

REPUBLIC OF ARMENIA JUDICIAL CODE

PART 1 JUDICIAL POWER

SECTION 1 THE JUDICIAL SYSTEM

CHAPTER 1 *GENERAL PROVISIONS*

Article 1. Judicial Power

Judicial power shall be exercised by courts in accordance with the Republic of Armenia Constitution (hereinafter, “the Constitution”) and laws.

Article 2. Scope of This Code

This Code regulates matters related to the organization and functioning of the judiciary, to the extent they do not pertain to the Republic of Armenia Constitutional Court.

Article 3. The Courts

1. The highest judicial instance of the Republic of Armenia, with the exception of constitutional justice matters, is the Cassation Court of the Republic of Armenia (hereinafter, “the Cassation Court”), which is called to ensure the uniform application of law.
2. First instance and appellate courts shall also function in the Republic of Armenia.
3. The following are the first instance courts:
 - 1) Courts of universal jurisdiction; and
 - 2) Specialized courts.
4. The following are the specialized courts:
 - 1) Criminal courts;
 - 2) Civil courts; and
 - 3) Administrative courts.
5. The following are the appellate courts:
 - 1) The criminal appellate court; and
 - 2) The civil appellate court.

Article 4. The Judge

1. A person appointed in accordance with the procedure defined by law to any of the positions of Cassation Court Chairman, Chamber Chairmen and judges, or first instance or appellate court judges or court chairmen is a judge.
2. Any judge is vested with the power to administer justice.

Article 5. Limits of Court Jurisdiction

Whether a court has jurisdiction over any matter shall be determined by the court on the basis of law.

Article 6. Duty to Respect the Court

1. Everyone must treat the court respectfully.
2. Contempt of court or of the judge shall give rise to the ordering of a court sanction and other liability prescribed by law.
3. A prosecutor must respect the independence and impartiality of the court; in particular, the prosecutor may not perform acts that will cast doubt on the lawfulness of a court act, or hinder the enforcement thereof, except when exercising his right to appeal against a judicial act.

Article 7. Right to Judicial Protection

1. Everyone has the right to judicial protection of his rights and freedoms.
2. No one may be deprived of the right to have his case publicly examined by a competent, independent, and impartial court within a reasonable time, under equal conditions, with due respect for all requirements of fairness.
3. Everyone has the right to exercise his right to judicial protection either through a representative or advocate, or personally.

CHAPTER 2 ***PRINCIPLES OF THE FUNCTIONING OF THE JUDICIARY***

Article 8. Administration of Justice in Accordance with Law

Courts shall administer justice in accordance with the Constitution, international treaties ratified by the Republic of Armenia, and the laws of the Republic of Armenia.

Article 9. Autonomy of the Judiciary

1. The judiciary shall be autonomous.
2. Self-governance of the judiciary shall be performed through self-governing bodies defined by this Code.

Article 10. Judges Not Politicized

1. A judge may not be a member of any party or otherwise engage in political activities. In all circumstances, a judge must demonstrate political restraint and neutrality.
2. A judge may participate in elections of central and local government bodies only as a voter. A judge may not participate in the election campaign.
3. Judges' or their professional associations' or judges' self-governing bodies' professional discussions of or opinions issued on draft legal acts regulating the functioning of the judiciary or draft legal acts related to them, as well as discussions and statements on the

regular activities of the judiciary, including public ones, do not violate the principle of non-politicization.

Article 11. Independence of the Judge and Autonomy of the Court

1. In the administration of justice and the performance of other powers stipulated by law, the judge is independent.

2. In the exercise of other powers stipulated by law, the judge is not accountable to anyone and, among other things, is not required to give any explanation, save for cases provided by law.

3. It shall be prohibited to interfere with the activities of a judge in any way that is not foreseen by law. Any such act is subject to criminal prosecution. For public servants, it gives rise also to disciplinary liability, up to and including dismissal from office or service in accordance with the procedure stipulated by the relevant laws regulating public service.

4. A judge must immediately inform the Ethics Committee of the Republic of Armenia Council of Court Chairmen (hereinafter, “the Council of Court Chairmen”) about any interference with his activities related to the administration of justice and the performance of other powers stipulated by law, if such interference is not provided by law. If the Ethics Committee finds that the judge’s activities have been interfered with in a way that is not provided by law, it must petition the competent authorities to hold the guilty ones liable.

5. During his term of office and after the termination thereof, a judge may not be interrogated as a witness about a case tried by him.

Article 12. Limitation of the Performance of Certain Types of Activities by the Judge

A judge may not carry out entrepreneurial activities, occupy in central or local government bodies a position that is not related to the performance of his duties or an office in for-profit organizations, or perform any other paid work, save for scientific, pedagogic, and creative work.

Article 13. Immunity of the Judge

1. A judge shall be immune.

2. A judge may not be arrested, with the exception of cases in which the arrest is performed at the time of or immediately after committing a crime. The arrest of a judge shall be immediately communicated to the President of the Republic and the Cassation Court Chairman. Within 24 hours of the arrest, the arrest decision shall be forwarded to the President of the Republic and the Cassation Court Chairman. The bodies and officials that made the arrest must ensure the Cassation Court Chairman’s unimpeded access to the place where the arrested judge is held and must ensure that the Cassation Court Chairman can visit with the judge.

3. A judge may not be detained, involved as a defendant, or subjected to administrative liability by court procedure without the consent of the President of the Republic, given on the basis of a proposal by the Republic of Armenia Justice Council (hereinafter, “the Justice Council”).

4. From the moment criminal prosecution of a judge is instigated, the prosecutorial control of the pre-trial proceedings of the case shall be conducted by the Republic of Armenia Prosecutor General (hereinafter, “the Prosecutor General”).

5. A judge may not be apprehended. After the identity of a judge apprehended without documents is established, the competent state body shall immediately release him.

6. Criminal prosecution of a judge for the latter making a manifestly unfair judgment, decision, or other judicial act out of pecuniary or other personal motives may not be instigated, unless the act has been quashed by a higher-standing court.

7. Entry into a court building for purposes of a search, examination, or seizure of documents or objects shall be performed with notification of the court chairman.

8. A judge may not be subjected to civil liability for damage inflicted as a consequence of the improper performance of his official duties, unless the damage was inflicted as a consequence of an intentionally-performed act.

9. Declaring a state of war or emergency shall not eliminate the immunity guarantees laid down in this Article.

Article 14. Irreplaceability of a Judge

1. A judge shall be irreplaceable.

2. A judge shall serve in office until reaching age 65. The powers of a judge whose term of office has expired shall terminate on the day following the judge's reaching age 65.

3. If a case cannot be examined by a court due to the insufficient number of judges caused by recusal or self-withdrawal of judges or other reasons, the Cassation Court Chairman may assign another judge of the same instance to that court or to another Chamber of the Cassation Court for a term of up to six months, with or without suspension of such judge's exercise of his primary powers. This term may be extended only if the examination of a case assumed by that judge has not ended prior to the examination of the relevant case. The same judge may not be assigned again within a year of the end of the previous assignment.

4. If a case cannot be examined by a court due to the insufficient number of judges caused by recusal or self-withdrawal of judges or other reasons, the Cassation Court Chairman may decide to assign the judge stipulated by Paragraph 7 of this Article (of the same instance or a higher instance) to another court.

5. When the volume of cases examined by a court is too small compared to the number of judges working in that court, a judge of that court may, by decision of the Cassation Court Chairman, be assigned to another court for a term of up to six months, with suspension of such judge's exercise of his primary powers. This term may be extended only if the examination of a case assumed by that judge has not ended prior to the examination of the relevant case. The same judge may not be assigned again within a year of the end of the previous assignment.

6. If the number of judges in a court is reduced, preference in continuing to serve in office in that court shall first be given to the court chairman and, then, the judges most senior by age. The powers of redundant judges shall not terminate, and they shall continue to serve in office, unless this Code prescribes otherwise. The status of such judges, including the right to receive salary and bonuses and the right to become included or to remain on the official promotion list, shall be preserved until the judge reaches the constitutionally-prescribed retirement age, unless this Code provides otherwise.

7. If the law stipulates the elimination of a court or of a Cassation Court chamber, then the relevant judges shall be considered reserve judges, and their status, including the right to receive salary and bonuses and the right to become included or to remain in the official promotion list, shall be preserved until the judge reaches the constitutionally-prescribed retirement age, unless this Code provides otherwise.

8. If, in the cases stipulated by paragraphs 6 and 7 of this Article, a judge is appointed to the position of a judge in a lower court in accordance with the procedure stipulated by this Code, the salary received in his previous position, including bonuses (with the exception of bonuses paid for the position of the court chairman) shall be preserved, and, in case of an increase in judges' salaries, their salary will increase proportionally.

Article 15. Equality before the Law and Court

1. Everyone shall be equal before the law and court.
2. Discrimination in rights, freedoms, and duties on the ground of sex, race, skin color, ethnic or social origin, genetic features, language, religion, world view, political or other views, ethnic minority status, property status, birth, disability, age, or other personal or social circumstances is prohibited.
3. In the hearing of his case, everyone has the right to invoke, as legal argument, the reasoning of a final judicial act (including the construal of the law) of a Republic of Armenia court in another case with identical/similar¹ factual circumstances.
4. The reasoning of a judicial act of the Cassation Court or the European Court of Human Rights in a case with certain factual circumstances (including the construal of the law) is binding on a court in the examination of a case with identical/similar¹ factual circumstances, unless the latter court, by indicating solid arguments, justifies that such reasoning is not applicable to the factual circumstances at hand.

Article 16. Principles of the Effective Administration of Justice

1. To ensure the effective examination of a case in court, a preparatory stage of the judicial examination of the case shall, as a rule, be conducted with the involvement of the parties.
2. Examination in a first instance court of universal jurisdiction shall, as a rule, be carried out under the simplified procedures stipulated by the procedure law.
3. Court examination shall, as a rule, end with one court hearing.
4. The preparation of the case for court examination and the actual court examination shall be conducted within reasonable periods.

Article 17. Adversarial Proceedings

Court proceedings, with the exception of cases stipulated by law, shall be adversarial.

Article 18. Sole or Collective Examination of Cases

1. In courts of universal jurisdiction, cases shall be examined by a single judge.
2. In the civil court, civil cases shall be examined by a single judge, and bankruptcy cases shall be administered by a single judge.
3. In the criminal court, cases shall be examined by a single judge. Collective examination by a bench of three judges shall take place in case of crimes for which the Criminal Code stipulates a maximum sentence in the form of life imprisonment.
4. When hearing a case as a single judge, the judge shall act as a court.

¹ The Armenian word is “տոյնանման.”

5. In the appellate court, appeals against a substantive judicial act shall be examined collectively by a bench of three judges, while appeals against other judicial acts shall be examined by a single judge.

6. In the administrative court, administrative cases heard for the first time as to their substance shall be examined by a single judge, unless the substantive judicial act on the case is by law not subject to an appeal, as well as in other cases stipulated by law. In the latter event, administrative cases shall be examined collectively by a bench of three judges. In the administrative court, substantive judicial acts on administrative cases, which have been quashed by the Cassation Court, shall be examined collectively by a bench of three judges.

7. The Cassation Court shall determine the admissibility of a cassation complaint collectively by a bench comprising the chairman and judges of the relevant chamber of the Cassation Court.

8. The Cassation Court shall examine cassation complaints declared admissible collectively by the bench of the Cassation Court.

Article 19. Language of Proceedings

1. In the Republic of Armenia, proceedings shall be conducted in Armenian.

2. Persons taking part in the case shall have the right to plead before the court in the language of their choice, as long as they provide interpretation into Armenian.

