LAW OF THE REPUBLIC OF AZERBAIJAN

**ON Courts and Judges**

ACT 1997

(as amended June 14, 2005)

Baku – 2005

**Part I. Courts**

 **Chapter I. Judicial power**

**Article 1. Establishment of the courts in the Republic of Azerbaijan**

Courts of the Republic of Azerbaijan that are established according to the legislation of the Republic of Azerbaijan, are acting in the Republic of Azerbaijan. Subject to part VI Article 125 of the Constitution of the Republic of Azerbaijan, use of legal means not foreseen by law with the purpose of the courts’ power alteration and establishment of extraordinary courts and foreign courts, or courts not foreseen by this ACT is forbidden.

Activity and status of the judges of the Constitutional Court of the Republic of Azerbaijan (hereafter – Constitutional court) is determined by the Constitutional Court ACT of the Republic of Azerbaijan.

**Article 2. Legislation on courts and judges**

Legislation of the Republic of Azerbaijan on courts and judges consists of the Constitution of the Republic of Azerbaijan, this ACT, other legislation of the Republic of Azerbaijan and international treaties to which it is a party.

**Article 3. Objectives of the courts**

Activity of the courts of the Republic of Azerbaijan is aimed solely at the administration of justice and, in cases and order provided by legislation, at the enforcement of judicial supervision.

While administering justice, courts protect rights and freedoms of person and citizen, rights and lawful interests of all enterprises, establishments and organizations irrespective of the form of

property, political parties, civil associations, other legal persons, from any encroachments and law violations, fulfill other objectives provided for in Constitution of the Republic of Azerbaijan and this ACT.

Vesting of other objectives on courts is inadmissible.

**Article 4. Consideration of cases in courts**

In courts, cases shall be are considered at the First Instance, Court of Appeal and Court of Cassation.

In cases and order provided by legislation of the Republic of Azerbaijan cases in the courts of the Republic of Azerbaijan are considered in panel or by sole judge: in the first instance courts –by one judge or panel consisting of three judges, or by jurors; in the Court of Appeal and Court of Cassation – by panel of three of or more judges.

At the consideration of cases the courts shall be guided by the Constitution, acts and other legislative instruments of the Republic of Azerbaijan, and also by international treaties to which the Republic of Azerbaijan is a party.

The minutes of trial shall be taken when the case is considered in court. Technical facilities may be used in order to keep the record of court proceedings, as well as, procedural measures carried out in the course of the judicial investigation during the trial.

**Article 5. Judgments of court**

Courts pass resolutions, verdicts, writs and decisions (hereafter judgments), on behalf of the Republic of Azerbaijan, on the cases that they consider.

All judgments of the cassation and appeal instances shall be published within one month upon the issue and disseminated by means of electronic carriers. Attached to these decisions shall be the quashed or altered decisions of the lower instance courts.

In the order provided by the legislation of the Republic of Azerbaijan, the effective court judgments shall be implemented in an obligatory, timely and precise manner by all natural and legal persons on the territory of the Republic of Azerbaijan.

Failure to fulfill judicial effective judgments entails liability provided by the legislation of the Republic of Azerbaijan.

**Article 6. Symbols of judicial power**

Symbols of judicial power in the Republic of Azerbaijan consist of State flag of the Republic of Azerbaijan, national emblem and official emblem of justice.

All judges of the Republic of Azerbaijan run sessions in mantle. Subject to part V article 94 of the Constitution of the Republic of Azerbaijan, description of the official emblem of justice and judges’ mantle is provided by act of the Republic of Azerbaijan.

**Chapter II. Basic provisions on administration of justice**

**Article 7. Equality of everyone before law and court**

As set down in Article 25 of the Constitution of the Republic of Azerbaijan, justice in the Republic of Azerbaijan is administered on the bases principle of equality of everyone before law and court, irrespective of race, nationality, religion, language, sex, origin, proprietary status, public rank, conscience, membership in political parties, trade unions or other civil organizations.

**Article 8. Administration of justice in compliance with the principle of ensuring independence of judges without any restrictions, and in a fact based, impartial, just and lawful manner**

Justice is administered in compliance with the principle of ensuring independence of judges without any restrictions, and in a fact based, impartial, just and lawful manner.

**Article 9. Inadmissibility of interference with court proceeding and disrespect to court**

Direct or indirect restricting, undue influencing, threatening or interfering with court proceedings or acting in disrespect of the court and explicit disobedience by any person for any reason is inadmissible and shall entails liability provided by the legislation of the Republic of Azerbaijan.

**Article 10. Guarantee of the rights to defense**

The rights and freedoms of the citizens of the Republic of Azerbaijan, foreign citizens living within its territory and stateless persons, as well as, lawful interests of legal persons provided by the Constitution of the Republic of Azerbaijan and other legislation shall be subject of judicial protection from all sorts of encroachments and violations at any stage of court proceedings.

Noone shall be deprived of the right to judicial protection.

Suspected and accused persons shall enjoy the right to defense by means provided by the legislation of the Republic of Azerbaijan, including the right to resort to the legal aid as of the time of detention, arrest and prosecution for commission of criminal offence.

As set down in part II Article 61 of Constitution of the Republic of Azerbaijan, the state shall provide legal aid free of charge at its own expense, in cases provided by legislation.

**Article 11. Presumption of Innocence**

The principle of presumption of innocence provided by Article 63 of Constitution of the Republic of Azerbaijan shall comply with in the courts of administration of justice.

**Article 12. Publicity of court sessions**

According to part V Article 127 of the Constitution of the Republic of Azerbaijan, trials in all courts shall be carried in open sessions except the cases that are considered in close sessions.

Except the cases provided by legislation, trials in absentia shall not be allowed.

In all cases, judgments shall be pronounced publicly.

**Article 13. Competition in court proceedings**

With the equality of arms being guaranteed, the court proceedings shall be carried out according to the principle of competition, subject to part VII Article 127 of Constitution of the Republic of Azerbaijan.

**Article 14. Language of court proceedings**

Court proceeding shall be carried out in language specified in part X Article 127 of the Constitution of the Republic of Azerbaijan.

The persons who do not know the language of court proceedings shall not be restricted in his/her right.

In cases provided by the legislation of the Republic of Azerbaijan, each person shall have one’s right to avail oneself of translator/interpreter’s services guaranteed.

**Article 15. Jurisdiction of courts**

Diverting of cases from the appropriate jurisdiction of courts provided by the legislation of the Republic of Azerbaijan or undue withdrawal of the cases from the relevant authorized judge shall not be allowed.

**Article 16. Restriction of the judge’s participation in trial**

Shall the judge have tried the case at first, appeal or cassation instances; s/he will not be allowed to re-try the same case.

In cases provided by the legislation of the Republic of Azerbaijan,shall there be reasons raising suspicions as to the impartiality of ajudge, s/he will have to withdraw or be removed from the case.

**Article 17. Inadmissibility of non-procedural relationships in**

**court proceeding**

Non-procedural relationships not provided by legislation between staff of the court and trial participants, or between the courts of first instance, appeal and cassation instances in connection with the consideration of the cases shall not be allowed.

**Article 18. Sine qua non of administration of justice**

Courts of the Republic of Azerbaijan shall administer justice in the manner relevant to the high status of the judicial power, enabling to conform to all procedural requirements, and excluding influence on freedom of judges’ will expression.

Violation of provisions related to administration of justice shall entail legal liability provided by law.

**Chapter III. Judicial system of the Republic of Azerbaijan**

**Article 19. Courts administering justice**

Justice in the Republic of Azerbaijan shall be administered by the following courts, which belong to the judicial system of the Republic of Azerbaijan:

• district (city) courts;

• Serious Crimes Court of the Republic of Azerbaijan (hereafter Serious Crimes Court);

• military courts;

• Military Serious Crimes Court of the Republic of Azerbaijan (further called- Military Serious Crimes Court);

• local economic courts;

• Economic Court of the Republic of Azerbaijan on Disputes Arising from International Treaties (hereafter Economic Court on Disputes, Arising from International Treaties)

• Supreme Court of Nakhchivan Autonomous Republic (hereafter NAR Supreme Court);

• Court of Appeal of the Republic of Azerbaijan (hereafter Court of Appeal)

• Economical Court of the Republic of Azerbaijan (hereafter Economical Court);

• Supreme Court of the Republic of Azerbaijan (hereafter Supreme Court).

Other courts may be established within the framework of the Judicial System of the Republic of Azerbaijan in the order provided by legislation.

Each court of the Republic of Azerbaijan is an independent legal person and shall have a seal bearing the image of the State Emblem of the Republic of Azerbaijan.

**Chapter IV. District (city) courts**

**Article 20. District (city) court and its powers**

As a court of first instance, district (city) courts shall try civil, criminal, administrative and other cases within their jurisdiction provided by the legislation.

District (city) court analyzes judicial statistics, studies and summarizes the data related to the level of arranging the judicial activity and judicial practice, and exercises other powers provided by the legislation of the Republic of Azerbaijan.

**Article 21. Organization of district (city) court**

District (city) court is established in districts, towns (except the towns of district subordination) and city districts of the Republic of Azerbaijan.

Organization, location and jurisdiction of district (city) court shall be determined by the legislation of the Republic of Azerbaijan.

Only one district (city) court shall be established in one district (city).

**Article 22. Structure of the district (city) court**

District (city) court shall consist of the President and judges.

Number of judges of district (city) court shall be determined according to paragraph 32 Article 109 of the Constitution of the Republic of Azerbaijan.

**Article 23. Power of the President of district (city) court**

President of district(city) court shall be entitled to:

• manage the organization court activity and operation of the court staff; ensures observance of labor and performance dicipline in the court;

• preside in court sessions, distribute cases between judges according to the their workload;

• recruit, dismiss, reward and call to disciplinary liability the court staff;

• report to the Session of the Plenary Board of the Supreme Court about the administration of justice of the district (city) court;

• direct the work on studying and summarizing of the data related to the level of arranging the judicial activity and of the judicial practice, as well as, maintaining judicial statistics;

• arrange activity of the court in the area of reception of persons, consideration of suggestions, motions and complaints;

• exercise other powers vested in it by legislation of the Republic of Azerbaijan.

Shall there be only one judge appointed to district (city) court, s/he will exercise the powers of the president of the court.

**Article 24. Substitution of the president or judge of district**

**(city) court**

Shall the president of district (city) court fail to exercise his/her powers, the relevant executive body\* of the Republic of Azerbaijan (hereafter relevant executive body) will temporarily vest the powers of the president in one of the judges of this court.

Shall the judge of the court with only one judge fail to exercise his/her powers, the relevant executive body\* will temporarily vest the powers in the one of the judges of other district (city) court.

**Chapter V. Serious crimes court**

**Article 25. Serious Crimes Court and its powers**

As a court of first instance, Serious Crimes Court shall try criminal cases within its jurisdiction provided by the legislation.

Serious Crimes Court, in order provided by the legislation of the Republic of Azerbaijan, decides on the extradition of criminals, analyzes judicial statistics, studies and summarizes the data related to the level of arranging the judicial activity and judicial practice, and exercises other powers provided by the legislation of the Republic of Azerbaijan.

\* here the authorities of the relevant executive body are carried out by the Ministry of Justice of the Republic of Azerbaijan

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**Article 26. Organization of the Serious Crimes Court**

Serious Crimes Court is established in the city of Baku, the capital of the Republic of Azerbaijan, with its jurisdiction encompassing the territory of the Republic of Azerbaijan (except the Nakhchivan Autonomous Republic).

**Article 27. Structure of the Serious Crimes Court**

Serious Crimes Court shall consist of President, his/her deputy and judges.

In cases and order provided by the legislation, the jury panel may be set up in this court in order to try cases at the first instance.

Number of judges of the Serious Crimes Court shall be determined according to paragraph 32 Article 109 of the Constitution of the Republic of Azerbaijan.

**Article 28. Powers of the President of the Serious Crime Court**

President of the Serious Crimes Court shall be entitled to:

• manage the organization of the court activity and operation of the court staff; ensure observance of labor and performance dicipline in the court;

• preside in court sessions, distribute cases between judges according to the their workload;

• recruit, dismiss, reward and call to disciplinary liability the court staff;

• report to the Sessions of the Plenary Board of the Supreme Court about the administration of justice of the Serious Crimes Court;

• direct the work on studying and summarizing of the data related to the level of arranging the judicial activity and of the judicial practice, as well as, maintaining judicial statistics;

• arrange activity of the court in the area of reception of persons, consideration of suggestions, motions and complaints;

• exercise other powers vested in it by legislation of the Republic of Azerbaijan.

