

EVALUATION OF AZERBAIJAN JUDICIAL SYSTEM

Country: Republic of Azerbaijan

Contact: Name: Azer Djafarov

I. GENERAL INFORMATION

1. Number of inhabitants:

Number: 8.202.500

Year: 2003

Source: The State Statistical Committee of the Republic of Azerbaijan

2. Total annual state public budget:

Budget: 1.059.478.260 EURO

Year: 2003

Source: The Law of the Republic of Azerbaijan "On state budget of the Republic of Azerbaijan for 2003 year" adopted on November 15, 2002

3. Average annual salary:

Salary: 800 EURO

Year: 2003

Source: The State Statistical Committee of the Republic of Azerbaijan

II. ACCESS TO JUSTICE AND TO ALL COURTS

II. A. Legal aid/cost of justice

4. Annual public budget spent on legal aid:

Annual budget: 156.000 EURO

Year: 2003

Source: The Decree of the President of the Republic of Azerbaijan "On application of the Law "On state budget of the Republic of Azerbaijan for 2003 year" adopted on December 26, 2002.

5. The annual public budget spent on legal aid in criminal and other cases: NA

6. Total number of legal aid cases in criminal matters:

Number of cases: 5.187 - Baku city, 1.115 - Sumgayit city, other regions - NA

There are not legal aid cases in other matters

Year: 2003

Source: The Bar Association of the Republic of Azerbaijan

8-9. Does your country have an income and asset test for granting legal aid? NO

10. Is it possible to refuse legal aid for lack of the merit of the case? NO

11. In general do litigants have to pay a court tax or free to start a proceeding at a general jurisdiction court? YES (criminal cases: NO)

12. Does your country have a private system of legal expenses insurance for individuals? NO

13. Do judicial decisions have an impact on who bears legal costs which are paid by the parties during the procedure? NO

14. In your country, have studies carried out on the costs of cases brought to courts: NO

II. B. Users of the courts and victims

15. Are there official internet sites: YES (Ministry of Justice`s internet site - www.justice.gov.az)

16. Is there a public and free-of-charge specific information system to inform and to help victims of crimes? NO

17. Is there a public, free of charge and personalised specific information system, managed by the police or the justice system, on the follow up given to complaints by victims of crime? NO

18. Does your country have a public compensation fund to compensate financially victims of crimes? YES

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

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

19. Does your country have users` or legal professionals` surveys to measure public trust and satisfaction with the services delivered by the judiciary? NO

20. Is there a national or local procedure for making complaints about the performance of the judiciary (through an ombudsman)? YES

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 June 11, 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 Criminal and Civil procedural codes and the Law of the Republic of Azerbaijan “On constitutional court” adopted on December 23, 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 commissioner of the human rights (ombudsman)” dated on December 28, 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.

According to the Law of the Republic of Azerbaijan “On courts and judges” adopted on June 10, 1997, Ministry of Justice considers complaints about the violation of the labour and execution discipline in the first instance courts without interference in decisionmaking process.

21. As a general rule, do the institutions which receive such complaints have an obligation to respond and/or to deal with the complaint within a certain time limit? Time limit for dealing with the complaint and to respond: YES

III. FUNCTIONING OF COURTS AND EFFICIENCY OF JUSTICE

III. A.Functioning

22. Total number of courts

Number of courts: 105

23. Number of general jurisdiction first instance courts

Number of courts: 84

24. Number of specialised first instance courts: 16

AREA OF SPECIALIZATION	NUMBER
Military Courts	9
Local Economic Courts	4
Economic Court of the Republic of Azerbaijan on Disputes Arising from International Agreements	1
Court of Serious Crimes	1
Court of Serious Military Crimes	1

25. Number of professional judges sitting in courts

Number of judges: 333

Source: Judicial-Legal Council of the Republic of Azerbaijan

26. Number of non-professional judges sitting in courts: NA

27. Number of non-judge administrative staff who are working in courts

Number of staff: first instance courts – 1068, Constitutional Court – 119, Supreme Court – 95, Court of Appeal- 128