3. At the expense of the Republic of Armenia, the court shall ensure the provision of an interpreter's services to persons taking part in a criminal case, who do not know Armenian.

4. At the expense of the Republic of Armenia, the court shall ensure the provision of an interpreter's services to natural persons taking part in administrative cases and certain civil cases stipulated by law, if they do not know Armenian and prove that they do not have sufficient means to obtain oral interpretation.

5. In case of the need to ensure the provision of an interpreter's services at the expense of the Republic of Armenia, an interpreter shall be appointed on the basis of the court's decision in accordance with the procedure defined by the Republic of Armenia Government (hereinafter, "the Government"). The amount and procedure for compensating interpreters shall be defined by the Government.

Article 20. Publicity of Hearings

1. In the Republic of Armenia, the examination of cases in courts shall be public.

2. The court hearing or a part thereof may be held in camera only by a court decision in cases and the procedure defined by law, for reasons of protecting the public morals, the public order, national security, the life of persons taking part in proceedings, or the interests of justice. In adoption cases, the court hearing may be held in camera at the request of the adopter.

3. The final part of a substantive judicial act shall be promulgated in an open session of the court. In adoption cases, the final part of a substantive judicial act may be publicized only with the adopter's consent.

4. Everyone has the right to become familiar with a court case on which there is a final substantive judicial act. A person may become familiar with the part of the case heard in camera and with an adoption case only based on the decision of the court that made the judicial act.

Article 21. Additional Decision of the Court

1. In case there are relevant grounds in criminal and administrative cases, the court must make, together with its judgment, ruling, or decision, an additional decision that will draw the attention of relevant officials of a central or local government body to such material violations revealed during the court examination, which were committed during the pre-trial proceedings of the relevant administrative or criminal case.

2. The court's additional decision must be reasoned. At the court's discretion, the additional decision may be promulgated in the court hearing.

3. The additional decision shall be sent to the supervisor of the official that committed the violation or, if there is no such supervisor, then to the official that committed the violation, who must discuss the decision within a month of its receipt.

CHAPTER 3 ***COURT OF UNIVERSAL JURISDICTION***

Article 22. Jurisdiction of a Court of Universal Jurisdiction

1. A court of universal jurisdiction shall have jurisdiction over all cases, with the exception of cases reserved to civil, criminal, and administrative courts.

2. A court of universal jurisdiction shall, in accordance with the procedure stipulated by the criminal procedure legislation, supervise the pre-trial stage of criminal proceedings.

3. Judicial acts of a court of universal jurisdiction may be appealed against only in the framework of an appeal procedure.

Article 23. Finality of Judicial Acts of a Court of Universal Jurisdiction

1. Substantive judicial acts of a court of universal jurisdiction shall become final within a month of their promulgation. The law may stipulate a different term during which such acts shall become final.

2. If the value of the dispute object in a case does not exceed 50-fold the minimum wage, then the substantive judicial act of the court of universal jurisdiction shall become final at the moment of its promulgation.

3. A non-substantive (interim) judicial act of a court of universal jurisdiction shall become final at the moment it is made, unless the procedure law stipulates otherwise.

4. Substantive judicial acts of a court of universal jurisdiction may, in exceptional cases, be declared by the court to be final as of the time of their making, if the failure to do so would inevitably give rise to grave consequences for a party. Such acts shall be subject to appeal in accordance with the procedure that applies to non-final acts of the same court.

Article 24. Courts of Universal Jurisdiction, Number of Judges, and Seats

1. In the City of Yerevan, the following courts of universal jurisdiction shall function:

1) The Universal Court of the Erebouni and Nubarashen communities, with a court chairman and six (6) judges;

2) The Universal Court of the Kentron and Nork-Marash communities, with a court chairman and eight (8) judges;

3) The Universal Court of the Ajapniak and Davtashen communities, with a court chairman and three (3) judges;

4) The Universal Court of the Avan and Nor Nork communities, with a court chairman and five (5) judges;

5) The Universal Court of the Arabkir and Kanaker-Zeytun communities, with a court chairman and five (5) judges;

6) The Universal Court of the Shengavit community, with a court chairman and five (5) judges; and

7) The Universal Court of the Malatia-Sebastia community, with a court chairman and five (5) judges.

2. In the Marzes of Armenia, the following courts of universal jurisdiction shall function:

1) The Universal Court of the Kotayk Marz, with a court chairman and seven (7) judges;

2) The Universal Court of the Ararat and Vayotz Dzor Marzes, with a court chairman and eight (8) judges;

3) The Universal Court of the Armavir Marz, with a court chairman and six (6) judges;

4) The Universal Court of the Aragatsotn Marz, with a court chairman and four (4) judges;

5) The Universal Court of the Shirak Marz, with a court chairman and eleven (11) judges;

6) The Universal Court of the Lori Marz, with a court chairman and eleven (11) judges;

7) The Universal Court of the Tavush Marz, with a court chairman and four (4) judges;

8) The Universal Court of the Gegharkunik Marz, with a court chairman and seven (7) judges; and

9) The Universal Court of the Syunik Marz, with a court chairman and seven (7) judges;

3. The seat of a community's (communities') court of universal jurisdiction shall be within the territory of the respective community (one of the communities).

4. The central seat of a Marz court of universal jurisdiction shall be within the administrative territory of the Marz. The central seat of the Universal Court of the Ararat and Vayotz Dzor Marzes shall be within the administrative territory of the Marz Center of one of those two Marzes. A Marz court of universal jurisdiction may have other seats within the administrative territory of that Marz.

Article 25. Chairman of a Court of Universal Jurisdiction

1. The chairman of a court of universal jurisdiction shall:

1) Ensure the normal functioning of the court;

2) Oversee judges' compliance with discipline at work;

3) Oversee judges' compliance with case examination deadlines and submit his opinion on violations of such deadlines to the Ethics Committee of the Council of Court Chairmen;

4) When detecting a violation of the Ethics Code by a judge, if necessary, submit an appropriate report to the Ethics Committee of the Council of Court Chairmen;

5) Grant leave to judges in accordance with the procedure established by law;

6) In case of a judge's leave or other temporary absence, redistribute cases assumed by the judge, upon necessity;

7) Appoint a replacement of the court chairman in case of his leave or other temporary absence;

8) Supervise the activities of the court's staff;

9) Represent the court in relations with other bodies; and

10) Perform other functions vested in him by law.

Article 26. Review of Judicial Acts on the Basis of Newly-Emerged or New Circumstances or on the Basis of an Application by Persons Who Did not Participate in the Case Examination

1. A judicial act shall be reviewed on the basis of new or newly-emerged circumstances by the first instance court that made the relevant act.

2. An application to review a case on the basis of new or newly-emerged circumstances must be lodged within three months of the time when the appellant knew or could have known about their emergence.

3. Persons that did not participate in the case examination, whose rights and obligations are affected by a substantive judicial act on the case, must lodge any application to review such act with the first instance court that made the relevant act.

4. An application to review a judicial act on the basis of newly-emerged or new circumstances, or an application by persons that did not participate in the case examination may not be lodged, if 20 years have passed since the finality of the judicial act. This rule shall not apply to criminal cases.

5. A judicial act made by a first instance court in relation to the applications stipulated by this Article may be appealed to the Appellate Court.

**CHAPTER 4
CIVIL COURTS**

Article 27. Jurisdiction of Civil Courts

1. Civil courts shall have substantive jurisdiction to hear civil cases based on claims the value of which exceeds 5,000-fold the minimal wage, as well as other non-property cases stipulated by procedure law. Civil courts shall administer bankruptcy proceedings.

2. The judicial territory of the Civil Court of Yerevan is the administrative territory of Yerevan. The judicial territory of the Northern Civil Court includes the administrative territories of Shirak, Lori, Tavush, Aragatsotn, Kotayk, and Gegharkunik Marzes. The judicial territory of the Southern Civil Court includes the administrative territories of Ararat, Armavir, Vayots Dzor, and Syunik Marzes.

3. Judgments of the civil court may be appealed only through an appeal procedure.

Article 28. Finality of Judicial Acts of the Civil Court

1. Substantive judicial acts of the civil court shall become final a month after their promulgation. The law may stipulate a different finality term for such acts.

2. Substantive judicial acts of a court on bankruptcy cases shall become final at the moment of their promulgation.

3. Non-substantive (interim) judicial acts of the civil court shall become final at the moment they are made. The law may stipulate a different finality term for such acts.

4. In exceptional cases, substantive judicial acts of the civil court may be declared final by the court as of the moment when they are made, if the failure to do so would inevitably give rise to grave consequences for a party. Such acts shall be subject to appeal in accordance with the procedure that applies to non-final acts of the same court.

Article 29. Civil Courts, Number of Judges, and Seats

1. In the Republic of Armenia, the following civil courts shall function:
 - 1) The Civil Court of Yerevan, with a court chairman and 15 judges;
 - 2) The Northern Civil Court, with a court chairman and 7 judges; and
 - 3) The Southern Civil Court, with a court chairman and 5 judges.
2. Six of the judges in the Civil Court of Yerevan, two of the judges in the Northern Civil Court, and two of the judges in the Southern Civil Court shall be designated as judges administering bankruptcy cases.
3. The main seats of civil courts are:
 - 1) The City of Yerevan for the Civil Court of Yerevan;
 - 2) The City of Dilijan for the Northern Civil Court; and
 - 3) The City of Yeghegnadzor for the Southern Civil Court.
4. Civil courts may have other seats in other settlements within their judicial territory.

Article 30. Civil Court Chairman

A civil court chairman shall have the same powers as a universal court chairman.

CHAPTER 5
CRIMINAL COURTS

Article 31. Jurisdiction of Criminal Courts

1. Criminal courts shall have substantive jurisdiction to hear cases involving grave and particularly grave crimes.
2. The judicial territory of the Criminal Court of Yerevan is the administrative territory of Yerevan. The judicial territory of the Northern Criminal Court includes the administrative territories of Shirak, Lori, Tavush, Aragatsotn, Kotayk, and Gegharkunik Marzes. The judicial territory of the Southern Criminal Court includes the administrative territories of Ararat, Armavir, Vayotz Dzor, and Syunik Marzes.
3. Judgments of the criminal court may be appealed only through an appeal procedure.

Article 32. Finality of Judicial Acts of the Criminal Court

1. Substantive judicial acts of the criminal court shall become final a month after their promulgation. The law may stipulate a different finality term of such acts.
2. Non-substantive (interim) judicial acts of the criminal court shall become final at the moment they are made. The law may stipulate a different finality term for such acts.

Article 33. Criminal Courts, Number of Judges, and Seats

1. In the Republic of Armenia, the following criminal courts shall function:
 - 1) The Criminal Court of Yerevan, with a court chairman and 5 judges;
 - 2) The Northern Criminal Court, with a court chairman and 3 judges; and
 - 3) The Southern Criminal Court, with a court chairman and 2 judges.
2. The main seats of criminal courts are:
 - 1) The City of Yerevan for the Criminal Court of Yerevan;
 - 2) The City of Dilijan for the Northern Criminal Court; and
 - 3) The City of Yeghegnadzor for the Southern Criminal Court.
3. Criminal courts may have other seats in other settlements within their judicial territory.

Article 34. Criminal Court Chairman

A criminal court chairman shall have the same powers as a universal court chairman.

CHAPTER 6
ADMINISTRATIVE COURT

Article 35. Jurisdiction of Administrative Courts

1. Administrative courts shall have substantive jurisdiction to hear cases stipulated by the Code of Administrative Proceedings.

2. Judgments of the administrative court may be appealed only through a cassation procedure. In cases stipulated by the Code of Administrative Proceedings, the administrative court shall make judicial acts that shall be final and not subject to appeal.