**Article 29. Powers of the Deputy President of the Serious**

**Crime Court**

Deputy President of the Serious Crime Court shall be entitled to:

• preside at the court sessions; deals with issues specified by the President of the Serious Crimes Court; subject to the instructions of the President, exercise his/her powers; and

substitute the President in case of his/her absence or his/her failure to exercise powers.

• exercise other powers vested in it by legislation of the Republic of Azerbaijan.

**Article 30. Substitution of the Deputy President of the Serious**

**Crime Court**

Shall the Deputy President of the Serious Crime Court fail to exercise his/her powers, the relevant executive body\* will temporarily vest the his powers in one of the judges of this court.

\* here the authorities of the relevant executive body are carried out by the Ministry of

Justice of the Republic of Azerbaijan

**Chapter VI. Military courts**

**Article 31. Military court and its power**

As a court of first instance, military court shall try criminal cases

within its jurisdiction provided by the legislation.

Military court analyzes judicial statistics, studies and summarizes

the data related to the level of arranging the judicial activity and

judicial practice, and exercises other powers provided by the

legislation of the Republic of Azerbaijan.

**Article 32. Organization of military court**

Military court is organized at the location of military garrisons of

the Armed Forces of the Republic of Azerbaijan, with due

consideration to the number of military units to be covered by the

jurisdiction of this court.

Jurisdiction of military court covers military units of relevant

garrisons.

Organization, location and jurisdiction shall be determined by the

legislation of the Republic of Azerbaijan.

**Article 33. Structure of military court**

Military Court shall consist of President and judges.

Number of judges of the military court shall be determined

according to paragraph 32 Article 109 of the Constitution of the

Republic of Azerbaijan.

**Article 34. Powers of the president of military court**

President of military court shall be entitled to:

• manage the organization of the court activity and operation of

the court staff; ensure observance of labor and performance

dicipline in the court;

• preside in court sessions, distribute cases between judges

according to the their workload;

• recruit, dismiss, reward and call to disciplinary liability the

court staff;

• report to the Sessions of the Plenary Board of the Supreme

Court about the administration of justice of military court;

• direct the work on studying and summarizing of the data

related to the level of arranging the judicial activity and of

the judicial practice, as well as, maintaining judicial statistics;

• arrange activity of the court in the area of reception of

persons, consideration of suggestions, motions and

complaints;

• exercise other powers vested in it by legislation of the

Republic of Azerbaijan.

If only one judge is appointed to military court s/he shall fulfil

commissions of President of this court.

**Article 35. Substitution of President or judge of military court**

Shall the president of military court fail to exercise his/her powers,

the relevant executive body\* of the Republic of Azerbaijan

(hereafter relevant executive body) will temporarily vest the

powers of the president in one of the judges of this court.

Shall the judge of the military court with only one judge fail to

exercise his/her powers, the relevant executive body will

temporarily vest the powers in the one of the judges of other

military court.

\* here the authorities of the relevant executive body are carried out by the Ministry of

Justice of the Republic of Azerbaijan

**Chapter VII. Military serious crimes court**

**Article 36. Military Serious Crimes Court and its powers**

As a court of first instance, Military Serious Crimes Court shall

try criminal cases within its jurisdiction provided by the

legislation.

Military Serious Crimes Court, in order provided by the

legislation of the Republic of Azerbaijan, decides on the

extradition of criminals, analyzes judicial statistics, studies and

summarizes the data related to the level of arranging the judicial

activity and judicial practice, and exercises other powers provided

by the legislation of the Republic of Azerbaijan.

**Article 37. Organization of the Military Serious Crimes Court**

Military Serious Crimes Court is established in the city of Baku,

the capital of the Republic of Azerbaijan. Its jurisdiction covers all

military units of garrisons of the Armed Forces of the Republic of

Azerbaijan (the powers of the Military Serious Crimes Court in

the territory of the NAR shall be exercised by the NAR Supreme

Court)

**Article 38. Structure of Military Serious Crimes Court**

Military Court shall consist of President and judges.

Number of judges of the military court shall be determined

according to paragraph 32 Article 109 of the Constitution of the

Republic of Azerbaijan.

**Article 39. Powers of the president of military court**

President of military court shall be entitled to:

• manage the organization of the court activity and operation of

the court staff; ensure observance of labor and performance

dicipline in the court;

• preside in court sessions, distribute cases between judges

according to the their workload;

• recruit, dismiss, reward and call to disciplinary liability the

court staff;

• report to the Sessions of the Plenary Board of the Supreme

Court about the administration of justice of military court;

• direct the work on studying and summarizing of the data

related to the level of arranging the judicial activity and of

the judicial practice, as well as, maintaining judicial statistics;

• arrange activity of the court in the area of reception of

persons, consideration of suggestions, motions and

complaints;

• exercise other powers vested in it by legislation of the

Republic of Azerbaijan.

If only one judge is appointed to military court s/he shall fulfil

commissions of President of this court.

**Article 40. Powers of the Deputy President of the Military**

**Serious Crime Court**

Deputy President of the Military Serious Crime Court shall be

entitled to:

• preside at the court sessions; deals with issues specified by

the President of the Military Serious Crimes Court; subject to

the instructions of the President, exercise his/her powers; and

substitute the President in case of his/her absence or his/her

failure to exercise powers.

• exercise other powers vested in it by legislation of the

Republic of Azerbaijan.

**Article 41. Substitution of the Deputy President of the Military**

**Serious Crime Court**

Shall the Deputy President of the Military Serious Crime Court

fail to exercise his/her powers, the relevant executive body\* will

temporarily vest the his powers in one of the judges of this court.

**Chapter VIII. Local economic courts**

**Article 42. Local economic court and its powers**

As a court of first instance, local economic court shall try cases on

economic disputes within their jurisdiction provided by the

legislation.

Local economic court analyzes judicial statistics, studies and

summarizes the data related to the level of arranging the judicial

activity and judicial practice, and exercises other powers provided

by the legislation of the Republic of Azerbaijan.

**Article 43. Organization of local economic court**

Local economic court is established in administratively divided

territorial areas or in free trade zones of the Republic of

Azerbaijan.

Organization, location and jurisdiction of local economic court

shall be determined by the legislation of the Republic of

Azerbaijan.

Only one local economic court shall be established in one district

(city).

\* here the authorities of the relevant executive body are carried out by the Ministry of

Justice of the Republic of Azerbaijan

**Article 44. Structure of local economic court**

Local economic court shall consist of the President and judges.

Number of judges of district (city) court shall be determined

according to paragraph 32 Article 109 of the Constitution of the

Republic of Azerbaijan.

**Article 45. Power of the President of local economic court**

President of district(city) court shall be entitled to :

• manage the organization of the court activity and operation of

the court staff; ensure observance of labor and performance

dicipline in the court;

• preside in court sessions, distribute cases between judges

according to the their workload;

• recruit, dismiss, reward and call to disciplinary liability the

court staff;

• report to the Sessions of the Plenary Board of the Supreme

Court and Plenary Board Session of the Economic Court

about the administration of justice of local economic court;

• direct the work on studying and summarizing of the data

related to the level of arranging the judicial activity and of

the judicial practice, as well as, maintaining judicial statistics;

• arrange activity of the court in the area of reception of

persons, consideration of suggestions, motions and

complaints;

• exercise other powers vested in it by legislation of the

Republic of Azerbaijan.

Shall there be only one judge appointed to local economic court,

s/he will exercise the powers of the president of the court.

**Article 46. Substitution of the president or judge of local**

**economic court**

Shall the president of local economic court fail to exercise his/her

powers, the relevant executive body\* will temporarily vest the

powers of the president in one of the judges of this court.

Shall the judge of the court with only one judge fail to exercise

his/her powers, the relevant executive body\* will temporarily vest

the powers in the one of the judges of other local economic court.

**Chapter IX. Economic Court on Disputes Arising from**

**International Treaties**

**Article 47. Economic Court on Disputes Arising from**

**International Treaties and its power**

As a court of first instance, Economic Court on Disputes Arising

from International Treaties shall try cases on economic disputes

within their jurisdiction provided by the legislation.

Economic Court on Disputes Arising from International Treaties

analyzes judicial statistics, studies and summarizes the data related

to the level of arranging the judicial activity and judicial practice,

and exercises other powers provided by the legislation of the

Republic of Azerbaijan.

**Article 48. Organization of the Economic Court on Disputes**

**Arising from International Treaties**

Economic Court on Disputes Arising from International Treaties

shall be established in the city of Baku, the capital of the Republic

\* here the authorities of the relevant executive body are carried out by the Ministry of

Justice of the Republic of Azerbaijan

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Justice of the Republic of Azerbaijan

of Azerbaijan. Its jurisdiction shall encompass entire territory of

the Republic of Azerbaijan.

**Article 49. Structure of the Economic Court on Disputes**

**Arising from International Treaties**

Economic Court on Disputes Arising from International Treaties

shall consist of the President and judges.

Number of judges of district (city) court shall be determined

according to paragraph 32 Article 109 of the Constitution of the

Republic of Azerbaijan.

**Article 50. Power of the President of the Economic Court on**

**Disputes Arising from International Treaties**

President of the Economic Court on Disputes Arising from

International Treaties shall be entitled to :

• manage the organization of the court activity and operation of

the court staff; ensure observance of labor and performance

dicipline in the court;

• preside in court sessions, distribute cases between judges

according to the their workload;

• recruit, dismiss, reward and call to disciplinary liability the

court staff;

• report to the Sessions of the Plenary Board of the Supreme

Court and Plenary Board Session of the Economic Court

about the administration of justice of the Economic Court on

Disputes Arising from International Treaties;

• direct the work on studying and summarizing of the data

related to the level of arranging the judicial activity and of

the judicial practice, as well as, maintaining judicial statistics;

• arrange activity of the court in the area of reception of

persons, consideration of suggestions, motions and

complaints;

• exercise other powers vested in it by legislation of the

Republic of Azerbaijan.

**Article 51. Substitution of the president or judge of the**

**Economic Court on Disputes Arising from International**

**Treaties**

Shall the president of the Economic Court on Disputes Arising

from International Treaties fail to exercise his/her powers, the

relevant executive body\* will temporarily vest the powers of the

president in one of the judges of this court.

**Chapter X. Supreme Court of the Nahchivan**

**Autonomous Republic**

**Article 52. Supreme Court of the Nahchivan Autonomous**

**Republic**

NAR Supreme Court is a supreme judicial body of the

Nakhchivan Autonomous Republic which administers justice and

supervises activity of NAR general courts in the order provided by

legislation.

NAR Supreme Court is established in the city of Nakhchivan,

capital of the Nakhchivan Autonomous Republic and its

\* here the authorities of the relevant executive body are carried out by the Ministry of

Justice of the Republic of Azerbaijan

jurisdiction encompasses entire territory of the Nakhchivan

Autonomous Republic.

**Article 53. Structure of the Supreme Court of the Nakhchivan**

**Autonomous Republic**

NAR Supreme Court consists of Plenary Board, Appeal Chamber

on Civil Cases, Appeal Chamber on Criminal and Administrative

Offences Cases and the First Instance Chamber on Serious

Crimes.

Panels of judges shall be established in the chambers of the NAR

Supreme Court in order to try cases.

NAR Supreme Court shall consist of the President of the court,

his/her deputy, Presidents of the chambers and judges of the

chambers.

In cases and order provided by legislation, the jury panel may be

set up in the NAR Supreme Court in order to try serious crimes

cases at the first instance.

Number of judges of the Serious Crimes Court shall be

determined according to paragraph 32 Article 109 of the

Constitution of the Republic of Azerbaijan.

**Article 54. Structure and powers of the Plenary Board of the**

**Supreme Court of the Nakhchivan Autonomous Republic**

Plenary Board of the NAR Supreme Court shall consist of the

President of the Court, his/her deputy and presidents of the

chambers.

Members of the Plenary Board of the Supreme Court of the

Nakhchivan Autonomous Republic shall enjoy equal rights within

their competence.

