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EUROPEAN COMMISSION FOR THE EFFICIENCY OF JUSTICE
(CEPEJ)

NETWORK OF PILOT COURTS

6th Plenary Meeting
Strasbourg, Agora building
22 September 2011

PREPARATORY QUESTIONNAIRE ABOUT ITEM 5 OF THE AGENDA
"WHICH INDICATORS FOR MEASURING THE QUALITY OF JUSTICE ?"

Name of the pilot court: Baku city Khatai District Court

Country: Republic of Azerbaijan

Is there in your ... a programme or programmes regarding the quality of justice ?

<i>Country</i>	<i>yes</i>
<i>Region (for instance for federal states)</i>	<i>yes</i>
<i>Court</i>	<i>yes</i>

State Judicial Development Programme for 2009 – 2013 (approved by the Decree of the President of the Republic of Azerbaijan N 132 dated 6 February 2009) is enclosed.

If yes, which scopes are concerned by these programmes in the five following fields (to know the content of these fields, please refer to the Checklist for promoting the quality of justice and courts

http://www.coe.int/t/dghl/cooperation/cepej/quality/default_EN.asp) ?

<i>Strategy and policies</i>	<u>yes</u>	<i>no</i>
<i>Job and operations processes</i>	<u>yes</u>	<i>no</i>
<i>Access to justice, communication to court users and the public</i>	<u>yes</u>	<i>no</i>
<i>Human resources and status of judges and prosecutors</i>	<u>yes</u>	<i>no</i>
<i>Means of justice</i>	<u>yes</u>	<i>no</i>

Please specify the actions undertaken in these fields :

To support and speed up stable development of the judiciary for the next 5 years “State Judicial Development Programme for 2009-2013 years” has been approved under the Presidential Decree issued on February 06, 2009. The aim of the State Programme is to continue on-going judicial-legal reforms in the country and provide dynamic development of justice bodies and courts. The programme provides for continuation and development of the judicial reforms, establishment of the modern job procedure at courts, strengthening of staff capacity, modernization of infrastructure and strengthening of logistic support of these bodies and other important arrangements.

Sizeable works are being done for the modernization of the judicial system under the State Programme. The logistical support of courts may be deemed satisfactory. Annually a certain amount of funds is allocated from the state budget for the maintenance of the judicial system. New judicial buildings are built, old courts are renovated. Some buildings do not meet the international standards. But such issues are gradually resolved. The maintenance of courts improves from year to year. Thereby the required works have been done for improvement of court infrastructure and construction of modern office buildings for Baku city Yasamal district court, Ganja city Nizami district court, Oguz regional court, Gedabek regional court has been started, designing works have been completed for Sumgayit, Sheki and Shirvan court facilities, as well as required job conditions have been arranged for the newly established grave crimes court, military and administrative-economic courts.

At the same time establishment of a unique judicial system data base (initially at the pilot judicial bodies and courts), online file-processing system, “Non-commercial legal entities” automated registration data base and online notary system, a unique court decisions online data base, web-portal for all courts has been started and for this purpose more than 700 judges, judicial and court employees have been involved to the special IT training.

During last years for facilitation of public access to the courts up to 20 new regional courts, including appellate courts, grave crimes courts, administrative-economic courts have started their activity, the number of judges and court staff have been increased twice for decrease of work load.

Along with it, the legislation has been amended to improve welfare of judges including additional allowances. For instance the Law provides for 40 days annual leave and leave pay in the amount of 2 months’ salary for every judge. Besides, the life and health of judges are insured at the expense of the state budget in the amount of judge’s 5 years salary. Judges are

provided with public health care and for their medical treatment the relevant executive authority allocates financial support in the amount of 2 months salary. Judges or their family members are fully compensated for the damages caused to their property in connection with judges' official duties. The damage is compensated from the state budget, which should later be deducted from the guilty.

