

Law of the Azerbaijan Republic

On amendments in the Law of the Azerbaijan Republic on Courts and Judges

Basing on item 5 of first part of Article 94 of the Constitution of the Azerbaijan Republic, National Council of the Azerbaijan Republic adopts a decision:

It should be made following amendments to the Law of the Azerbaijan Republic on Courts and Judges (Legislative Code of the Azerbaijan Republic, 1997, No5, article 413; 1999, No5, article 284, No7, article 396, No10, article 570; 2001, No5, article 292, No6, article 379, No7, article 455; 2002, No1, article 4, No12, article 706; 2003, No6, article 278; 2004, No2, article 57, No3, article 133, No4, article 199, No8, articles 597, 598, No9, article 669; 2005, No1, article 7, No8, article 686; 2006, No1, article 4, No12, article 1005; 2007, No5, articles 439, 446, No7, article 712, No11, article 1078, No12, article 1222; 2008, No3, article 163, No7, article 609; 2009, No2, article 46, No11, article 878; 2010, No7, article 596, No10, article 842; 2011, No4, article 265; 2013, No1, article 21; 2014, No2, article 85, No7, articles 782, 784; 2015, No2, article 98, No4, article 346, No5, article 483, No11, article 1286; Law of the Azerbaijan Republic dated 31st of May, 2016 No268-VQD) :

1. “published ...and” should be removed from the first sentence of the second part of Article 5, “carriers” should be replaced with “form” and “shall be published” should be replaced with “shall be disseminated” in the second sentence.
2. “organization, location and territorial jurisdiction” should be replaced with “organization and location” and after “the Judicial-Legal Council” “and territorial jurisdiction is determined by the Judicial-Legal Council” should be added in Article 26.
3. On Article 32:
 - 3.1. “organization, location and territorial jurisdiction” should be replaced with “organization and location” and after “Judicial-Legal Council” “and territorial jurisdiction is determined by the Judicial-Legal Council” should be added in the second part.
 - 3.2. third part should be added on the following content:
“Military Court of Nakhchivan Autonomous Republic is organized in Nakhchivan, the capital of Nakhchivan Autonomous Republic and its jurisdiction will be applied to all territory of Nakhchivan Autonomous Republic.”.
4. On Article 43:
 - 4.1. “organization, location and territorial jurisdiction” should be replaced with “organization and location” and after “the Judicial-Legal Council”

- “and territorial jurisdiction is determined by the Judicial-Legal Council” should be added in the second part.
- 4.2. third part should be added on the following content:
“Administrative-Economic Court of Nakhchivan Autonomous Republic is organized in Nakhchivan, the capital of Nakhchivan Autonomous Republic and its jurisdiction will be applied to all territory of Nakhchivan Autonomous Republic.”.
5. “organization, location and territorial jurisdiction” should be replaced with “organization and location” and after “Judicial-Legal Council” “and territorial jurisdiction is determined by the Judicial-Legal Council” should be added in the second part of Article 61.
6. After “first instance” “and appeal courts” should be added to the sixth part of Article 90.
7. “from the judicial post for actions incompatible with the status of the judge” should be replaced with “without having acquittal grounds for criminal proceeding; dismissed from the judicial post in disciplinary way” in the second part of Article 93.
8. eighth part should be added to Article 93-3 on the following content:
“Persons whose terms of service haven’t been extended as a result of evaluation that provided in the first part of Article 96 of this Law, cannot attend the exam on the selection of judges to judicial posts, for 5 years.”.
9. Article 112-1 should be added on the following content:

“Article 112-1. Reviewing the written application of the judge on dismissing from the judicial post by his own desire while reviewing his issue of disciplinary responsibility.

When the judge against whom disciplinary proceeding was initiated, (except the proceeding provided in the 2nd part of this article) submits an application on dismissing from judicial post, decision will be adopted on termination disciplinary proceeding against the judge and terminating judge’s authorities.

If the disciplinary proceeding has been initiated in accordance with the grounds provided in items 10 and 11, Article 113 of this Law, judge’s application on dismissing from judicial post will be reviewed at the same time with the disciplinary proceeding and decision will be adopted.

In case of existence of signs of criminal offenses in judge’s acts that caused to initiating disciplinary proceeding, judge’s authorities will be terminated taking into account his application and collected documents will be sent to Attorney General’s Office of the Azerbaijan Republic.”.

Ilham Aliyev

President of the Republic of Azerbaijan

Baku, 28 October 2016