 2010 + incoming cases) – resolved cases" should give the correct number of pending cases on 31 December 2010. Vertical consistency of data means that the sum of the categories 8 and 9 for criminal cases should reflect the total number of criminal cases.

	Pending cases on 1 Jan. '10	Incoming cases	Resolved cases	Pending cases on 31 Dec. '10
Total criminal cases (8+9)	1 797	13 888	13 793	1 892
8. Criminal cases (severe criminal offences)	369	1 563	1 587	345
9. Misdemeanour and / or minor offences cases	1 428	12 325	12 206	1 547

95) The classification of cases between severe criminal cases and misdemeanour and/or minor criminal cases may be difficult. Some countries might have other ways of addressing misdemeanour offences (for example via administrative law procedures).

Please indicate, if feasible, what case categories are included under "severe criminal cases" and the cases included under "misdemeanour and /or minor criminal cases".

In the item 8 Criminal cases (severe criminal offences) we included the very grave crimes and grave crimes. According to our legislation the very grave crimes is crimes where the imprisonment term is from 12 years till life imprisonment. Grave crimes is crimes with imprisonment term from 8 years to 12 years.

In the item 9 we included the less grave crimes and crimes which are not of high social danger. Less grave crimes are the crimes with imprisonment term from 2 years to 8 years.

The crimes which are not of high social danger are crimes with imprisonment term till 2 years or alternative sanctions not related to imprisonment.

96) Comments on questions 91 to 95. You can indicate, for instance, the specific situation in your country, give explanations on NA or NAP answers or explain the calculation of the total number of other than criminal law cases or differences in horizontal consistency, etc.

97) Second instance courts: total number of "other than criminal law" cases. If data is not available, please indicate NA. If the situation is not applicable in your country, please indicate NAP.

Note: the total of "other than criminal" cases includes all of the following categories (categories 1 to 7).

	Pending cases on 1 Jan. '10	Incoming cases	Resolved cases	Pending cases on 31 Dec. '10
Total of other than criminal law cases (1+2+3+4+5+6+7)	1 584	10 221	9 271	1 536
1. Civil (and commercial) litigious cases (if feasible without administrative law cases, see category 6)*	NA	NA	NA	NA
2. Civil (and commercial) non-litigious cases, e.g. uncontested payment orders, request for a change of name, etc. (if feasible without administrative law cases; without enforcement cases, registration cases and other cases, see categories 3-7)*	NA	NA	NA	NA
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 (litigious and non-litigious)	NA	NA	NA	NA
7. Other cases (e.g. insolvency registry cases)	NA	NA	NA	NA

98) Second instance courts: total number of criminal law cases. If data is not available, please indicate NA. If the situation is not applicable in your country, please indicate NAP.

	Pending cases on 1 Jan. '10	Incoming cases	Resolved cases	Pending cases on 31 Dec. '10
Total criminal cases (8+9)	195	2 442	2 255	246
8. Criminal cases (Severe criminal offences)	NA	NA	NA	NA
9. Misdemeanour and/or minor offences cases	NA	NA	NA	NA

Comment :

99) Highest instance courts: total number of "other than criminal law" cases. If data is not available, please indicate NA. If the situation is not applicable in your country, please indicate NAP.

Note: the total of "other than criminal law cases" includes all of the following categories (categories 1 to 7).

	Pending cases on 1 Jan. '10	Incoming cases	Resolved cases	Pending cases on 31 Dec. '10
Total of other than criminal law cases (1+2+3+4+5+6+7)	453	4 669	4 467	561
1. Civil (and commercial) litigious cases (if feasible without administrative	NA	NA	NA	NA

law cases, see category 6)				
2. Civil (and commercial) non-litigious cases, e.g. uncontested payment orders, request for a change of name, etc. (if feasible without administrative law cases; without enforcement cases, registration cases and other cases, see categories 3-7)	NA	NA	NA	NA
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 (litigious and non-litigious)	NA	NA	NA	NA
7. Other cases (e.g. insolvency registry cases)	NA	NA	NA	NA

100) Highest instance courts: total number of criminal law cases. If data is not available, please indicate NA. If the situation is not applicable in your country, please indicate NAP.

	Pending cases on 1 Jan. '10	Incoming cases	Resolved cases	Pending cases on 31 Dec. '10
Total criminal cases (8+9)	79	900	839	92
8. Criminal cases (severe criminal offences)	NA	NA	NA	NA
9. Misdemeanour cases (minor offences)	NA	NA	NA	NA

Comment :

101) Number of litigious divorce cases, employment dismissal cases, robbery cases and intentional homicide cases received and processed by first instance courts. If data is not available, please indicate NA. If the situation is not applicable in your country, please indicate NAP.

	Pending cases on 1 Jan. '10	Incoming cases	Resolved cases	Pending cases on 31 Jan. '10
Litigious divorce cases	1 976	11 837	11 422	2 391
Employment dismissal cases	44	510	513	41
Robbery cases	34	104	102	36
Intentional homicide	69	305	303	71

102) Average length of proceedings, in days (from the date the application for judicial review is lodged). If data is not available, please indicate NA. If the situation is not applicable in your country, please indicate NAP.

