

R U L E S
OF SELECTION OF NON-JUDICIAL CANDIDATES TO VACANT JUDICIAL POSTS

1. General provisions

- 1.1. Present Rules were elaborated according to Article 126 of the Constitution of the Republic of Azerbaijan and COURTS AND JUDGES ACT and JUDICIAL-LEGAL COUNCIL ACT of the Republic of Azerbaijan.
- 1.2. Present Rules establish procedure of selection of the non-judicial candidates (hereinafter - candidates) to the vacant judicial posts according to the requirements of paragraph 1 Article 126 of the Constitution of the Republic of Azerbaijan and paragraph 2 Article 93 of the Courts and Judges Act.

2. Selection of candidates to vacant judicial posts

- 2.1. Judge Selection Committee shall select candidates to vacant judicial posts.
- 2.2. Candidates to vacant judicial posts shall be selected in a transparent manner by means of written and oral test examinations, initial long-term training course (basic training for judges) and final interview in order to determine the level of knowledge, professional skills, general world outlook and suitability to judicial posts.
- 2.3. Judge Selection Committee shall assess results of the examinations. Judge Selection Committee shall be entitled to assign ad hoc commission staffed from its members. Ad hoc commission members shall enjoy all the rights and duties of the Judge Selection Committee Member during examination.
- 2.4. Shall the Judge Selection Committee Member have close kinship ties or personal relationship with the candidate or shall there arise circumstances giving grounds to his/her partial attitude, s/he will not participate at examinations and interview with the candidate concerned. In these circumstances, the candidate shall object to any Committee member one day before examination at the latest. Judge Selection Committee shall consider objections at its sessions.
- 2.5. Those candidates who successfully passed written and oral examinations shall move on directly to the long-term training stage. Training stage shall be arranged at the Legal Training Center of the Ministry of Justice.
- 2.6. Every candidate shall be assessed at the end of the training stage. Candidates shall be assessed according to the results of training and final interview by the members of the Judge Selection Committee.
- 2.7. Candidates shall be assessed by means of mark (points) system. Judge Election Committee shall draw up the candidates according to the marks they have gained.
- 2.8. Results of the evaluation and opinions on specialization of the candidates shall be submitted to the Judicial-Legal Council. Judicial-Legal Council shall consider the proposals of the Judge Selection Committee on the candidates selected to the judicial posts, monitors the implementation of the legislation and the Rules in the course of the selection and interview candidates.
- 2.9. Judicial-Legal Council shall classify the candidates into fields of specialization according to the interview results and appropriate opinions of the Judge Selection Committee and proposes to the President of the Republic of Azerbaijan the appointment of the candidates who have gained minimum or higher marks to vacant judicial posts.

3. Written and oral examination

3.1. Judge Selection Committee shall constantly publish in the media and the internet information on commencement dates and deadlines of submission of applications by candidates to the vacant judicial posts, list of documents to be submitted by the candidates, annotation of examination questions (information on the fields covered by the examination questions), list of legislation used in the elaborations of questions, as well as, other relevant information related to the selection of candidates to vacant judicial posts.

3.2. Lawyers willing to participate in the written and oral examination and meeting the requirements provided by part I Article 126 of the Constitution of the Republic of Azerbaijan and paragraph 2 Article 93 of the Courts and Judges Act of the Republic of Azerbaijan shall submit the following documents to the judge Selection Committee:

3.2.1. application to the Judges Selection Committee;

3.2.2. identification card and its copy;

3.2.3. personal history form of the candidates;

3.2.4. curriculum vitae;

3.2.5. certificate of high education (diploma) and its copy;

3.2.6. ratified copy of the record of service (by notary or department of personnel);

3.2.7. medical certificate confirming due physical and mental capacity;

3.2.8. four photographs in 4x6 sizes.

3.3. Upon attestation of the copy with the original, identification card and certificate of high education (diploma) shall be returned.