Plenary Board of the NAR Supreme Court shall be entitled to:

• form panels from the judges of the NAR Supreme Court and

assign judges to different chambers;

• approve Charter and structure of the Consultative

Researching Council under the NAR Supreme Court upon

the advice of the President of the NAR Supreme Court;

• address motion regarding compliance of the legislation and

other instruments with the Constitution and acts of the

Republic of Azerbaijan to the Supreme Court to have it

presented before the Constitutional Court of the Republic of

Azerbaijan, in order provided by the legislation;

• hear information reported by the President of the NAR

Supreme Court, his/her deputy, presidents of the chambers

and presidents of district (city) courts on the subject of

judicial practice of applying the legislation of the Republic of

Azerbaijan and the level of administration of justice in the

Nakhchivan Autonomous Republic;

• review summaries of judicial practice and analyses of judicial

statistics;

• render systematical assistance to secure proper application of

legislation by district (city) courts of the Nakhchivan

Autonomous Republic;

• exercise other powers vested in it by legislation of the

Republic of Azerbaijan.

**Article 55. Rules of procedure of the Plenary Board of the**

**Supreme Court of the Nakhchivan Autonomous Republic**

Sessions of the Plenary Board of the NAR Supreme Court shall be

held at least once in three months. President of the NAR Supreme

Court shall preside at the Sessions Plenary Board.

Prosecutor of the Nakhchivan Autonomous Republic and other

persons may be invited to Sessions of the Plenary Board of the

Court.

Members of the Plenary Board shall be informed about the time

and agenda of the Plenary Session no later than 10 days before the

session. The drafts of the decisions and other materials shall be

presented to them.

Session of the Plenary Board shall be considered effectual if there

are at least three members of the Board are present.

Decisions of the Plenary Board shall be passed by majority of

votes of those Board members participating in the open voting.

The person presiding at the Plenary Board of the Court shall

participate in voting along with other judges and vote in the last

turn.

Decisions of the Plenary Board and minutes of the Session shall

be signed by the person presiding in that session.

Apparatus of the NAR Supreme Court shall arrange the Sessions

of the Plenary Board, keep the record of the minutes and take

other necessary measures to secure the implementation of the

decisions of the Plenary Board.

**Article 56. Powers of the Chambers of the Supreme Court of**

**the Nakhchivan Autonomous Republic**

Chambers of the Supreme Court of the Nakhchivan Autonomous

Republic shall be entitled to:

• try serious crimes cases specified in the legislation, as the

court of the first instance;

• try civil, criminal and administrative cases previously

considered by the NAR district (city) courts, as the court of

appeal according to the appeal request or protest against the

judgments of the inferior courts.

Chambers of the NAR Supreme Court shall take measures to

secure proper application of the legislation of the Republic of

Azerbaijan, analyzes judicial statistics, studies and summarizes

judicial practice, render systematical assistance to secure proper

application of legislation by district (city) courts of the

Nakhchivan Autonomous Republic and exercise other powers

vested in it by legislation of the Republic of Azerbaijan.

**Article 57. Powers of the President of the Supreme Court of**

**the Nakhchivan Autonomous Republic**

President of the NAR Supreme Court shall be entitled to:

• manage the organization of the NAR Supreme Court and

operation of the Court Apparatus; ensure observance of labor

and performance dicipline in the court;

• preside in court sessions, distribute cases between judges

according to the their workload;

• propose the composition of the court chambers to the Plenary

Board of the NAR Supreme Court;

• recruit, dismiss, reward and call to disciplinary liability the

Apparatus of the NAR Supreme Court;

• fix the structure, staff chart and financial plan of the

Apparatus of the NAR Supreme Court;

• proposes the Judicial-Legal Council to reward judges of the

NAR Supreme Court and district (city) courts of the NAR;

• apply to the Judicial-Legal Council for institution of

disciplinary proceedings regarding judges of the NAR

Supreme Court and district (town) judges of the NAR, in

cases and order provided for in the legislation of the Republic

of Azerbaijan;

• represent the NAR Supreme Court;

• summon the Sessions of the Plenary Sessions of the NAR

Supreme Court, fix the time and agenda, preside at these

sessions, sign the decisions and minutes of the Plenary

Board;

• participate at the Session of the Plenary Board of the

Supreme Court of the Republic of Azerbaijan, report as to

the level of administration of justice in district (city) courts of

the NAR and the NAR Supreme Court;

• promote improvement of professional skills of the NAR

Supreme Court judges and Apparatus staff members;

• render methodical assistance to courts to secure their proper

application of legislation;

• arrange analyzing judicial statistics and studying and

summarizing of the judicial practice;

• obtain on demand cases from district (city) courts in order to

study and summarize of the judicial practice;

• arrange activity of the court in the area of reception of

persons, consideration of suggestions, motions and

complaints;

• exercise other powers vested in it by legislation of the

Republic of Azerbaijan.

**Article 58. Powers of the Deputy President of the Supreme**

**Court of the Nakhchivan Autonomous Republic**

Deputy President of the NAR Supreme Court shall:

• preside at the court sessions; deals with issues specified by

the President of the NAR Supreme Court; subject to the

instructions of the President, exercise his/her powers; and

substitute the President in case of his/her absence or his/her

failure to exercise powers;

• exercise other powers vested in it by legislation of the

Republic of Azerbaijan.

**Article 59. Powers of the presidents of the Chambers of the**

**Supreme Court of the Nakhchivan Autonomous Republic**

President of the Chamber of the NAR Supreme Court shall be

entitled to:

• preside at the sessions of the relevant chambers of the Court;

direct the arrangement of the activity of the Court Chamber;

• arrange analyzing judicial statistics and studying and

summarizing of the judicial practice;

• obtain on demand cases from district (city) courts in order to

study and summarize of the judicial practice;

• arrange activity of the court in the area of reception of

persons, consideration of suggestions, motions and

complaints;

• exercise other powers vested in it by legislation of the

Republic of Azerbaijan.

**Article 60. Substitution of the Deputy President of the**

**Supreme Court of the Nakhchivan Autonomous Republic and**

**Presidents of the Chambers**

Shall the Deputy President of the NAR Supreme Court fail to

exercise his/her powers, the President of the NAR Supreme Court

shall temporarily vest his/her powers in on of the Presidents of the

Court Chambers.

Shall the President of the Court Chamber fail to exercise his/her

powers, the President of the NAR Supreme Court shall

temporarily vest his/her powers in on of the judges of the Court

Chambers.

**Chapter XI. Court of Appeal**

**Article 61. Court of Appeal**

Court of Appeal is an appeal instance court on civil, criminal and

administrative offences cases within its jurisdiction provided by

the legislation.

Court of Appeal is established in the city of Baku, capital of the

Republic of Azerbaijan and its jurisdiction encompasses entire

territory of the Republic of Azerbaijan.

**Article 62. Structure of the Court of Appeal**

Court of Appeal consists of the Plenary Board, Chamber on Civil

Cases, Chamber on Criminal and Administrative Offences Cases

and Chamber on Cases of Military Courts. Panels of judges shall

be established in the chambers of the Court of Appeal in order to

try cases.

Court of Appeal shall consist of the President of the court, his/her

deputy, Presidents of the chambers and judges of the chambers.

Number of judges of the Court of Appeal shall be determined

according to paragraph 32 Article 109 of the Constitution of the

Republic of Azerbaijan.

**Article 63. Structure and powers of the Plenary Board of the**

**Court of Appeal**

Plenary Board of the Court of Appeal shall consist of the President

of the Court, his/her deputy and presidents of the chambers.

Members of the Plenary Board of the Court of Appeal shall enjoy

equal rights within their competence.

Plenary Board of the Court of Appeal shall be entitled to:

• form panels from the judges of the Court of Appeal;

• address motion regarding compliance of the legislation and

other instruments with the Constitution and acts of the

Republic of Azerbaijan to the Supreme Court to have it

presented before the Constitutional Court of the Republic of

Azerbaijan, in order provided by the legislation;

• hear information reported by the presidents of the Chambers

of the Court of Appeal, First Instance Chamber on Serious

Crimes of the NAR Supreme Court, Serious Crimes Court,

Military Serious Crimes Court, military courts and district

(city) courts, except the presidents of the district (city) courts

of the NAR, on the subject of judicial practice of applying the

legislation of the Republic of Azerbaijan;

• review summaries of judicial practice and analyses of judicial

statistics on cases tried by the Court of Appeal;

• render systematical assistance to secure proper application of

legislation by district (city) courts of the First Instance

Chamber on Serious Crimes of the NAR Supreme Court,

Serious Crimes Court, Military Serious Crimes Court,

military courts and district (city) courts, except the presidents

of the district (city) courts of the NAR;

• exercise other powers vested in it by legislation of the

Republic of Azerbaijan.

**Article 64. Rules of procedure of the Plenary Board of the**

**Court of Appeal**

Sessions of the Plenary Board of the Court of Appeal shall be held

at least once in three months. President of the Court of Appeal

shall preside at the Sessions Plenary Board.

Prosecutor General of the Republic of Azerbaijan, head of the

relevant executive body\* and other persons may be invited to

Sessions of the Plenary Board of the Court.

Members of the Plenary Board shall be informed about the time

and agenda of the Plenary Session no later than 10 days before the

session. The drafts of the decisions and other materials shall be

presented to them.

Session of the Plenary Board shall be considered effectual if there

are at least three members of the Board are present.

Decisions of the Plenary Board shall be passed by majority of

votes of those Board members participating in the open voting.

The person presiding at the Plenary Board of the Court shall

participate in voting along with other judges and vote in the last

turn.

Decisions of the Plenary Board and minutes of the Session shall

be signed by the person presiding in that session.

\* here the authorities of the relevant executive body are carried out by the Ministry of

Justice of the Republic of Azerbaijan

Apparatus of the Court of Appeal shall arrange the Sessions of the

Plenary Board, keep the record of the minutes and take other

necessary measures to secure the implementation of the decisions

of the Plenary Board.

**Article 65. Powers of the Chambers of the Supreme Court of**

**the Court of Appeal**

Chambers of the Court of Appeal try civil, criminal and

administrative cases previously considered by the district (city)

courts, except district (city) courts of the NAR, military courts,

Serious Crimes Court, Military Serious Crimes Court, First

Instance Chamber on Serious Crimes of the NAR Supreme Court,

as the court of appeal according to the appeal request or protest

against the judgments of the inferior courts.

Chamber of the Court analyzes judicial statistics, studies and

summarizes judicial practice, render methodic assistance to secure

proper application of legislation the district (city) courts, except

district (city) courts of the NAR, military courts, Serious Crimes

Court, Military Serious Crimes Court, First Instance Chamber on

Serious Crimes of the NAR Supreme Court and exercise other

powers vested in it by legislation of the Republic of Azerbaijan.

**Article 66. Powers of the President of the Court of Appeal**

President of the Court of Appeal shall be entitled to:

• manage the organization of the Court of Appeal and

operation of the Court Secretariat; ensure observance of labor

and performance dicipline in the court;

• preside in court sessions, distribute cases between judges

according to the their workload;

• propose the composition of the court chambers to the Plenary

Board of the Court of Appeal;

• recruit, dismiss, reward and call to disciplinary liability the

Secretariat of the Court of Appeal;

• fix the structure, staff chart and financial plan of the

Secretariat of the Court of Appeal;

• proposes the Judicial-Legal Council to reward judges of the

Court of Appeal, Serious Crimes Court, Military Serious

Crimes Court, district (city) courts, except district (city)

courts of the NAR, military courts, as well as, First Instance

Chamber on Serious Crimes of the NAR Supreme Court;

• apply to the Judicial-Legal Council for institution of

disciplinary proceedings regarding judges of the first instance

courts, except district (town) judges of the NAR, local

economic courts and Economic Court on Disputes Arising

from International Treaties; First Instance Chamber on

Serious Crimes of the NAR Supreme Court and Court of

Appeal, in cases and order provided in the legislation of the

Republic of Azerbaijan;

• represent the Court of Appeal;

• summon the Sessions of the Plenary Board of the Court of

Appeal, fix the time and agenda, preside at these sessions,

sign the decisions and minutes of the Plenary Board;

• participate at the Session of the Plenary Board of the

Supreme Court of the Republic of Azerbaijan, report as to

the level of administration of justice in Serious Crime Court,

Military Serious Crime Court, district (city) courts, except

district (city) courts of the NAR, military courts, First

Instance Chamber on Serious Crimes of the NAR Supreme

Court and the Court of Appeal;

• promote improvement of professional skills of the Court of

Appeal judges and Apparatus staff members;

• render methodical assistance to courts to secure their proper

application of legislation;

• arrange analyzing judicial statistics and studying and

summarizing of the judicial practice;

• obtain on demand cases from district (city) courts in order to

study and summarize of the judicial practice;

• arrange activity of the court in the area of reception of

persons, consideration of suggestions, motions and

complaints;

• exercise other powers vested in it by legislation of the

Republic of Azerbaijan.