3. The judicial territory of the administrative court is the territory of the Republic of Armenia.

Article 36. Finality of Judicial Acts of the Administrative Court

1. Substantive judicial acts of the administrative court shall become final at the moment of their promulgation. The law may stipulate a different finality term for such acts.

2. The finality of interim acts of the administrative court shall be established by procedural legislation.

3. In exceptional cases, substantive judicial acts of the administrative court may be declared final by the court as of the moment when they are made, if the failure to do so would inevitably give rise to grave consequences for a party. Such acts shall be subject to appeal in accordance with the procedure that applies to non-final acts of the same court.

Article 37. Number of Administrative Court Judges and Seat of the Administrative Court

1. The administrative court shall function with a court chairman and 15 judges.

2. The central seat of the administrative court shall be in the City of Yerevan.

3. The administrative court shall have other seats in the Marzes.

Article 38. Administrative Court Chairman

The administrative court chairman shall have the same powers as a universal court chairman.

CHAPTER 7
APPELLATE COURT

Article 39. Jurisdiction of the Appellate Court

1. Within the limits of its powers, the Appellate Court shall review substantive judicial acts of universal, civil, and criminal courts.

2. The Appellate Court shall review interim judicial acts in exceptional cases stipulated by law.

3. The Appellate Court shall review a judicial act within the limits of the appeal grounds and justifications.

4. The judicial territory of the Appellate Court is the territory of the Republic of Armenia.

Article 40. Finality of Judicial Acts of the Appellate Court

Judicial acts of the Appellate Court shall become final from the moment of their promulgation.

Article 41. Appellate Courts, Number of Judges, and Seat

1. The following two appellate courts shall function in the Republic of Armenia:

- 1) The Civil Appellate Court; and
- 2) The Criminal Appellate Court.

2. The Civil Appellate Court shall function with a court chairman and 15 judges.

3. The Criminal Appellate Court shall function with a court chairman and 15 judges.

4. The seat of the Appellate Court shall be in the City of Yerevan.

Article 42. Deadline of Lodging an Appeal

1. An appeal against a substantive judicial act must be lodged before the finality date of such act, except for cases in which the court finds the missing of the deadline excusable.

2. An appeal against a court's substantive judicial act resolving a bankruptcy case must be lodged within a 15-day period after the finality of such act, except for cases in which the court finds the missing of the deadline excusable.

3. In exceptional cases, in which a judge declares a substantive judicial act final as of the time of its making, an appeal against such an act must be lodged within a one-month period of the finality of the act.

4. An appeal against an interim judicial act may be lodged only in exceptional cases stipulated by law.

5. An appeal lodged against a final substantive judicial act of a first instance court may be admitted for examination only in exceptional cases in which the previous judicial examination of the case contained such fundamental breaches that the resulting judicial act distorts the very essence of justice.

Article 43. Right to Lodge an Appeal

1. The following persons have the right to lodge an appeal against first instance court judicial acts, except for acts as to which the law does not allow an appeal:

- 1) Persons participating in the case; and
- 2) The prosecutor—in cases stipulated by law.

Article 44. Grounds for Lodging an Appeal

A ground for lodging an appeal is a judicial error, i.e. such a violation of substantive or procedural law, that could influence the outcome of the case.

Article 45. Limitations on Lodging Appeals in Civil Cases

1. If the parties have concluded in the first instance court an agreement waiving the right to appeal, then the appellate court may permit an appeal by a party/parties to such an agreement only with the consent of the other party/parties to such agreement.

2. Appeal of a civil case regarding a property claim shall be permissible only if the value of the disputed property exceeds 50-fold the minimal wage.

3. An appeal (or a part thereof) shall be subject to review only if the person lodging such appeal has expressed his position on the issue, as stated in the appeal, during the first instance court's examination of the case. The only exception to this rule is when the person lodging the appeal was deprived of the possibility to express his position on such issue during the first instance court's examination of the case.

4. Procedural law may prescribe additional limitations on lodging an appeal.

Article 46. Response to an Appeal

A person participating in a case has the right to present to the Appellate Court a response to the appeal within the period and according to the procedure defined by procedural law.

Article 47. Scope of Appeal in Matters of Fact

1. The Appellate Court does not have the right to admit new evidence and shall review the appeal only on the basis of the evidence presented to the first instance court. If, during the examination of the case in the first instance court, evidence was not presented due to circumstances beyond the control of the parties, then the Appellate Court shall quash the case and send it to the appropriate first instance court for a new examination, if it finds that the evidence not presented is of material significance to the outcome of the case.

2. During the review of the appeal in the Appellate Court, facts established in the first instance court shall be taken as established, unless such facts are challenged in the appeal and the Appellate Court finds that, when drawing a conclusion on such facts, the first instance court made an obvious mistake. In such cases, the Appellate Court may find certain new facts or may deny facts found by the lower court, if such conclusion can be drawn on the basis of the evidence examined by the first instance court.

3. If the first instance court did not draw any conclusion on any fact on the basis of evidence examined by it, which it was required to do, then the Appellate Court may find new facts, if such conclusion can be drawn on the basis of the evidence examined by the first instance court.

4. The rules of Paragraphs 1, 2, and 3 of this Article shall not apply to criminal case proceedings.

Article 48. Powers of the Appellate Court

1. As a result of the appellate review of substantive judicial acts, the Appellate Court may do any of the following:

1) Reject the appeal and uphold the judicial act. When the Appellate Court rejects an appeal, but the substantive judicial act of the challenged court is inadequately reasoned, wrongly reasoned, or not reasoned, the Appellate Court shall reason the upheld judicial act;

2) Fully or partially grant the appeal, and, correspondingly, fully or partially quash the appealed judicial act. The quashed part of the case shall be sent to the appropriate lower court for a new examination; when doing so, the Appellate Court shall define the scope of the new examination. The non-quashed part of the judicial act shall stand;

3) Fully or partially quash the judicial act and approve the settlement between the parties;

4) Partially quash and change the act of the lower court, if the facts found by the lower court allow the Appellate Court to make such an act, and if it flows from the interests of the effectiveness of justice; or

5) Fully or partially quash a judicial act and halt the case proceedings in full or in part, or abandon the claim in whole or in part.

2. As a result of reviewing appeals against interim judicial acts, the Appellate Court may either reject the appeal and uphold the judicial act, or make a new judicial act, which shall become final from the moment it is made.

Article 49. Appellate Court Chairman

1. The Appellate Court Chairman shall be a judge.

2. The Appellate Court Chairman shall have the same powers as a universal court chairman.

CHAPTER 8 CASSATION COURT

Article 50. Purpose and Powers of Cassation Court

1. The purpose of the Cassation Court's activity is to ensure the uniform application of law. In carrying out this mission, the Cassation Court shall strive to facilitate the development of law.

2. Based on a complaint in cases and in the procedure stipulated by law, the Cassation Court shall review judicial acts of appellate and administrative courts.

3. The Cassation Court shall admit a complaint, if the Cassation Court believes that the complaint has justified that:

1) The Cassation Court's decision on the issue raised in the complaint may be of material significance to the uniform application of law; or

2) The reviewed judicial act prima facie conflicts with earlier decisions of the Cassation Court; or

3) A lower court has made a prima facie judicial error, which may give or has given rise to grave consequences.

4. The Cassation Court's decision on returning a cassation complaint because the grounds stipulated by sub-paragraphs (2) and (3) of Paragraph 3 of this Article are absent, must be reasoned.

5. Within the limits of its jurisdiction, the Cassation Court shall review substantive judicial acts of lower courts and the Appellate Court's decisions made as a result of reviewing interim judicial acts.

6. The Cassation Court shall review interim judicial acts in exceptional cases stipulated by law.

7. In cassation review proceedings, the Cassation Court shall review a judicial act only within the scope of the grounds and justifications presented in the cassation complaint.

8. The judicial territory of the Cassation Court is the territory of the Republic of Armenia.

Article 51. Finality and Publication of Judicial Acts of the Cassation Court

1. An act of the Cassation Court shall become final at the moment of its promulgation and shall not be subject to appeal.
2. Acts of the Cassation Court shall be officially published in the *Official Journal of the Republic of Armenia*.

Article 52. Structure of the Cassation Court, Number of Judges, and Seat

1. The Cassation Court shall comprise the Cassation Court Chairman, the Chamber Chairmen, and four judges.
2. The Cassation Court shall have two chambers:
 - 1) The Criminal Chamber; and
 - 2) The Civil and Administrative Chamber.
3. Each Chamber shall comprise the Chamber Chairman and two judges of the Chamber.
4. The seat of the Cassation Court shall be in the City of Yerevan.

Article 53. Chambers of the Cassation Court

1. The relevant Chamber of the Cassation Court shall determine the admissibility of cassation complaints lodged with the Cassation Court. Such decisions of the Chamber shall be taken unanimously and shall not be subject to appeal. Even if only one of the judges has a different opinion, the admissibility of the cassation complaint shall become subject to determination by the complete bench of the Cassation Court.
2. The Chamber of the Cassation Court must reason its inadmissibility decision in the cases stipulated by sub-paragraphs (2) and (3) of Paragraph 3 of Article 50 of this Code.
3. When determining whether a complaint is admissible, the Chamber shall act through the Chairman and judges of that Chamber. The Cassation Court Chairman has the right to participate in sessions of the Chamber. If the bench of the Chamber of the Cassation Court is fewer than three, the Cassation Court Chairman shall participate in the sessions of the Chamber and, if the bench including the Cassation Court Chairman is still fewer than three, then the Cassation Court Chairman shall temporarily assign a judge of another Chamber to that Chamber.

Article 54. Cassation Court Sessions and Decision-Making Procedure

1. All judges of the Cassation Court must participate in a session of the Cassation Court. A session of the Cassation Court may act, if at least five judges participate in it.
2. A substantive judicial act of the Cassation Court shall be deemed made, if at least four judges have voted for it. If, during the deliberation of judges, no proposal gets four votes, than the complaint shall be deemed rejected.
3. Non-substantive judicial acts of the Cassation Court shall be taken by a majority vote of the judges present in the session.

Article 55. Deadline for Lodging a Cassation Complaint

1. A cassation complaint in civil and administrative cases must be lodged within three months of the finality of the lower court's substantive judicial act. A cassation complaint in criminal cases must be lodged within six months of the finality of the lower court's substantive judicial act.
2. The same person may only lodge a cassation complaint once against the same judicial act.

Article 56. Right to Lodge a Cassation Complaint

The following people have the right to lodge a complaint to the Cassation Court against a final substantive judicial act of a lower court:

- 1) Advocates accredited in the Cassation Court, on the basis of a request by persons participating in the case; or
- 2) The Prosecutor General and his deputies, in cases stipulated by law.

Article 57. Grounds for Lodging a Cassation Complaint

A ground for lodging a cassation complaint is a judicial error, i.e. such a violation of substantive or procedural law that could influence the outcome of the case.

Article 58. Limitations on Lodging a Cassation Complaint

1. A person may not lodge with the Cassation Court a complaint against a substantive judicial act subject to appeal in appellate proceedings, unless the person has appealed against that judicial act in the Appellate Court on the same grounds. This rule does not apply to acts that are not subject to appeal in appellate proceedings.

2. A person may lodge a cassation complaint only against the part of the judicial act that is unfavorable for him.

Article 59. Response to a Cassation Complaint

A person participating in the case has the right to present to the Cassation Court a response to the cassation complaint within the period and according to the procedure defined by procedural law.