3.4. Documents received after deadline, with exception of the posted documents, shall not be accepted.

3.5. Staff of the Judicial-Legal Council shall receive application documents.

3.6. Staff of the Judicial-Legal Council reviews completeness and correctness of the documents, as well, as, their conformity to the legislative requirements and keeps the record in the applications receipt journal.

3.7. Documents that are not complete and fail to meet the requirements of the present Rules shall not be accepted and the applicant shall be informed of the revealed shortcomings. Shall discrepancies be revealed subsequently, the documents will be returned with substantiated response. The rectified documents may be re-submitted within the term provided for submission of applications..

3.8. Shall the application documents conform to the Rules, the candidate will be included in the general list and provided with the slip receipt and Memo of the Judicial Candidate. Memo shall cover information on written and oral examinations, training stage and final interview procedural issues, as well as, other necessary information related to the selection of candidates to the vacant judicial posts.

3.9. Personal identification code shall be issued to every registered candidate. This identification code shall be in the numerical form and secures confidentiality of the application documents.

3.10. Examination Pass shall be provided to each candidate two days prior to written examination. Pass shall bear the photograph of the candidate, as well as, indication of the personal identification code, address of the examination venue, time and date of the examination, chamber, row and seat number.

3.11. Only Personal Identification Code shall be used in the examination. Examination Pass shall not have indication of family name, given name other information identifying the applicant. Candidate has breached this rule shall be debarred from the examination.

3.12. Candidates shall be obliged to produce the Examination Pass and identification card at the examination. Shall the candidate fail to produce even one of the specified documents, s/he will be debarred from examination. Shall the person loose or made corrections to his/her Examination Pass, s/he will be debarred from the examination and will not be issued a new one.

3.13. Written examination shall be conducted by the Judge Selection Committee on the date established in beforehand.

3.14. Judge Selection Committee shall appoint Examination Chief and supervisors in order to conduct written examination. There shall be at least two supervisors per chamber.

- 3.15. Shall the candidate breach the written examination rules, i.e. submit forged documents, cheat at the examination, bring means of communication to the examination, send someone else instead of himself, or do actions in breach of the rules of examination, Examination Chief and supervisor will draw up a report and the candidate will be debarred from the examination. If such violation will be after the examinations results of his/her examination shall be annulled by the Judge Election Committee.
- 3.16. Judge Selection Committee shall endorse the list of inadmissible actions and objects, which may not be brought to the written examination and include this information into the Memo of the Judicial Candidate.
- 3.17. With a view to ensure transparency of the examination, the Judge Selection Committee invites international, governmental and non-governmental organizations, as well as, media representatives to observe examinations. Organizations and media invited or applied for observing the examinations shall produce to the Judge Selection Committee the list of its representatives at least 7 days prior to the examination. The proposed representatives shall be accredited to the Committee.
- 3.18. Interference with the course of examination, distraction of candidates and abandonment of the examination venue by the observers shall not be admitted. Shall the observers commit such actions, the candidates may report thereof to the Examination Chief.
- 3.19. Written examination shall be arranged in stages by means of electronic calculating machine (computer) processing on multiple question paper and selecting the composition's themes under procedures provided by paragraphs 3.37 and 3.38 of the Rules.
- 3.20. Questions of the first stage of the written examination shall be prepared by the Judge Selection Committee with due respect to the principle of confidentiality. The Committee shall be entitled to involve specialists from legal and other fields in the process of formulation of questions. The number of questions in the compilation shall exceed the number of questions produced at the examination at least ten folds.
- 3.21. Examination paper of the written examination conducted by the means of electronic calculating machine (computer) shall be composed of one hundred questions. Examination shall last four hours.
- 3.22. Formulation of questions for the first stage of the written examination shall be completed at least three days prior to the examination. Judge Selection Committee shall review and approve the compilation of questions in private session and store it in the sealed envelop in the appropriate storage.
- 3.23. Judge Selection Committee shall prepare the confidential list of correct answers to the questions for the first stage of the written examination. Members of the Judge Selection Committee shall sign the list and store it in the separate sealed envelop in the special storage of the Committee.
- 3.24. Candidate shall be present in front of the examination building (the address shall be indicated on the Examination Pass), produce the Examination Pass and Identification Card to the Security Operative at the entrance and enter the building and take his/her place indicated in the Examination Pass. Only one candidate shall be seated at each desk.
- 3.25. Written examination shall be conducted in one chamber. If not possible, the examination process shall be broadcast (live) to other chambers in the random view profile in order to ensure transparency.
- 3.26. Questions for the first stage of the written examination shall be selected from the compilation of questions overtly just before the commencement of examination. To this end, envelop containing the compilation of questions shall be unsealed in the presence of observers and loaded into the electronic calculating machine (computer). Electronic calculating machine shall select one hundred questions from the general data base according to the programmed software. The selected questions shall be multiplied on the spot. If not possible, the original sample shall be multiplied by the appropriate printing facility in the short period of time in front of the candidates according to their number. Multiplied copies shall be supplied to the Examination Chief for further circulation among the examinees. Shall the selection and multiplication of questions be performed in one of the chambers, these procedures will be broadcast (live) to the other examination chambers.
- 3.27. When are selected distribution of to the candidates, Examination Chief, along with a supervisor and observer, shall unseal envelop with answer sheets, distribute the answer sheets and explain the rules of filling in. Then the questions are distributed.
- 3.28. The beginning time of examination shall be counted as of the moment distribution of questions.
- 3.29. Circled letter marking the correct answer on the answer sheet shall be filled in by with ball-point black or dark blue pen. The spoilt answer sheet shall not be replaced. In case if several answer circles under one question are filled in, that answer shall not be valid and contribute to the final result. The wrong