**Article 67. Powers of the Deputy President of the Court of**

**Appeal**

Deputy President of the Court of Appeal shall:

• preside at the court sessions; deals with issues specified by

the President of the Court of Appeal; subject to the

instructions of the President, exercise his/her powers; and

substitute the President in case of his/her absence or his/her

failure to exercise powers;

• exercise other powers vested in it by legislation of the

Republic of Azerbaijan.

**Article 68. Powers of the presidents of the Chambers of the**

**Court of Appeal**

President of the Chamber of the Court of Appeal shall be entitled

to:

• preside at the sessions of the relevant chambers of the Court;

direct the arrangement of the activity of the Court Chamber;

• rrange analyzing judicial statistics and studying and

summarizing of the judicial practice;

• obtain on demand cases from district (city) courts in order to

study and summarize of the judicial practice;

• arrange activity of the court in the area of reception of

persons, consideration of suggestions, motions and

complaints;

• exercise other powers vested in it by legislation of the

Republic of Azerbaijan.

**Article 69. Substitution of the Deputy President of the Court**

**of Appeal and Presidents of the Chambers**

Shall the Deputy President of the Court of Appeal fail to exercise

his/her powers, the President of the Court of Appeal shall

temporarily vest his/her powers in one of the Presidents of the

Court Chambers.

Shall the President of the Court Chamber fail to exercise his/her

powers, the President of the Court of Appeal shall temporarily

vest his/her powers in on of the judges of the Court Chambers.

**Chapter XII. Economic Court**

**Article 70. Economic Court**

Subject to part I Article 132 of the Constitution of the Republic of

Azerbaijan, Economic Court is high instance court on economic

dispute cases.

As an appeal instance court, Economic Court supervises the

activity local economic courts and Economic Court of the

Republic of Azerbaijan on Disputes Arising from International

Treaties in order provided by legislation.

Economic Court tries economic disputes cases previously

considered by local economic courts and the Economic Court on

Disputes Arising from International Treaties according to the

appeal request or protest against the judgments of the inferior

courts.

Economic Court is established in the city of Baku and its

jurisdiction encompasses entire territory of the Republic of

Azerbaijan.

**Article 71. Structure of the Economic Court**

Economic Court shall consist of the President of the court, his/her

deputy and judges.

Economic Court shall consist of the Plenary Board and panels of

judges formed to try cases.

Number of judges of the Economic Court shall be determined

according to paragraph 32 Article 109 of the Constitution of the

Republic of Azerbaijan.

**Article 72. Structure and powers of the Plenary Board of the**

**Economic Court**

Plenary Board of the Economic Court shall consist of the

President of the Court, his/her deputy and presidents of the panels.

Members of the Plenary Board of the Economic Court shall enjoy

equal rights within their competence.

Plenary Board of the Economic Court shall be entitled to:

• hear information reported by the Presidents the Economic

Court, his/her deputy, presidents of local economic courts

and the President of the Economic Court on Disputes Arising

from International Treaties on the level of administration of

justice in the economic courts of the Republic of Azerbaijan;

review summaries of judicial practice and analyses of judicial

statistics on cases; hear reports of the mentioned courts on the

subject of judicial practice of applying legislation;

• address motion regarding compliance of the legislation and

other instruments with the Constitution and acts of the

Republic of Azerbaijan to the Supreme Court to have it

presented before the Constitutional Court of the Republic of

Azerbaijan, in order provided by the legislation;

• approve panels of judges from the judges of the Economic

Court;

• render systematical assistance to secure proper application of

legislation by local economic courts and the Economic Court

on Disputes Arising from International Treaties;

• exercise other powers vested in it by legislation of the

Republic of Azerbaijan.

**Article 73. Rules of procedure of the Plenary Board of the**

**Economic Court**

Sessions of the Plenary Board of the Economic Court shall be held

at least once in three months. President of the Economic Court

shall preside at the Sessions Plenary Board.

Prosecutor General of the Republic of Azerbaijan, head of the

relevant executive body\* and other persons may be invited to

Sessions of the Plenary Board of the Court.

Members of the Plenary Board shall be informed about the time

and agenda of the Plenary Session no later than 10 days before the

session. The drafts of the decisions and other materials shall be

presented to them.

Session of the Plenary Board shall be considered effectual if there

are at least two thirds (2/3) of members of the Board are present.

Decisions of the Plenary Board shall be passed by majority of

votes of those Board members participating in the open voting.

The person presiding at the Plenary Board of the Court shall

participate in voting along with other judges and vote in the last

turn.

Plenary Board passes decisions on issues that it considers.

Decisions of the Plenary Board and minutes of the Session shall

be signed by the person presiding in that session.

Apparatus of the Economic Court shall arrange the Sessions of the

Plenary Board, keep the record of the minutes and take other

necessary measures to secure the implementation of the decisions

of the Plenary Board.

**Article 74. Powers of the President of the Economic Court**

President of the Economic Court shall be entitled to:

\* here the authorities of the relevant executive body are carried out by the Ministry of

Justice of the Republic of Azerbaijan

• manage the organization of the Economic Court and

operation of the Court Apparatus; ensure observance of labor

and performance dicipline in the court;

• preside in court sessions, distribute cases between judges

according to the their workload;

• propose the composition of the court panels to the Plenary

Board of the Economic Court;

• recruit, dismiss, reward and call to disciplinary liability the

Apparatus of the Economic Court;

• fix the structure, staff chart and financial plan of the

Apparatus of the Economic Court;

• proposes the Judicial-Legal Council to reward judges of the

Economic Court, local economic courts and the Economic

Court on Disputes Arising from International Treaties;

• apply to the Judicial-Legal Council for institution of

disciplinary proceedings regarding judges of the Economic

Court, local economic courts and the Economic Court on

Disputes Arising from International Treaties, in cases and

order provided in the legislation of the Republic of

Azerbaijan;

• represent the Economic Court;

• summon the Sessions of the Plenary Sessions of the

Economic Court, fix the time and agenda, preside at these

sessions, sign the decisions and minutes of the Plenary

Board;

• informs the Plenary Board of the Economic Court about the

level of administration of justice in the Economic Court, local

economic courts and the Economic Court on Disputes

Arising from International Treaties;

• promote improvement of professional skills of the Economic

Court judges and Apparatus staff members;

• render methodical assistance to courts to secure their proper

application of legislation;

• arrange analyzing judicial statistics and studying and

summarizing of the judicial practice;

• obtain on demand cases from local economic courts and the

Economic Court on Disputes Arising from International

Treaties in order to study and summarize of the judicial

practice;

• arrange activity of the court in the area of reception of

persons, consideration of suggestions, motions and

complaints;

• exercise other powers vested in it by legislation of the

Republic of Azerbaijan.

**Article 75. Powers of the Deputy President of the Economic**

**Court**

Deputy President of the Economic Court shall:

• preside at the court sessions; deals with issues specified by

the President of the Economic Court; subject to the

instructions of the President, exercise his/her powers; and

substitute the President in case of his/her absence or his/her

failure to exercise powers;

• exercise other powers vested in it by legislation of the

Republic of Azerbaijan.

**Article 76. Substitution of the Deputy President of the**

**Economic Court**

Shall the Deputy President of the Economic Court fail to exercise

his/her powers, the President of the Economic Court shall

temporarily vest his/her powers in one of the judges of this court.

**Chapter XIII. Supreme Court**

**Article 77. Supreme Court**

Subject to Article 131 of the Constitution of the Republic of

Azerbaijan, the Supreme Court is the highest instance court on

civil (including economic disputes), criminal, administrative

offences cases and other cases previously tried by the general and

specialized courts.

As a cassation instance (ultimate appeal) court, the Supreme Court

administers justice in procedural order provided by legislation.

Supreme Court is established in the city of Baku, capital of the

Republic of Azerbaijan, and its jurisdiction encompasses entire

territory of the Republic of Azerbaijan.

**Article 78. Structure of the Supreme Court**

Supreme Court is composed of the Court President, his/her

deputies and judges.

Supreme Court consists of the Plenary Board and Cassation

Chambers.

Chamber on Civil Cases, Chamber on Economic Dispute Cases,

Chamber on Criminal and Administrative Offences Cases and

Chamber on Cases of Military Courts shall be established in the

Supreme Court.

Number of judges of the Court of Appeal shall be determined

according to paragraph 32 Article 109 of the Constitution of the

Republic of Azerbaijan.

Consultative Researching Council shall function under the

Supreme Court in order to draft proposals regarding proper

application of legislation, improvement of legislation and other

theoretical issues.

**Article 79. Structure and powers of the Plenary Board of the**

**Supreme Court**

Plenary Board of the Supreme Court shall consist of the President

of the Court, his/her deputies, Court judges, President of the

Economic Court, President of the Court of Appeal and President

of the NAR Supreme Court.

Members of the Plenary Board of the Supreme Court shall enjoy

equal rights within their competence.

Plenary Board of the Supreme Court shall be entitled to:

• hear information reported by the presidents of the courts on

the subject of judicial practice of applying the legislation of

the Republic of Azerbaijan as well as information reported by

the president of the Supreme Court and his/her deputies,

presidents of the Economic Court, the Court of Appeal, the

NAR Supreme Court, and of other general and specialized

courts on the level of administration of justice, review

summaries of judicial practice and analyses of judicial

statistics on cases;

• form chambers of the Supreme Court upon advice of the

President of the Supreme Court and assign judges to different

chambers;

• approve Charter and structure of the Consultative

Researching Council under the Supreme Court upon the

advice of the President of the Supreme Court;

• present motions before the Constitutional Court subject to the

Article 130 of the Constitution of the Republic of Azerbaijan;

• consider the motion of the President of the Republic of

Azerbaijan on withdrawal of judges of the Republic of

Azerbaijan subject to the Article 128 of the Constitution of

the Republic of Azerbaijan and present relevant opinion to

the President of the Republic of Azerbaijan within 30 days

after the date of the motion;

• give interpretation of on the subject of judicial practice

according to the Article 131 of the Constitution of the

Republic of Azerbaijan;

• try optional cassation cases upon advice of the President of

the Supreme Court, protest of the Prosecutor General or

complaint of the defense or cases on the subject of new

circumstances or newly occurred circumstances related to

violation of rights and freedoms in cases and order provided

by the law;

• consider issues and pass decision to address Milli Majlis of

the Republic of Azerbaijan with the legislative initiative

subject to the Article 96 of the Constitution of the Republic

of Azerbaijan;

• consider complaints lodged on decisions of the Judicial Legal

Council in cases provided by the legislation;

• exercise other powers vested in it by legislation of the

Republic of Azerbaijan.

**Article 80. Rules of procedure of the Plenary Board of the**

**Supreme Court**

Sessions of the Plenary Board of the Supreme Court shall be held

at least once in three months. President of the Supreme Court shall

preside at the Sessions Plenary Board.

Prosecutor General of the Republic of Azerbaijan and head of the

relevant executive body\* shall participate at Sessions of the

Plenary Board of the Supreme Court.

Participation of the defense at the sessions of the Plenary Board of

the Supreme Court during consideration of optional cassation

cases or cases on the subject of new circumstances or newly

occurred circumstances related to violation of rights and freedoms

shall be provided. Other persons may be invited to participate at

the sessions Plenary Board of the Supreme Court;

Members of the Plenary Board and those participating at the

Session shall be informed about the time and agenda of the

Plenary Board no later than 10 days before the session. The drafts

of the decisions and other materials shall be presented to them.

Session of the Plenary Board shall be considered effectual if there

are at least two thirds (2/3) of members of the Board are present.

Decisions of the Plenary Board shall be passed by majority of

votes of those Board members participating in the open voting.

Members of the Plenary Board may not be neutral in voting on the

subject of court cases.

The person presiding at the Plenary Board of the Court shall

participate in voting along with other judges and vote in the last

turn.

Other persons taking part in the work of the Plenary Board of the

Supreme Court and the President of the Supreme Court shall not

\* here the authorities of the relevant executive body are carried out by the Ministry of

Justice of the Republic of Azerbaijan

participate in voting on the subject of cases considered in

connection with the advices presented to the Plenary Board on

optional cassation cases on court judgments or cases with new

circumstances. Plenary Board shall pass decisions on the issues

considered. Decisions of the Plenary Board and minutes of the

Session shall be signed by the person presiding in that session.

