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Access to Justice**

**Intervention by the Delegation of the Republic of Azerbaijan**

Mr. Moderator,  
Ladies and Gentlemen

The reform of the legal system in the Republic of Azerbaijan paved the way for setting up a new three-tier independent judiciary to be comprised of courts of first, appellate and cassation instances.

The issue of further development of the judiciary is being constantly on the agenda in our country. The judicial reforms, following Presidential Decree "On Modernization of the Judicial System" of 19 January 2006, have moved into the substantially next level.

According to the Decree, with a view to strengthening the effectiveness of the administration of justice, facilitating the people's ability to apply to courts and developing the regions of the country, new courts, including new regional appellate courts have been established. Furthermore, it provided for measures to be carried out in order to increase the number of judges and improve the courts functioning, build up newly legally established courts, to ameliorate the structure and operation of the judicial apparatus as well as to establish the Supreme School of Justice.

Pursuant to a new judicial system, courts of appeal shall be operating in 6 regions of the country and consequently the current appeal and economic courts will cease to exist. The new Courts of Appeal, while consisting of 4 collegiums: On Civil Cases, on Criminal Cases and Cases on Administrative Infringements, on Cases of Military Courts and on Economic Dispute Cases, will operate subject to appropriate territorial jurisdiction. The landlocked location and blockade were taken into account whilst organizing the Courts of the Autonomous Republic of Nakhchivan, which are a part of the Judiciary of the Republic of Azerbaijan.

The Law on Constitutional Court of 23 December 2003 adopted within the framework of ongoing reforms provided for the citizen's right to apply directly to the Constitutional Court on matters related to their violated rights and freedoms

Within the framework of measures on strengthening the efficiency of administration of justice one should stress the particular importance of the two

Laws On Amendments to the Law On Courts and Judges and On Judicial Legal Council which were drafted in close co-operation with the Council of Europe and came into effect last year.

According to the said Laws, which meet international norms and principles, the Judicial Legal Council being mainly comprised of judges also includes representatives of the President, Parliament, Prosecutor's Office, Bar Association and other individuals. The Minister of Justice was elected the Chairman of Judicial-Legal Council for the period of 2.5 years.

According to the new legislation the immunity and term of office of judges have been re-considered, life-appointment of judges was introduced and the right to institute disciplinary proceedings against judges was delegated directly to the Judicial Legal Council. Furthermore, pursuant to the aforesaid laws in order to select candidates to a judicial post a new unit named Judges Selection Committee was established.

18 September 2005 for the first time 1048 applicants to judges posts faced test as well as oral and written exams subject to the new selection rules. In accordance with the Council of Europe recommendations all levels of the examination process, i.e. selection of questions, printing test questionnaires, immediately checking answers and announcement of results were held in participation of candidates in the same auditorium the same day. The examination process was observed by more than 30 representatives of international and non-governmental organisations as well as by mass media. Being the first in the history of our country, this event was assessed by the international observers as a very transparent process and they noted that they would like to see such process in many developed countries as well.

56 successful candidates gained a right to take part in the long-standing training. The curricula of this five-months training was developed using modern educational methods with participation of international experts, so that candidates could be able to obtain necessary knowledge

Subject to the results of the exam and interview to be held upon completion of the course the issue of appointment of these persons to the judicial posts will be considered.

However, because of continuing need for judges, selection of candidates has been announced this year again. This time, 704 individuals have submitted their applications to the Judge Selection Commission.

The exam took place on 1 October. All stages of the examination process including selection of questions, publishing of exam questionnaire, and immediate evaluation of answers were held in the presence of the candidates and representatives of nearly 30 international organizations and local NGOs, and mass media.

The judicial legal reforms are also supported by outstanding international financial institutions. Thus, the World Bank, which highly evaluates the achievements obtained shortly due to the said reforms, following the initiative of the Ministry of Justice has initiated a launch of a joint project "On Modernization of the Justice Sector". On 3 October a new project was signed by the Minister of Justice and the representative of the World Bank.

The United States Agency on International Development created an electronic legal act database in order to raise legal awareness of population of hundreds of new laws, decrees and other legal acts, adopted within the judicial legal reforms that are under way in our country. The Ministry of Justice was entrusted with the maintenance of the mentioned database.

Thank you for your attention.