Source: Judicial-Legal Council of the Republic of Azerbaijan

28. Annual budget allocated to all courts

Annual budget: 5.265.000 EURO

Year: 2003

Source: The Law of the Republic of Azerbaijan “On state budget of the Republic of Azerbaijan for 2003 year” adopted on November 15. 2002

29. Annual budget allocated to the Ministry of Justice for the functioning of the courts:

Annual budget: 3.226.000 EURO

Year: 2003

Source: The law of the Republic of Azerbaijan “On state budget of the Republic of Azerbaijan for 2003 year” adopted on November 15, 2003

30. Has the budget for justice increased during the last 5 years? YES

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NAME OF INSTITUTION	2000	2001	2002	2003	2004
Ministry of Justice	295.660	817.400	1.190.000	2.122.000	2.087.000
First instance courts	957.000	3.322.000	2.924.000	3.044.000	3.226.000

31. Which institution is formally responsible for setting up the budget devoted to courts?

The Parliament (Milli Mejlis) of the Republic of Azerbaijan

32. Who manages the budget of the courts?

The budget of the first instance courts (district (city) courts, local economic courts, economic court of the Republic of Azerbaijan on disputes arising from international agreements, court of serious crimes, court of serious military crimes, military courts) is managed by the Ministry of Justice of the Republic of Azerbaijan. The budget of the other courts (Constitutional Court, Supreme Court, Court of Appeal, Economic Court of Appeal) managed by the presidents of these courts.

33. Which institution is responsible for arranging and scheduling the court hearings\sessions? Court

III. B. Efficiency

34. Total number of criminal cases received and investigated by the public prosecutor:

Number of cases investigated by the public prosecutor: 1.253

Number of cases investigated in other bodies under the procedural direction of the public prosecutor: 153

Year: 2003

Source: Office of the Prosecutor General of the Republic of Azerbaijan

35. Total number of criminal cases dropped by the public prosecutor:

Number of cases: 939

Number of cases (investigated in other bodies under the procedural direction of the public prosecutor): 45

Year: 2003

Source: Office of the Prosecutor General of the Republic of Azerbaijan

There is no any dropped case in which the offender has not been identified.

36. Total number of criminal cases which are concluded by a sanction\measure, imposed or negotiated by the public prosecutor:

Number of accused persons who were arrested by the court on the prosecutor's proposal – 768

Number of cases investigated in other bodies under the procedural direction of the public prosecutor in which 101 accused persons were arrested by the court on the prosecutor's proposal – 67

Year: 2003

Source: Office of the Prosecutor General of the Republic of Azerbaijan

37. Total number of criminal cases charged by the public prosecutor before the courts:

Number of cases: 812

Number of cases (investigated in other bodies under the procedural direction of the public prosecutor): 108

Year: 2003

Source: Office of the Prosecutor General of the Republic of Azerbaijan

38. Total number of criminal cases charged before the court, involving robbery: NA
39. Total number of judicial decisions, involving robbery: NA
Number of convicted persons in robbery: 145
Year: 2003
Source: Ministry of Justice of the Republic of Azerbaijan
40. Percentage of decisions involving robbery subject to an appeal to a higher court: NA
41. Total number of incoming criminal cases in the courts, involving intentional homicide:
Number of cases: 268
Year: 2003
Source: Ministry of Justice of the Republic of Azerbaijan
42. Total number of judicial decisions, involving intentional homicide (in a year):
Number of decisions: 229
Number of convicted persons: 267
Number of acquitted persons: NO
Year: 2003
Source: Ministry of Justice of the Republic of Azerbaijan
43. Percentage of decisions concerning intentional homicide subject to an appeal to a court: NA
44. Total number of incoming civil and administrative cases in the courts (in a year)
Number of civil cases: 59337
Number of administrative cases: 11916 (number of individuals – 12083)
Year: 2003
Source: Ministry of Justice of the Republic of Azerbaijan
45. Total number of judicial decisions in civil and administrative matters:
Number of decisions in civil matters: 46447
Number of decisions in administrative matters: 11736 (number of individuals – 11736)
Year: 2003
Source: Ministry of Justice of the Republic of Azerbaijan
46. Percentage of decisions concerning civil and administrative matters subject to an appeal to a higher court:
Number of appeal concerning the civil cases: 6858
Percentage: 14,8%
Number of appeal concerning the administrative cases: 471
Percentage: 4,0%
Year: 2003
Source: Ministry of Justice of the Republic of Azerbaijan
47. Total number of incoming divorce cases in the courts:
Number of cases: 8570
Year: 2003
Source: Ministry of Justice of the Republic of Azerbaijan
48. Total number of judicial decisions in divorce cases:
Number of decisions: 5768
Year: 2003
Source: Ministry of Justice of the Republic of Azerbaijan