answers to the questions shall not affect the correct answers. The person filling in the answer sheet shall sign it.

3.30. Candidate shall submit his/her answer sheet to the examination supervisor at the end of the examination and leave the chamber.

3.31. Fulfillment of examination shall be attested by the protocol at the end of the examination. Supervisors and two candidates shall sign the protocol. The protocol and answer sheets shall be placed in envelop and sealed and submitted to the Examination Head. Examination Chief shall submit the sealed envelop to the President of the Judge Selection Committee.

3.32. Judge Selection Committee shall check the answer sheets.

3.33. Checking of the multiple answer choice based answer sheets of written examination and calculation of points shall be conducted by means of electronic calculating machines (computers) operating in an autonomous mode though involvement of relevant specialists. To this end, sealed answer sheets and the list of correct answers to the examination questions shall be provided to the specialists.

3.34. Each correct answer shall be appraised by 1 point (100 possible points in total). Wrong and blank answers shall be appraised by 0 point.

3.35. Upon completion of the answer sheets checking, the results of the examination along with the answer sheets shall be submitted to the Judge Selection Committee.

3.36. Candidates to have collected sixty or more points at the First Stage of the Written Examination shall be admitted to the Second Stage of the Written Examination. The list of the candidates admitted to the Second Stage of the Written Examination shall be published in media and internet.

3.37. Judicial-Legal Council shall summon in Session to fix the number of composition's themes to be submitted by the Judge Selection Committee and thereby launch the Second Stage of the Written Examination. There shall be even number of composition's themes covering criminal, criminal procedural, civil and civil procedural legislation in equal shares. After the Session of the Judicial-Legal Council, one of the Council members shall immediately announce the decision at the Session of the Judge-Selection Committee to take place in the vicinity of the Examination Chamber. (Session of the Committee shall take place in the vicinity of the Chamber where the composition's themes be selected, in case if there are more than one examination chamber) Afterwards in the same session, the Committee Members shall prepare, within two hours, the composition's themes in number fixed by the Judicial-Legal Council. These composition's themes shall be approved by the Committee Decision passed unanimously.

