

Information to be submitted to the Special Rapporteur on the independence of the judges and lawyers on the subject of the undue influence of economic actors on judicial systems

Judicial and legal reforms have been implementing in the Republic of Azerbaijan since 1990s, including the reorganization of the judiciary, bringing law and practice in line with international standards and strengthening the social protection of judges. Current stage of the judicial reforms is aimed at improving access to and increasing the efficiency of justice, strengthening the independence of judges and creating a more user-friendly judicial system to enhance public confidence in the judiciary.

Legislation ensures that the judges enjoy immunity during their terms of office and are protected from interference or restrictions. The legislation also guarantees the personal security of judges and provides financial and social support, while avoiding any control from outside actors.

One of the crucial aspects of guaranteeing the professional independence of judges is ensuring their financial independence. This constitutes an essential tool to protect judges from external pressure and is a matter that is continually analyzed. As from 2014, there has been a significant increase in judges' salaries, nearly tripling in amount. Presently, a monthly salary of the judge at the initial stage of his/her career in the first-instance court is 4.6 times higher than the average monthly wage.

The Judicial-Legal Council of Azerbaijan, established in February 2005, is a self-governing body of the judiciary. Comprised mainly of judges elected by the conference of judges (10 out of 15 members), the Council operates independently of legislative, executive, and judicial authorities, as well as local executive authorities, legal entities, and individuals in organizational, financial, and any other respects. The Council is responsible for organizing training, evaluating performance, transferring judges to another judicial post, promoting judges, and imposing disciplinary measures. The disciplinary process emphasizes the independence of the judiciary, with decisions on disciplinary actions made solely by judge members of the Council.

Azerbaijan has established a highly transparent system for selecting judges, in close cooperation with the Council of Europe. The Judges' Selection Committee, an independent body primarily consisting of judges, was established by the Judicial-Legal Council specifically for this purpose. The comprehensive selection process includes tests, written and oral exams, extensive training, and court internships.

All candidates are provided with equal opportunities and undergo exams in a unified setting, in line with the guidelines for selecting judges. These exams are administered in partnership with the State Examination Center of the Republic of Azerbaijan and are closely monitored by numerous local and international observers, as well as the media representatives. Such rigorous selection process ensures that only the most qualified individuals are appointed as judges upholding the principles of fairness and impartiality within the Azerbaijani judicial system.

According to Article 93 of the "Courts and Judges" law and Article 126 § 1 of the Constitution, a citizen of the Republic of Azerbaijan who is eligible to vote in elections, possesses a high level of judicial education and has at least 5 years' experience in the legal profession may become a judge. At the same time, individuals with dual citizenship or obligations before other states, belonging to the clergy, deemed fully or partially incapacitated by a court decision, unable to exercise judicial authorities due to physical or mental handicap as confirmed by medical conclusions, having a criminal record, or dismissed from a judicial post for actions incompatible with the status of a judge are not eligible to become a judge.

In order to be selected as a judge, equal opportunities are being provided to all individuals, regardless of their race, ethnicity, religion, language, gender, origin, wealth

status, occupation, beliefs, political party affiliation, trade union membership, or involvement in other public organizations.

According to the Law on "Courts and Judges", justice is administered in compliance with the principle of ensuring the independence of judges without any restrictions, and in a fact-based, impartial, just, and lawful manner. Any direct or indirect attempts to restrict, unduly influence, threaten, or interfere with court proceedings, or to act disrespectfully towards the court, and explicit disobedience by any person for any reason is unacceptable and will result in liability as provided by the legislation of the Republic of Azerbaijan.

In 2007, the Judicial-Legal Council adopted the Code of Ethical Conduct of Judges to establish rules for judges to conduct themselves in a manner that upholds the high standards associated with the title of judge, both in their professional and personal lives.

According to the Code, it is imperative for a judge to uphold his/her honor and dignity in all circumstances. They must avoid any actions that could undermine the authority of the judiciary or cast doubt on their objectivity and independence while dispensing justice. If the adjudicating of the case might affect the judge's personal interests, or those of the family members or relatives, or if there is any question about the judge's impartiality, he/she is obliged to withdraw from the case. The judge's conduct outside of the professional duties should not overshadow the commitment to fairness, objectivity and impartiality. It is essential for the judge to avoid any activities that could compromise their independence or impartiality. By adhering to these principles, the judge can maintain the integrity of the judicial system and uphold the trust of the public.

The Presidential Decree on "Deepening Reforms in the Judicial-Legal System", dated April 3, 2019, gave momentum to the new stage of judicial reforms, aimed at further strengthening the effectiveness and fostering the development of the judiciary.

As part of the comprehensive measures outlined in the Decree, a significant milestone was achieved on July 19, 2019, with the establishment of new regional commercial and administrative courts to expedite the resolution of disputes arising from entrepreneurial activities, ensuring that such cases are adjudicated by judges with extensive legal expertise and experience.

Currently, there are six regional commercial courts, specifically assigned to adjudicating the disputes stemming from business environment. This strategic move highlights the Government's commitment to improving the efficiency and effectiveness of the judicial system, ultimately creating a more favorable environment for business activities in Azerbaijan while also reducing the risk of economic actors interfering with the judiciary.

As judicial reforms are ongoing, decisive actions are being taken to prevent any illegal influence on justice. This includes implementing measures within the legal framework and taking practical steps to ensure the independence, impartiality and fairness of judges.

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