49. Number of appeals in divorce cases: 111

50. Total number of incoming employment dismissal cases in the courts:

Number of cases: 686

Year: 2003

Source: Ministry of Justice of the Republic of Azerbaijan

51. Total number of judicial decisions of employment dismissal cases:

Number of decisions: 438

Year: 2003

Source: Ministry of Justice of the Republic of Azerbaijan

52. Number of appeals employment dismissal cases: 219

IV. USE OF INFORMATION TECHNOLOGY IN THE COURT

53. Annual IT budget allocated to the courts: NA

In 2000-2003 for the needs of the courts was spent 104.957 EURO on computer and other facilities.

Source: Ministry of Justice of the Republic of Azerbaijan

54. In general, do the courts in your country have computer facilities? YES (judges and non-judges court staff)

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

The name and the address of this institution:

Name: Ministry of Justice, Department of Organization and Analysis

Address: 1 Inshaatchilar avenue, AZ1073, Baku Azerbaijan

56. What kind of facilities can be used by the clients of the courts to communicate with the courts?

- Telephone: YES
- Mail: YES
- Fax: YES
- E-mail: YES

57. Is there an electronic form to carry out certain procedural steps? NO

V. FAIR TRIAL

58. Percentage of adversary judgments in criminal cases in first instance: NA

59. Is there a right to an interpreter for all those within your jurisdiction if the persons cannot understand or speak the language used in court? YES

60. Is there an effective remedy to a superior jurisdiction for all cases? YES

61. Are reasons given for all prison sentences? YES

62. The length of robbery cases from the formal beginning of the prosecution until the first instance judgment:

The length of investigation for this kind 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 consider the criminal case in 15 days. 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.

Year: 2003

Source: Criminal procedural code of the Republic of Azerbaijan adopted on July 14, 2000 and came in force on September 1, 2000 and Convention “On protection of human rights and fundamental freedoms” (Azerbaijan acceded to it on December 25, 2001).

63. The length of robbery cases from the formal beginning of the prosecution until the appellate judgment:

From the date of the delivering judgment the appeal may be submitted to the court in 20 days. After the criminal case enters the Appellate Court the judge should in 20 days start to consider the case.

Year: 2003

Source: Criminal procedural code of the Republic of Azerbaijan adopted on July 14, 2000 and came in force on September 1, 2000

64. The length of divorce cases from the deposit of the complaint until the first instance judgment:
The length of the divorce case: 3 month (when one side is not agreed the judge has the right to give no more than 3 month for conciliation)

Year: 2003

Source: Family code of the Republic of Azerbaijan adopted on December 28, 1999 and came in force on September 1, 2000

65. The length of divorce cases from the deposit of the complaint until the appellate judgment:
The length of the divorce case: 6 month (in case of giving by the judge the time for conciliation plus conciliation term)

Year: 2003

Source: Family code of the Republic of Azerbaijan adopted on December 28, 1999 and came in force on September 1, 2000

66. The length of employment dismissal cases from the deposit of the complaint until the first instance judgment:

The length: 1 month

Year: 2003

Source: Civil procedural code of the Republic of Azerbaijan adopted on July 14, 2000 and came in force on September 1, 2000

67. The length of employment dismissal cases from the deposit of the complaint until the appellate judgment:

The length: 4 months

Year: 2003

Source: Civil procedural code of the Republic of Azerbaijan adopted on December 28, 1999 and came in force on September 1, 2000

68. Do you, on a regular basis, measure the size of backlog cases in the courts? YES

69. Do you have a way of analysing queuing time during court procedures? YES

VI. JUDGES

70. Annual salary of a first instance professional judge at the beginning of his/her career:

Annual salary: 4.000 EURO

Year: 2003

Source: Ministry of Justice of the Republic of Azerbaijan

Note: It is stipulated by law the addition on the salary of judge: for 5 years work experience – 15%, 10 years – 30%, 15 years – 45%.