Article 60. Powers of the Cassation Court

1. As a result of the review of substantive judicial acts, the Cassation Court may do any of the following:

1) Reject the cassation complaint and uphold the judicial act. When the Cassation Court rejects the cassation complaint, but the substantive judicial act of the challenged court is inadequately reasoned, wrongly reasoned, or not reasoned, the Cassation Court shall reason the upheld judicial act;

2) Fully or partially grant the cassation complaint, and, correspondingly, fully or partially quash the judicial act. The quashed part of the case shall be sent to the appropriate lower court for a new examination; when doing so, the Cassation Court shall define the scope of the new examination. The non-quashed part of the judicial act shall stand;

3) Fully or partially quash the judicial act and approve the settlement between the parties;

4) Partially quash and change the act of the lower court, if the facts found by the lower court allow the Cassation Court to make such an act, and if it flows from the interests of the effectiveness of justice;

5) Fully or partially quash a judicial act and halt the case proceedings in full or in part, or abandon the claim in whole or in part; or

6) When the judicial act has been amended by the Appellate Court, the Cassation Court may quash the Appellate Court's judicial act in whole or in part, and give legal force

to the judicial act of the first instance court. In this case, the Cassation Court shall give additional reasoning to the judicial act of the first instance court, if it is inadequately reasoned, wrongly reasoned, or not reasoned.

2. As a result of reviewing interim judicial acts, the Cassation Court may either reject the cassation complaint and uphold the judicial act, or make a new judicial act, which shall become final from the moment it is made.

Article 61. Cassation Court Chairman

1. The Cassation Court shall be headed by the Cassation Court Chairman.
2. The Cassation Court Chairman shall have all the powers that are vested by law in the Chairman or a judge of a Chamber of the Cassation Court.
3. The Cassation Court Chairman shall:
 - 1) Ensure the normal functioning of the Cassation Court;
 - 2) Convene and chair sessions of the Cassation Court;
 - 3) Send the decisions of the Cassation Court to the *Official Journal* of the Republic of Armenia for publication;
 - 4) Grant leave to Cassation Court judges in accordance with the procedure set by law;
 - 5) Oversee the work of the Cassation Court staff;
 - 6) Represent the Cassation Court in relations with other bodies;
 - 7) In cases and according to the procedure stipulated by law, instigate disciplinary proceedings against a Cassation Court Chamber Chairman or a Chamber judge;
 - 8) Chair the sessions of the Justice Council; and
 - 9) Perform other functions vested in him by law.

Article 62. Cassation Court Chamber Chairman

1. A Chairman of a Chamber of the Cassation Court shall be a judge.
2. A Chairman of a Chamber of the Cassation Court shall:
 - 1) Organize the activities of the Chamber; and
 - 2) During the absence of the Cassation Court Chairman, if so delegated by the latter, temporarily exercise his powers. If such delegation is impossible, the powers of the Cassation Court Chairman shall be temporarily exercised by the Chamber Chairman who is more senior by age.

CHAPTER 9

SAFEGUARDS OF THE NORMAL FUNCTIONING OF A COURT

Article 63. Sanctions Applied by Court

1. In cases of contempt of court, obstructing the normal course of a session, abuse of procedural rights, or the inexcusable failure to perform or improper performance of procedural duties, the court may apply the following judicial sanctions against the participants in proceedings, parties to the case, and other persons present in the court's session:

- 1) Warning;
- 2) Removal from the courtroom;
- 3) Judicial fine; or
- 4) Filing a request with the Prosecutor General or the Chamber of Advocates concerning punishment of a prosecutor or advocate, respectively.

2. A sanction must be in proportion to the gravity of the act and pursue the aim of safeguarding the normal functioning of the court.

3. An act of warning and removal from the courtroom shall be applied by means of a protocol decision of the court made in the same court session.

4. If a decision on removal from the courtroom is not immediately voluntarily complied with, compulsory removal shall be performed through the judicial Bailiff.

5. A judicial fine may be applied against parties to the proceedings and parties to the case. A judicial fine may be imposed in an amount up to 100,000 drams. The amount of the judicial fine shall be determined by the court in its sole discretion; however, in addition to the gravity of the act, the personal characteristics of the perpetrator of the act must be taken into account. A judicial fine shall be applied by means of a separate court decision made in the same court session. A decision imposing a judicial fine shall be subject to compulsory execution in accordance with the procedure set forth in the Republic of Armenia Law on Compulsory Execution of Judicial Acts.

6. If the sanction prescribed in Paragraph 1(2) of this Article is applied against the accused in a criminal case, the session shall be postponed for a period of up to two weeks. For persons on remand, the postponement period shall not be included in the calculation of served punishment time.

7. Only the sanctions prescribed in sub-paragraphs (1) and (4) of Paragraph 1 of this Article may be applied against a prosecutor involved in the examination of the case or an advocate taking part in the examination of the case as a representative or a defense attorney. A request may be filed with the Prosecutor General or the Chamber of Advocates by a separate decision of the court made in the same court session. A judicial sanction prescribed in sub-paragraph (4) of Paragraph 1 of this Article shall necessarily trigger the instigation of disciplinary proceedings against the prosecutor or advocate in question.

8. A court decision imposing a judicial sanction shall be final from the moment of its promulgation. A court decision imposing a judicial fine may be appealed.

9. The imposition of a judicial sanction shall not hinder the ordering of other forms of liability prescribed by law against the person already sanctioned.

Article 64. Financing of Courts

1. Financing of courts shall be performed through the Republic of Armenia Judicial Department (hereinafter, “the Judicial Department”) in the framework of the expenditures stipulated under the State Budget. The financing of the central body and separate subdivisions of the Judicial Department shall be reflected in a budgetary proposal and a separate line of the State Budget called “Courts of the Republic of Armenia.”

2. The budgetary proposal of a separate subdivision of the Judicial Department shall be drafted by the relevant subdivision, and the budgetary proposal of the central body of the Judicial Department shall be drafted by the relevant structural unit of the central body.

3. Based on proposals submitted by the central body and separate subdivisions of the Judicial Department, the Medium-Term Expenditure Program and Budgetary Proposal of Courts shall be prepared, after which they shall be submitted by the Head of the Judicial Department to the Council of Court Chairmen for approval. The Council of Court Chairmen may make necessary modifications to the Budgetary Proposal. The approved Budgetary Proposal and the Medium-Term Expenditure Program shall, during the time period stipulated by the decision to start the following year’s budgeting process, be submitted to the Government for inclusion in the draft State Budget.

4. The Government shall accept the Budgetary Proposal of Courts and incorporate it in the draft State Budget; in case of objections, it shall be submitted to the National Assembly

together with the draft State Budget. The Government shall present to the National Assembly and the Council of Court Chairmen detailed justification of its objections to the Budgetary Proposal.

5. The Budgetary Proposal shall contain all the expenditures necessary for safeguarding the normal functioning of courts.

6. The position of the Council of Court Chairmen on the Budgetary Proposal and the Medium-Term Expenditure Program shall be presented in the National Assembly by the Head of the Judicial Department.

7. A judicial reserve fund shall be prescribed to finance unplanned expenditures needed to ensure the normal functioning of courts. The judicial reserve fund shall be presented as a separate line of the budget. The size of the reserve fund shall be equal to 2% of the judicial expenditures prescribed under the current year's state budget law. Allocations from the reserve fund shall be made by decision of the Council of Court Chairmen.

8. If the judicial reserve fund is inadequate to safeguard the normal functioning of courts, the Government must fill the gap from the Government's Reserve Fund.

Article 65. Seal of Judge and Court

1. Each judge shall have a seal containing the coat of arms of the Republic of Armenia, the name of the court, and the name of the judge, as well as stamps prescribed by the Council of Court Chairmen. Each judge shall have the right to use electronic digital signature in accordance with the procedure defined by law.

2. The Cassation Court shall have a seal containing the coat of arms of the Republic of Armenia and its name.

Article 66. Use of State Symbols in Court

1. The Republic of Armenia flag shall be raised on the buildings of or at the main entrance to all seats of courts.

2. The coat of arms of the Republic of Armenia and the Republic of Armenia flag shall be present in the courtroom and the office of each judge.

Article 67. Official Website of the Judiciary

The judiciary shall have its official website, which shall be administered by the Judicial Department. The information required by this Code shall be posted on the website in a way that is accessible for the public. The structure of the site, its maintenance procedure, and other information posted on the site shall be defined by the Council of Court Chairmen.

Article 68. Publication of Judicial Acts

1. Substantive judicial acts of the Cassation Court shall be published in the *Official Journal of the Republic of Armenia*, as well as the official website of the judiciary of the Republic of Armenia.

2. The Council of Court Chairmen shall also define the procedure for publishing judicial acts of other instances on the official website of the judiciary of the Republic of Armenia.

Article 69. Material and Technical Support of Court Activities

Material and technical support of court activities shall be provided by the Judicial Department.

CHAPTER 10

SELF-GOVERNANCE OF THE JUDICIAL POWER

Article 70. Self-Governance Bodies of the Judiciary

1. In the Republic of Armenia, the judiciary shall function on the basis of the self-governance principle.

2. The self-governance bodies of the judiciary are the General Meeting of Judges of the Republic of Armenia (hereinafter, “the General Meeting”) and the Council of Court Chairmen.

3. The activities of the self-governance bodies of the judiciary may not limit the independence of a judge.

Article 71. General Meeting of Judges

1. The General Meeting is the highest self-governance body of the judiciary. Its decisions shall prevail over decisions of the Council of Court Chairmen. The General Meeting shall be made up of all the judges of the Republic of Armenia.

2. A regular General Meeting shall be convened at least once a year by the Cassation Court Chairman. An extraordinary General Meeting may be convened by at least one third of the total number of judges, the Council of Court Chairmen, or the Cassation Court Chairman.

3. The General Meeting:

1) Discusses any matter related to the normal functioning of the judiciary, including matters pertaining to the authority of the Council of Court Chairmen; and

2) Elects the judge members of the Justice Council.

4. The General Meeting shall operate in accordance with its By-Laws, which it shall approve.

5. The General Meeting shall have legal competency to act, if it is attended by more than half of the total number of judges. In the Meeting, decisions shall be taken by a simple majority vote of the judges participating in the vote. The voting shall be open. In cases stipulated by the By-Laws of the Meeting, as well as by decision of the Meeting, in-camera voting may be conducted. Elections shall be carried out by secret ballot.

6. The General Meeting shall be chaired by the Cassation Court Chairman or, in his absence, the person replacing the Cassation Court Chairman.

Article 72. Council of Court Chairmen

1. The Council of Court Chairmen is a standing self-governance body of the judiciary. The Council of Court Chairmen shall have a seal containing the coat of arms of the Republic of Armenia and the words “Council of Court Chairmen of the Republic of Armenia.”

2. The members of the Council of Court Chairmen shall be the chairmen of first instance and appellate courts, the Cassation Court, and the Chambers of the Cassation Court. In case of the absence of a member of the Council, his powers shall be exercised by the person that replaces him in his capacity of the court or chamber chairman.

