



EUROPEAN COMMISSION FOR THE EFFICIENCY OF JUSTICE  
(CEPEJ)

SCHEME FOR EVALUATING JUDICIAL SYSTEMS 2013

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 2013)

9 235 100

##### 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 or federal level	17 359 528 487
Regional / federal entity level (total for all regions / federal entities)	NAP

##### 3) Per capita GDP (in €)

5 885

##### 4) Average gross annual salary (in €)

4 697

##### 5) Exchange rate of national currency (non-Euro zone) to € on 1 January 2013

1,018

##### A1. 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, 2013, State Statistical Committee  
Law on state budget for 2012  
Letter of the National Bank of Azerbaijan

#### 1. 1. 2. Budgetary data concerning judicial system

##### 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	58 719 620
1. Annual public budget allocated to (gross) salaries	<input checked="" type="checkbox"/> Yes	23 431 620
2. Annual public budget allocated to computerisation (equipment, investments, maintenance)	<input checked="" type="checkbox"/> Yes	7 046 730
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	3 121 780
5. Annual public budget allocated to investments in new (court) buildings	<input checked="" type="checkbox"/> Yes	20 029 770
6. Annual public budget allocated to training and education	<input checked="" type="checkbox"/> Yes	2 950 650
7. Other (please specify):	<input checked="" type="checkbox"/> Yes	2 139 070

##### 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:

**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.

**8.1) Please briefly present the methodology of calculation of courts fees?**

The court fees are defined by the Law on sate duty

**8.2) Please indicate, if possible, the amount of court fees to commence an action for 3000€ debt recovery?**

19

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

1 208 144

**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. (Question modified)**

**If your system enables to be granted legal aid for cases which are non litigious or not brought to court, please specify:**

	Amount (in €)
Total annual approved public budget allocated to legal aid (12.1 + 12.2)	457000
12.1 Annual public budget allocated to legal aid for cases brought to court	NA
12.1.1 in criminal law cases	NA
12.1.2 in other than criminal law cases	NA
12.2 Annual public budget allocated to legal aid for non litigious cases or cases not brought to court (legal consultation, ADR, etc)	NAP

Comment :

**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 47 881 654

Comment :

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

	total court budget	court budget	allocation of the budget among the courts	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
High Judicial Council	Yes	No	No	No
Courts	Yes	No	No	No
Inspection body	No	No	No	No
Other	No	No	No	No

**14.1) 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

[Q6 & Q12 E-mail from the NC sent on 13/05/2014: Within the broad judicial-legal reforms the Azerbaijan authorities paid attention to using the ICT in modernization of court system, increasing the efficiency, productivity and transparency of courts. That is why each year the budget of courts and justice system is increasing. The significant amount of that is spending in construction of modern court buildings and regional court complexes for easing the access of people to justice. The training and education of judges and court staff, as well as the legal aid are also of paramount importance for Azerbaijan authorities.]

[Q9 E-mail from the NC sent on 13/05/2014: The increase in state fees caused the increase of the annual income of court taxes or fees.]

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

Law on state budget for 2012

[1. 1. 3. Budgetary data concerning the whole justice system](#)

**15) The following data would be useful for information**

**15.1) (Former question 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

216805932

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

Court (see question 6)	Yes
Legal aid (see question 12)	Yes
Public prosecution services (see question 13)	Yes
Prison system	Yes
Probation services	No
Council of the judiciary	Yes
Constitutional court	

	Yes
Judicial management body	No
State advocacy	No
Enforcement services	No
Notariat	Yes
Forensic services	Yes
Judicial protection of juveniles	No
Functioning of the Ministry of Justice	Yes
Refugees and asylum seekers services	No
Other	No

## Comment :

[Q15.1 E-mail from the NC sent on 13/05/2014: Within the broad judicial-legal reforms the Azerbaijan authorities paid attention to using the ICT in modernization of court system, increasing the efficiency, productivity and transparency of courts. That is why each year the budget of courts and justice system is increasing. The significant amount of that is spending in construction of modern court buildings and regional court complexes for easing the access of people to justice. The training and education of judges and court staff, as well as the legal aid are also of paramount importance for Azerbaijan authorities.]

## 2. Access to justice

### 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 for which legal aid has been granted. If data is not available, please indicate NA. If the situation is not applicable in your country, please indicate NAP.