71. Annual salary of a judge of the Supreme Court or of the highest appellate court

Annual salary: 5.150 EURO (Supreme Court), 4550 EURO (Court of Appeal)

Year: 2003

Source: Ministry of Justice of the Republic of Azerbaijan

72. Can judges combine their work with other professions? YES

According to the Law of the Republic of Azerbaijan “On courts and judges” adopted on June 10, 1997, judges may not occupy any other posts, irrespective of the procedure – elections or appointment, may not be involved in business, commercial and other payable activity, except scientific, pedagogical and creative activity, may not be involved in political activity and join political parties, may not get remuneration other than their wages and money for scientific, pedagogical and creative activity.

73. Are judges recruited and nominated by an independent institution? Is the process of selection and nomination of judges carried out according to pre-established procedures? YES

The judicial-Legal Council under the President of the Republic of Azerbaijan was established on December 1, 1998 by the Decree of the President of the Republic of Azerbaijan. Judicial-Legal Council, being the consultative body, within its powers carries out the organization of the courts, selection of the candidates to the judge posts as well as other issues related to the courts and judges.

It is responsible only before the President of the Republic of Azerbaijan. Judicial-Legal Council cooperates with the bodies of the legislature, executive and judicial powers. It composed of seven members appointed by the President of the Republic of Azerbaijan. By the Decree of the President of the Republic of Azerbaijan on the composition of the Judicial-Legal Council, the following members are approved:

1. Minister of Justice of the Republic of Azerbaijan;
2. President of the Constitutional Court of the Republic of Azerbaijan;
3. President of the Supreme Court of the Republic of Azerbaijan;
4. President of the Court of Appeal of the Republic of Azerbaijan;
5. President of the Economic Court of Appeal of the Republic of Azerbaijan;
6. President of the Court on Serious Crimes of the Republic of Azerbaijan;
7. President of the Supreme Court of the Nakhichevan Autonomous Republic.

Preparing the sessions of the Judicial-Legal Council and presiding over them are entrusted to the Minister of Justice. The persons having double citizenship, liabilities in other states, occupying elected posts in government bodies, the persons involved in business, commercial and other payable activity, except scientific, pedagogical and creative as well as religious figures shall not be included into the Judicial-Legal Council. Judicial-Legal Council deals with the following issues and gives proposals to the President of the Republic of Azerbaijan:

- organization of courts (location, frame of the activity over the territory, number of judges);
- compilation of the documentation of the candidates to the judge posts, holding the examination and interview by means of test with a view to determine their professional availability and suitability to the judge post;
- rewarding the judges;
- legal and informational provision of the court activity, technical supply and funding the courts;

- pre-term expiration of powers of judges on the grounds provided in items 1-5 of Article 113 of the Law of the Republic of Azerbaijan.

Judicial-Legal Council deals with other issues upon the instruction of the President of the Republic of Azerbaijan. While dealing with the issues, Judicial-Legal Council obtains the documentation and information from state bodies, legal entities and individuals and involves the representatives, specialists and experts of state bodies, scientific institutions, departments and organizations.

The issues relating to the powers of the Judicial-Legal Council are considered at the Council's sessions. These sessions shall be held not less than once a month. The members of the Judicial-Legal Council are informed of the date, place of the session and of the issues to be discussed three days before the session at the latest. Other persons, except for members of the Council, may be invited to the session of the Judicial-Legal Council. The session of the Judicial-Legal Council shall be valid on the assumption of the presence of two third of the Council's members. Decisions of the Judicial-Legal Council shall be passed by the majority of the members of the Council by means of open voting. Presiding person shall participate in voting and shall have the latest vote. Judicial-Legal Council passes the decisions on the issues discussed and all the members of the Council sign passed decisions.

The secretariat of the Judicial-Legal Council is established with a view to carry out the preparation for the sessions of the Judicial-Legal Council, keep the sessions minutes of the Council, execute decisions to be passed by the Council as well as to deal with other issues relating to the compilation of the documentation of the candidates to the judges posts. The Ministry of Justice provides the Secretariat with the organizational supply. The secretariat composed of the chief and three employees, who are appointed by the Minister of Justice.