3. The Council of Court Chairmen:

- 1) Performs the self-governance of the Republic of Armenia judiciary and discusses any matter related to the normal functioning of the judiciary, with the exception of matters over which the Council of Court Chairmen committees have authority by law;
- 2) Develops activities and recommendations to improve the functioning of courts, and submits such recommendations to the competent state bodies;
- 3) Submits recommendations to the competent state bodies on the improvement of laws and other legal acts;
- 4) Approves rules ensuring compliance with the requirements of the procedural legislation concerning judicial examination;
- 5) Approves the case management rules of courts;
- 6) Makes decisions that the Judicial Department must carry out;
- 7) Approves the description of the judicial robe and the standard furniture in a judge's office;
- 8) Defines the other information that must be kept in a judge's personal file;
- 9) Approves the job descriptions of judicial service;
- 10) Approves the list of judicial service position names and the number of positions, by structural and separate subdivisions;
- 11) Defines the procedure of conducting a closed tender for filling vacant positions in judicial service, as well as the open tender testing, interviewing, and candidates' character assessment procedure, the procedure of forming tender committees, and the operational procedure of such committees;
- 12) Approves the procedure of training judges and judicial servants;
- 13) Approves the budgetary proposal drafted by the Judicial Department;
- 14) Distributes the means in the reserve fund of courts;
- 15) Based on proposals submitted by courts, develops the Medium-Term Expenditure Program;
- 16) Drafts and approves rules of the courts' cooperation with the mass media;
- 17) Upon nomination by the Cassation Court Chairman, appoints and recalls the Head of the Judicial Department;
- 18) Defines the court seats not stipulated by law and approves the distribution of judges between seats;
- 19) Drafts and approves procedures on case allocation in first instance courts, the appointment of judicial benches and their presiding judges in the appellate courts, and the substitution of the court chairman and judges in case of the recusal, self-withdrawal, leave, or illness of judges;
- 20) Upon presentation by the Head of the Judicial Department, approves the list of separate subdivisions of the Service of Judicial Bailiffs;
- 21) Upon presentation by the Head of the Judicial Department, and within the limits of the State Budget allocations, approves the number of positions of judicial Bailiffs by separate subdivisions;
- 22) Upon presentation by the Head of the Judicial Department, defines the types and forms of pins awarded to judicial Bailiffs as encouragement;
- 23) Upon presentation by the Head of the Judicial Department, defines the procedure of allocating uniforms to judicial Bailiffs and of wearing such uniforms; and
- 24) Performs other functions vested in it by law.

4. The Council of Court Chairmen functions in accordance with its By-Laws, which it shall approve.

5. Sessions of the Council of Court Chairmen shall be convened as necessary, but not less than once a quarter. The Council shall have legal competency to act, if it is attended by more than half of the total number of its members. Decisions of the Council shall be taken by a

simple majority of the Council members that took part in the vote. The voting in the Council shall be open. In cases stipulated by the By-Laws of the Council, voting in camera may take place.

Article 73. Chairman of the Council of Court Chairmen

1. The Cassation Court Chairman is *ex officio* the Chairman of the Council of Court Chairmen. In the absence of the Cassation Court Chairman, the Council of Court Chairmen shall be chaired by the person replacing the Cassation Court Chairman.

2. The Chairman of the Council of Court Chairmen:
- 1) Chairs the Council of Court Chairmen;
 - 2) Appoints one judge from among the Cassation Court judges as a member of the Qualification Committee of the Chamber of Advocates;
 - 3) Presents to the Council of Court Chairmen a candidate for the position of the Head of the Judicial Department, or a proposal on removing from office the Head of the Judicial Department;
 - 4) Carries out the overall management of the activities of the Judicial Department;
 - 5) In case of the vacancy of a first instance or appellate court chairman, appoints a temporary replacement;
 - 6) In case of detecting a violation of the Judicial Code of Conduct, reports such violation to the Ethics Committee of the Council of Court Chairmen or to the Disciplinary Committee of the Justice Council, as appropriate;
 - 7) Represents the judiciary in relations with other bodies; and
 - 8) Performs other functions vested in him by law.

Article 74. Committees of the Council of Court Chairmen

1. From among its members, the Council of Court Chairmen shall form the following committees:
- 1) An Ethics Committee; and
 - 2) A Training Committee.
2. The Council of Court Chairmen may create other committees, as well.
3. Committees shall perform functions vested in them by this Code and delegated to them by decisions of the Council of Court Chairmen.
4. Each committee shall be chaired by a member of the committee chosen by the committee.
5. The number of committee members shall be defined by the Council of Court Chairmen.

SECTION 2 STATUS OF A JUDGE

CHAPTER 11 MATERIAL, SOCIAL, AND OTHER SAFEGUARDS OF THE ACTIVITIES OF A JUDGE

Article 75. Judge Salary and Supplements

1. The salary of a judge shall comprise the official pay rate and supplements.
2. The official pay rate of a judge shall be prescribed by law, provided that:

- 1) The official pay rates of judges of the first instance criminal, civil, and appellate courts shall be 15% greater than the official pay rate of a Universal Court judge;
 - 2) The official pay rates of judges of appellate courts shall be 30% greater than the official pay rate of a Universal Court judge;
 - 3) The official pay rates of judges of the Cassation Court shall be 50% greater than the official pay rate of a Universal Court judge;
 - 4) A court chairman shall receive a monetary supplement in the amount of 25% of the official pay rate, and a Chamber Chairman of the Cassation Court shall receive a monetary supplement in the amount of 15% of the official pay rate;
 - 5) A supplement shall be paid to each judge for his experience as a judge: 2% for each of the first five years (a total of 10%), and 5% for the sixth year and each year thereafter.
3. A judge's salary and supplements may not be reduced during the judge's term of office. This rule shall not preclude the possibility of temporarily reducing salaries under Article 157(1) and Article 165(4) hereof.

Article 76. Leave of Judges

1. Judges shall be entitled to a regular annual paid leave lasting 30 working days.
2. The regular annual paid leave of a judge shall be granted in such a way as to not hinder the normal functioning of the court. The procedure of granting regular annual leave to judges shall be defined by the Council of Court Chairmen.
3. In some cases, due to personal or family circumstances, the court chairman may grant a judge an unpaid leave for up to 30 cumulative days per annum.
4. For the purpose of defending a scientific dissertation, a judge shall be entitled to an unpaid leave for up to 30 working days.
5. Disputes related to the granting of leave may be resolved by the Ethics Committee of the Council of Court Chairmen.

Article 77. Right of Judge to Participate in Educational Programs

1. In addition to taking part in compulsory training programs, a judge is entitled to participate in other educational and training programs, conferences, and other professional gatherings of lawyers.
2. Participation in such events, which requires absence from work during work hours for up to five (5) days, shall require authorization by the court chairman. To obtain authorization for a longer period, the judge shall apply to the Training Committee of the Council of Court Chairmen.
3. If a judge has obtained the authorization of the court chairman or the Training Committee of the Council of Court Chairmen, respectively, the judge's absence due to participation in such events shall be considered excused, and the judge shall retain his salary.

Article 78. Judge's Personal File

1. A personal file shall be prepared and maintained for each judge. A judge's personal file shall be maintained by the Judicial Department. A judge's personal file shall contain the following information:
 - 1) Information on the judge's name, surname, birth date, permanent residence address, education, and knowledge of foreign languages;
 - 2) A copy of the act on the appointment of the judge;

- 3) Information on the academic achievements of the judge while studying in the Judicial School and on the judge's trial period in courts;
 - 4) Information on the training courses attended by the judge since taking the office of a judge (including the number of training hours);
 - 5) Decisions of the Ethics Committee taken in cases in which the judge protracted case examination;
 - 6) Copies of Justice Council decisions applying disciplinary sanctions against the judge or suspending disciplinary proceedings against him;
 - 7) Information on violations of work discipline by the judge;
 - 8) The annual declaration of income and assets of the judge and persons related to him;
 - 9) Other information stipulated by labor legislation; and
 - 10) Other information as prescribed by the Council of Court Chairmen.
2. Information in the personal file of a judge shall not be published. In addition to the judge, his personal file shall be accessible to the President of the Republic, the Cassation Court Chairman, the chairman of the judge's court, the party that has the right to instigate disciplinary proceedings against the judge, members of the Justice Council, and members of the Ethics Committee of the Council of Court Chairmen.

Article 79. Staff of Judge

1. Each judge of the first instance and appellate courts shall have one assistant and one secretary.
2. The Cassation Court Chairman, the Chamber judges, and the Chamber chairmen shall each have two assistants.
3. A judge's assistant and secretary shall be considered judicial servants assigned to the judge.

Article 80. Judge's Attire during Court Session

1. A judge shall participate in the court session wearing a robe of the established form, which shall be provided to the judge at no cost.
2. The description of the robe shall be approved by the Council of Court Chairmen.

Article 81. Judge's Office

1. A separate office room shall be allocated to each judge.
2. The coat of arms of the Republic of Armenia shall be present in the judge's office; the state flag of the Republic of Armenia shall be placed near the judge's desk.

Article 82. Military Conscription of Judges

Throughout their terms of office, judges shall be exempt from regular military draft for a term, other conscription, and drills.

Article 83. Official Identification Card of Judge

For the whole term of his office, a judge shall receive an official identification card issued by the President of Armenia.

Article 84. Judge's Security and Personal Protective Measures

1. Judges shall have the right to keep and carry registered arms and special protective equipment. Registered arms and special protective equipment shall be provided to judges by the body authorized for such purpose by the Government.

2. A judge and his family members shall enjoy the special protection of the state. In the event of the threat of illegitimate encroachment upon the privacy of a judge or his family members, or of the residential and office space occupied by a judge, if the judge or court so request, the competent state authorities shall immediately undertake all necessary measures to ensure the security of the judge and his family members, and of the residential and office space occupied by the judge.

Article 85. Costs of Judge's Work-Related Trips

When sent on a work-related trip to a place other than his permanent place of residence, costs of the work-related trip shall be reimbursed to the judge in the amount and procedure stipulated by legislation.

Article 86. Judge's Entitlement to Immediate Reception

A judge shall be entitled to immediate reception by the Minister of Justice of the Republic of Armenia (hereinafter, "the Minister of Justice") and the Cassation Court Chairman.

CHAPTER 12 ***RULES OF JUDICIAL CONDUCT***

Article 87. Rules of Judicial Conduct

1. The rules of judicial conduct prescribed in this chapter are not exhaustive. The General Assembly of Judges may prescribe additional rules of conduct.

2. The rules of judicial conduct shall be binding for all judges.

3. The rules of judicial conduct stipulated by Paragraphs 1 to 6 and Paragraphs 9 and 10 of Article 89, Article 92, Article 93, Paragraphs 1 and 2 of Article 94, Article 95, and Article 96 of this Code shall be binding on all persons included in the list of judge candidates to the extent that they are effectively applicable to such persons.

Article 88. Purpose of Rules of Conduct and Duty to Follow Them

1. With his activities and conduct, a judge must aspire to ensure the impartiality and independence of the court, and to contribute to building respect for and confidence in the court. The interpretation and application of the rules of conduct shall facilitate the achievement of this goal.

2. A judge must contribute to instilling high standards of conduct both by personally following such rules and by pursuing compliance by his colleagues.

Article 89. Conduct of a Person Holding Judicial Office

1. The requirements of this Article concern the everyday conduct of a judge, both in his official conduct in the court, and outside the court.
2. A judge must respect and abide by the law.
3. In any activity anywhere, a judge must avoid conduct that undermines the reputation of the judiciary or is inappropriate, and must also avoid leaving the impression of such conduct.
4. A judge must not allow his family, social, or other relationship to influence his exercise of powers in court in any way.
5. A judge must not give the impression that another person can influence the judge by virtue of his family, social, official, or other capacity.
6. A judge must not use the reputation of judicial office for his or another person's benefit.
7. A judge may not issue a personal guarantee under the Criminal Procedure Code in favor of any person.
8. A judge may not issue a description of anyone's personal characteristics in the framework of any civil, administrative, or criminal proceedings, other than cases in which the judge does so in a judicial act.
9. A judge may not be a member of organizations that instill animosity and discrimination on the ground of race, sex, ethnic origin, faith, or other feature, or of organizations that carry out activities forbidden by law. Membership in religious organizations or fellow countrymen's unions *per se* is not considered a breach of this provision.
10. A judge may not in any way take part in fundraising for social, charitable, cultural, educational, or other projects of public benefit. Furthermore, a judge may not allow the reputation of his office to be used for such purpose. This provision does not limit the judge's right to make donations to such projects.
11. A judge has the right to propose to grant-making organizations to allocate funds to projects related to law, legislation, and the administration of justice, provided that the judge's court is not at such time examining or reasonably anticipating a case connected with the interests of such organization.