Apparatus of the Supreme Court shall arrange the Sessions of the

Plenary Board, keep the record of the minutes and take other

necessary measures to secure the implementation of the decisions

of the Plenary Board.

Plenary Board may quash the court decisions on acquittal or

decisions to terminate criminal prosecution on exculpatory bases

or other decisions, on the ground that they aggravate the

punishment for the convict, by two thirds (2/3) of the participants

of the Session.

**Article 81. Powers of the Chambers of the Supreme Court**

Chambers of the Supreme Court try following cases:

• from the Court of Appeal, on cassation appeals and cassation

protests;

• from the Economic Court, on cassation appeals and cassation

protests;

• from the NAR Supreme Court which has tried the cases as

the court of appeal, on cassation appeals and cassation

protests;

• from other general and specialized courts, on cassation

appeals and cassation protests;

• by the cassation petition of the President of the Supreme

Court, in order provided by the legislation.

Chamber of the Supreme Court analyzes judicial statistics, studies

and summarizes judicial practice, render methodic assistance to

secure proper application of legislation by the court of the

Republic of Azerbaijan and exercise other powers vested in it by

legislation of the Republic of Azerbaijan.

**Article 82. Rules of procedure of the Chambers of the**

**Supreme Court**

Supreme Court shall consider the cases within its jurisdiction in

Cambers, in order and within the limits provided by the legislation

of the Republic of Azerbaijan.

Judge panels shall be established within Chamber in order to

consider the cases.

Presidents of the chambers shall manage the work of the

chambers. Presidents of the Chambers are ex officio Deputy

Presidents of the Supreme Court.

**Article 83. Powers of the President of the Supreme Court**

President of the Supreme Court shall be entitled to:

• manage the organization of the Supreme Court and operation

of the Court Secretariat; ensure observance of labor and

performance dicipline in the court;

• preside in court sessions, distribute cases between judges

according to the their workload;

• propose the composition of the court chambers to the Plenary

Board of the Supreme Court;

• recruit, dismiss, reward and call to disciplinary liability the

Apparatus of the Supreme Court;

• fix the structure, staff chart and financial plan of the

Apparatus of the Supreme Court;

• proposes the Judicial-Legal Council to reward judges of the

Republic of Azerbaijan;

• apply to the Judicial-Legal Council for institution of

disciplinary proceedings and termination of the office

regarding judges of the courts of the Republic of Azerbaijan,

in cases and order provided in the legislation of the Republic

of Azerbaijan;

• obtain on demand cases from courts in order to study and

summarize of the judicial practice;

• lodge petition on addition cassation appeal from court

judgments to the Plenary Board of the Supreme Court, in

order and cases provided by the legislation;

• lodge petition on the ground of newly revealed circumstances

to the Plenary Board of the Supreme Court, in order and

cases provided by the legislation;

• represent the Supreme Court;

• summon the Sessions of the Plenary Board of the Supreme

Court, fix the time and agenda, preside at these sessions, sign

the decisions and minutes of the Plenary Board;

• participate at the Session of the Plenary Board of the

Supreme Court of the Republic of Azerbaijan, report as to the

level of administration of justice in general and specialized

courts;

• promote improvement of professional skills of the Supreme

Court judges and Apparatus staff members;

• arrange analyzing judicial statistics and studying and

summarizing of the judicial practice;

• render methodical assistance to courts to secure their proper

application of legislation;

• arrange activity of the court in the area of reception of

persons, consideration of suggestions, motions and

complaints;

• exercise other powers vested in it by legislation of the

Republic of Azerbaijan.

**Article 84. Powers of the Deputies President of the Supreme**

**Court**

Deputy President of the Supreme Court shall be entitled to:

• manage the organization of the work of the appropriate

chambers of the Supreme Court;

• report on the level of administration of justice in chambers to

the Plenary Board of the Supreme Court;

• distribute cases and other tasks between judges according to

the their workload;

• preside at the court sessions;

• arrange analyzing judicial statistics and studying and

summarizing of the judicial practice;

• render methodical assistance to courts to secure their proper

application of legislation;

• arrange activity of the court in the area of reception of

persons, consideration of suggestions, motions and

complaints;

• exercise other powers vested in it by legislation of the

Republic of Azerbaijan.

**Article 85. Substitution of the President of the Supreme Court**

**and his/her Deputies**

Shall the President of the Supreme Court fail to exercise his/her

powers, the President of the Supreme Court shall temporarily vest

his/her powers in one of the Deputy Presidents.

Shall the Deputy President of the Supreme Court fail to exercise

his/her powers, the President of the Supreme Court shall

temporarily vest his/her powers in one of the judges of the

Supreme Court.

**Chapter XIV. Organizational provision of the courts of the**

**Republic of Azerbaijan**

**Article 86. Relevant executive body**

In order provided by the legislation of the Republic of Azerbaijan

and with due respect to the independence of judges, relevant

executive body\* shall be involved in enhancement of the

professionalism of judges, except judges of the Supreme Court,

Economic Court and Court of Appeal; provide necessary

conditions for activity of courts; provide courts with appropriate

legislation; supply provide financing and logistics.

Relevant executive body\* shall take measures to maintain judicial

statistics, execute court judgments, arrange clerical work, secure

labor and social rights of judges, promote executive and work

discipline in courts. Relevant executive body shall be entitled to

examine the level of arrangements in the abovementioned areas in

\* here the authorities of the relevant executive body are carried out by the Ministry of

Justice of the Republic of Azerbaijan (in the first part of the article 86 (findnce and

financial and technical support of the courts), in the second part of the of the same

article within the territory of Naxchivan Autonomous Republic the Ministry of

Justice of the Naxchivan Autonomous Republic)

\* here the authorities of the relevant executive body are carried out by the Ministry of

Justice of the Republic of Azerbaijan (in the first part of the article 86 (finance and

financial and technical support of the courts), in the second part of the of the same

article within the territory of Naxchivan Autonomous Republic the Ministry of

Justice of the Naxchivan Autonomous Republic)

all courts, except Supreme Court, Economic Court and Court of

Appeal.

Relevant executive body, along with the Supreme Court of the

Republic of Azerbaijan, shall arrange clerk service rules for the

courts listed in paragraph 1 Article 19 of this ACT.

Shall the reasons and grounds for calling to disciplinary liability,

as specified by this ACT, be present, the relevant executive body

will apply to the Judicial-Legal Council for the institution of

disciplinary proceedings, as well as, termination of the office

regarding judges, except the members of the Supreme Court.

**Article 87. Analyzing and statistical accounting of the**

**arrangement of court activity**

In order provided by the legislation, the courts of the Republic of

Azerbaijan shall draw up statistical reports at least once every six

months. Respective presidents of courts shall be responsible for

the correctness of the statistic data in their reports.

Relevant executive body\* shall determine the form of statistical

accounting of court activity and publish the statistical data related

to the activity of courts.

Relevant executive body shall summarize statistical reports on

courts activity, study and analyze summaries of courts on the

arrangement of the court activity. Judicial-Legal Council shall be

informed about thereof.

**Article 88. Court staff**

Supreme Court, Economic Court, Court of Appeal, NAR Supreme

Court and other courts shall have court staff. The court staff shall

\* here the authorities of the relevant executive body are carried out by the Ministry of

Justice of the Republic of Azerbaijan

secure legal, organizational, informational, logistical, financial and

economic maintenance of the courts.

Within the structure of the court staff, each judge shall have a

court secretary; each court shall have clerk office, library,

archives, logistics service and advisers dealing with receiving of

persons, systematization and consolidation of legislation,

summarizing of the judicial practice and keeping judicial statistics.

Book-keeping, maintaining of the registrar of the courts

judgments, as well as, related decisions of higher courts shall be

provided in courts.

Court staff shall arrange reception of persons. The secretary of the

appropriate judge shall receive persons in connection with the

arrangement of the hearing of cases.

The presidents of the Supreme Court, Economic Court, Court of

Appeal and NAR Supreme Court shall fix the structure, staff chart,

financial plan, wages of staff members of the Supreme Court,

Economic Court, Court of Appeal and the NAR Supreme Court;

and the relevant executive body\* fix the structure, staff chart,

financial plan, wages of staff members of the other courts.

**Article 89. Compliance with legal rules in courts**

Compliance with legal rules courts; protection of court premises,

property and documents related to court proceedings shall be

protected in order provided by the legislation of the Republic of

Azerbaijan.

\* here the authorities of the relevant executive body are carried out by the Ministry of

Justice of the Republic of Azerbaijan (within the territory of the Naxchivan

Autonomous Republic the Ministry of Justice of the NAR)

**Article 90. Logistics and financing of courts**

In order to secure necessary conditions for administration of

justice by courts according to the requirements of the procedural

legislation, each court shall be provided with:

• specially equipped premises; emblems of the judicial power:

State Flag and State emblem of the Republic of Azerbaijan

and Emblem of Justice; and judicial mantle, necessary

transport means and technical equipment;

• forms, stamps and seal with the name of the and State

Emblem.

Judges of the Republic of Azerbaijan shall be provided with

service identification cards confirming their status.

Activity, logistical support of courts shall be provided at the

expense of the state budget.

Under the separate article in the State Budget of the Republic of

Azerbaijan, financial means shall be allocated to finance court

activity and improvement of logistical base of courts.

Relevant executive bodies\*, within the limits provided by the state

budget of the Republic of Azerbaijan, shall take necessary

measures to secure financing and logistical support of courts

activities in due time.

**Article 91. International relations of courts**

Shall it not be prescribed otherwise by the legislation of the

Republic of Azerbaijan and international treaties, the courts of the

\* here the authorities of the relevant executive body in finances are carried out by the

Cabinet of Ministers, financial and technical support matters by the Ministry of

Justice of the Republic of Azerbaijan (within the territory of the Naxchivan

Autonomous Republic the Ministry of Justice of the NAR)

Republic of Azerbaijan will cooperate with the foreign courts and

international organizations thought the relevant executive body\*

and the Supreme Court, Economic Court and Court of Appeal will

cooperate directly.

**Section II. Judges**

**Chapter XV. Judges’ status**

**Article 92. Judges and similarity of their status**

Judges are the persons vested with authorities to administer justice

provided by law.

All the judges of the Republic of Azerbaijan, i.e. presidents,

deputy presidents, chamber presidents and judges shall have the

same status, rights and responsibilities while trying, however,

shall differ from each other according t the appointment order,

authorities and terms of office. Except for the judgments passed

by the Plenary Board of the Supreme Court of the Republic of

Azerbaijan, in cases that are considered by the panel of judges, if

there is a violation of the law, each judge of the panel, except the

judge expressing a dissenting opinion or voting against such

decision, is responsible for it.

Judges shall posses service identification documents confirming

their status. Milli Majlis of the Republic of Azerbaijan shall fix the

samples of the service identification documents.

\* here the authorities of the relevant executive body are carried out by the Ministry of

Justice of the Republic of Azerbaijan

**Chapter XVI. Appointment of judges**

**Article 93. Requirements to candidates applying to the judicial**

**post**

Subject to part I Article 126 of the Constitution of the Republic of

Azerbaijan, citizen of the Republic of Azerbaijan at the age of 30

and above, entitled to vote in elections, with high judicial

education and work experience in legal profession for term of at

least 5 years may be a judge.

Person with dual citizenship; obligations to other states; belonging

to clergy; recognized totally or partially incapable to work by

court; unable to exercise judicial authorities due to physical or

mental handicap, as confirmed by the medical conclusions; having

conviction record; dismissed from the judicial post for actions

incompatible with the status of the judge may not be a judge.

**Article 93-1. Judicial-Legal Council**

Judicial-Legal Council is an institution that carries out functions

of self-governing of the judicial power and, which, within its

authorities, carries out organizing of the court system, arranging of

the selection of candidates for the judicial posts, ensuring of its

operation, transferring of judges to another judicial post,

promoting of judges, calling of judges to disciplinary liability,

evaluating of the work of judges, as well as, resolving of other

issues related to courts and judges in the Republic of Azerbaijan.

Organization, legal foundations of the work and authorities of the

Judicial-Legal Council are contained in this ACT and the Judicial-

Legal Council ACT of the Republic of Azerbaijan.

**Article 93-2. Judges Selection Committee**

Judicial-Legal Council establishes the Judges Selection

Committee to carry out selection of candidates for the judicial

posts.

This ACT, Judicial Legal Council ACT and the Charter of the

Judges Selection Committee approved by the Judicial-Legal

Council shall regulate the activity of the Judges Selection

Committee.