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Please specify in the "comment" box below, when appropriate.

[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	6040
in criminal cases	6040
other than criminal cases	NA

Comment :

#### 20.1) Number of cases not brought to court (see 12.2 above) for which legal aid has been granted. If data is not available, please indicate NA. If the situation is not applicable in your country, please indicate NAP.

Number of cases

NAP
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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?**  
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**Please specify in the "comment" box below.**

Accused individuals	Yes
Victims	Yes

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 ? If you have such a system but no data available, please indicate NA. If you do not have such a system, please indicate NAP.**  
-----

**Please provide in the "comment" box below any information to explain the figures provided.**

	amount of annual income (if possible for one person) in €	amount of assets in €
for criminal cases	NAP	NAP
for other than criminal cases?	NAP	NAP

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) In other than criminal cases, is the decision to grant or refuse legal aid taken by:**

- the court?  
 an authority external to the court?  
 a mixed 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?



Private system of insurance is growing in country and starting covering also legal expences.

**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

**Please indicate the sources for answering questions 20 and 23:**

Ministry of Justice

## 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:**

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**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:**

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

Comment :

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

- Yes  
 No  
 Yes only in some specific situations

If yes only in some specific situations, please specify:

**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 sexual violence/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	Yes
Disabled persons	Yes	Yes	Yes
Juvenile offenders	Yes	Yes	Yes
Other (e.g. victims of human trafficking, forced marriage, sexual mutilation)	No	No	No

Comment :

**31.1) Is it possible for minors to be a party to a judicial proceedings :**

- Yes  
 No

If yes, please specify which procedure can be concerned (civil, criminal, administrative/normal or accelerated procedure) and at which conditions (can children benefit from legal aid, be represented by a lawyer, etc.) :

**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 illustrate with available data concerning 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 decision by a judge".

Yes

No

NAP (the public prosecutor cannot decide to discontinue a case on his/her own. A decision by a judge 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:

**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 handling 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 complainant, etc.)	Time limit for dealing with the complaint
Court concerned	Yes	Yes
Higher court	Yes	Yes
Ministry of Justice	Yes	Yes
High Council of the Judiciary	Yes	Yes
Other external bodies (e.g. Ombudsman)	Yes	Yes

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.

**41.1) Please indicate the number of complaints that are upheld and the amount of compensation given to users in 2012 for complaints about the functioning of the judicial system**

NA

### 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)	86
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 data is not available, please indicate NA.**

-----  
**If the situation is not applicable in your country, please indicate NAP.**

	Number
Total (must be the same as the data given under question 42.2)	18
Commercial courts (excluded insolvency courts)	7
Insolvency courts	NAP
Labour courts	NAP
Family courts	NAP
Rent and tenancies courts	NAP
Enforcement of criminal sanctions courts	NAP
Fight against terrorism, organised crime and corruption	NAP
Internet related disputes	NAP
Administrative courts	
Insurance and / or social welfare courts	NAP
Military courts	6
Other specialised 1st instance courts	5

Comment :

In Azerbaijan there are 7 commercial-administrative courts. In the future is planning to split them into separate 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:

In Azerbaijan there are 7 commercial-administrative courts. In the future is planning to split them into separate courts.

**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
a debt collection for small claims	86
a dismissal	86
a robbery	5

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

NAP

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

Judicial-Legal Council

### 3. 1. 2. Judges, court staff

**46) Number of professional judges sitting in courts (if possible on 31 December 2012) (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	NAP
Total number of professional judges (1 + 2 + 3)	600	537	63	
1. Number of first instance professional judges	NA	NA	NA	NA
2. Number of second instance (court of appeal) professional judges	NA	NA	NA	NA
3. Number of supreme court professional judges	NA	NA	NA	NA

Comment :

**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	NAP
Total number of court presidents (1 + 2 + 3)	79	76	3	
1. Number of first instance court presidents	72	70	2	
2. Number of second instance (court of appeal) court presidents	6	5	1	
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 2012).**

-----

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 2012) (e.g. lay judges and "juges consulaires", but not arbitrators and persons sitting in a jury):**

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If such non-professional judges exists in your country, please specify it in the "comment" box below:

Gross figure NAP

Comment :

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

Yes

No

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

[E-mail from the NC sent on 13/05/2014:

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. The law has not been yet adopted.]