3.38. Members of the Judge Selection Committee shall take the approved composition's themes to the Examination Chamber and shall not contact with outsiders. At this point, the composition's themes shall be differentiated into criminal law and civil law fields. One of the candidates shall pick one random composition's theme from each field. The selected composition's themes shall be announced and the candidates are given four hours to working. Shall the Examination be conducted in several chambers, the process of selection and announcement of composition's themes shall be broadcast (live) to the other examination chambers. During working on composition's theme, the candidate shall demonstrate the ability to relate the content of the appropriate legislation as complete as possible and to explain it, as well as, to express the concept of the legislation in question. Explanations about way of working on composition's themes and issues which will be taken into account during evaluation of compositions are reflected in the Memo of the Judicial Candidate. Written examination works shall undergo "double check" by the members of the Judge Selection Committee and invited specialists. Final result shall be arrived at by having the aggregate results of both stages of the examinations.

3.39. Each composition's theme at the Second Stage of the Written Examination shall be appraised by one hundred points. Each candidate gaining sixty or more points for each composition's theme shall be considered to have passed this stage of the Written Examination.

3.40. Written Examination results shall be published in media and posted in the Internet.

3.41. Each candidate shall be entitled to be issued feed-back report on his/her demand.

3.42. Judicial-Legal Council shall arrange storing of the answer sheets, compositions and other related documentation for the term of five years from the date of examination.

3.43. Discontent candidate shall be entitled to appeal to the Judge Selection Committee for elucidation of the conflict issue within five days after announcement of the result. The issue shall be review in the presence of appealer. This provision shall operate without prejudice to the candidate's general right to appeal.

- 3.44.If the answer sheet was evaluated correctly, the substantiated response should be made to the appellant. If the points were miscalculated, re-calculation shall be conducted.
- 3.45.Judicial-Legal Council shall review the appeals against the decisions of the Judge Selection Committee. Judicial-Legal Council shall review the appeals in order provided by the Judicial-Legal Council Act.
- 3.46.Staff of the Judicial-Legal Council Establishment shall inform the candidates about the Oral Examination five days in advance. Candidates shall be informed about the venue, date and time of the examination.
- 3.47.Questions in the legal area, as well as, those revealing candidates' abilities of logical reasoning, their general outlook and level of knowledge shall be posed to the candidates in the course of the Oral Examination.
- 3.48.Oral Examination shall be conducted through overt individual conversation with the candidate, which shall last up to thirty minutes, as a rule. Each candidate shall be asked five questions during the Oral Examination.
- 3.49.Members of the Judge Selection Committee shall be entitled to discuss answers of the candidate.
- 3.50.Committee Members shall record the questions posed to candidate and his/her answers in the points chart, appraise and report to the President of the Judge Selection Committee.
- 3.51.Answers of the candidates shall be appraised by maximum twenty points for each question, allowing each candidate to gain maximum one hundred points. Each candidate gaining sixty or more points shall be considered to have passed the Oral Examination.
- 3.52. The person coming to observe oral examination shall take with him/her identification card. Candidate that has already taken examination shall be entitled to participate as an observer of the Oral Examination. Any interference with the examination shall be inadmissible.