**Article 93-3. Selection of the nominees for the judicial post**

The applicants for the post of judge are submitted to a written

exam and to an oral exam. Judges Selection Committee arranges

these exams to select candidates.

The results of these exams are evaluated by the Judges Selection

Committee. The Judges Selection Committee may engage ad hoc

commission in the implementation of this function.

The applicants who have succeeded in these exams are

automatically admitted to perform a long-term training period.

This training period is organized by the training center. The

working places and salaries of the applicants admitted to perform

a long-term training will be kept. The financial providing of the

applicants who are not working is conducting by the Judicial-

Legal Council. The sum of financial providing is defined by the

Judicial-Legal Council and payed from the resources assigned for

the Council from state budget.

At the end of this training, each trainee is evaluated. The results of

this evaluation are based on the considerations made by the

Training Center and summarizing interview with the members of

the Judge Selection Committee. The evaluation is based on the

mark system.

The applicants shall be classified according to their merit, based

on the mark obtained.

The results of this evaluation are submitted to the Judicial-Legal

Council. The Judicial-Legal Council proposes to the relevant

executive body of the Republic of Azerbaijan the appointment of

the candidates according to the number of the judge positions.

The applicants who complete training successfully, but fail to

receive appointment may be appointed to the administrative

positions in the justice bodies or admitted to the service in the

prosecutor’s office and in case if there is a vacancy, be appointed

to the judicial post.

**Article 93-4. Special procedures to appoint to the judicial post**

Outside procedures prescribed by Article 93-3 of this ACT, the

person who meets the requirements provided by paragraph 1

Article 126 of the Constitution of the Republic of Azerbaijan, is

prominent in the legal area, has 20 years experience as a law

practitioner and has high moral qualities on proposal of the

Judicial-Legal Council may appoint to the high judicial posts

according to the procedures provided by the legislation.

**Article 94. Appointment of judges**

Subject to part IX Article 109 of the Constitution of the Republic

of Azerbaijan, the President of the Republic of Azerbaijan

appoints judges of the Republic of Azerbaijan.

Subject to part IX Article 109 and part X Article 95 of the

Constitution of the Republic of Azerbaijan, Milli Majlis of the

Republic of Azerbaijan appoints the judges of the Supreme Court

and appellate courts, upon the advice of the President of the

Republic of Azerbaijan.

As a rule, the posts of high court judge shall be filled by persons

who have at least five years work experience as a judge of first

instance court.

President of the NAR National Assembly participates in selection

of the candidates to the post of judges in the NAR.

Presidents of the courts of the Republic of Azerbaijan, deputy

presidents and chamber presidents shall be elected from among

the judges of the appropriate courts and be appointed for five

years term and, as a rule, may not be appointed to the same

position twice. The presidents of the Supreme Court, appellate

courts, NAR Supreme Court and serious crimes courts shall be

appointed according to the procedure provided for in the

paragraph 32 of Section 109 of the Constitution of the Republic of

Azerbaijan. Presidents of other courts of the Republic of

Azerbaijan, deputy presidents of the courts of the Republic of

Azerbaijan, as well as, chamber presidents shall be appointed,

subject to the proposal of the Judicial-Legal Council, according to

paragraph 32 of Section 109 of the Constitution of the Republic of

Azerbaijan.

**Article 95. The judges oath**

Judges appointed to the posts, prior to commencing with

exercising their powers, shall take an oath under the flag of the

Republic of Azerbaijan at the Session of the Plenary Board of the

Supreme Court. The oath shall be of the following content:

“I swear to administer justice in full compliance with

the Constitution and acts of the Republic of Azerbaijan,

impartially and justly; secure the independence and

dignity of a judge; and behave in the spirit of respect to

the good name of a judge.”

Oath is manifestation of the judicial responsibility before the

State, citizens and Justice.

Judge’s body shall be effective as from the moment of taking an

oath.

Judges shall sign the text of the oath and this document shall be

kept in the files of the judges.

**Chapter XVII. Authorities of judges**

**Article 96. Term of the office of judge**

New judges shall be appointed for the term of five years. During

this term judges shall take training course at least once a year. At

the end of this period their activity shall be evaluated. If the

evaluation does not reveal any professional shortcoming, the

mandate of the judge is extended until the age of retirement of 65,

by proposal of the Judicial-Legal Council. If there is necessity to

benefit from the professionalism of the judge to have reached

his/her age limit, his/her term of office may be extended till 70,

subject to the proposal of the Judicial Legal Council.

If the evaluation reveals professional shortcoming, the mandate of

the judge is not extended.

The evaluation is carried out according to Article 13 of the

Judicial-Legal Council Act of the Republic of Azerbaijan.

If the judge reaches age of retirement while in the process of

considering the case, his mandate shall be valid until he

accomplishes presiding in that case.

**Article 97. Inalterability of judges**

Subject to part I article 127 of the Constitution of the Republic of

Azerbaijan, term of office of judges shall not be altered.

Judges shall not transferred to another position without their

consent.

Subject to the exceptions provided by this Act, the judges shall not

be dismissed from their positions and their authorities shall not be

terminated.

**Article 98. Rights of judges**

In order to administer justice, judges shall vested with the powers

provided by this Act.

Judges have right to independence, right to inalterability, right of

immunity, right to associate in organizations representing their

interests, as well as, right to personal security, right to safety of

their and social security rights secured by the State.

Judges shall also have the following rights:

• to demand implementation of their rulings, issued in the

course of pursuing the statutory objectives, by officials,

natural and legal persons;

• to instruct public institutions, other organizations and

officials to eliminate conditions and circumstances promoting

violation of laws;

• to obtain information from officials and other people in the

course of administration of justice;

• to complaint against his/her calling disciplinary liability;

• to petition regarding resignation from office upon his/her

request.

Judges shall have other rights provided by the procedural

legislation of the Republic of Azerbaijan.

Public institutions, establishments, enterprises and organizations,

legal persons as well as, officials shall be bound to implement

rulings and instructions of judges issued in the course of

administration of justice. Failure to implement rulings and

instructions shall entail liability provided by the legislation.

**Article 99. Duties of judges**

The judges shall perform the following duties:

• comply with the statutory requirements precisely and

implicitly and secure moral and educational impact of

judicial activity, and to be just and impartial in the course of

administration of justice;

• maintain the secrecy of deliberation and of information

revealed at the closed court sessions;

• refrain from any act harming prestige of justice; good name,

honor and dignity of a judge.

Other duties of the judges shall be provided by the legislation of

the Republic of Azerbaijan.

While administering justice, judge shall not express his/her

opinion on decision, until the final decision is passed. Judges shall

not receive persons at the stages of preparation for and hearing of

the case in connection with that case.

**Article 99-1. Code of Ethic Behavior for Judges**

Code of Ethic Behavior for Judges is a collection of the principles

and standards of ethic for the judge’s activity. The Code shall

prescribe ethic and tact requirements and regulate their

professional ethic issues and out of office behavior, as well as,

their attitude to the professional activity.

Judicial-Legal Council approves the Code of Ethic Behavior for

Judges.

**Chapter XIII. Independence of judges**

**Article 100. Independence of judges**

Subject to part I article 127 of the Constitution of the Republic of

Azerbaijan, judges are independent and bound by the Constitution

and acts of the Republic of Azerbaijan.

Independence of judges shall be provided by their depoliticizing

and securing their inalterability and immunity; laying limitations

on the appointment, calling to liability, suspension and

termination of their office; operating of the judiciary

independently; administrating of justice in order provided by the

legislation; preventing of imposing of any limitations on or

interference with court proceedings; ensuring their personal

safety; and supplying them with the financial and social provisions

according to their posts, throughout the entire term of their office.

Court judgments shall be based on independent persuasion of

judges and trial outcome.

**Article 101. Immunity of judges**

Judges shall enjoy immunity subject to Article 128 of the

Constitution of the Republic of Azerbaijan. Except the cases when

the judge has been caught committing the crime, judge shall not be

subject to detention or arrest, personal search or examination and

shall be criminally prosecuted subject to the permission of the

Judicial-Legal Council.

Immunity of judges shall also cover the immunity of their

dwelling premises, public offices, transport means, their

communication means, post-telegraph correspondence, private

property and documents.

The organ of criminal prosecution who has caught the judge

committing a crime shall inform about this the Prosecutor-General

of the Republic of Azerbaijan immediately. Shall the Prosecutor-

General find out that there are sufficient grounds in order to

pursue criminal prosecution; s/he will lodge a motion to this effect

to the Judicial-Legal Council immediately. Judicial-Legal Council

shall consider the motion, with the participation of the Prosecutor

General of the Republic of Azerbaijan or his/her deputy, within

twenty-four hours from the moment of its lodging, and pass a

decision to the effect of either upholding or rejecting it. This

decision shall be submitted to the Prosecutor General of the

Republic of Azerbaijan immediately.

Shall the Judicial-Legal Council issue permission; the judge who

has been caught committing a crime will be criminal prosecuted

according to the criminal-procedure legislation of the Republic of

Azerbaijan. Without such permission, the judge who has been

caught committing a crime shall be released immediately.

In other cases, the motion on the Prosecutor-General of the

Republic of Azerbaijan on criminal prosecution of judges shall be

considered within ten days period from the moment of its lodging.

In case in the Judicial-Legal Council grants its permission, the

criminal prosecution is pursued according to the order prescribed

by the criminal procedure legislation of the Republic of

Azerbaijan.

Judge, in whose regard the criminal prosecution has been

permitted, shall not be admitted to the exercising of his/her

authorities as of that moment. The judge who has his/her

authorities temporarily suspended shall continue to receive wage.

Shall the verdict of acquittal be passed or criminal proceedings be

terminated due to exculpating grounds provided by the criminal

procedural legislation, the suspended authorities of the judge will

be restored.

In other cases of excluding criminal prosecution, including the

cases when guilty verdict or decision prescribing obligatory

measures of medical character are passed in respect of judge takes

effect, the judge shall be dismissed from the office.

Dismissal of the judge from the office shall be conducted in order

provided by parts IV and V of Article 128 of the Constitution of

the Republic of Azerbaijan.

Dismissal of the judge from the office shall be considered as

termination of his/her powers.

Judges shall not be held liable for the damage sustained by the

participant of the process or a person participating in the case due

to the court mistake, at the cost of his private property. This

damage shall be reimbursed by the state in cases and order

provided the law.

**Article 102. Security of judges**

With the purpose to ensure their security, judges may be supplied

with service weapons in order provided by the legislation of the

Republic of Azerbaijan. Throughout the entire term of their office,

judges shall be entitled to keep, carry and use for the prescribed

purpose the service weapon in cases and order provided by

legislation; if necessary, their security shall provided.

**Article 103. Exemption of judges from military enlisting and**

**conscription**

Throughout the entire term of their office, judges shall be

exempted from military enlisting and conscription.

**Article 104. Activity incompatible with judicial activity**

Subject to part II article 126 of the Constitution of the Republic of

Azerbaijan, judges shall not hold other elective office or position;

be engaged in entrepreneurship, commercial or other paid

business, except for scientific, pedagogical and creative work;

pursue political activity and be a member of political parties;

receive payments other than their official wage and remuneration

for scientific, pedagogical and creative work.

**Article 105. Depoliticizing of judges**

Before taking an oath, persons appointed to the judicial posts shall

quit the membership of political party and political organization.

The petitions to this effect shall be attached to their files.

Persons appointed to the judicial posts shall not be allowed to

commence with exercising their powers until they quit the

membership political party and political organization.

**Article 105-1. Unions (Association) of judges**

Judges shall be entitled to establish their associations according to

their common interest and on the basis of principles of voluntary

membership and equality of its members.

The basic goals of the associations are to promote uniting of

judges, strengthening their independence and assisting to the

deepening of the judicial-legal reforms.

**Chapter XIX. Financial provision and social security of judges**

**Article 106. Financial provision of judges**

Judges shall have their wages be determined at the following rate:

• president of the Supreme Court at the rate of 1,300 of the

conditional monetary units;

• presidents of the NAR Supreme Court, Court of Appeal,

Economic Court at the rate of 90 percent of the wage of the

President of the Supreme Court;

• presidents of the Serious Crime Court, Military Serious

Crimes Court and Economic Court on Disputes Arising from

International Treaties at the rate of 80 percent of the wage of

the President of the Supreme Court;

• presidents of other courts, at the rate of 60 percent of the

wage of the Supreme Court President;

• deputy presidents of courts, at the rate 90 percent of the wage

of their respective court’s presidents;

• judges of all the courts, at the rate 80 percent of the wage of

their respective court’s presidents.