**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 2012) (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 (among which women) 2 310

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 (among which women) 945

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) NA

4. Technical staff  Yes (among which women) 343

5. Other non-judge staff NAP

Comment :

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

NAP

**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:

some of the IT services, training of staff, security, facade cleaning are outsourced

**C1 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**

Ministry of Justice

**3. 1. 3. Public prosecutors and staff**

**55) Number of public prosecutors (if possible on 31 December 2012) (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	NAP
Total number of prosecutors (1 + 2 + 3)	1 069	1 022	47	
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	NAP
Total number of heads of prosecution offices (1 + 2 + 3)	NA	NA	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  
 NA

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

**59.1) Do all prosecution offices have specially trained prosecutors in domestic violence and sexual violence etc.?**

- Yes

**60) Number of staff (non-public prosecutors) attached to the public prosecution service (if possible on 31 December 2012) (without the number of non-judge staff, see question 52) (in full-time equivalent and for permanent posts actually filled).**



Number  NA 741  
 Among which women  NA 324

**C2 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 55, 56 and 60.

General Prosecutors Office

### 3. 1. 4. Management of the court budget

#### 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 :

### 3. 1. 5. Use of Technologies in courts

#### 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 caselaw	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 ?

-----

Si "autres moyens de communication électronique", veuillez le préciser dans la boîte de commentaires ci-dessous.

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

Comment :

### 65) The use of videoconferencing in the courts (details on question 63).

-----

**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 or victims?	Yes
65.2 Can such court hearing be held in the police station and/or in the prison?	Yes
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?	Yes
65.4 Is videoconferencing used in other than criminal cases?	Yes

Comment :

### C3 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

## 3. 2. Monitoring 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, AZ1073, Baku, Azerbaijan

### 66.1) Does this institution publish statistics on the functioning of each court on the internet:

Yes

No, only in an intranet website

No

### 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, only in an intranet website

### 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

If yes, 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, Higher Court)

President of the 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)

President of the 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

## 4. Fair trial

### 4. 1. Principles

#### 4. 1. 1. General principles

**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 lawyer)?**

NA

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

- Yes  
 No

Number of successful challenges (in a year):

NA

**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)	NA			
Civil proceedings - Article 6§1 (non-execution)	NA			
Criminal proceedings - Article 6§1 (duration)	NA			

**Please indicate the sources:**

**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:

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.

**88.1) For these simplified procedures, may judges deliver an oral judgement with a written order and dispense with a full reasoned judgement?**

- Yes
- No

**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. Case flow 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 and criminal law cases.**

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 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 2012 + incoming cases) – resolved cases" should give the correct number of pending cases on 31 December 2012. Vertical consistency of data means that the sum of the individual case categories 1 to 7 should r

	Pending cases on 1 Jan. '12	Incoming cases	Resolved cases	Pending cases on 31 Dec. '12
Total of other than criminal law cases (1+2+3+4+5+6+7)*				

	17436	139985	139735	17686
1. Civil (and commercial) litigious cases (if feasible without administrative law cases, see category 6)*	15207	105200	105369	15038
2. General 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)*	76	25733	25632	177
3. Non litigious enforcement cases	NAP	NAP	NAP	NAP
4. Non litigious land registry cases**	NAP	NAP	NAP	NAP
5. Non litigious business registry cases**	NAP	NAP	NAP	NAP
6. Administrative law cases	2153	9052	8734	2471
7. Other cases (e.g. insolvency registry cases)	NAP	NAP	NAP	NAP

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

NAP

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

NAP

**94) 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 2012 + incoming cases) – resolved cases" should give the correct number of pending cases on 31 December 2012. 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. '12	Incoming cases	Resolved cases	Pending cases on 31 Dec. '12
Total of criminal cases (8+9)	2033	12759	12825	1967
8. Severe criminal cases	NA	NA	NA	NA
9. Misdemeanour and / or minor criminal cases	NA	NA	NA	NA

**95) To differentiate between misdemeanour / minor offenses and serious offenses and ensure the consistency of the responses between different systems, the CEPEJ invites to classify as misdemeanour / minor all offenses for which it is not possible to pronounce a sentence of deprivation of liberty. Conversely, should be classified as severe offenses all offenses punishable by a deprivation of liberty (arrest and detention, imprisonment). If you cannot make such a distinction, please indicate the categories of cases reported in the category "serious offenses" and cases reported in the category "minor offenses":**

E-mail from the NC sent on 13/05/2014:

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 90 to 95 (specific situation in your country e.g. NA-answers and the calculation of the total number of other than criminal law cases, differences in horizontal consistency etc.)**

[Q91 E-mail from the NC sent on 13/05/2014:

We see rapidly increase in civil cases across the country, and the decrease in criminal cases. For example in comparison with 2000 the civil cases increased in 7 times (2000-40.000 civil cases, in 2013-170.000 civil cases).]