4. Training stage and final interview

- 4.1.Those candidates who successfully passed written and oral examinations shall move on to the initial long-term training course at the Legal Training Centre under the Ministry of Justice. Judge Selection Committee shall fix the term of the training course.
- 4.2.List of those candidates who successfully passed examinations and moved on to the initial long-term training course shall be published in media and posted in the Internet.
- 4.3 Judge Selection Committee and the Legal Training Centre under the Ministry of Justice shall draw the curriculum of the training course. Judicial-Legal Council shall endorse the curriculum and the Judge Selection Committee shall approve it.
- 4.4.Legal Training Centre shall report to the Judge Selection Committee the results of the training stage (degree of success, participation, conduct).
- 4.5.At the end of the training, each candidate shall take written and oral examinations. These examinations shall reveal the abilities of candidates to analyze legislation, issue written comments on the certain legislative provisions or draft court decision on legal case.
- 4.6.Judge Selection Committee, in conjunction with the Training institution, shall conduct examinations at the end of the training. Committee shall be entitled to involve legal specialists to this activity. Final interview with the candidates who passed examinations on final education shall be held by the Judge Election Committee. It shall be held in order to determine the candidates to be master the features which are necessary in judge activity.
- 4.7.Each examination at the end of the training shall be appraised by maximum one hundred points. Each candidate gaining sixty or more points at each examination shall be considered to have passed successfully the Training Stage.
- 4.8.Judge Selection Committee shall conduct the Final Interview with those candidates who successfully passed examinations at the end of the training. Final Interview shall be conducted in order to reveal acquirement of judge qualities.
- 4.9.Final interview shall be conducted individually and last up to one hour. Ten questions shall be asked to each candidate. Each member of the Judge Selection Committee shall be entitled to ask only one question.
- 4.10.Members of the Judge Selection Committee shall be entitled to discuss answers of the candidate.

- 4.11. Committee Members shall record and appraise the questions posed to candidate and his/her answers in the points chart. Final results of the Final Interview shall be reported to the President of the Judge Selection Committee.
- 4.12. Answers of the candidates shall be appraised by maximum ten points for each question, allowing each candidate to gain maximum one hundred points. Each candidate gaining sixty or more points for each question shall be considered to have passed the Final Interview.
- 4.13. Judge Selection Committee shall evaluate candidates who successfully passed the Final Interview.
- 4.14. Aggregate points of the examinations at the end of the training and the Final Interview shall constitute the evaluation mark of candidate.
- 4.15. Judge Selection Committee shall be placed in the list according to the evaluation mark.

5. Classification of candidates and submission of proposals on their appointment to judicial posts

- 5.1. Judge Selection Committee shall draw up opinion (comments) on the aptitude of candidates to judicial posts at the relevant courts (of general and specialized jurisdiction) based on the results of the Training Stage and Final Interview.
- 5.2. Judge Selection Committee shall submit proposals to the Judicial-Legal Council about the candidates selected to the judicial posts.
- 5.3. Proposal about a candidate shall include the following information:
- 5.3.1. name, patronymic and surname;
 - 5.3.2. curriculum vitae and reference;
 - 5.3.3. results of the initial training and the Final Interview;
 - 5.3.4. information on the aptitude to the judicial post, including opinion (comments) on specialization.
- 5.4. Judicial-Legal Council shall consider the proposals of the Judge Selection Committee about the candidates selected to the judicial posts. Judicial-Legal Council shall review the selection of the candidates as to its compliance with the requirements of the legislation and the present Rules as well as have conversation with candidates.
- 5.5. Judicial-Legal Council shall refer the candidates to specialization fields according to the results of the Conversation and opinion (comments) of the Judge Selection Committee. Judicial-Legal Council shall propose President of the Republic of Azerbaijan their appointment to vacant judicial posts.
- 5.6. Motion for appointment to vacant judicial posts shall include the following information about the candidate:
- 5.6.1. name, surname, patronymic name;
 - 5.6.2. curriculum vitae and reference;
 - 5.6.3. results of the initial training and the Final Interview;
 - 5.6.4. information on the aptitude to the judicial post, including opinion (comments) on specialization.
 - 5.6.5. position proposed for appointment.
- 5.7. Judicial-Legal Council may propose the recruitment of the candidates who graduated from the training course and successfully passed the Final Interview but were not proposed due to the lack of vacancy, to the administrative posts in the justice bodies and prosecutor's office employee in the respective institutions. Appointment of these candidates to the emerging judicial vacancies shall be performed according to paragraphs 5.4-5.6 of the present Rules.