Article 90. Proper Conduct of Judge Acting in Official Capacity

1. The requirements of this Article are concerned with the behavior of the judge acting in his official capacity.
2. The judge's duties concerning the exercise of judicial power shall prevail over other activities carried out by the judge.
3. When exercising judicial power, a judge must:
 - 1) Examine and resolve matters reserved for his authority by law, unless there are grounds for a self-withdrawal of the judge from a case;
 - 2) In the examination and resolution of the case, ensure a proper level of professionalism;
 - 3) Not allow vested interests, public dissatisfaction, or the fear of being criticized to influence him;
 - 4) Require all those that are present in the court session to respect order and the rules of ethics;
 - 5) Display a patient, dignified, and gentle attitude towards all persons with whom the judge comes into contact in his official capacity. A judge must require such attitude from the court staff and other persons that are under the judge's management or supervision;

6) Carry out his duties in an impartial manner. When acting in his official capacity, a judge must abstain from displaying bias with words or actions and from leaving such an impression. Such bias includes bias regarding certain individuals and bias based on race, sex, faith, ethnic origin, physical handicap, age, social status, and other similar features. This paragraph does not prohibit the court from addressing race, sex, faith, ethnic origin, physical handicap, age, social status, and other similar features, if they are the subject of judicial review;

7) Monitor, and not allow any bias on the part of, the court staff and other persons under the judge's management or supervision;

8) Carry out examinations in a reasonable period, avoiding unnecessary delays;

9) Manage the court's funds efficiently, avoiding unnecessary costs;

10) Disapprove judicial costs which do not correspond to their reasonable value;

11) Abstain from publicly expressing an opinion on any case examined or anticipated in any court. A judge must abstain from expressing his opinion non-publicly, if it can interfere with the examination of the case. A judge must require such behavior of the court staff and others under the judge's management or supervision. This paragraph does not prohibit a judge from making public statements regarding his official duties or informing the public of the procedure of case examination in court. This paragraph shall not apply, if the judge acts as a party to a case; and

12) Beyond the exercise of judicial authority, not publicize and not use non-public information that became known to him as a result of performing his official duties, unless the law provides otherwise.

4. A judge must give any person with an interest in the outcome of the case or his lawyer the possibility to exercise his right to be heard by court, as prescribed by law.

5. Outside the scope of the judicial examination, a judge may not autonomously seek evidence or investigate facts related to a case pending before him.

6. A judge may not initiate, permit, or take into account communications with one party or his attorney made without the presence of the other party or his attorney (hereinafter, "ex parte communications"). A judge must not take into account his communications with any other person without the participation of the parties to proceedings, if such communications are concerned with a case examined by the judge. Exceptions from this rule shall be permissible only in the following cases:

1) When circumstances make ex parte communications necessary for logistical purposes, such as reaching agreement on the date and time of the session, for instance, or other similar emergencies, provided that the communications do not concern the substance of the case, do not place one party at a procedural or other advantage over another, and provided that the judge immediately communicates the substance of such communications to the other party—allowing the latter to respond;

2) When the judge asks an expert that does not have an interest in the outcome of the case to determine the applicable law, provided that the parties are notified of the expert's identity and view, and have the possibility to express their opinions on the expert's view;

3) When the judge consults with other judges or court staff that have the function of helping the judge in the exercise of judicial powers. If the ex parte communication takes place between judges of different judicial instances hearing the same case, the substance of such communication shall be notified to the parties; and

4) When such ex parte communication by the judge is directly prescribed by law.

7. The restrictions prescribed in Paragraph 5 of this Article apply to both oral and written communications.

8. When ex parte communications prohibited under Paragraph 5 of this Article have taken place independently of the judge's will, the judge must immediately notify the party not involved in such communications of their substance.

9. A judge must oversee compliance with the restrictions prescribed in Paragraph 5 of this Article on the part of court staff and other persons under the judge's management or supervision.

10. When performing logistical functions, the court chairman and each judge must carry out their logistical duties without any bias, ensuring the appropriate level of logistical skills. They must, if necessary, cooperate with other judges and court staff. The court chairman and judge must require such attitude of the court staff and other persons under their management or supervision.

Article 91. Self-Withdrawal of Judge

1. A judge must self-withdraw from a case, if he has knowledge of facts or circumstances that may cast reasonable doubt on his impartiality in that case. The self-withdrawal grounds shall include, but not be limited to the cases when:

1) A judge has prejudice about a party, his representative, advocate, or other participants in proceedings;

2) A judge, in his personal capacity, is a witness to facts that are disputed in the proceedings;

3) A judge or his spouse or person of up to third degree of kinship with the judge or his spouse will reasonably act (there are grounds to believe that he/she will act) as a party to the case or has taken part in the examination of the case at a lower instance as a judge or a person taking part in the case. For purposes of this Code, the first degree of kinship includes a person's children, parents, and siblings. The second degree of kinship includes persons within the first degree of kinship, as well as persons that have first degree of kinship with the latter. The third degree of kinship includes everyone within the second degree of kinship, as well as persons that have first degree of kinship with the latter; or

4) A judge knows that he personally or his spouse or a person within the third degree of kinship with the judge or the judge's spouse has economic interests in the substance of the dispute or in association with any of the parties.

2. For the purposes of this Article, "economic interest" shall not include:

1) Indirect possession of shares in an open joint-stock company, if such possession is performed through an investment fund or pension fund or another nominal owner, and the judge does not know that he is a shareholder in that company;

2) Having a bank deposit, having an insurance policy with a specific company, or being a depositor or member of a credit union or savings union, if outcome of the case does not present a major threat to the solvency of such organization; or

3) Possession of securities issued by the Republic of Armenia, a community of Armenia, or the Central Bank of Armenia.

3. A judge that self-withdraws must disclose the grounds of the self-withdrawal to the parties, which shall be recorded literally. A self-withdrawing judge, if he considers that he is capable of being impartial in the case before him, may propose that the parties discuss the possibility of waiving the self-withdrawal in the judge's absence. If the parties decide, in the absence of the judge, to waive the judge's self-withdrawal, then the judge shall perform the judicial examination of the case after putting such decision of the parties on the record.

Article 92. Non-Judicial Activities of a Judge

1. A judge may not occupy an office, which is not related to the performance of his duties, in a state government or local self-government body, or an office in a for-profit organization, or perform any paid work other than scientific, pedagogic, and creative work.
2. The performance by a judge of non-judicial activities may not:
 - 1) Cast reasonable doubt on his ability to act impartially as a judge;
 - 2) Diminish the reputation of the judicial office, or
 - 3) Hinder the proper performance of judicial duties.
3. A judge may not engage in advocate activities, including the performance of such activities for free, except for cases in which the judge gives legal advice without compensation to his family members and persons under his guardianship or custody.
4. A judge may not act as an asset trustee or executor of a will, except when he acts without any compensation in respect of the assets of his family member or a person under his guardianship or custody.
5. A judge may occupy a position in a non-for-profit organization, if:
 - 1) His activities in such position are performed without any compensation;
 - 2) The judge's court or a lower-instance court are not examining or reasonably anticipating a case that is connected with the interests of such organization; and
 - 3) If such position does not imply management of funds, execution of civil law transactions on behalf of the organization, or representation of the pecuniary interests of the organization before state government or local self-government bodies.
6. A judge must report his non-judicial activities to the Ethics Committee of the Council of Court Chairmen within the shortest possible timeframe, mentioning the relevant details.

Article 93. Compensation Received from Non-Judicial Activities of a Judge

1. Payment for a judge's scientific, pedagogic, and creative work may not exceed the reasonable amount, i.e. the amount that a non-judge with similar qualifications would aspire to receive for the same work.
2. For non-judicial activities carried out in compliance with Paragraph 1 of this Article, a judge may receive reimbursement of expenses, if the source of such reimbursement cannot be reasonably perceived as influence over the judge in the performance of judicial duties, and if such reimbursement of expenses is limited to the real amount of reasonable costs of travel, food, and accommodation of the judge (and, in appropriate cases, also the judge's spouse).

Article 94. Prohibition of a Judge's Engagement in Entrepreneurial Activities

1. A judge may not be a sole entrepreneur.
2. A judge may not be a member of an economic company or a depositor of a trust-based partnership, if:
 - 1) It reasonably implies use of the judge's official position; or
 - 2) In addition to taking part in the general assembly of the company, the judge is also engaged in the performance of instructive or managerial functions within the organization; or
 - 3) It can be reasonably assumed that the for-profit organization will often appear before the respective court as a party to proceedings.
3. A judge must aspire to manage his investments in such a way as to minimize the number of cases in which he must self-withdraw.

Article 95. Prohibition of Judge Accepting Gifts

1. A judge shall not accept a gift from anyone or agree to accept a gift in the future. A judge must seek to keep his family members living with him away from such actions, as well. For purposes of this Code, a “gift” includes any pecuniary advantage that would reasonably not be given to a non-judge. For purposes of this Code, a “gift” also includes a ceded claim, assets sold or services rendered at a disproportionately low value, borrowings, free use of another one’s assets, and the like.

2. The restrictions specified in the paragraph above shall not apply to the following:

- 1) Gifts and awards usually given in public events;
- 2) Books, computer software, and other similar materials provided at no cost for official use;
- 3) Treats provided during an official ceremony;
- 4) A gift related to the business, professional, or other type of autonomous activity of the judge’s family member living with the judge, including a gift that could be used jointly with other family members, including the judge, provided that such gift cannot be reasonably perceived to serve the aim of influencing the judge;
- 5) A gift received in the course of family hospitality;
- 6) A gift received from a relative, friend, or associate on a special occasion, including a marriage, jubilee, or birth, provided that the essence and size of the gift reasonably correspond to the event and the nature of the relationship between them;
- 7) A gift received from a relative, friend, or associate, if the essence and size of the gift reasonably correspond to the nature of the relationship between them;
- 8) A scholarship, grant, or benefit awarded as a result of a public tender on the same conditions and criteria as those applied towards other applicants, or as a result of another transparent process; and
- 9) A borrowing from financial institutions at the ordinary or common terms.

3. If the value of gifts considered permissible under this Article, which were received from one person during the same calendar year, exceeds 250,000 Armenian drams, or if the total value of such gifts received during a calendar year exceeds 1 million Armenian drams, the judge must report it to the Ethics Committee of the Council of Court Chairmen within the shortest possible timeframe.

4. If a judge learns that a person within third degree of kinship with the judge, who does not live in the same household as the judge, received a gift that can be reasonably perceived to have the aim of influencing the judge, then the judge must report it to the Ethics Committee of the Council of Court Chairmen within a one-week period of obtaining such information.

5. If a judge was given a gift considered impermissible under this Article, which cannot be returned through reasonable effort, then the judge must transfer such gift to the Republic of Armenia.

Article 96. Filing of a Financial Declaration by a Judge

A judge and related persons, who are required to declare their income and assets, must send to the Ethics Committee of the Council of Court Chairmen a copy of the declaration filed in accordance with the procedure defined in the Law on Declaration of Income and Assets of Senior Officials of the Republic of Armenia Authorities.