**97) Second instance courts: total number of cases**

**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.**



	Pending cases on 1 Jan. '12	Incoming cases	Resolved cases	Pending cases on 31 Dec. '12
Total of other than criminal law cases (1+2+3+4+5+6+7)	1 585	14 682	14 062	2 205
1. Civil (and commercial) litigious cases (if feasible without administrative law cases, see category 6)*	1 369	11 658	10 218	2 809
2. General 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)*	NAP	NAP	NAP	NAP
3. Non litigious enforcement cases	NAP	NAP	NAP	NAP
4. Non litigious land registry cases	NAP	NAP	NAP	NAP
5. Non litigious business registry cases	NAP	NAP	NAP	NAP
6. Administrative law cases	125	2 012	1 561	576
7. Other cases (e.g. insolvency registry cases)	NAP	NAP	NAP	NAP

**98) 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. '12	Incoming cases	Resolved cases	Pending cases on 31 Dec. '12
Total of criminal cases (8+9)	352	3419	3326	445
8. Severe criminal cases	NA	NA	NA	NA
9. Misdemeanour and/or minor criminal cases	NA	NA	NA	NA

Comment :

**99) Highest instance courts: total number of cases**

**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.**

	Pending cases on 1 Jan. '12	Incoming cases	Resolved cases	Pending cases on 31 Dec. '12
Total of other than criminal law cases (1+2+3+4+5+6+7)	682	5709	5494	897
1. Civil (and commercial) litigious cases (if feasible without administrative law cases, see category 6)	584	4446	4265	765
2. General 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)	NAP	NAP	NAP	NAP
3. Non litigious enforcement cases	NAP	NAP	NAP	NAP
4. Non litigious land registry cases**	NAP	NAP	NAP	NAP
5. Non litigious business registry cases	NAP	NAP	NAP	NAP
6. Administrative law cases	44	796	634	206
7. Other cases (e.g. insolvency registry cases)	NAP	NAP	NAP	NAP

**99.1) At the level of the Higher court, is there a procedure of manifest inadmissibility?**

Yes. If yes, please indicate the number of cases closed by this procedure?

No

Number

**100) 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. '12	Incoming cases	Resolved cases	Pending cases on 31 Dec. '12
Total of criminal cases (8+9)	352	3419	3326	445
8. Severe criminal cases	NA	NA	NA	NA
9. Misdemeanour and/or minor criminal cases	NA	NA	NA	NA

Comment :

**101) Number of litigious divorce cases, employment dismissal cases, insolvency, 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 January 2012	Incoming cases	Resolved cases	Pending cases on 31 December 2012
Litigious divorce cases	2769	15351	14876	3244
Employment dismissal cases	55	687	686	56
Insolvency	NA	NA	NA	NA
Robbery cases	29	73	77	25
Intentional homicide	82	305	289	98

**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.]**

	% 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	0,02	NAP	180	90	60	330
Employment dismissal cases	0,33	NAP	30	90	60	180
Insolvency	NAP	NAP	NAP	NAP	NAP	NAP
Robbery cases	NA	NAP	95	55	35	185
Intentional homicide	NA	NAP	120	70	45	235

**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 two months for consideration of the case at the Appeal Court. Total is 9 (270 days) months with conciliation period and 6 months without conciliation period.

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

In the Civil procedural 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 procedural 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 request 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 the enforcement procedure
- to discontinue a case without needing a decision by a judge (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).