Recently under the new selection procedure, including multiple tests and interviews, as well as long-term training courses and practice for judge nominees, 235 out of 2200 lawyers, including 78 selected in 2010, have been selected and appointed to judge positions. Presently half of the existing judge corpus consists of the judges, selected under this progressive procedure. Judges are initially appointed for a term of 5 years (Article 96 of the Law on Courts and Judges) During this period judges attend annual trainings and at the end of the period the performance of judges is appraised. In case a judge is found professionally competent, at the proposal of the JLC, his/her tenure is extended till the maximum age – 65 years old as defined by law. In exceptional cases when there is a need to benefit from the experience of a judge that has reached the age of 65, at the suggestion of the JLC, the term of his/her office may be extended till he/she turns 70. In case as a result of the appraisal of the judge's performance, he/she is found professionally incompetent, the term of the office is not extended.

New selection procedure for judge nominees have been started this year and 414 lawyers will be tested at the competition to be held in September 18, 2011.

Certain measures are being done for improvement of capacity of the Judicial Academy, which plays special role in professional advancement and training of judges, for this purpose selected through international competition experienced foreign specialist has started already his activity. Hereupon certain work is being done for improvement of activity in judicial training, including efficient coordination of activities between the Judicial-Legal Council and the Judicial Academy.

Training of judge nominees in implementation of administrative-procedural legislation has been provided on the basis of the Joint Declaration signed between the Ministry of Justice of the Republic of Azerbaijan and Federal Ministry of Justice of the German Federative Republic, as well as under the project "Support for the judicial and legal reforms in Azerbaijan" implemented by Azerbaijan government jointly with the German Society for Technical Cooperation (GTZ). Besides certain works are being provided continuously for arrangement of joint trainings with involvement of foreign specialists and study tours to Germany.

Taking advantage of the close business relations established with the Judicial Academy of Turkey two weeks theoretical and practical trainings in civil, criminal and specifically in administrative case processing have been arranged for judge nominees in 2009.

The society have encouraged the measures arranged for improvement of the judicial activity. It should be noted that multiple polls are being held by the independent body selected with the view to evaluate public attitude to the judicial reforms, certain works are being arranged for establishment of a unique court decisions online data base, strengthening of the Judicial-Legal Council capacity and other important issues.

Another important step, made in the field of modernization of the judiciary, is adoption and implementation of "Instruction on arrangement of workflow at the courts of the Republic of Azerbaijan". This document covers wide application of new technologies, arrangement of a mechanism providing just distribution of cases among the judges, arrangement of new nomenclature (classification) and other important pending issues.

Based on the international experience new methodology in this field is also being drafted.

III. Is there in your country a programme for evaluating the quality of justice?

YES

On which tools are they based ?

Satisfaction surveys?	yes	no
Inspection (inspectorate body, High Council of		
the Judiciary, other) ?	yes	no
Peer evaluation ?	yes	no
Other tools ?	yes	no

Which are they ?

Under the article 13.1 of "The Judicial-Legal Council Act" dated of December 28, 2004, as a rule, activity of the judges shall be evaluated once every three years by the Judicial-Legal Council. Evaluation of the judge activity shall be arranged for the purpose of improvement of justice, due arrangement of judge trainings, as well as their promotion, and evaluation of their eligibility for continuation of judge and chief judge (chairman of court) activity.

Evaluation is based on the opinions on judge activity, submitted by the chairmen of the Supreme Court of the Republic of Azerbaijan, relevant appellate courts and the Supreme Court of Nakhchivan Autonomous Republic, as well as chairmen of the courts to which the judges belong (number of the special decisions about the judge, availability of reprimands, number of complaints against judge acts, level of composition of court files, abidance by ethics, behavior at trial and etc). Evaluation also takes into account the information, submitted to the Judicial-Legal Council by the Ministry of Justice, compiled while realizing its statutory authorities, as well as information presented by individual members of the Judicial-Legal Council. Based on the international experience new methodology in this field is also being drafted.

Do you have indicators for measuring quality ? **YES**

1. Statistic information on rate of annulment/challenge of court decisions by higher courts.
2. Number and content of complaints lodged against judge.
3. Level of knowledge and skills of a judge during implementation of professional duties.
4. Positive and negative sides observed in behaviour and actions of a judge.
5. Judge abidance by ethics, behavior at trial.
6. Participation of a judge at seminars and other trainings.