For every five years of judicial experience, as well as, for

academic degrees, judges shall receive surplus payment at the rate

of 15 percent of official wage, on the condition that surplus does

not exceed 45 percent\*. The employees of the Prosecutor’s Office

who are appointed to the judicial post shall have surplus added to

their wage for every 5 years of their work experience.

**Article 107. Vacation term and remuneration for judges**

Judges shall get annual vacation leave for the term of forty

calendar days. Judges shall be paid twice amount of their monthly

wage when they get vacation leave.

The judges of the Supreme Court, Court of Appeal, Economic

Court and NAR Supreme Court shall obtain their annual vacation

leave from the their respective presidents; all other judges shall

obtain the vacation leave from the relevant executive body\*.

\* According to the decision of the Constitutional Court of the Republic of Azerbaijan

dated January 23, 2001, the provisions of part second of the article 106 shall be

applied in respect of the judges appointed according to this Act by taking into

account their judicial experience gained prior to passing of this Act

\* here the authorities of the relevant executive body are carried out by the Ministry of

Justice of the Republic of Azerbaijan

**Article 108. Accommodation of judges**

Judges who are in need of dwelling premises at the place of their

appointment or of improving their living conditions shall be

provided with dwelling premises by the relevant executive body\*

within six month after their appointment.

**Article 109. Social security of judges**

Life and health of judges are insured at the cost of the State

Budget at the rate of their five year wage. Judges who perish (die),

contract illness, get wounded or contused, and sustain injury that

does not allow to proceed with implementation of duties, in the

line of duty, shall receive one-time payment in order and amount

provided by the legislation.

Judges or their family members shall be reimbursed for the

property of the judges destroyed or damaged in the course of their

judicial activity.

Damage described in this Article shall be reimbursed from the

State Budget of the Republic of Azerbaijan in order provided by

the legislation and consequently be retrieved from the responsible

person.

Judges shall be provided with public medical service. Judges shall

be furnished with financial means at the rate of two months wage

in order provided by the relevant executive body\*.

Judges who reache pension age shall receive pension at the rate of

eighty percent of the average wages received at the judicial posts

\* here the authorities of the relevant executive body are carried out by local (district)

executive bodies

\* here the authorities of the relevant executive body are carried out by the Cabinet of Ministers

occupied within last five years. The pension shall be altered

according to the following changes in the salaries\*.

Judges who had worked and reached the age of retirement before

appointments were made according to this act shall have the

provisions of paragraph 5 of this Article applied to them.

**Chapter XX. Encouragement, termination of office and**

**disciplinary liability of judges**

**Article 110. Encouragement of judges**

Judicial-Legal Council shall be entitled to take the following

encouragement measures in respect of judges for their exemplary

implementation of the judicial duties, long record of impeccable

judicial experience, as well as, attaining of other achievements :

• spelling of gratitude;

• awarding.

**Article 111. Elements on which the initiative of the opening of**

**a disciplinary procedure can be based**

Initiative of the opening of a disciplinary procedure in respect of

judges shall be evoked if one or several of the following elements

exist:

• complaint of the natural and legal persons;

• information published in mass media;

• statutory violations revealed in the course of consideration of

the cases in the appellate and cassation instances and special

decisions of higher instance courts on the particular judges;

• statutory violations reflected in the decisions of the European

Court of Human Rights and the Constitutional Court of the

Republic of Azerbaijan;

• statutory violations revealed during the summarizing of the

judicial experience;

• other information received by the person entitled to apply for

the institution of disciplinary proceedings.

**Article 111-1. Grounds for disciplinary liability of judges**

Judges shall be called to disciplinary liability only on the

following grounds:

• either a gross infringement or multiple infringements of the

requirements of legislation in the course of consideration of

cases;

• breach of the judge ethics;

• gross violation of legislative provisions on the labor or

performance discipline;

• failure to comply with the requirement of financial nature

contained in Article 5.1 of the Fight against Corruption Act

of the Republic of Azerbaijan;

• commission of acts provided by Article 9 of the Fight against

Corruption Act of the Republic of Azerbaijan;

• commission of actions unworthy of the good name of the

judge.

**Article 112. Procedures for calling judges to disciplinary**

**liability**

Only Judicial-Legal Council shall be entitled to institute

disciplinary proceedings against judge. Presidents of the Supreme

Court, Court of Appeal, Economic Court, NAR Supreme Court

and the relevant executive body shall be bound, within their

competence, to apply to the Judicial-Legal Council with motion to

institute disciplinary proceedings, if there are elements on which

the initiative of opening of a disciplinary procedure can be based

or grounds for calling to disciplinary liability.

Natural and legal persons, in case if they possess information on

the elements provided by paragraph 6 Article 111-1 of this Act on

which the initiative of opening of a disciplinary procedure can be

based, may apply to the Judicial-Legal Council.

President of the Supreme Court of the Republic of Azerbaijan

shall be entitled to apply to the Judicial-Legal Council with

motion to institute disciplinary proceedings regarding all judges of

the first, appellate and cassation instances courts.

President of the Court of Appeal of the Republic of Azerbaijan

shall be entitled to apply to the Judicial-Legal Council with

motion to institute disciplinary proceedings regarding all judges of

this court; judges of first instance, except the judges of NAR

district (city) courts, local economic courts, and the Economic

Court on Disputes Arising from International Treaties; and judges

of the NAR Supreme Court First Instance Collegial Board on

Serious Crimes.

President of the Economic Court of the Republic of Azerbaijan

shall be entitled to apply to the Judicial-Legal Council with

motion to institute disciplinary proceedings regarding all judges of

this court, Economic Court on Disputes Arising from International

Treaties and judges of local economic courts.

President of the NAR Supreme Court shall be entitled to apply to

the Judicial-Legal Council with motion to institute disciplinary

proceedings regarding and judges of this court and judges of NAR

district (city) courts.

Relevant executive body of the Republic of Azerbaijan shall be

entitled to apply to the Judicial-Legal Council with motion to

institute disciplinary proceedings regarding judges of the first and

appellate instances.

Disciplinary proceedings against a judge may be instituted within

one year after exposure and within three years after commission of

the violation.

Only the Judicial-Legal Council with its decision may call judges

to disciplinary liability.

Judicial-Legal Council passes one of the following decisions on

the disciplinary procedure:

• reprimanding of the judge;

• reproofing of the judge;

• proposing the relevant executive body of the Republic of

Azerbaijan to demote the judge;

• proposing the relevant executive body of the Republic of

Azerbaijan to transfer to different judicial post;

• proposing the relevant executive body\* of the Republic of

Azerbaijan to terminate authorities of the judge;

• terminating of the disciplinary proceedings.

Depending on the grounds for disciplinary liability provided in the

article 111-1 of this Law, one of the following punishments to the

judges may be prescribed:

• either a gross infringement or multiple infringements of the

requirements of legislation in the course of consideration of

cases - reproofing of the judge or proposing the relevant

executive body of the Republic of Azerbaijan to transfer to

different judicial post;

• breach of the judge ethics - reproofing of the judge or

reprimanding of the judge or proposing the relevant executive

body of the Republic of Azerbaijan to transfer to different

judicial post;

• gross violation of legislative provisions on the labor or

performance discipline - reproofing of the judge or

reprimanding of the judge or proposing the relevant executive

body of the Republic of Azerbaijan to transfer to different

judicial post;

• failure to comply with the requirement of financial nature

contained in Article 5.1 of the Fight against Corruption Act

of the Republic of Azerbaijan - reproofing of the judge or

reprimanding of the judge;

• commission of acts provided by Article 9 of the Fight against

Corruption Act of the Republic of Azerbaijan - reprimanding

\* here the authorities of the relevant executive body are carried out by the President of

the Republic of Azerbaijan

of the judge or proposing the relevant executive body of the

Republic of Azerbaijan to demote the judge or proposing the

relevant executive body of the Republic of Azerbaijan to

transfer to different judicial post;

• commission of actions unworthy of the good name of the

judge - reproofing of the judge or reprimanding of the judge

or proposing the relevant executive body of the Republic of

Azerbaijan to demote the judge.

The decision on disciplinary liability of judge, if no appealed has

been submitted, shall take effect twenty days after enactment.

During this term, appeals against decisions of the Judicial-Legal

Council on calling a judge to disciplinary liability shall be made to

the Plenary Board of the Supreme Court.

Plenary Board of the Supreme Court shall consider the appeal

against decisions of the Council within one month, issue a

decision to the effect of either letting it stand, or abrogating or

amending it, and presents its decision to the Council. Decision of

the Plenary Board of the Supreme Court shall be final in its effect.

During consideration of the appeals to decisions on disciplinary

liability of judge, members of the Judicial-Legal Council

participated in voting are not participate in the voting concerning

these decisions at the Plenary Board of the Supreme Court.

Shall the judge not be called to disciplinary liability for the second

time in the same year, s/he will be considered not to have been

called to the disciplinary liability after expiry of that year.

This Act and Judicial-Legal Council Act of the Republic of

Azerbaijan shall regulate the procedure of calling judges to

disciplinary liability.

**Article 113. Grounds for terminating of judicial authorities**

Judges’ authorities are ceased on the expiry of their office term.

Judges’ authorities may be terminated pre-term on the following

grounds:

1. written application of resignation;

2. dismissal from the office of a judge;

3. upon court ruling declaring him physically handicapped

and/or otherwise afflicted;

4. in case of death;

5. upon court ruling declaring him dead or missing;

6. upon revealing failure to meet requirements defined hereof to

candidates to a judicial posit;

7. dealing with activity not compatible with his position;

8. on quitting a citizenship of the Republic of Azerbaijan, and

adopting a citizenship of another country or taking

obligations to a different country;

9. if the special medical commission set up by the Judicial-

Legal Council has issued an opinion proving his/her inability

to fulfill his duties due to sickness for more than six months

period;

10. if the disciplinary liability has been exerted on a judge

twice in a calendar year on the grounds mentioned in Article

111-1.

11. in case if s/he has committed multiple gross violation of

the legislation in the course of consideration of the case.

**Article 114. Pre-term termination of office of judge**

If there are reasons specified in paragraph 6-11 Section 113 of this

Act, the President of the Supreme Court or relevant executive

body, in order to secure early termination of the authorities of

judges, shall submit motion to the Judicial-Legal Council to

institute disciplinary proceedings.

If the Judicial-Legal Council passes decision on early termination

of authorities of a judge, it shall propose the relevant executive

body\* of the Republic of Azerbaijan to this effect.

In the presence of grounds provided in articles 113 hereof, preterm

termination is decided in accordance with item 32 article 109

of the Constitution of the Republic of Azerbaijan.

**Chapter XXI. Jury**

**Article 115. Qualifications of Jurymen**

Jurymen are citizens of the Republic of Azerbaijan who are

engaged in the consideration of the case in court and included in

the jury lists in cases and order provided by the legislation of the

Republic of Azerbaijan

The following persons shall not be included in the jury list:

• not entitled to vote in elections;

• have not reached the age of 25 at the time of drafting of the

jury list;

• have a dual citizenship;

• have obligations to other countries;

• have been convicted before and accused in committing a

crime;

\* here the authorities of the relevant executive body are carried out by the President of

the Republic of Azerbaijan

• have been declared by court to be fully or partially incapable

to work.

No restrictions shall be imposed while including in the jury list in

respect of citizens due to their race, nationality, religion, language,

sex, origin, proprietary status, public rank, conscience and other

circumstances.

The following people shall be excluded from the jury list of:

• do not speak the language of court proceedings;

• are dumb, deaf, blind and invalids;

• are not able to perform duties of jurymen due to physical or

mental handicap proved by medical certificate;

• have attained the age 70;

• heads of executive and legislative bodies; their deputies;

judges; prosecutors; heads and agents of the internal affairs,

border guard and national security services; investigators;

defense lawyers and notaries;

• military servicemen;

• clergymen.

**Article 116. Foundations for dismissal of jurymen**

The presiding judge shall dismiss the jurymen in the following

cases:

• if the jurymen do not meet the requirements provided

legislation;

• if any doubts appear as to exerting of unlawful influence on

jurymen, their being prejudiced, their learning of the merits

of the case from sources not provided by procedural

legislation, as well as, other reasons;

• if juryman submits petition of resignation due to the valid

cause.