**106.1) Does the public prosecutor also have a role in insolvency cases?**

- Yes
- No

If yes, please specify:

**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	388	5873	NAP	9511

**107.1) Among cases charged by the public prosecutor before the courts, how many were brought to court under a guilty plea procedure or similar ?**

	Before the court case:	During the court case:
If possible, please distinguish the number of guilty plea procedure:	NAP	NAP

**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)	5 873
1. Discontinued by the public prosecutor because the offender could not be identified	4 418
2. Discontinued by the public prosecutor due to the lack of an established offence or a specific legal situation	1 322
3. Discontinued by the public prosecutor for reasons of opportunity	133

**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**

Question 107. Please be advised that 388 criminal cases are the cases investigated by other investigation bodies of the Ministries and sent to the General Prosecution Office for approval and then for sending to the courts

[Q97 E-mail from the NC sent on 13/05/2014:

We see rapidly increase in civil cases across the country, and the decrease in criminal cases. For example in comparison with 2000 the civil cases increased in 7 times (2000-40.000 civil cases, in 2013-170.000 civil cases).]

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

The Statistical department of the Ministry of Justice  
General prosecutors Office

## 5. Career of judges and public prosecutors

### 5. 1. Recruitment and promotion

#### 5. 1. 1. Recruitment 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:

The method of selection of judges of Azerbaijan was recognized as the positive example in the plenary meeting of CEPEJ and recommended to other member states.

According to the Law of the Republic of Azerbaijan "On Judicial-Legal Council" adopted on 28 December 2004, Judicial-Legal Council is the body that arranges selection of candidates who are not judges to the vacant judicial posts through establishing the Judges Selection Committee.

##### 110.1) Are there specific provisions for facilitating gender equality within the framework of the procedure for recruiting judges?

- Yes
- No

If "yes", please specify:

For everybody is equal provisions provided.

##### 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

##### 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

##### 112.1) Are there specific provisions for facilitating gender equality within the framework of the procedure for promoting judges?

- Yes
- No

If "yes", please specify:

For everybody is equal provisions provided.

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

number of changed or deleted decisions, number of resolved cases and etc.

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

- Yes  
 No

If yes, please indicate the frequency

At least every 5 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.

**115) Is the status of prosecution services:**

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

Please specify:

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:

Selection commission of the Office of General Prosecutor

**117.1) Are there specific provisions for facilitating gender equality within the framework of the procedure for recruiting prosecutors?**

- Yes  
 No

If "yes", please specify:

**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:**

[E-mail from the NC sent on 13/05/2014:

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.]

**119.1) Are there specific provisions for facilitating gender equality within the framework of the procedure for promoting prosecutors?**

- Yes  
 No

If "yes", please specify:

**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)?**

-----

**If yes, are there exceptions (e.g. dismissal as a disciplinary sanction)? Please specify in the "comment" box below**

Yes. If yes, please indicate the compulsory retirement age	65
No	

Comment :

This term can be prolonged till age 70 by the Judicial-Legal Council

**121.1) Can a judge be transferred to another court without his consent:**

- For disciplinary reasons  
 For organisational reasons  
 For other reasons. Please specify modalities and safeguards

Please specify modalities and safeguards

**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 the probation period (in years)
Yes	5
No	
NAP	

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

-----

**If yes, are there exceptions (e.g. dismissal as a disciplinary sanction)? Please specify in the "comment" box below:**

Yes. If yes, please indicate the compulsory retirement age	60
No	X

Comment :

this term can be prolonged by the General Prosecutor till 65

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

	Duration of the probation period (in years)
Yes	1
No	
NAP	

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

NAP

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

Yes Renewable

No

For public prosecutors : length of the mandate (in years):

5 years for prosecutors of district prosecution offices, 1 year for prosecutors representing in the courts

**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 public prosecutors and the main reforms that have been implemented over the last two years

## 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 / Regular (e.g. every 3
-----------------------------	--------------------------------



	months)
In-service training for specialised judicial functions (e.g. judge for economic or administrative issues)	Annual / Regular (e.g. every 3 months)
In-service training for management functions of the court (e.g. court president)	Annual / Regular (e.g. every 3 months)
In-service training for the use of computer facilities in courts	Annual / Regular (e.g. every 3 months)

### 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 / Regular (e.g. every 3 months)
In-service training for specialised functions (e.g. public prosecutor specialised on organised crime)	Annual / Regular (e.g. every 3 months)
In-service training for management functions of the court (e.g. Head of prosecution office, manager)	Annual / Regular (e.g. every 3 months)
In-service training for the use of computer facilities in office	Annual / Regular (e.g. every 3 months)

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

-----

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

	Initial training only	Continuous training only	Initial and continuous training	2012 budget of the institution, in €
One institution for judges	Yes	No	No	Yes
One institution for prosecutors	No	Yes	No	No
One single institution for both judges and prosecutors	No	No	No	No

Comment :

Budget is 3 644 224 Euro (judges) / [mail from NC 26/5/2014 - budget of training center of prosecution 1 145 587 euros]

#### 131.1) If there is no initial training for judges and/or prosecutors in such institutions, please indicate briefly how these judges and/or prosecutors are recruited and trained ?