[The average length of proceedings has to be calculated from the date the application for judicial review is lodged to the date the judgment is made, without taking into account the enforcement procedure. New: the question concerns first, second and third instance proceedings.]

	% of decisions subject to appeal	% pending cases more than 3 years	Average length in 1st instance (in days)	Average length in 2nd instance (in days)	Average length in 3rd instance (in days)	Average total length of the total procedure (in days)
Litigious divorce cases	NA	NA	180	90	60	330
Employment dismissal cases	NA	NA	30	90	60	180
Robbery cases	NA	NA	NAP	NAP	NAP	NAP
Intentional homicide	NA	NA	NAP	NAP	NAP	NAP

103) Where appropriate, please inform about the specific procedure as regards divorce cases (litigious and non-litigious):

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 three months for

consideration of the case at the Appeal Court. Two months are provided for submitting appeal to Supreme Court and two months for consideration of the case at the Supreme Court. Total is 13 months (390 days) with conciliation period and 12 months (360 days) without conciliation period.

The length of consideration of the employment dismissal case is 1 month (30 days). One month is provided for submitting appeal and three months for consideration of the case at the Appeal Court. Two months are provided for submitting appeal to Supreme Court and two months for consideration of the case at the Supreme Court. Total is 9 months (270 days).

In the table above I gave the duration without time for giving appeals to court of appeal and Supreme Court.

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

In the Civil prosedural code is stipulated that litigious divorce cases are to be considered within the 4 months, in court of appeal within the 3 months, in the Supreme Court within 2 months, totally 9 months.

In the Civil prosedural code is stipulated that employment dismissal cases are to be considered within the 1 month, in court of appeal within the 3 months, in the Supreme Court within 2 months, totally 6 months.

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.

105) Role and powers of the public prosecutor in the criminal procedure (multiple options possible):

- to conduct or supervise police investigation
- to conduct investigations
- 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 discontinue a case without requiring a judicial decision (ensure consistency with question 36!)
- to end the case by imposing or negotiating a penalty or measure without requiring a judicial decision
- other significant powers

If "other significant powers", please specify:

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

- Yes
- No

If 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).

107) Case proceedings managed by the public prosecutor: total number of 1st instance criminal cases. If data is not available, please indicate NA. If the situation is not applicable in your country, please indicate NAP.

	Received by the public prosecutor	Cases discontinued by the public prosecutor (see 108 below)	Cases concluded by a penalty or a measure imposed or negotiated by the public prosecutor	Cases charged by the public prosecutor before the courts
Total number of 1st instance criminal cases	3 050	847	NAP	13 717

108) Total cases which were discontinued by the public prosecutor. If data is not available, please indicate NA. If the situation is not applicable in your country, please indicate NAP.

	Number
Total cases which were discontinued by the public prosecutor (1+2+3)	847
1. Discontinued by the public prosecutor because the offender could not be identified	125
2. Discontinued by the public prosecutor due to the lack of an established offence or a specific legal situation	238
3. Discontinued by the public prosecutor for reasons of opportunity	484

109) Do the figures include traffic offence cases?

Yes

No

D.2

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

305 criminal cases were received by the public prosecutor from other investigation authorities.

Q91 : (cf.13/07) : Relating to the item 9.8 please add information that the administrative courts have started to operate from 1 January 2011. That`s why the providing of this data was not possible (page 28).

Please indicate the sources for answering the questions 91, 94, 97, 98, 99, 100, 101, 102, 107 and 108.

Information given by the Ministry of Justice and Office of Public Prosecutor.

5. Career of judges and public prosecutors

5. 1. Recrutement and promotion

5. 1. 1. Recrutement and promotion

110) How are judges recruited?

- Mainly through a competitive exam (for instance, following a university degree in law)
- Mainly through a recruitment procedure for legal professionals with long-time working experience in the legal field (for example lawyers)
- A combination of both (competitive exam and working experience)
- Other

If other, please specify:

According to the Law on courts and judges and amendment law on Judicial-Legal Council Judicial-Legal Council has formed the Judges Selection Committee vested with selection of candidates for the vacant Judicial posts as an independent body, so defined the most progressive and transparent rules of Judges' selection in Europe.

After appraisal of experts from Council of Europe the new Charter of Judges Selection Committee, Rules on Selection of Non-Judicial Candidates to Vacant Judicial Posts drafted by the Judicial-Legal Council and composition of the Committee formed.

More than half of 11 members of the Committee are consist of Judges. Moreover, others represent executive body, the Judicial-Legal Council administrative body, prosecution and advocacy.

It is necessary to note that, according to new rules of selection, all the candidates ensured with equal opportunity, they go in for an examination in single hall and results announced in the same hall in the faces of candidates after checking-up.

Those candidates who successfully passed written and oral examinations that carried out on international standards and transparently move on directly to the long-term training stage. Training stage arranged at the Academy of Justice. Thus, after finishing probation period in courts the next oral and written examinations arranged by the Committee.

The Judges Selection Committee conducts the Final Interview with those candidates who successfully passed examinations at the end of the training. Final Interview is conducted in order to reveal acquirement of Judges' qualities. After evaluation of each candidate, the result is given to the Council.