SECTION 3 THE JUSTICE COUNCIL

CHAPTER 13
COMPOSITION AND POWERS OF THE JUSTICE COUNCIL

Article 97. The Justice Council and Its Powers

The Justice Council is an independent body, which shall exercise its powers enshrined in the Constitution in accordance with the procedure stipulated by this Code.

Article 98. Requirements Presented to Justice Council Members

1. A judge who has at least five years of judge experience and, during the last five years, has not been subjected to a disciplinary sanction may be elected as a judge member of the Justice Council. A court chairman and a chamber chairman of the Cassation Court may not be Justice Council members.

2. The position of the Justice Council member that is a law academic is a state position.

Article 99. Procedure of Electing the Judge Members of the Justice Council

1. The judge members of the Justice Council shall be elected in the General Assembly of Judges, by the following groups:

- 1) One member from the universal courts of Yerevan;
- 2) One member from the universal courts of the Marzes;
- 3) One member from the criminal courts;
- 4) One member from the civil courts;
- 5) One member from the civil appellate court;
- 6) One member from the criminal appellate court;
- 7) One member from the administrative court; and
- 8) Two members from the Cassation Court.

2. When there is a vacant position of a judge member of the Justice Council, a new member shall be elected in accordance with the procedure stipulated by this Code during a three-month period; however, if the number of judge members of the Justice Council is fewer than seven, then such election shall be performed within a one-week period.

3. When a judge member of the Justice Council is transferred to another court or stops exercising his judge powers due to the elimination of his court, he shall continue serving in his position of a Justice Council member, but later, when there is a vacancy in the Justice Council, the General Meeting of Judges shall, if possible, fill the vacancy in such a way as to restore the proportion of judge members in the Justice Council as stipulated by Paragraph 1 of this Article.

Article 100. Voting Procedure to Elect Judge Members of the Justice Council

1. The voting shall be by secret ballot. Ballots shall be prepared for the different groups stipulated by Paragraph 1 of Article 99 hereof. Ballots shall contain the names of all judges who meet the requirements set forth in Paragraph 1 of Article 98 hereof.

2. When voting with each ballot, a judge shall have one vote. For each position, the judge who receives the largest number of votes shall be deemed elected. If more than two members are to be elected concurrently from any of the groups stipulated by Paragraph 1 of Article 99 hereof, then the two judges who receive the largest number of votes shall be deemed elected. In case of an equal vote, a drawing shall be held.

Article 101. Early Termination of the Powers of a Judge Member of the Justice Council

The powers of a judge member of the Justice Council shall be considered terminated prematurely by virtue of law, if his judicial powers have expired or been terminated prematurely on either of the grounds stipulated by Article 167 hereof.

Article 102. Early Termination of the Powers of a Law Academic Member of the Justice Council

1. The powers of a law academic member of the Justice Council shall be considered terminated prematurely by virtue of law, if:

1) He has been convicted by a final judgment of court, or his criminal prosecution has been terminated on a non-acquittal ground;

2) He has been declared legally incapable, missing, or dead by a final judgment of court; or

3) He has been appointed a judge.

2. The powers of a law academic member of the Justice Council may be terminated prematurely by the body that appointed him, if he regularly and without an excusable reason fails to participate in the Justice Council activities. A motion to terminate the powers of a law academic member of the Justice Council on this ground shall be submitted to the appointing body by the Cassation Court Chairman.

Article 103. Term of Powers of a Justice Council Member

1. The powers of a judge member of the Justice Council shall terminate on the day following the end of the fifth year after the decision taken under Article 100 hereof has become final.

2. The powers of law academic members of the Justice Council appointed by the President of the Republic shall terminate if the powers of the President of the Republic terminate.

3. The powers of law academic members of the Justice Council appointed by the National Assembly shall terminate if the powers of the National Assembly terminate or if the National Assembly is dismissed.

Article 104. Justice Council Member's Participation in Decision-Making

1. In the voting, each member of the Justice Council shall have one vote.

2. A judge member of the Justice Council shall not participate in making decisions that concern:

1) The submission by the Justice Council of a proposal to the President of the Republic requesting the President's consent to terminating the judicial powers of such member, detaining him, involving him as a defendant, or ordering a judicial administrative sanction against him;

2) The ordering of a disciplinary sanction against him; or

3) The consideration of his candidacy for purposes of his nomination as a court chairman or a Cassation Court judge, or the issuance of an opinion or proposal on his nomination as a judge in another court or on his exchanging of positions with another judge.

3. A judge member of the Justice Council shall not participate in the making of a decision ordering a disciplinary sanction against a judge, if the Justice Council member is a member

of the Disciplinary Committee that instigated the disciplinary proceedings on the basis of which the Justice Council is considering the matter.

4. A law academic member of the Justice Council shall not participate in the making of decisions concerning his inclusion in the judge candidates' or promotion list, or the issuance of an opinion or proposal on his appointment as a judge.

Article 105. Rights and Responsibilities of Justice Council Members

1. A member of the Justice Council shall have the right:
 - 1) To become familiar with materials related to matters discussed in a session;
 - 2) To make a speech on any matter discussed in the Council;
 - 3) To ask questions; and
 - 4) To make suggestions.
2. A member of the Justice Council must:
 - 1) Take part in Justice Council sessions and to vote for or against each matter discussed, save for cases stipulated by Article 104 hereof;
 - 2) Take part in voting with ballots; and
 - 3) Carry out instructions given to him by decision of the Justice Council.

CHAPTER 14 ***ORGANIZING THE ACTIVITIES OF THE JUSTICE COUNCIL***

Article 106. Disciplinary Committee of the Justice Council

1. A Disciplinary Committee made up of three members of the Justice Council shall be formed for a one-year term. The composition of the Disciplinary Committee shall include two judge members and one law academic member of the Justice Council. The Disciplinary Committee shall be formed by rotation principle based on the date on which each Council member was elected or appointed. The composition of the Disciplinary Committee shall include the Council members elected or appointed earlier. If the Council members' election or appointment dates coincide, the composition of the Disciplinary Committee shall be formed by alphabetic order of the surnames of the relevant Council members.

2. The Disciplinary Committee shall have the right:
 - 1) To instigate disciplinary proceedings against first instance and appellate judges and court chairmen and to file motions thereon to the Justice Council; and
 - 2) Based on a request by the Ethics Committee of the Council of Court Chairmen, to instigate disciplinary proceedings against a Cassation Court judge and chamber chairman, as well as the Cassation Court Chairman, and to file motions thereon to the Justice Council.

Article 107. Justice Council Sessions

1. The Justice Council shall carry out its activities through sessions. A Council session shall be convened by the Cassation Court Chairman. The Cassation Court Chairman shall convene a Justice Council session within a two-week period of the time when a matter requiring a Council decision arises. In cases stipulated by Article 168 of this Code, sessions shall be convened as early as possible, but not later than on the day of filing a request with the Council. Distance voting shall be permitted only in the cases stipulated by Articles 140(1) and 167 hereof.

2. In connection with their participation in Justice Council sessions, the Justice Council members shall be relieved of their official duties for an appropriate length of time,

maintaining their salaries and supplements. Justice Council members who work in the Marzes shall be reimbursed for the costs of their trips related to participation in a Council session.

3. Within a reasonable time in advance, the Judicial Department shall provide notice to the Justice Council members, other persons participating in the case, and the Minister of Justice on the session agenda, time, and place. When the Justice Council functions as a court, notification in the procedure stipulated by law shall be sent to the persons participating in the case.

4. Justice Council sessions shall be chaired by the Cassation Court Chairman.

5. A Justice Council session shall have legal power to act, if it is attended by at least seven judge members of the Council.

Article 108. Minutes of Justice Council Sessions

1. Minutes of the Justice Council sessions may be taken by plain paper minutes or computer means, including voice recording together with summary notes.

2. When the Justice Council functions as a court, the plain paper minutes of its session shall contain:

- 1) The year, month, day, and place of the session;
- 2) The time of starting and ending the session;
- 3) The names of the Justice Council members in attendance and of the court session secretary;
- 4) Information on the matter discussed by the Justice Council;
- 5) Information on the attendance of persons participating in the Justice Council session;
- 6) Decisions taken by the Justice Council without leaving the session hall and instructions of the session chairperson;
- 7) Statements, motions, and explanations of persons participating in the session;
- 8) Witness testimony and oral clarification of experts on their opinions;
- 9) Information on evidence publication, examination, and inspection;
- 10) The content of decisions stated in the form of working decisions of the Justice Council; and
- 11) The final part of Justice Council decisions and opinions.

3. At the request of a person participating in a Justice Council session or at the instruction of the session chairperson, the minutes shall include a word-by-word record of statements made during the session that are deemed important.

4. The minutes shall be signed by the session chairperson and the person taking the minutes.

5. In case of computer-based voice recording, the summary notes shall be taken concurrently using a computer. The voice record shall be stored on a CD. The summary notes shall be stored on paper endorsed by the signature of the person that took the notes.

6. A copy of the computer-recorded CD of the Justice Council session minutes, together with the summary notes, shall, upon the written request of persons participating in the Council session, be provided to them immediately after the Council session. If plain paper minutes of the Justice Council session are taken, a copy of the written minutes shall, upon the written request of persons participating in the Council session, be provided to them no later than on the day following the session. The minutes may be published only by the judge with respect to whom disciplinary proceedings have been instigated.

Article 109. Procedure of Examining Matters in the Justice Council

1. The session chairperson shall open the Justice Council session and declare the matter that has to be examined; then, subject to the consent of the Council members, he shall define the procedure by which the matters on the session agenda shall be examined, and shall chair the session.

2. Justice Council sessions shall be held in camera, with the exception of such cases concerning the examination of matters related to the ordering of a disciplinary sanction against a judge, in which the judge concerned demands a public examination of his case.

Article 110. Right to Receive Information

To exercise its powers defined in the Constitution, the Justice Council has the right to receive administrative, criminal, and civil cases, as well as necessary information, materials, statements, and other documents, including those concerning pre-trial investigation secrets, from officials and state bodies, including courts, the prosecution, and inquest and investigation authorities. The only exception applies to information that constitutes state and official secrecy.

Article 111. Justice Council Acts and Procedure of Their Adoption

1. When exercising its powers enshrined in Paragraphs 2 and 4 of Article 95 of the Constitution, the Justice Council shall adopt opinions. When exercising its powers enshrined in Paragraphs 1, 3, and 5 of Article 95 of the Constitution, the Justice Council shall adopt decisions.

2. To prepare matters for its discussion and to address other issues related to the organization of its activities, the Justice Council shall adopt working decisions. Working decisions shall be adopted by open vote, through a majority vote of the Council members taking part in the vote.

3. The vote shall be considered valid, if at least seven members of the Justice Council took part in it.

4. Decisions and opinions adopted by open vote shall be adopted by a majority vote of the Justice Council members taking part in the vote. The procedure of adopting decisions and opinions by secret ballot vote is defined in this Code.

5. Justice Council decisions on consenting to order a disciplinary sanction against a judge, detain a judge, involve a judge as a defendant, or order a judicial administrative sanction against a judge shall be adopted in the consultative room, and shall be signed by all the members that took part in the adoption of such decision. Other decisions of the Justice Council shall be signed by the session chairperson.

6. Justice Council decisions on consenting to order a disciplinary sanction against a judge, terminate the powers of a judge, detain a judge, involve a judge as a defendant, or order a judicial administrative sanction against a judge, as well as the opinion stipulated by Article 171 hereof shall be final, shall enter into legal force at the time of their promulgation in the Justice Council session, and shall not be subject to appeal. Such decisions and opinions shall be published in the *Official Journal of the Republic of Armenia* and the official website of the judiciary.