[E-mail from the NC sent on 13/05/2014:

In Azerbaijan there are two institutions for training of judges and prosecutors. One institution is Academy of Justice which trains the judges and nominees to prosecution authorities. Second one – Training center of prosecutors trains the prosecutors. The budget indicated is referred to Academy of Justice.]

#### 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 public prosecutors and the main reforms that have been implemented over the last two years**

### 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 2012	Net annual salary, in €, on 31 December 2012
First instance professional judge at the beginning of his/her career	11364	9338
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)	20852	17200
Public prosecutor at the beginning of his/her career	5305	4268
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)	17213	14880

Comment :

**133) Do judges and public prosecutors have additional benefits?**

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

**134) If other financial benefit, please specify:****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 has been 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:

**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:

**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:

**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	88
1. Breach of professional ethics	1	13
2. Professional inadequacy	9	75
3. Criminal offence	0	0
4. Other	0	0

Comment :

**145) Number of sanctions pronounced in 2012 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)	9	89
1. Reprimand	5	NA
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	NA	NA
8. Resignation	NA	NA
9. Other	4	NA

Comment :

**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 public 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 from the Aparatus of the Judicial-Legal Council and the General Prosecutor Office

## 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.**

818

**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:

Everybody has the right to represent the client in the court upon the power of attorney. There are some exception such as monopoly in representation of accused person, representation in the Supreme Court, Constitutional Court.

**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 :

**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:

**Please indicate the sources for answering questions 146 and 148:**

Information given by the Bar Association.

**F1 Comments for interpreting the data mentioned in this chapter:**

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

**F2 Useful comments for interpreting the data mentioned in this chapter:**

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?

**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:

Everybody has the right to submit the complaint to the Board of Bar Association on illegal actions of members (advocates).

**160) Which authority is responsible for disciplinary procedures?**

- the judge  
 the Ministry of justice  
 a professional authority  
 other

If other, please specify:

The Board of Bar Association is responsible for initiating the disciplinary proceedings against lawyers.

**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.]**

	Number
Total number of disciplinary proceedings initiated (1 + 2 + 3 + 4)	41
1. Breach of professional ethics	10
2. Professional inadequacy	18
3. Criminal offence	1
4. Other	12

Comment :

**162) Sanctions pronounced against lawyers.**  
 -----

**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.**

	Number
Total number of sanctions (1 + 2 + 3 + 4 + 5)	20
1. Reprimand	15
2. Suspension	0
3. Removal	3
4. Fine	NAP
5. Other (e.g. disbarment)	2

Comment :

1 committed the crime and was excluded from the Bar

**F3 You can indicate below any useful comments for interpreting the data mentioned in this chapter:**



## 7. Alternative Dispute Resolution

### 7. 1. Mediation and other forms of ADR

#### 7. 1. 1. Mediation and other forms of ADR

**163) Does the judicial system provide for judicial 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

**163.1) In some fields, does the judicial system provide for mandatory mediation procedures?**  
-----

**If there are mandatory mediation procedures, please specify which fields are concerned in the "comment" box below.**

- Before going to court
- Ordered by a judge in the course of a judicial proceeding

If there are mandatory mediation procedures, please specify which fields are concerned:

NAP

**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 judicial mediation procedures?**

- Yes
- No

If yes, please specify:

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

NAP

**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 You can indicate below:**

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

The applying of the alternativ dispute resolution system is under consideration and internation experts are preparing the recommendation on future possible application of any ADR in Azerbaijan judicial system.

**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**

520

**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:

According to the law on bailiffs the bailiffs are authorized to enforce all court decisions, sentences (where the penalty is not connected to the deprivation of liberty) and decisions of other bodies reflected in the law.

**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:**

Information of the Human resources department of the Ministry of Justice

## 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:

**179) Have quality standards been determined for enforcement agents?**

- Yes  
 No

If yes, what are the quality criteria used?