The Judicial-Legal Council refers the candidates to specialization fields according to the results of the Conversation and opinion of the Judges Selection Committee. The Judicial-Legal Council proposes President of the Republic of Azerbaijan their appointment to vacant judicial posts.

Please see CEPEJ report relating the best practice developed by Azerbaijan authorities in selection of candidates to the vacant position of judge adopted on the 18th plenary meeting (7-8 December 2011).

111) Authority(ies) in charge: are judges initially/at the beginning of their carrier recruited and nominated by:

[This question strictly concerns the authority entrusted with the decision to recruit (not the authority formally responsible for the nomination if different from the former)].

- An authority made up of judges only?
- An authority made up of non-judges only?
- An authority made up of judges and non-judges?

Please indicate the name of the authority(ies) involved in the whole procedure of recruitment and nomination of judges. If there are several authorities, please describe their respective roles:

Judges Selection Committee, see answer to question 110

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

- Yes
- No

If no, which authority is competent for the promotion of judges ?

Judicial-Legal Council

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

According to the article 110 of the Law "On courts and judges" the Judicial-Legal Council promotes judges for fulfilling their duties perfectly, worked long time and without mistakes and if they gained other achievements by giving them one of the following promotions: proclaiming gratitude or giving bonus. At the same time the Judicial-Legal Council considers opportunity of transferring the judge to the highest court.

114) Is there a system of qualitative individual assessment of the judges' activity?

- Yes
 No

115) Is the status of prosecution services:

- Indépendant?
 Under the authority of the Minister of justice ?
 Other?

Please specify:

According to the Constitution the prosecution is within the judicial branch

116) How are public prosecutors recruited?

- Mainly through a competitive exam (for instance, following a university degree in law)
 Mainly through a recruitment procedure for legal professionals with long-time working experience in the legal field (for example lawyers)
 A combination of both (competitive exam and working experience)
 Other

If "other", please specify:

117) Authority(ies) in charge: are public prosecutors initially/at the beginning of their carrier recruited by:

[This question concerns the authority entrusted with the responsibility to recruit only (not the authority formally responsible for the nomination if different from the former).]

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

Please indicate the name of the authority(ies) involved in the whole procedure of recruitment and nomination of public prosecutors. If there are several authorities, please describe their respective roles:

General Prosecutor`s Office. General prosecutor is appointed by the President with consent of Parliament. Deputies of the General prosecutor, prosecutors who are in 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. Other prosecutors are appointed by the General prosecutor.

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

- Yes
 No

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

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

According to the article 32 of the Law "On prosecution" for the perfect fulfilment of the duties and other achievements

it can be implemented the following promotions to the prosecutors:

- proclaiming gratitude;
- giving bonus (money);
- giving bonus (present);
- reward with honoured decree;
- reward with honoured pectoral badge;
- giving ahead of time the special rank;
- taking ahead of time the disciplinary punishment given before.

120) Is there a system of qualitative individual assessment of the public prosecutors' activity?

- Yes
 No

121) Are judges appointed to office for an undetermined period (i.e. "for life" = until the official age of retirement)?

- Yes
 No

If yes, are there exceptions? (e.g. dismissal as a disciplinary sanction)? 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.

122) If there is a probation period for judges (e.g. before being appointed "for life"), how long is this period? If the situation is not applicable in your country, please indicate NAP.

	Duration of probation period (in years)
	5

123) Are public prosecutors appointed to office for an undetermined period (i.e. "for life" = until the official age of retirement)?

- Yes
 No

If yes, are there exceptions (e.g. dismissal as a disciplinary sanction)? Please specify:
 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.

124) If there is a probation period for public prosecutors, how long is this period? If the situation is not applicable in your country, please indicate NAP.

	Duration of the probation period (in years)
	5

125) If the mandate for judges is not for an undetermined period (see question 121), is it renewable? What is the length of the mandate (in years)?

- Yes
 No

Please indicate the length of the mandate in years:

65

126) If the mandate for public prosecutors is not for an undetermined period (see question 123), is it renewable? What is the length of the mandate (in years)?

Yes

No

Please indicate the length of the mandate (in years)

5

E.1

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

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. 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. The activity of the newly appointed judges is to be evaluated once a year during five 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.

General comment : Azerbaijan has developed very effecient procedures for the selection of judges that meet international and european standars (CEPEJ report, 08 December 2011).

5. 2. Training

5. 2. 1. Training

127) Training of judges

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

128) Frequency of the in-service training of judges:

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

129) Training of public prosecutors

Initial training	Compulsory
General in-service training	Compulsory
In-service training for specialised functions (e.g. public prosecutor specialised on organised crime)	Compulsory
In-service training for management functions of the court (e.g. Head of prosecution office, manager)	Compulsory
In-service training for the use of computer facilities in office	Compulsory

130) Frequency of the in-service training of public prosecutors

General in-service training	Annual
In-service training for specialised functions (e.g. public prosecutor specialised on organised crime)	Annual
In-service training for management functions of the court (e.g. Head of prosecution office, manager)	Annual
In-service training for the use of computer facilities in office	Annual

131) Do you have public training institutions for judges and / or prosecutors? If yes, please indicate in the "comment" box below the budget of such institution(s).

