

Azerbaijan / Azerbaïdjan

1. As regards implementing the decisions of international courts, especially decisions of the European Court of Human Rights according to the Articles 456 and 459 of Code of Criminal Procedure of Azerbaijan, the Plenum of Supreme Court of the Republic of Azerbaijan is in charge of examining newly discovered facts concerning the violation of human rights and freedoms. At the same time it reviews the cases only regarding legal issues. It may overturn fully or partially court acts of the respective first, appellate or cassation instances and send the criminal case, files of simplified pre-trial proceedings or proceedings on the complaint with a view to a private prosecution for reexamining the materials; change the decision passed on cassation instance and in the framework of additional cassation if the Supreme Court's decision is not justified or if the concluding part of the Supreme Court's decision is inconsistent with its statement of the facts and reasons, and overturn the decision passed on cassation instance and (or) in the framework of additional cassation and pass a new decision.

2. The Prosecutor's office of the Republic of Azerbaijan is an important public institution with a special status in the system of state authorities. Article 133 of the Constitution provides for provisions ensuring the independence of the Prosecutor's Office. So, Prosecutor's Office of the Republic of Azerbaijan is an integral centralized body based on subordination of territorial and specialized prosecutors to Prosecutor General of the Republic of Azerbaijan. Prosecutor General of the Republic of Azerbaijan is appointed to his post and dismissed from it by the President on consent of Milli Majlis of the Republic of Azerbaijan. Deputies of Prosecutor General, prosecutors supervising specialized republican prosecutor's offices, Prosecutor of Nakhichevan Autonomous Republic are appointed to their posts and dismissed from their posts by the President of the Republic of Azerbaijan on recommendation of Prosecutor General. Territorial and specialized prosecutors are appointed to their posts and dismissed by Prosecutor General on agreement with the President of the Republic of Azerbaijan.

The regulatory framework for the activities of the Prosecutor's Office is defined in the Law of the Republic of Azerbaijan "On the Prosecutor's Office" of 7 December 1999. The Prosecutor's Office of the Republic of Azerbaijan is an integral centralized body. Forming part of the judicial system it is based on the subordination of territorial and specialized prosecutor's offices to the Prosecutor General of the Republic of Azerbaijan. According to article 5 of the law, the basic principles of the prosecutor's office include:

- legality;
- equal rights of all before the law;
- observance and respect of the rights and freedoms of individuals, the rights of legal entities;
- objectivity, impartiality and reference to facts;
- unity and centralization, subordination of territorial and specialized prosecutors to the general prosecutor of the Republic of Azerbaijan;
- political independence.

According to Article 7 of the Law, restriction by this or that person for any of several reasons directly or indirectly of legal activities of prosecutor's office, impact on it, threats, illegal intervention in it, and also disrespect for prosecutor's office is not allowed and involves responsibility stipulated by the legislation of the Azerbaijan Republic.

3. These measures are stipulated in the Constitution, Criminal Code and Code of Criminal Procedure of the Republic of Azerbaijan, Law of the Republic of Azerbaijan "On the Prosecutor's Office" and Law of the Republic of Azerbaijan "On the service in prosecution bodies".

For instance, Article 30 of the Law of the Republic of Azerbaijan "On the Prosecutor's Office" forbidding an investigator or prosecutor engaging in activities incompatible with his position serves as one of the guarantees for the independence of the prosecutor's office. According to this article, a prosecutor or investigator cannot occupy any elected or other position, cannot engage in any entrepreneurial, commercial and other paid activities other than scientific, pedagogical and creative, as well as political activities and be a member of political parties.

4. At the moment according to the Decree of the President of the Republic of Azerbaijan dated 03.04.2019, reforms are underway as a result of which judicial-legal system is undergoing several effective changes.

5. No such decision has been passed up to date.

6-7. The basics of the activities of the Prosecutor's Office are defined in the Constitution of the independent Republic of Azerbaijan adopted on 12 November 1995 at a universal referendum. The Main Law granted constitutional status to the prosecutor's office, in a special article devoted to the Prosecutor's Office of the Republic of Azerbaijan (Article 133) it was determined that this body is part of the judiciary, and the status, foundations of the organization and activities of the prosecutor's bodies were stipulated as well.

According to Article 2 of the Law of the Republic of Azerbaijan "On Prosecutor's Office", the Prosecutor's Office of the Republic of Azerbaijan is an integral centralized body, which, forming part of the judicial system, is based on the subordination of territorial and specialized prosecutor's offices to the Prosecutor General of the Republic of Azerbaijan.