Every citizen of the Republic of Azerbaijan, desiring to occupy the judge post, may apply to the Judicial-Legal Council. This person presents the documentation defined by the Judicial-Legal Council. If the documentation of this person meets the requirements of article 93 of the Law of the Republic of Azerbaijan "On courts and judges", the Judicial-Legal Council holds the examination and interview by means of test with a view to define professional training, standard of knowledge and suitability to the judge post of the candidate.

The Judicial-Legal Council gives proposals to the President of the Republic of Azerbaijan for appointing the person successfully passed an examination and interview to the judge post. The President gives the recommendation to the Parliament (Milli Mejlis) of the Republic of Azerbaijan on the persons to be appointed to the judge post of the Supreme Court, Court of Appeal and Economic Court of Appeal among the candidates and appoints the judges of their courts.

NOTE: In the scope of co-operation with the Council of Europe in order to promote the greater efficiency of judiciary, the additional measures are being considered at present for improving the composition and powers of the Judicial-Legal Council as well as the procedure of selection and appointment of judges.

74. Is there a system of induction and continuation training for judges? YES, but not compulsory
What is the average percentage of judges who have attended a continuation training session?

Number of judges in the first instance courts: 238

Number of these judges who have attended continuation training session: 106

Percentage of judges: 44%

Year: 2001-2003

Source: Ministry of Justice of the Republic of Azerbaijan

75. Is there a system of supervision and control on the courts – other than through appeal? NO

76. Is there in your country a system of temporary judges? NO

77. Annual number of disciplinary proceedings against judges:
Number of proceedings: 30
Year: 2000-2004
Source: Judicial-Legal Council of the Republic of Azerbaijan

78. Annual number of sanctions against judges
Number of sanctions: 29
Year: 2000-2004
Source: Judicial-Legal Council of the Republic of Azerbaijan

VII. PUBLIC PROSECUTORS

79. Annual budget for the public prosecution:
Annual budget: 11.185.000 EURO
Year: 2003
Source: The Law of the Republic of Azerbaijan “On state budget of the Republic of Azerbaijan for 2003 year” adopted on November 15. 2002

80. Number of professional public prosecutors:
Number of prosecutors: 986
Year: 2003
Source: Office of the Prosecutor General of the Republic of Azerbaijan

81. Gross annual salary of a public prosecutor at the beginning of his\her career:
Annual salary: minimum – 2.350 EURO, maximum – 9.450 EURO
Year: 2003
Source: Office of the Prosecutor General of the Republic of Azerbaijan

82. Gross annual salary of a public prosecutor of the Supreme Court or of the highest court: NA

83. Can public prosecutors combine their work with other professions? YES

According to article 30 of the Law of the Republic of Azerbaijan “On prosecutor’s office” adopted on December 7, 1999, the prosecutor or investigator shall not hold an elected or otherwise appointed post; shall not be engaged in entrepreneur, commercial or other paid activity, except for the scientific, pedagogical and creative activity, nor be engaged in political activity and be a member of political parties.

84. Are public prosecutors recruited and nominated by an independent institution? YES

Is the process of selection and nomination of public prosecutors done according to pre-established procedures? YES

According to the Constitution of the Republic of Azerbaijan adopted on November 12, 1995, Prosecutor General of the Republic of Azerbaijan is appointed to the post and dismissed from it by the President of the Republic of Azerbaijan, on consent of Parliament (Milli Mejlis) 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 by the President of the Republic of Azerbaijan on recommendation of Prosecutor General of the Republic of Azerbaijan. Territorial and specialised prosecutors are appointed to their posts and dismissed by Prosecutor General of the Republic of Azerbaijan on agreement with the President of the Republic of Azerbaijan.