If your judicial training institutions do not correspond to these criteria, please specify it.

	Initial training only	Continuous training only	Initial and continuous training
One institution for judges	No	Yes	No

One institution for prosecutors	No	Yes	No
One single institution for both judges and prosecutors	Yes	No	No

Comment :

The budget of Justice Academy is 1293230 Euro

All judges, court staff, lawyers, justice employees, candidates to the position of judge and to the position of public prosecutor are to pass the initial training in the Justice Academy. The prosecutors run continuous training in the training center of the Prosecution system.

E.2

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

Academy of justice and General Prosecutor`s Office

5. 3. Practice of the profession

5. 3. 1. Practice of the profession

132) Salaries of judges and public prosecutors.

	Gross annual salary in €, on 31 December 2010	Net annual salary in €, on 31 December 2010
First instance professional judge at the beginning of his/her career	11 364	9 338
Judge of the Supreme Court or the Highest Appellate Court (please indicate the average salary of a judge at this level, and not the salary of the Court President)	20 852	17 200
Public prosecutor at the beginning of his/her career	5 398	4 368
Public prosecutor of the Supreme Court or the Highest Appellate Instance (please indicate the average salary of a public prosecutor at this level, and not the salary of the Public prosecutor General)	13 431	10 880

Comment :

Please take into account that in Azerbaijan first instance professional judges receives different salaries depending on the type of court. For instance the judge of general jurisdiction first instance court receives annually salary gross 11 364 Euro (salary net 9 338), but the judge of regional specialized (administrative, economic, military, grave crimes) receives annually salary gross 15 192 Euro (salary net 11 364 Euro).

133) Do judges and public prosecutors have the following additional benefits?

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

134) If other financial benefit, please specify:

1. Judges are to be paid 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 years` wage;

3. Judges or their family members shall be reimbursed for the property destroyed or damaged in the course of their judicial activity;

4. Judges are provided with free public medical service;

5. Judges are to be paid financial means at the rate of two months wage.

Prosecutors

1. All expenses arising with moving of employees of the prosecutors' authorities and members of their family connecting with appointment;

2. Life and health of the employees of the prosecutors' authorities are insured in the amount of their five wages;

3. They receive allowance in amount of two wages each year during vacation;

4. They and their family members receive free medicine service and etc.

135) Can judges combine their work with any of the following other functions ?

	With remuneration	Without remuneration
Teaching	Yes	Yes
Research and publication	Yes	Yes
Arbitrator	No	No
Consultant	No	No
Cultural function	No	Yes
Political function	No	No
Other function	No	No

136) If rules exist in your country (e.g. authorisation needed to perform these activities), please specify. If "other function", please specify.

137) Can public prosecutors combine their work with any of the following other functions ?

	With remuneration	Without remuneration
Teaching	Yes	Yes
Research and publication	Yes	Yes
Arbitrator	No	No
Consultant	No	No
Cultural function	No	Yes
Political function	No	No
Other function	No	No

138) Please specify existing rules (e.g. authorisation to perform the whole or a part of these activities). If "other function", please specify:

139) Productivity bonuses: do judges receive bonuses based on the fulfilment of quantitative objectives in relation to the delivery of judgments (e.g. number of judgments delivered over a given period of time)?

Yes

No

If yes, please specify the conditions and possibly the amounts:

5. 4. Disciplinary procedures

5. 4. 1. Disciplinary procedures

140) Who is authorised to initiate disciplinary proceedings against judges (multiple options possible)?

- Citizens
- Relevant Court or hierarchical superior
- High Court / Supreme Court
- High Judicial Council
- Disciplinary court or body
- Ombudsman
- Parliament
- Executive power
- Other?
- This is not possible

If "executive power" and/or "other", 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.

141) Who has been authorised to initiate disciplinary proceedings against public prosecutors: (multiple options possible):

- Citizens
- Head of the organisational unit or hierarchical superior public prosecutor
- Prosecutor General /State public prosecutor
- Public prosecutorial Council (and Judicial Council)
- Disciplinary court or body
- Ombudsman
- Professional body
- Executive power
- Other?
- This is not possible

If "executive power" and/or "other", please specify:

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.

142) Which authority has disciplinary power on judges? (multiple options possible):

- Court
 Higher Court / Supreme Court
 Judicial Council
 Disciplinary court or body
 Ombudsman
 Parliament
 Executive power
 Other?

If "executive power" and/or "other", please specify:

143) Which authority has the disciplinary power on public prosecutors? (multiple options possible):

- Supreme Court
 Head of the organisational unit or hierarchical superior public prosecutor
 Prosecutor General /State public prosecutor
 Public prosecutorial Council (and Judicial Council)
 Disciplinary court or body
 Ombudsman
 Professional body
 Executive power
 Other?

If "executive power" and/or "other", please specify:

President, Board of the Supreme Court of the Republic of Azerbaijan

144) Number of disciplinary proceedings initiated against judges and public prosecutors. If data is not available, please indicate NA. If the situation is not applicable in your country, please indicate NAP. If "other", please specify it in the "comment" box below.

[If disciplinary proceedings are undertaken because of several mistakes, please count the proceedings only once and for the main mistake.]