**Article 117. Jury list drafting**

Once in two and a half years, management of the relevant

executive body\* shall draft main and substitute jury list out of

citizens residing in the appropriate territory in order to provide

activity of jury court in that district (city).

The number of citizens included into the substitute jury list shall

not exceed one quarter of the number of jurymen included into the

main list.

The presidents of the relevant courts shall determine necessary

number of jurymen and submit motion to the relevant executive

body.

The relevant executive body shall identify the terms and order of

drafting the main and substitute jury list.

**Article 118. Main and substitute jury list**

According to the motion of the relevant president of court, the

relevant executive body shall draft develop general list on the

basis of voters of the region (city) by means of accidental choice

of the determined number of citizens. Then according to the

requirements stipulated by the Law hereby, names of absentees in

the court shall be excluded from the list.

\* here the authorities of the relevant executive body are carried out by local (district)

executive bodies

The relevant executive body\* shall advise the citizens on the

development of general list of jurymen and then within a month

after that shall familiarize persons interested with the lists and

shall study all incoming applications.

Along with the development of general list the relevant executive

body shall develop a spare list where only permanent residents of

the region ( city) are included.

General and spare jurymen lists signed and sealed by the head of

the executive body shall be submitted to the corresponding court.

General and spare lists shall be issued in mass media for citizens’

attention.

State agencies, enterprises, institutions and organizations and also

citizens pertain the right to address the corresponding executive

body with notification on illegal inclusion into the list or exclusion

from the list exact persons and other violations or mistakes in the

lists.

Corresponding executive body shall examine applications received

and shall make decisions within seven days. These decisions may

be appealed in district (city) courts within five days. The court

shall examine the complaint and shall make a decision within

three days.

Corresponding executive body shall be obliged to check on

regularly basis and if necessary to make changes in the lists, by

\* here the authorities of the relevant executive body are carried out by local (district)

executive bodies

excluding persons who lost their right and by including

additionally elected jurymen.

All changes and supplements made in the lists shall be submitted

to the corresponding court within seven days.

**Article 119. Submitting of information necessary for jurymen**

**lists development**

Citizens, officials of state agencies, enterprises, institutions and

organizations shall be obliged to pass information necessary for

the lists development to the relevant executive body as requested.

Unpassing or false information passing provoke responsibilities.

**Article 120. The order and terms of responsibilities executed**

**by jurymen**

The call of necessary number of jurymen to the court for

participation in action consideration shall be carried out by the

court staff in accordance with the order of the President of the

court considering the action.

If jurymen do not meet the requirements stipulated by the

Legislation, the President of the court shall advise the

corresponding executive body\* about their exclusion from the

jurymen list.

\* here the authorities of the relevant executive body are carried out by local (district)

executive bodies

Citizens can perform responsibilities of jurymen once a year

within 15 days. If the consideration of action with the involvement

of the juryman is not accomplished within the period of expiry

terms, then the terms shall be prolonged to the whole period of

action consideration.

**Article 121. Jurymen working place and salary preservation**

Working place, salary and other payments shall be preserved for

the period of their liability performance.

In regard with the liabilities performance, jurymen from

employees of enterprises, institutions being under the budget shall

get their salary in their working place, the salary of jurymen from

employees of commercial, private or other enterprises shall be

paid in order stipulated by the Legislation of the Republic of

Azerbaijan.

Dismissal of the juryman while carrying out responsibilities on the

initiative of the administration of the enterprise, institutions or

other organizations shall not be allowed.

**Article 122. Jurymen independence and inviolability insurance**

Jurymen independence shall be insured by the independent

activity of legal power and the procedure of justice execution, by

the liberty of responsibilities performance while considering

action in the court, by prohibition for limitations determination

and for interference with the legal proceedings and by juryman

inviolability stipulated by the Law.

If there is any warning from jurymen, they shall be secured and

property saved.

Jurymen are not carrying responsibilities for damages to the

property of the action participants or the person involved in the

action consideration caused my mistakes in the court process. The

damage shall be reimbursed by the state in order and terms

stipulated by the Law.

**Article 123. Account for standing in the way of jurymen**

**performing their liabilities**

Supervisors of the enterprises, institutions and organizations and

other officials and citizens standing in the way of juryman shall be

called to account, stipulated by the Legislation.

**MISCELLANEOUS PROVISIONS**

1.The Law hereby shall come into force from the day if its issue.

2.From the day of the Law coming into force, all acting legislative

regulations of the Republic of Azerbaijan within juridical structure

and judges status with the exception of regulations on financial

and social insurance of judges, elected before its adoption, shall

loose their force.

3.District (city) courts and tribunals of military garrison of the

Azerbaijan republic from the day of the Law hereby coming into

force shall be called district (city) courts and military courts

correspondingly.

4.Before organization of courts stipulated by the Law hereafter

and adoption of new Laws, acting courts of the Republic of

Azerbaijan accomplish body determined by the acting legislation.

5.The terms of judges body elected before the adoption of the Law

shall be considered to be expired from the day of new judges are

appointed and during the action consideration till the end of the

process.

6.Regulations of the Law related to jurymen shall come into force

after accomplishment of reforms and adoption of the

corresponding Law.

7.Section 96 of this Act shall not be applied to the judges selected

to their posts prior to the 1st January 2005 and they shall continue

to exercise their authorities. Upon expiration of the term of their

office, they shall be entitled to re-appointed to the judicial posts

subject to the results of evaluation of their activity. If the

evaluation reveals the adequacy of their activity, they are entitled

to appointment to the judicial posts for the following terms:

• 10 years, if he has judicial experience up to 15 years;

• until s/he reaches age limit of 65, if he has 15 years or more

experience.

The mandate of judges whose term o office was extended for 10

years, when expired, may be extended on the basis of the result of

evaluation according to the order provided by this ACT.

If there arise necessity to benefit of the professionalism of the

judge to have reached his/her age limit, his/her age term of office

may be extended until he reaches 70.

8.Transfer of the judge, who has been appointed for particular

term, to another judicial post shall not extend term of his

authorities. Transfer of judges other posts shall be carried out

within the term of authorities that they have been elected for.

**MISCELLANEOUS PROVISIONS**

1. Authorities of the judges of the courts of the Republic of

Azerbaijan who were appointed before January 1, 2005 will be

terminated as of the day of appointment of the new judges to these

positions and in case of the pending trial, upon its completion.

2. Disciplinary Collegial Board of the Supreme Court of the

Republic of Azerbaijan shall proceed with conducting disciplinary

proceedings instituted before this Act entered into force. Appeals

against these decisions of the Disciplinary Collegial Board of the

Supreme Court, as well as other decisions passed by the

Disciplinary Collegial Board before the present Act came into

force shall be filed with the Disciplinary Commission of the

Plenary Board of the Supreme Court of the Republic of

Azerbaijan.

**Heydar Aliyev**

**President of the Republic of Azerbaijan**

**Baku city, June 10, 1997**

COURTS AND JUDGES ACT and Judicial Reforms

Implementation Decree

of the President of the Republic of Azerbaijan

dated December 1, 1998

Ref.30

(with amendments introduced by the Decrees

of the October 11, 2001 and August 24, 2002)

In connection with entering into force of the Courts and Judges

(Amendments) Act of the Republic of Azerbaijan, in order to

secure the implementation of this act and establishing of the

independent judicial system administering justice, I hereby decree:

1. Judicial-Legal Council shall be established under the

President of the Republic of Azerbaijan and its Charter

(attached) shall be approved.

2. Minister of Justice of the Republic of Azerbaijan shall be

commissioned with proposing to the President of the

Republic of Azerbaijan the composition of the Judicial-Legal

Council within ten days.

3. Judicial-Legal Council shall be commissioned with the

following:

• proposing to the President of the Republic of Azerbaijan

on the organization of the courts and appointment of the

candidates to the judicial posts;

• proposing to the President of the Republic of Azerbaijan

on the establishment and operation of the legal training

centre dealing with the professional training issues.

4. Supreme Court of the Republic of Azerbaijan shall be

proposed to approve Charter of the Disciplinary Collegial

Board.

5. Supreme Court of the Republic of Azerbaijan shall be

proposed to and the Ministry of Justice of the Republic of

Azerbaijan shall be commissioned with elaboration and

submission to the President of the Republic of Azerbaijan of

the bills on the Official Justice Logo, design of special

garments and identity card of judges.

6. Cabinet of the Ministers shall be commissioned with the

following:

• proposing to the President of the Republic of Azerbaijan

on measures of harmonization of the relevant effective

legislation with Courts and Judges Act and introduction of

amendments and addendums to the legislation within three

months;

• supplying the courts of the Republic of Azerbaijan

administering justice with the premises that correspond to

the high status of the Judicial Power and meet

requirements of legislation, in cooperation with the

Ministry of Economic Development;

• providing courts with special equipment, transport and

other means in order to render necessary conditions for the

operation of courts;

• taking measures on fixing the and staff chart and financial

plan of the courts, wages of the judges and other issues and

carrying out of the measures resolving other issues arising

from implementation of this Act within its competence;

• allocating relevant financial means to finance logistical

support of the courts in each draft Annual State Budget.

7. Ministry of Justice of the Republic of Azerbaijan shall

exercise the authorities of the “relevant executive body”

provided by articles 24, 30, 35, 41, 46, 51, 57, 64, 66, 73, 74,

80, 86, 87, 88, 91, 112 and 114 of Courts and Judges Act of

the Republic of Azerbaijan; Cabinet of Ministers of the

Republic of Azerbaijan shall exercise the authorities of the

“relevant executive body” provided by Article 90 in respect

of financial issues and Ministry of Justice of the Republic of

Azerbaijan shall exercise the authorities of the “relevant

executive body” provided by Article 90 in respect of logistic

issues; district/city executive authorities shall exercise

authorities of “relevant executive body” provided by articles

108, 117, 118, 119 and 120.

Ministry of Justice of the Nakhchivan Autonomous

Republic shall exercise the authorities of the “relevant

executive body” provided by paragraph 1 (financial and other

logistical support of courts) and paragraph 2 Article 86,

Article 88, Article 90 (logistical support of courts) of the

Courts and Judges Act of the Republic of Azerbaijan on the

territory of the Nakhchivan Autonomous Republic.

8. Present Decree shall become effective on the date of its

publishing.

CONSTITUTIONAL COURT (AMENDMENT AND ADDENDUM) ACT

and COURTS AND JUDGES (AMENDMENT AND ADDENDUM) ACT

Implementation Decree

of the President of the Republic of Azerbaijan

(extract)

dated May 8, 2001

Ref. 483

In connection with entering into force Constitutional Court

(Amendment and Addendum) Act and Courts and Judges

(Amendment and Addendum) Act of the Republic of Azerbaijan

and in order to secure the implementation of these acts, I hereby

decree:

2. The following shall be established:

Cabinet of Ministers of the Republic of Azerbaijan shall exercise

the authorities of “the relevant executive body” provided by

paragraph 4 Article 109 of the Courts and Judges Act of the

Republic of Azerbaijan.

COURTS AND JUDGES (AMENDMENT AND ADDENDUM) ACT

Implementation Decree of the

President of the Republic of Azerbaijan

dated January 28, 2005

Ref.182

In connection with entering into force of the Courts and Judges

(Amendment and Addendum) Act of the Republic of Azerbaijan

and in order to secure the implementation of this act, I hereby

decree:

1. Cabinet of Ministers of the Republic of Azerbaijan shall be

commissioned with the implementation of the following measures

within one month period:

1.1. proposing the President of the Republic of Azerbaijan

proposals on harmonization of the effective legislation

with Courts and Judges (amendment and addendum) Act;

1.2. harmonizing of the statutory instruments of the Cabinet of

Ministers of the Republic of Azerbaijan and relevant

central executive bodies with this Act and submission of

the report thereof to the President of the Republic of

Azerbaijan;

1.3. resolving of other issues arising from the implementation

of the Courts and Judges (amendment and addendum) Act

within its competence.

2. The Following shall be established:

2.1. President of the of the Republic of Azerbaijan shall

exercise the authorities of the “relevant executive body”

provided by paragraph 6 Article 93-3, Article 93-4,

paragraphs 4-6 part 10 Article 112, part 2 Article 114 of

the Court and Judges Act of the Republic of Azerbaijan;

2.2. Ministry of Justice of the of the Republic of Azerbaijan

shall exercise the body of the “relevant executive body”

provided by paragraph 2 Article 107 of the same Act.