According to Articles 43 and 44 of the Law of the Republic of Azerbaijan "On Prosecutor's Office", Prosecutor General of the Republic of Azerbaijan informs Milli Majlis (the Parliament) and the President about the activities of prosecutor's office except the criminal cases being investigated.

8, 9. There is no such an institution at the moment.

10. For violation of service discipline, inappropriate performance of duties, as well as for non-compliance with the requirements of the "Code of Ethical Conduct for Employees of the Prosecutor's Office of the Republic of Azerbaijan", the prosecutor may be given a remark, reprimand, severe reprimand, one of the following disciplinary sanctions may be applied to him:

demotion, reduction in rank, dismissal (in this case, the prosecutor may be available for three months and if during this time there is no reason for his dismissal from the prosecution, he is appointed to work in the prosecution), exclusion from the prosecution, in cases and according to the procedure established by law, exclusion from the prosecutor's office with deprivation of rank.

In connection with violation of service discipline, an official audit is carried out and depending on the result of the audit, the issue of bringing an employee to disciplinary liability is considered. The relevant prosecutor, within the framework of his authority, may file a petition to bring the prosecutor to disciplinary liability.

Imposing disciplinary sanctions is carried out by the Prosecutor General of the Republic of Azerbaijan. In addition, the Prosecutor General may, to a certain extent, entrust the issue of applying disciplinary sanctions against prosecutors to the Military Prosecutor, the Prosecutor of the Nakhchivan Autonomous Republic and the Prosecutor of the city of Baku.

11. In accordance with Article 16 of the Law of the Republic of Azerbaijan "On Prosecutor's Office", the term of office of the Prosecutor General of the Republic of Azerbaijan, the Military Prosecutor of the Republic of Azerbaijan, the Prosecutor of the Nakhichevan Autonomous Republic, the Military Prosecutor of the Nakhichevan Autonomous Republic, territorial and specialized prosecutors - is 5 years. Territorial and specialized prosecutors cannot be appointed to the same territorial units more than two times. The Prosecutor's

Office operates on the basis of subordination of subordinate prosecutors to a higher prosecutor.

12. These procedures are quite different.

13. The Prosecutor's Office is independent within its authority granted by laws and regulations. (Article 36 of the Law "On Prosecutor's Office"). Intervention in any form to activity of the prosecutor office, is punishable under the Criminal Code of the Republic of Azerbaijan.

14. When exercising of his authority, the prosecutor, in the manner and within the framework of the law, among other acts shall also issue a written instruction. Subordinate prosecutors or other prosecutors must comply with all legal requirements and instructions of a higher prosecutor. In cases provided for by law, the prosecutor has the right to give written inquiry to the bodies of inquiry or preliminary investigation. Fulfillment of the written instructions of the prosecutor on questions of inquiry or preliminary investigation is mandatory. In addition, the Prosecutor General has the right to cancel, change or seize illegal orders, instructions and other acts of subordinate prosecutors.

15. Trainings are organized at the Science and Education Center of the Prosecutor General's Office of the Republic of Azerbaijan as well as Academy of Justice which comprise several modules on different legal issues, including independence of prosecutors.

16, 17. As part of the reforms carried out in the prosecution authorities of Azerbaijan, the effectiveness of relations with the public is always in the spotlight, special attention is paid to improving activities and the use of modern information technologies in this area.

Having established mutual relations with the media and NGOs, the prosecutor's office ensures the protection and enforcement of the rights and freedoms of human and citizen, the legitimate interests of the state in carrying out this activity.

The prosecution authorities through news agencies, the press, radio and television, regularly inform the population about the law, the rule of law, the state of the fight against crime, as well as the activities of the prosecution.

In addition, the guidance of the Prosecutor General's Office, the Military Prosecutor's Office and the Prosecutor's Office of the Nakhchivan Autonomous Republic hold briefings and press conferences for the media, and if necessary, round tables and seminars are organized with the participation of NGOs and other state bodies.

In this case, the prosecutor's office is guided by the requirements of the norms of the Constitution ensuring the inviolability of life, personal and family secrets, protecting the honor and dignity of all persons, as well as laws prohibiting the disclosure of information about minors without his/her consent or the consent of a legal representative, and other regulatory legal acts as well.

Prosecutors provide timely and accurate answers to requests received from media representatives.

In order to ensure mutual relations at a high level, persons responsible for communication with mass media are established, their names, surnames, positions and contact numbers are posted on the official web page.