	Judges	Public prosecutors

Total number (1+2+3+4)	10	83
1. Breach of professional ethics	NA	8
2. Professional inadequacy	NA	68
3. Criminal offence	NA	0
4. Other	10	7

Comment :

Other means the violation of legislation

145) Number of sanctions pronounced against judges and public prosecutors. If data is not available, please indicate NA. If the situation is not applicable in your country, please indicate NAP.

If "other", please specify it in the "comment" box below. If a significant difference between the number of disciplinary proceedings and the number of sanctions exists, please indicate the reasons in the "comment" box below.

	Judges	Public prosecutors
Total number (total 1 to 9)	6	83
1. Reprimand	4	73
2. Suspension	NA	NA
3. Removal of cases	NA	NA
4. Fine	NA	NA
5. Temporary reduction of salary	NA	NA
6. Position downgrade	NA	NA
7. Transfer to another geographical (court) location	1	NA
8. Resignation	NA	5
9. Other	1	5

Comment :

Relating to the judges "other" means that disciplinary proceeding was finalized by discussion of his or her behavior. The rest 4 disciplinary proceedings are considered and finalized in 2011.

Relating to the prosecutors other 5 means that they are removed from prosecutors system.

Proven and registered improvements within the judges' selection process during the last few years deliver their positive results : judges exercise their duties in a more proper manner and the number of disciplinary proceedings is decreasing (if to compare with previous years)

cf. 13/07 : 1. Please remove the former comment and add the following information in the comments to the figure 11.40:

“In Azerbaijan, most of the sanctions were pronounced as result of continuously increasing vigilance at national level accorded to the probity and the professionalism of the prosecutors”.

please include the comments to the figure 11.34 the following information:

“As a result of running the progressive selection of candidates to the position of judge the number of disciplinary proceedings and sanctions against judges has been significantly reduced because of the increasing the quality of selected judges. More than half of total number of judges has been renewed through this progressive process of selection. This selection standards are evaluated as positive example of best practices developed by Azerbaijan authorities on the plenary meeting of CEPEJ on 7-8 December 2011”.

E.3

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

Please indicate the sources for answering questions 144 and 145

Information provided by the General Prosecutor`s Office and Judicial-Legal Council
Law on prosecutor authorities and law on courts and judges, law on Judicial-Legal Council

6. Lawyers

6. 1. Status of the profession and training

6. 1. 1. Status of the profession and training

146) Total number of lawyers practising in your country.

761

147) Does this figure include "legal advisors" who cannot represent their clients in court (for example, some solicitors or in-house counsellors)?

Yes

No

148) Number of legal advisors who cannot represent their clients in court:

NAP

149) Do lawyers have a monopoly on legal representation in (multiple options are possible):

- Civil cases?
- Criminal cases - Defendant?
- Criminal cases - Victim?
- Administrative cases?
- There is no monopoly

If there is no monopoly, please specify the organisations or persons that may represent a client before a court (for example a NGO, a family member, a 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.

150) Is the lawyer profession organised through? (multiple options possible)

- a national bar?
- a regional bar?
- a local bar?

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

- Yes
- No

If not, please indicate if there are other specific requirements as regards diplomas or university degrees :

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 be interviewed.

152) Is there a mandatory general system for lawyers requiring in-service professional training?

- Yes
 No

153) Is the specialisation in some legal fields tied with specific training, levels of qualification, specific diploma or specific authorisations?

- Yes
 No

If yes, please specify:

F.1

Please indicate the sources for answering questions 146 and 148:

Comments for interpreting the data mentioned in this chapter:

Information provided by the Bar Association, law on advocacy and advocate activity.

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.

cf. 12/07 : 1. Please add the following information in the comments of the table 12.1:

"In Azerbaijan this number of lawyers covered only the members of Bar Association. But in practice the number of persons representing the clients in courts is higher. It was not possible to submit the number of this type of representatives".

6. 2. Practising the profession

6. 2. 1. Practising the profession

154) Can court users establish easily what the lawyers' fees will be (i.e. do users have easy access to prior information on the foreseeable amount of fees, is the information transparent and accountable)?

- Yes
 No

155) Are lawyers' fees freely negotiated?

- Yes
 No

156) Do laws or bar association standards provide any rules on lawyers' fees (including those freely negotiated)?

- Yes laws provide rules
 Yes standards of the bar association provide rules
 No, neither laws nor bar association standards provide rules

F.2

Useful comments for interpreting the data mentioned in this chapter:

According to the Law on advocacy and advocate activity the lawyers are free to negotiate with clients the amount of fees.

6. 3. Quality standards and disciplinary proceedings

6. 3. 1. Quality standards and disciplinary proceedings

157) Have quality standards been determined for lawyers?

- Yes
 No

If yes, what are the quality criteria used?

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 advocate`s 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. The draft of code on ethics has been prepared.

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

- the bar association?
 the Parliament?
 other?

If "other", please specify:

159) Is it possible to file a complaint about :

- the performance of lawyers?
 the amount of fees?

Please specify:

160) Which authority is responsible for disciplinary procedures?

- the judge
 the Ministry of justice
 a professional authority
 other

If other, 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.