**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 defines these standards in law

**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 how the enforcement procedure is conducted by the enforcement agent?**

- Yes  
 No

If yes, please specify

Through statistical database which is submitting every month, 6 months and yearly the MoJ monitors it.

**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 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:

In the framework with World Bank the assignment on evaluation of efficiency of enforcement of courts decisions is carrying out by the internation expert and based on recommendations the further improvement will be provided. Also the application of electronic case management system in baillifs departments is envisaged.

**185) Is there a system measuring the length of 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 initiated disciplinary proceedings (1+2+3+4)	<input checked="" type="checkbox"/> number:	41
1. for breach of professional ethics	<input checked="" type="checkbox"/> number:	12
2. for professional inadequacy	<input checked="" type="checkbox"/> number:	27
3. for criminal offence	<input checked="" type="checkbox"/> number:	2
4. Other	<input checked="" type="checkbox"/> number:	0

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 initiated 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:	41
1. Reprimand	<input type="checkbox"/> number:	25
2. Suspension	<input checked="" type="checkbox"/> number:	4
3. Dismissal	<input checked="" type="checkbox"/> number:	8
4. Fine		NA
5. Other	<input checked="" type="checkbox"/> number:	4

Comment :

2 were sent to prosecution for initiating the criminal case  
2 ranks were decreased

#### 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 have been implemented over the last two years**

#### Please indicate the sources for answering questions 186, 187 and 188:

Information provided by the Humen resources department of the Ministry of Justice

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

#### 8. 2. 1. Functioning

#### 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:

Baillifs are responsible for enforcement of judgments in criminal matters where the punishment is not connected with deprivation of liberty

Penitentiary is responsible for judgments in criminal matters 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%
- cannot be estimated

Please indicate the source for answering this question:

#### 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**

## 9. Notaries

### 9. 1. Statute

#### 9. 1. 1. Functionning

**192) Do you have notaries in your country? If no please skip 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 | 82 |
| public agents?   | <input checked="" type="checkbox"/> number | 84 |
| other?   | <input type="checkbox"/> number            |    |

Comment :

[E-mail from the NC sent on 13/05/2014:

We have a trend of transformation the public notaries to private one. That's why the number of private one is increased.]

**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:

#### 9. 1. 2. Supervision

**195) Is there an authority entrusted with supervising and monitoring 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**

during the last years all preparatory works have been done to establish the e-notary system for providing the e-services to citizens. This system will be implemented accross the country from 2014

**Please indicate the sources for answering question 193:**



## 10. Court interpreters

### 10. 1. Court interpreters

#### 10. 1. 1. Functioning

**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):

They should have diploma in providing the interpretation services

**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:**

## 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:  
 According to the Civil Procedural Code the time to provide a technical report is defined by the judge in his/her decision.

**207) Are the courts responsible for selecting judicial experts?**

-----

**If no, please specify in the "comments" 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 Center of court expertise of the Ministry of Justice selects the expert for any court proceedings according to the request of the judge

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

**Please indicate the sources for answering question 205:**

## 12. Foreseen reforms

### 12. 1. Foreseen reforms

#### 12. 1. 1. Foreseen 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 at this stage. 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)**
- 3.1 Access to justice and legal aid**
- 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**
- 6.1 Personal status**
- 7. Enforcement of court decisions**
- 8. Mediation and other ADR**
- 9. Fight against crim**

The large-scale judicial-legal reforms are carried out in the country in order to bring the court system of the country in accordance with the international and european standards. Such reforms will cover physical infrastructure and capacity building of court system.

Within this reforms are planning to:

1. Installation of computer network and related equipment in all courts and baillifs institutions across the country for using the case management system
2. construct the modern court complexes for regional largescale courts
3. studying the best practice in implementing mediation and other ADR and use it in courts for reducing the workload o judges
4. ease access of citizens to justice through modernization of webportal of court system
5. modernization of legal aid system in country
6. Strengthening the Legal Profession and Bar Association - Needs Analysis, Review of Policy Options and Technical Support for Improving Policy and Institutional Framework and Capacity
7. E-Library Services - design and implementation of an e-Library under the Supreme Court accessible to judges, judicial staff, other justice officials, advocates, litigants, media and the public
8. for using the videoconference system and other ICT in all courts making the amendments to laws
9. Increasing of efficiency of justice by evaluation of self-financing of judicial system (court fees and other incomes) and etc.