

## **JUDGES SELECTION COMMITTEE CHARTER**

### **1. General provisions**

- 1.1. Judge Selection Committee shall be established according to the Judicial-Legal Council Act and Courts and Judges Act of the Republic of Azerbaijan; collect documents of non-judge candidates to the vacant judicial posts; arrange transparent written and oral examination for admission to the training courses in order to master judge profession; involve the candidates to judicial posts to the initial long-term training course in the Legal Training Center under the Ministry of Justice; and determine their aptitude for judicial profession by means of interview.
- 1.2. Judge Selection Committee shall be established by the Juridical-Legal Council.
- 1.3. Judge Selection Committee shall operate according to the principles of legality, collegiality, impartiality and objectivity.
- 1.4. Judge Selection Committee activity shall be financed from the State Budget.
- 1.5. Judge Selection Committee shall possess seal, relevant stamps and forms.

### **2. Formation of the Judge Selection Committee**

- 2.1. According to Article 14 of the Judicial-Legal Council Act of the Republic of Azerbaijan, the Judge Selection Committee shall be composed of mainly judges, members of the staff of the Judicial-Legal Council, Ministry of Justice, Prosecutor's Office, as well as, defense lawyers and a law scholar.
- 2.2. Persons who have dual citizenship, obligation before other states, engaged in entrepreneurial and commercial activity except for scientific, pedagogical and creative activity, clergy figures may not be members of the Judge Selection Committee. Member of the Judicial-Legal Council may not, at the same time, be a member of the Judge Selection Committee.
- 2.3. Maintenance provided by Article 8 of the Judicial-Legal Council Act of the Republic of Azerbaijan shall also apply to the members of Judge Selection Committee.
- 2.4. Supreme Court of the Republic of Azerbaijan, Court of Appeal of the Republic of Azerbaijan, Economic Court of the Republic of Azerbaijan Supreme Court of the Nakhchivan Autonomous Republic (NAR), Ministry of Justice of the Republic of Azerbaijan, General Prosecutor's Office of the Republic of Azerbaijan, Staff of the Judicial-Legal Council and Presiding Board of the Bar Association of the Republic of Azerbaijan shall propose nominees to the Judge Selection Committee according to the quotas of representation.
- 2.5. At least two nominees shall be proposed for each position in the Judge Selection Committee. If proposed nominees are not appointed, the proposing body shall propose other two nominees. Non-judge candidates shall have high legal education and more than five-year legal work experience.
- 2.6. Judicial-Legal Council shall appoint members of the Judge Selection Committee at its session.
- 2.7. Term of office of the Members of the Judge Selection Committee shall be five years.

- 2.8. Members of the Judge Selection Committee shall have equal rights in the resolution of all issues within its competence.
- 2.9. Judicial-Legal Council shall issue service identification cards to the members of the Judge Selection Committee.

### **3. Powers of the Judge Selection Committee**

- 3.0. Judge Selection Committee shall be entitled to:
- 3.0.1. collect documents of the non-judge candidates to vacant judicial posts (hereinafter referred to as "candidates to judicial posts");
  - 3.0.2. arrange compilation and expert's review of the examination questions;
  - 3.0.3. compose ad hoc commission from among its members in order to evaluate examination results;
  - 3.0.4. arrange written and oral examination for admission to the training courses in order to master judge profession;
  - 3.0.5. draw the curriculum of the initial long-term training course;
  - 3.0.6. arrange initial long-term training course for the candidates to judicial posts in conjunction with Judicial-Legal Council;
  - 3.0.7. involve the candidates to judicial posts to the initial long-term training course in the Legal Training Center under the Ministry of Justice;
  - 3.0.8. propose to the Judicial-Legal Council to recall the candidates who behaved themselves unsatisfactorily during the training course, missed the studies without good reason and failed to apprehend the curriculum, subject to the motion of the training institution and to renounce their candidacy;
  - 3.0.9. determine their aptitude for judicial profession by means of interview;
  - 3.0.10. draw up opinion (comments) on specialization of candidates selected to judicial posts on the basis of the Training Course and the Final Interview results and propose to the Judicial-legal Council to appoint them to judicial posts;
  - 3.0.11. summarize the results of the selection process of candidates to judicial posts;
  - 3.0.12. improve test examination questions data base on regular;
  - 3.0.13. draw up proposals on improvement of the initial long-term training;
  - 3.0.14. formulate new methodologies of examinations;
  - 3.0.15. draw up proposals on improvement of selection procedure of candidates to judicial posts;
  - 3.0.16. study international practice in the field selection of the candidates to judicial posts and training of selected candidates.