161) Disciplinary proceedings initiated against lawyers. If data is not available, please indicate NA. If the situation is not applicable in your country, please indicate NAP. If "other", please specify it in the "comment" box below.

[If disciplinary proceedings are undertaken because of several mistakes, please count the proceedings only once and for the main mistake.]

	Total number of disciplinary proceedings initiated (1 + 2 + 3 + 4)	1. Breach of professional ethics	2. Professional inadequacy	3. Criminal offence	4. Other
Number	44	NA	NA	NA	44

Comment :

Disciplinary proceedings are started because of breach of legislation

162) Sanctions pronounced against lawyers. If data is not available, please indicate NA. If the situation is not applicable in your country, please indicate NAP.

If "other", please specify it in the "comment" box below. If a significant difference between the number of disciplinary proceedings and the number of sanctions exists, please indicate the reasons in the "comment" box below.

	Total number of sanctions (1 + 2 + 3 + 4 + 5)	1.Reprimand	2. Suspension	3. Removal	4. Fine	5. Other (e.g. disbarment)
Number	11	4	3	1	NA	3

Comment :

Decision was not delivered in 2010

F.3

You can indicate below any useful comments for interpreting the data mentioned in this chapter

7. Alternative Dispute Resolution

7. 1. Alternative Dispute Resolution

7. 1. 1. Alternative Dispute Resolution

163) Does the legal system provide for mediation procedures? If no skip to question 168

[Judicial mediation: in this type of mediation, there is always the intervention of a judge or a public prosecutor who facilitates, advises on, decides on or/and approves the procedure. For example, in civil disputes or divorce cases, judges may refer parties to a mediator if they believe that more satisfactory results can be achieved for both parties. In criminal law cases, a public prosecutor can propose that he/she mediates a case between an offender and a victim (for example to establish a compensation agreement).]

Yes

No

164) Please specify, by type of cases, the organisation of judicial mediation:

	Court annexed mediation	Private mediator	Public authority (other than the court)	Judge	Public 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

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

Yes

No

If yes, please specify:

166) Number of accredited or registered mediators who practice judicial mediation:

NA

167) Number of judicial mediation procedures.

Please indicate the source in the "comment" box below:

Total number of cases (total 1+2+3+4+5)	NAP
1. civil cases	NAP
2. family cases	NAP
3. administrative cases	NAP
4. employment dismissals cases	NAP
5. criminal cases	NAP

Comment :

168) Does the legal system provide for the following ADR.

If "other", please specify it in the "comment" box below:

Mediation other than judicial mediation?	No
Arbitration?	No
Conciliation?	

	No
Other alternative dispute resolution?	No

Comment :

G.1

- 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

Please indicate the source for answering question 166:

8. Enforcement of court decisions

8. 1. Execution of decisions in civil matters

8. 1. 1. Functioning

169) Do you have enforcement agents in your judicial system?

- Yes
 No

170) Number of enforcement agents

500

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

- judges?
 bailiffs practising as private professionals under the authority (control) of public authorities?
 bailiff working in a public institution?
 other enforcement agents?

Please specify their status and powers:

The enforcement agents are responsible for enforcement of all types of judgments except those related to deprivation of liberty. These type of enforcement is carried out by the penitentiary service agents.

172) Is there a specific initial training or examination to become an enforcement agent?

- Yes
 No

173) Is the profession of enforcement agents organised by?

- a national body?
 a regional body?
 a local body?
 NAP (the profession is not organised)

174) Are enforcement fees easily established and transparent for the court users?

- Yes
 No

175) Are enforcement fees freely negotiated?

- Yes
 No

176) Do laws provide any rules on enforcement fees (including those freely negotiated)?

- Yes
 No

Please indicate the source for answering question 170:

Law on enforcement of court decisions
Law on enforcement agents

8. 1. 2. Efficiency of enforcement services

177) Is there a body entrusted with supervising and monitoring the enforcement agents' activity?

- Yes
 No

178) Which authority is responsible for supervising and monitoring enforcement agents?

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

If other, please specify:

The MoJ and judge who delivered the court decision are responsible for monitoring the enforcement of court decision.

179) Have quality standards been determined for enforcement agents?

- Yes
 No

If yes, what are the quality criteria used?

By the decision of the minister of justice has been adopted the code of conduct for employees of the MoJ. At the same time in the law on enforcement of court decisions and in the law on enforcement agents are reflected the obligations and rights of bailiffs.

180) If yes, who is responsible for establishing these quality standards?

- a professional body
 the judge
 the Ministry of Justice
 other

If "other", please specify:

The Parliament

181) Is there a specific mechanism for executing court decisions rendered against public authorities, including for supervising such execution?

- Yes
 No

if yes, please specify

182) Is there a system for monitoring the execution?

- Yes
 No

If yes, please specify

Through statistics which are to be submitted to MoJ minimum twice a year the MoJ and judges delivered judgments are able to monitor the enforcement process.

183) What are the main complaints made by 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?

If other, please specify:

184) 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:

Within the Judicial Modernization Project jointly funded by the World Bank and the Government of Azerbaijan is planning to heri the internation experts in order to evaluate this system in Azerbaijan with aim to identify the problems and improve the system of enforcement of court decisions in country.