According to the Law of the Republic of Azerbaijan “On prosecutor’s office” adopted on December 7, 1999, prosecutor or investigator of the Prosecutor’s Office shall be a citizen of the Republic of Azerbaijan; shall have a higher legal education (degree in Law), voting right and professional skills,

required for the performance of the duties of the prosecutor or investigator. The following persons shall not be employed by the Prosecutor's Office: persons with double citizenship; persons who have commitments before other states; ecclesiastics; persons, whose incapacity or restricted capacity has been confirmed by the court and who are not able to perform the duties of the prosecutor or investigator because of his/her physical and mental defects, that is supported by the medical conclusion; alcohol, drug and chemicals addicts or the persons who suffer from other serious illnesses (if a certificate of physician's expertise is available); persons convicted previously or the ones who has the criminal case instituted against him/her terminated on the non-rehabilitating grounds; persons who have previously been relieved of position on the reason of committing rude violations or actions incompatible with the post of the prosecutor and investigator. To be employed by the Prosecutor's Office for the first time, one shall successfully pass qualification test and undergo one-year probation term, as a rule. The Prosecutor General of the Republic of Azerbaijan may shorten the probation term or entirely release the employee from passing it. The person can be appointed a prosecutor, only if she/he has at least 5-years working experience at the prosecutor's office bodies, as a rule. The person can be appointed to the posts of the Prosecutor General of the Republic of Azerbaijan, the Military Prosecutor of the Republic of Azerbaijan, the Prosecutor of the Nakhchivan Autonomous Republic, territorial and specialized prosecutors only if she/he has reached 30. As a rule, the military servants and persons who have undergone military service and fit for military service shall be employed by the Military Prosecutor's Office under the general requirements for the personnel of the Prosecutor's Office.

According to the Law of the Republic of Azerbaijan "On the service at the organs of prosecutor's office" adopted on June 29, 2001, individuals who desire to work at the Prosecutor's Office shall apply with the application of the defined form to the Prosecutor General of the Republic of Azerbaijan. The documents of the individuals who applied to the Prosecutor's Office for service shall be examined pursuant to the rules determined by the Prosecutor General. The nominators who have applied to the Prosecutor's Office for service and whose documents have been received shall be openly accepted through competition. The competition includes exams on speciality and an interview. Employees who passed through the competition successfully and received to work at the Prosecutor's Office shall take an oath before the State Flag and sign the text of the oath. The employees who have been accepted to the Prosecutor's Office for the first time shall have a probation period of one year. After the probation period the employee shall have an attestation or an assessment. The employee who has gone the attestation successfully shall be appointed to a permanent service at the Prosecutor's Office.

According to the Regulations "On the rules of having competition with the nominations who want to be recruited to work at the prosecutor's office" In the event when there are vacancies in the organs of the Prosecutor's Office the competition related with the job thereon is announced not more than once a year. Individuals who were transferred from courts and law enforcement bodies to the Prosecutor's Office, including those who coordinate the activities of the law enforcement bodies or were transferred from the positions of the legislative bodies to the Prosecutor's Office, may be exempted from the examination. In such a case an interview is held with them. Competition Committee of 7 people is established at the Prosecutor's Office to hold a competition. The competition of the Committee includes the chairman, deputy chairman, responsible secretary and other members and shall be considered at the Board Meeting of the General Prosecutor's Office and confirmed by the Prosecutor General. The influential lawyers, scholars, experts and specialists are involved in the composition of the Committee. The decisions on issues considered at the meetings of the Committee shall be made on the basis of openly voting by majority of votes provided that the chairman votes last and the adopted decision is signed by all Committee members.

85. Is there a system of induction and continuation training for public prosecutors? YES, but not compulsory. The average number and percentage of prosecutors who have participated in induction and continuation training is?

Number: 118 (59 in induction and 59 in continuation training)

Percentage: 12,0%

Year: 2003

Source: Office of the Prosecutor General of the Republic of Azerbaijan

86. Is there a system of supervision and control on public prosecutors? YES

According to the chapter VIII of the Law of the Republic of Azerbaijan "On prosecutor's office" adopted on December 7, 1999, the control over the Prosecutor's Office is undertaken by Parliament, Head of the State - President of the Republic of Azerbaijan and judiciary. The Prosecutor General of the Republic of Azerbaijan shall inform the Parliament - Milli Mejlis of the Republic of Azerbaijan on the activity of the Prosecutor's Office, except for the criminal cases under its investigation. The Prosecutor General shall systematically inform the Head of the Azerbaijani State - the President of the Republic of Azerbaijan about the activity of the Prosecutor's Office. The Prosecutor's Office bodies shall take the procedural acts, which restrict citizen's and human rights and freedoms enshrined in the Constitution of the Republic of Azerbaijan, on the basis of decisions of court.