### **4. Rights and duties of the Members of the Judge Selection Committee.**

- 4.1. Member of the Judge Selection Committee shall be entitled to:
- 4.1.1. participate at the sessions of the Committee, express their opinion regarding format of the session, and ask questions;
  - 4.1.2. participate in the resolving of issues within the competence of the Committee;
  - 4.1.3. propose consideration of issues within the competence of the Committee at the sessions;
  - 4.1.4. acquaint oneself with the materials submitted to the session of the Committee;
  - 4.1.5. express opinion concerning the proposed decision;
  - 4.1.6. vote for or against the proposed decision or abstain and issue special opinion in the case of voting against the decision;
  - 4.1.7. acquaint oneself with the decisions, minutes and other documents of the Committee;

- 4.1.8. exercise other rights provided by the legislation of the Republic of Azerbaijan.
- 4.2. Members of the Judge Selection Committee shall:
- 4.2.1. be guided by the Constitution of the Republic of Azerbaijan, Judicial-Legal Council Act, Courts and Judges Act of the Republic of Azerbaijan, other legislation of the Republic of Azerbaijan and the present Charter in their activity;
- 4.2.2. maintain an impartial approach, based on the law and justice, to the issues considered at the Session of the Committee;
- 4.2.3. not miss the session of the Committee without good reason;
- 4.2.4. participate in voting on issues considered at the sessions of the Committee;
- 4.2.5. not commit of actions and make statements, which may damage the reputation of the member of Judge Selection Committee;
- 4.2.6. observe the confidentiality of the issues considered at the sessions of the Committee;
- 4.2.7. not breach the requirements provided by paragraph 2.2. of the present Charter.

## **5. Early termination of office of the members of the Judge Selection Committee**

- 5.1. Judicial-Legal Council shall terminate early office of the member of Judge Selection Committee in the following cases:
- 5.1.1. if s/he applies for termination of his/her membership in the Judge Selection Committee in written;
- 5.1.2. if the court issues a verdict of abrogation of the criminal prosecution against him/her without exculpatory grounds, or criminal conviction which becomes effective or decision on compulsory medical treatment;
- 5.1.3. if the persons is found to be in breach of requirements posed to the member of the Judge Selection Committee;
- 5.1.4. if the judge who represent particular instance in the Judge Selection Committee is transferred to another court instance;
- 5.1.5. if the court determines that s/he is disabled or has restricted disability;
- 5.1.6. if the members dies;
- 5.1.7. if s/he is acknowledged as dead or missing by the court;
- 5.1.8. if s/he is incapable to carry out responsibilities due to illness;
- 5.1.9. if s/he fails to participate at the sessions of the Judge-Selection Committee three consecutive times or six times during a year without good reason;
- 5.1.10. in case if s/he fails to perform responsibilities specified in paragraph 4.2 of the present Charter;
- 5.1.11. if s/he commit actions, which may damage the good name of the member of the Judge Selection Committee.
- 5.2. Authorities of the member of the Judge Selection Committee may be abrogated also when he is dismissed from the membership.
- 5.3. New member of the Judge Selection Committee to replace his/her predecessor, whose office term was terminated before expiration, shall be appointed for the remaining term of the office according to the procedure set forth in paragraph 2.4-2.6 of the present Charter.

## **6. Organization of the activity of the Judge Selection Committee**

- 6.1. Members of the Judge Selection Committee shall elect the President of the Committee from among themselves. Term of office of the President is two years and six months. The same person may be reelected as the Committee President.

- 6.2. President shall organize the activity of Judge Selection Committee, summons sessions of the Committee, presides at the sessions and put in the session agenda the issues within the competence of the Committee.
- 6.3. Judge Selection Committee shall issues within its competence at its sessions. Sessions shall be summoned as so required.
- 6.4. Information on the date, time, venue and agenda of the session shall be communicated to the Committee members three days, or in exceptional cases, one day in advance.
- 6.3. Session of the Judge Selection Committee shall be considered valid if seven members of the Committee are present.
- 6.6. Judge Selection Committee shall pass decisions on considered issues. President of the Judge Selection Committee and Secretary of the Session shall sign the passed decision and minutes.
- 6.7. Decisions of the Judge Selection Committee shall be passed in open voting and by simple majority of the votes of those Committee members present. President of the Judge Selection Committee shall be the last one to vote. If the voting ends up in draw, the decision shall not be passed. Issues which decisions were not passed should be discussed and voted again.
- 6.8. Judicial-Legal Council shall consider appeals against the decision of the Judge Selection Committee according to the procedure provided by the Judicial-Legal Council Act of the Republic of Azerbaijan.
- 6.9. Judge Selection Committee shall organize its work in conjunction with Judicial-Legal Council and the Ministry of Justice.
- 6.10. Staff of the Judicial-Legal Council shall arrange sessions of the Judge Selection Committee, record the minutes of the Committee sessions, execute of the Committee decisions, receive the application documents of the candidates to judicial posts and deal with other organizational issues related to selection of candidates to judicial posts.