185) Is there a system measuring the timeframes of the enforcement procedures:

- for civil cases?
 for administrative cases?

186) As regards a decision on debts collection, please estimate the average timeframe to notify the decision to the parties who 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

187) Number of disciplinary proceedings initiated against enforcement agents. If other, please specify it in the "comment" box below.

[If disciplinary proceedings are undertaken because of several mistakes, please count the proceedings only once and for the main mistake.]

Total number of disciplinary proceedings (1+2+3+4)	NA
1. for breach of professional ethics	NA
2. for professional inadequacy	NA
3. for criminal offence	NA
4. Other	NA

Comment :

188) Number of sanctions pronounced against enforcement agents.

If "other", please specify it in the "comment" box below. If a significant difference between the number of

disciplinary proceedings and the number of sanctions exists, please indicate the reasons in the "comment" box below.

Total number of sanctions (1+2+3+4+5)	<input checked="" type="checkbox"/> number:	10
1. Reprimand	<input checked="" type="checkbox"/> number:	2
2. Suspension	<input checked="" type="checkbox"/> number:	3
3. Dismissal	<input checked="" type="checkbox"/> number:	5
4. Fine		NAP
5. Other		NAP

Comment :

H.1

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 186, 187 and 188:

- MoJ Human resources department information
- Law on enforcement agents
- Law on enforcement of court decisions

8. 2. Execution of decisions in criminal matters

8. 2. 1. Execution of decisions in criminal matters

189) Which authority is in charge of the enforcement of judgments in criminal matters? (multiple options possible)

- Judge
- Public prosecutor
- Prison and Probation Services
- Other authority

Please specify his/her functions and duties (initiative or monitoring functions). If "other authority", please specify:

Judge who delivered the sentence and prison (probation services) are responsible for enforcement of judgments in criminal matters. The bailiffs of the Ministry of Justice are also responsible for enforcement of judgments in criminal matters which are not related to the punishment not connected with deprivation of liberty.

190) Are the effective recovery rates of fines decided by a criminal court evaluated by studies?

- Yes
- No

191) If yes, what is the recovery rate?

- 80-100%
- 50-79%
- less than 50%
- it cannot be estimated

Please indicate the source for answering this question:

Every year the bailiffs office submits the statistical reports on enforcement of all decision in criminal matters which are not related to deprivation of liberty such as fines. The MoJ summarizes these statistical reports.

H.2

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**

The new buildings of prisons and investigation isolators have been constructed in Azerbaijan during the last two years which meet international standards for prisons.

9. Notaries

9. 1. Notaries

9. 1. 1. Notaries

192) Do you have notaries in your country? If no go to question 197

- Yes
 No

193) Are notaries:

If other, please specify it in the "comment" box below.

private professionals (without control from public authorities)?	<input type="checkbox"/> number	
private professionals under the authority (control) of public authorities?	<input checked="" type="checkbox"/> number	3
public agents?	<input checked="" type="checkbox"/> number	149
other?	<input type="checkbox"/> number	

Comment :

194) Do notaries have duties (multiple options possible):

- within the framework of civil procedure?
 in the field of legal advice?
 to certify the authenticity of legal deeds and certificates?
 other?

If "other", please specify:

195) Is there an authority entrusted with supervising and monitoring the the notaries' activity?

- Yes
 No

196) Which authority is responsible for supervising and monitoring notaries:

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

If other, please specify:

I.1

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

Law on notary

10. Court interpreters

10. 1. Court interpreters

10. 1. 1. Court interpreters

197) Is the title of court interpreters protected?

Yes

No

198) Is the function of court interpreters regulated by legal norms?

Yes

No

199) Number of accredited or registered court interpreters:

NA

200) Are there binding provisions regarding the quality of court interpretation within judicial proceedings?

Yes

No

If yes, please specify (e.g. having passed a specific exam):

The interpreters should possess the diploma which allows them to make professional interpretation.

201) Are the courts responsible for selecting court interpreters? If no, please indicate in the "comment" box below which authority selects court interpreters.

Yes for recruitment and/or appointment for a specific term of office

Yes for recruitment and/or appointment on an ad hoc basis, according to the specific needs of given proceedings

- No

Comment :

J.1

You can indicate below any useful comments for interpreting the data mentioned in this chapter:

Please indicate the sources for answering question 199:

Judicial-legal council information

11. Judicial experts

11. 1. Judicial experts

11. 1. 1. Judicial experts

202) In your system, what type of experts can be requested to participate in judicial procedures (multiple choice possible):

- "expert witnesses", who are requested by the parties to bring their expertise to support their argumentation
- "technical experts" who put their scientific and technical knowledge on issues of fact at the court's disposal
- "law experts" who might be consulted by the judge on specific legal issues or requested to support the judge in preparing the judicial work (but do not take part in the decision)

203) Is the title of judicial experts protected?

- Yes
- No

204) Is the function of judicial experts regulated by legal norms?

- Yes
- No

205) Number of accredited or registered judicial experts (technical experts)

NA

206) Are there binding provisions regarding the exercise of the function of judicial expert within judicial proceedings?