87. Annual number of disciplinary proceedings against public prosecutors: NA

88. Annual number and percentage of sanctions against public prosecutors:

Number: 31

Percentage: 3,1%

Year: 2003

Source: Office of the Prosecutor General of the Republic of Azerbaijan

VIII. LAWYERS

89. Number of lawyers practising in your country

Number of lawyers: 400 (attorney) and 90 (lawyers with licence)

Year: 2003

Source: The Bar Association and Ministry of Justice of the Republic of Azerbaijan

Note: From September 2, 2002 according to the Decree of the President of the Republic of Azerbaijan "On improvement of the procedures of issuing licences for some kinds of activity", it is not demanded to obtain the licence for delivering the payable legal services.

90. Is there a national bar association? YES

91. Have quality standards been formulated for lawyers (attorney)? YES, the legislature is responsible for formulating quality standards.

92. Can disciplinary proceedings be instituted against lawyers (attorney)? YES

93. Annual number of disciplinary proceedings against lawyers: NA

94. Annual number of sanctioned lawyers (attorney):

Number of persons: 6

Year: 2003

Source: The Bar Association of the Republic of Azerbaijan

95. Is it possible to complain about the performance of lawyers (attorney)? YES

According to the law of the Republic of Azerbaijan "On attorneys and their activity" adopted on December 28, 1999, the Disciplinary Commission of the Bar Association considers the complaints about the improper performance of the obligations by the lawyers (attorneys). The lawyer (attorney) whose guilty in improper performance of the obligations is proved will be charged with administrative responsibility by the Presidium of the Bar Association according to the decision of

the Disciplinary Commission of the Bar Association. The lawyer (attorney) has right to file a complaint in the court on the decision of the Bar Association about dismissals.

96. What is the amount paid to a lawyer (attorney) by the State in respect of legal aid for a first instance divorce case? NA

IX. MEDIATORS AND MEDIATION PROCEEDINGS (97-101) NA

X. ENFORCEMENT AGENTS AND EXECUTION OF COURT DECISIONS

102. Number and types of enforcement agents:

-in criminal cases: The head department of execution of court decisions of the Ministry of Justice - 5993

-in other than criminal cases: The department of ushers and bailiffs of the Ministry of Justice – 417
Year: 2003

Source: Ministry of Justice of the Republic of Azerbaijan

103. Is there an institution to supervise or control the activities of enforcement agents? YES

The Ministry of Justice controls the activity of enforcement agents within the head department of execution of court decisions in criminal cases and fulfills organizational and methodical supervision of the department of ushers and bailiffs. The judges control duly and proper execution of the decisions on civil and economic disputes, administrative infractions as well as the non-custodial punishments.

104. Annual number of disciplinary proceedings against enforcement agents: NA

105. Annual number of sanctioned enforcement agents

Number of agents: 128

Year: 2003

Source: Ministry of Justice of the Republic of Azerbaijan

106. Is it possible to file a complaint against an enforcement agent? YES

According to the legislation of the Republic of Azerbaijan everyone has the right to file a complaint against the illegal acts of the enforcement agents to the superior official or court. They bear responsibility for the illegal acts and caused damages.

107. Does the court play a role in the execution of court decisions? YES

According to the Law of the Republic of Azerbaijan “On ushers and bailiffs” adopted on December 28, 1999 and the Law of the Republic of Azerbaijan “On execution of the court’s decisions” adopted on December 27, 2001, the judges control duly and proper execution of the decisions on civil and economic disputes, administrative infractions as well as the non-custodial punishments. Besides, they consider relating matters of execution of court decisions such as bringing to administrative responsibility persons who are refused to execute the court decisions, propose to start the criminal case against these persons, matters of seizure, changing of the means of court’s execution and etc.

108. Are the courts competent to decide against public authorities? YES

Are the courts involved in executing decisions against public authorities? YES