- Yes
- No

If yes, please specify, in particular the given time to provide a technical report to the judge:

207) Are the courts responsible for selecting judicial experts?

If no, please indicate in the "comment" box below which authority selects judicial experts?

- Yes for recruitment and/or appointment for a specific term of office
- Yes for recruitment and/or appointment on an ad hoc basis, according to the specific needs of given proceedings
- No .

Comment :

The Court Expertize Center of MoJ is responsible to allocate the particular expert to the court upon the judge`s request.

K.1

You can indicate below any useful comments for interpreting the data mentioned in this chapter:

Please indicate the sources for answering question 205:

Civil prosedural code, criminal prosedural code

12. Foreseen reforms

12. 1. Foreseen reforms

12. 1. 1. Reforms

208) Can you provide information on the current debate in your country regarding the functioning of justice? Are there foreseen reforms? Please inform whether these reforms are under preparation or have only been envisaged. If possible, please observe the following categories:

1. (Comprehensive) reform plans

2. Budget

3. Courts and public prosecution services (e.g. powers and organisation, structural changes - e.g. reduction of the number of courts -, management and working methods, information technologies, backlogs and efficiency, court fees, renovations and construction of new buildings)

4. High Judicial Council

5. Legal professionals (judges, public prosecutors, lawyers, notaries, enforcement agents, etc.): organisation, education, etc.

6. Reforms regarding civil, criminal and administrative laws, international conventions and cooperation activities

7. Enforcement of court decisions

8. Mediation and other ADR

9. Fight against crime and prison system

10. Other

1. A considerable works within Judicial Modernization Project funded jointly by the Government of Azerbaijan and the World Bank are carried out in the field of improvement of court infrastructure (such as modernization of the physical infrastructure, upgrading court facilities and technologies, provision with information technologies, renovations and construction of new buildings). The activities stated below will be implemented till the end of 2014 year. These are as follows:

- For instance, 4 new courts is being constructed based on the best international practice on court design in different regions of the Azerbaijan, besides two court complexes which will consist two, three or four courts will be constructed till 2014 year. Provision of court buildings with ICT, technical equipment and other modern technologies is underway.
- Relevant activities also carried out with the purpose of creation of automated case and document management systems and information network for Judicial-Legal Council, justice institutions and pilot courts, as well as establishment of the e-notary system in the country. Development of the court acts unified database for court decisions, as well as creation of unified web-portal for the Judicial-Legal Council, the Ministry of Justice, and all courts is also underway.
- With the purpose of the improving citizens' information and provision a legal aid to low-income families and vulnerable groups in Azerbaijan, legal and judicial information centers in Baku and Guba cities were established.
- A consultancy services, relating to the design and implement modernization and automatization of MoJ Central and Regional Registry offices dealing with registration of NGOs is underway.

2. Regarding reform activities for Judicial Legal Council, it is important to point out the works which is implemented within the World Bank funded Judicial Modernization Project, viz. consultant services aimed to institutional strengthening and effective operations of the Judicial-Legal Council which is carried out by the Consultant company (Joint Venture of Centre for European Constitutional Law-Themistocles & Dimitris Tsatsos Foundation and European Profiles SA/Greece). The consultant is being developed a set of recommendations based on best European and international practice in the areas of evaluation of judges' activity, their promotion and disciplinary proceedings as well as other issues related to administration of court system in Azerbaijan. The stated activities will be implemented till the end of 2014 year.

3. With purpose of strengthening professionalism of legal professionals such as judges, lawyers, notaries, enforcement agents etc. considerable works is currently performed in the field of institutional strengthening of the Justice Academy through needs assessment, strategic planning and development of operating procedures and curricula procedures. The international legal consultant is currently working on identification of the key issues and needs for developing and adopting a new strategic approach for the development of the Justice Academy that will educate the judges, prosecutor office, justice and judicial sector staff and will ensure continuing judicial and legal education in Azerbaijan. The stated activities will be implemented till the end of 2014 year.

4. With the purpose of identifying the needs for development and further improvement of enforcement of the court decisions the consultancy services is being implemented within the World Bank funded Judicial Modernization Project in the field of enforcement analysis and police options, relevant recommendations will cover the period till end of 2014 year.

5. With the purpose of identification the needs for development and further improvement of mediation and other ADR the consultancy services is being implemented within the World Bank funded Judicial Modernization Project in the field of court disputes and alternative dispute resolution analysis and policy options, relevant recommendations will cover the period till end of 2014 year.

6. With the purpose of fight against crime and prison system relevant activities, such as support to development of penitentiary services, upgrading physical infrastructure of prisons, improve access of prisoners to obtain necessary labor skills, education, strengthening management capacity of correctional institutions etc. are being implemented in cooperation with European Commission within a project "Justice Reform Support Program". Relevant activities will be

implemented during 2010-2014 years.

7. With aim to identify the needs of improving the legal aid system and strethening the capacity of Bar Association the assignment in this field is carried out within the Judicial Modernization Project.

8. In order to increase the legal awareness of citizens is planning to start the assignment of publishing the information leaflets, brochures in various fields of law, TV broadcasting of different legal topics and etc. With this aim we it was conducted the baseline survey and needs assesment survey among court users, judges, court staff, prosecutors and lawyers.