7. Justice Council decisions and opinions not mentioned in Paragraph 6 of this Article shall enter into legal force from the time of their publication in the official website of the judiciary. Interested persons may file a judicial appeal against such acts to the administrative court within a week of their adoption. The administrative court shall examine and resolve the case within three working days of receiving it.

Article 112. Justice Council Staff

1. The Justice Council staff functions shall be carried out by a separate subdivision of the Judicial Department.

2. The Justice Council has the right to give instructions to the Judicial Department by means of adopting working decisions. Instructions may also be given to the Judicial Department by the Disciplinary Committee of the Justice Council and a Council member to whom instructions were given by a Council decision.

3. The Judicial Department shall prepare the Justice Council sessions and, within the terms stipulated by this Code, send materials related to the matters discussed in the Justice Council to the Justice Council members, other persons participating in the case, and the Minister of Justice. The Judicial Department shall take minutes of the Justice Council sessions and deliver and publish acts adopted by the Justice Council.

Article 113. Financing of the Justice Council

Financing of the Justice Council shall be contemplated in a budget allocated to the relevant separate subdivision of the Judicial Department.

Article 114. List of Judicial Candidates

Based on the qualification test in accordance with the procedure stipulated by this Code, the Justice Council shall compile and present to the President of the Republic for approval a list of judicial candidates. The list of judicial candidates shall be amended and supplemented in the same manner.

CHAPTER 15

COMPILATION AND APPROVAL OF THE LIST OF JUDICIAL CANDIDATES. PROCEDURE OF APPOINTING JUDGES AND CHAIRMEN OF FIRST INSTANCE COURTS.

Article 115. Qualification Testing

1. If, as of September 1 of the current year, the total number of persons that graduated or are currently studying in the Judicial School does not exceed 12, then the Cassation Court Chairman shall, no later than September 10, publish an announcement on performing qualification testing with a view to supplementing the list of judge candidates.

2. A qualification test shall be carried out in a competitive procedure based on the results of written exams.

3. The Judicial School Governing Board shall, not later than September 30, define and publish the type of written exams, the procedure of conducting them, the procedures of checking, grading, and appealing against the grading of exam papers, and the procedure of calculating the total sum of an aspirant on the basis of the exam paper grades. Organizational work related to the implementation of the qualification test shall be carried out by the Judicial School Director.

4. Participation in the qualification exam is open to citizens of the Republic of Armenia, who are 22-60 years old and have obtained in the Republic of Armenia a Bachelor's degree or a "specialist with diploma" degree in higher legal education, or have obtained a similar degree in a foreign state, which has been recognized and confirmed in terms of adequacy in

the Republic of Armenia in accordance with the procedure stipulated by law, provided that they have a command of the Armenian language, have not been deprived of the right to apply to the Judicial School based on Article 185 hereof, and comply with the requirements of Article 119(1) hereof.

5. Applications shall be submitted to the Judicial School Director by October 25.

6. Together with applications, the applying individuals shall present their consent to obtaining necessary information about them from state bodies and officials, including information comprising medical secrecy.

7. An aspirant must also present:

- 1) A personal identification document;
- 2) A document confirming that the aspirant has higher legal education;
- 3) A card containing the aspirant's biographical data, with a description of the professional legal work carried out by the aspirant after obtaining a lawyer's degree, including the relevant evidence (such as a job description or other documents confirming the duties in the job that is to be considered as professional legal experience);
- 4) A document confirming that the aspirant has performed mandatory military service or has been relieved of such service or has had such service deferred in accordance with the procedure stipulated by law (this requirement only applies to male aspirants); and
- 5) A document issued in accordance with the procedure stipulated by the Government, confirming the absence of physical handicap and illnesses that hinder one's appointment to a judicial position.

8. An applicant has the right to present also recommendation letters in the form approved by the Judicial School Governing Board.

9. The Judicial School Director may check the credibility of the presented documents.

10. Applications submitted in breach of the established deadline for submission and applications that do not meet the requirements stipulated by law shall be rejected and returned by the Judicial School Director within three working days. The Judicial School Director's decision to reject an application may be appealed to the administrative court by the applicant within three working days of receiving the rejection. The administrative court shall examine and resolve the case within three working days of receiving it.

11. A judicial appeal against the Judicial School Director's decision to reject an application shall not suspend the procedure stipulated by this Code for accepting applications and testing qualification.

12. If the Judicial School Director's decision to reject an application is found unlawful by court, the applicant shall have the right to take a qualification test and, if the qualification testing has already begun, then the applicant shall have the right to take part in the next qualification test without having to submit a new application.

13. The qualification test and the summarization of results, including appeals against the qualification results shall be carried out during the period from November 1 to 15.

Article 116. Preparing Materials Based on the Qualification Testing for Discussing the Matter in the Justice Council

1. After the expiration of the time period set for appeal, but not later than November 20, the Judicial School Governing Board shall present the results of the 16 aspirants that scored the highest total number of points in the qualification testing (and, if there are aspirants that scored equal to the highest minimum number of points, then also their results) to the Justice Council for the purpose of including them in the list of judicial candidates. At the same time, the Judicial School Governing Board shall publish the presented list of candidates in a print press medium with a print run of at least 3,000, as well as the official website of the

judiciary. Together with the list of candidates, information on each candidate's education, post-university work career, and family status shall be published.

2. State bodies and officials that have such information on a judicial candidate (including confidential information), which casts doubt on the person's reputation and ability to properly exercise judicial powers, must, within two weeks of publication, communicate such information to the Justice Council. The Judicial Department shall ensure that the information received is made available to all the members of the Justice Council, the Cassation Court Chairman, and the Minister of Justice.

3. The Minister of Justice and the Justice Council may obtain necessary information about an aspirant from state bodies and officials, and make inquiries with persons that issued recommendation letters.

Article 117. Compilation and Approval of the List of Judicial Candidates

1. The Justice Council shall study the nominated candidates in its session and invite them to an interview.

2. To supplement the list of judicial candidates, the Justice Council shall conduct an in-camera vote using ballots. In the ballot, the word "For" shall be written, together with an empty checkbox next to each candidate's name and surname. Each member of the Justice Council has 10 votes, provided that each member of the Justice Council may cast no more than one vote per candidate. When voting for the preferred candidate, the Justice Council member shall mark the respective "for" checkbox. Ballots that contain more than 10 votes shall be considered invalid. Based on the vote result, a list of the 10 persons receiving the largest number of votes shall be compiled. In case of equal votes, other persons that got equal votes shall be included in the list, as well. The list shall be presented to the President of the Republic no later than December 15.

3. When compiling the list, gender balance shall be taken into consideration. If the number of judges of either sex is less than 25 percent of the total number of judges, then at least five places shall be safeguarded in the list to the candidates of that sex.

4. No later than December 25, the President of the Republic shall issue a decree approving the list compiled by the Justice Council, with candidates acceptable to him.

Article 118. Procedure of Including Former Judges, Prosecutors, Advocates, and Investigators in the Lists of Judicial Candidates and in the Promotion List

1. Persons that worked as judges in the past and had their powers terminated prematurely on a ground stipulated by either of sub-paragraphs 1, 3, 5, or 9 of Paragraph 1 of Article 167 hereof (hereinafter, "former judges"), and have worked as a judge for two years during the last 10 years, may be included in the list of judicial candidates and in the promotion list in accordance with the procedure stipulated by this Article. Judges, whose powers were terminated prematurely on a ground stipulated by either sub-paragraphs 5 or 9 of Paragraph 1 of Article 167 hereof, may apply to be included in the list of judicial candidates and in the promotion list, if the circumstances that justified the premature termination of their powers no longer exist.

2. Persons that have worked as a prosecutor, advocate, or investigator for at least two years during the last three years and work as a prosecutor, advocate, or investigator at the moment of applying may be included in the list of judicial candidates in accordance with the procedure stipulated by this Article.

3. The persons stipulated by Paragraphs 1 and 2 of this Article may, once a year, but not later than November 20, submit an application to the Justice Council, attaching the documents prescribed by Article 115(7) of this Code.

4. In its session, the Justice Council shall study the candidacy and, if necessary, invite the candidate to an interview.

5. To replenish the List of Judicial Candidates, the Justice Council shall hold an in-camera vote with ballots. In the ballot, the words “For” and “Against” together with empty checkboxes shall be written next to each candidate’s name and surname. When voting for a candidate, the person voting shall mark the “For” box, and when voting against—the “Against” box. If a candidate receives more than half of the votes of those that voted, he shall be presented to the President of the Republic. If the President of the Republic, after receiving a proposal, does not replenish the List of Judge Candidates within a two-week period, then the candidacy shall be considered rejected.

6. When the Justice Council does not propose a candidacy, or when a candidacy is rejected by the President of the Republic, the persons stipulated by Paragraphs 1 and 2 of this Article shall be deprived of the possibility to apply again, within three years of such rejection, to be included in the List of Judge Candidates in accordance with the procedure stipulated by this Article.

7. If a person previously worked as a judge in the Appellate Court or Cassation Court or was included in the Judge Promotion List or worked as a judge or advocate or prosecutor investigator and meets the requirements of Paragraphs 1(2) or 1(3) of Article 137 or of Paragraphs 1(2) or 1(3) of Article 138, then, if the person so wishes, his inclusion in the respective Promotion List shall be voted on through a separate ballot, together with the vote on his inclusion in the List of Judge Candidates, and presented for the President’s approval. Such person must inform the Justice Council of the section of the Promotion List in which he wishes to be included.

8. If a person stipulated by Paragraph 2 of this Article stops working as a prosecutor, advocate, or investigator, then he must provide written notice thereof to the Justice Council within a one-week period.

Article 119. Limitations on Appointment as a Judge

1. A person may not be appointed as a judge, if:

1) He has been convicted of a crime, regardless of whether the conviction has expired or been removed;

2) His criminal prosecution has been terminated on a non-acquittal ground;

3) He is currently subject to criminal prosecution;

4) He has a physical handicap or illness that hinders his appointment to the position of a judge; or

5) He has not completed mandatory military service, with the exception of persons that were relieved of such service or had such service deferred in accordance with the procedure and on a ground stipulated by law.

2. The list of physical handicaps and illnesses referred to in Paragraph 1(4) of this Article shall be defined by the Government.

Article 120. Grounds for Removal of a Candidate from the List of Judicial Candidates

1. A person included in the List of Judicial Candidates shall be removed from the List, if:

1) He has been appointed to the position of a judge;

- 2) He has requested to be removed from the List;
- 3) He has turned 65;
- 4) A final judgment of court has proved that he was included in the List in breach of the requirements of law;
- 5) He has been removed from the Judicial School in the cases stipulated by this Code;
- 6) After graduating the Judicial School, he has failed to pass the annual training program without an excusable reason;
- 7) After graduating the Judicial School, he has been dismissed or removed from service in the Judicial Department;
- 8) In the cases stipulated by Paragraphs 6 and 7 of Article 123 of this Code, he does not agree to be appointed to the judge position offered to him;
- 9) He has been declared legally incapable, missing, or dead by a final judgment of court;
- 10) His criminal prosecution has been terminated on a non-acquittal ground;
- 11) He has been convicted by a final judgment of court; or
- 12) He has lost citizenship of the Republic of Armenia.

2. A person included in the List of Judicial Candidates, who is referred to in Article 118(2) of this Code, shall be removed from the List also in the following cases:

- 1) If he stops working as a prosecutor, advocate, or investigator; or
- 2) If, within two years of being included in the List of Judicial Candidates, he does not complete the individual training course in the Judicial School.

3. Within a three-day period of the emergence of the grounds stipulated by this Article for removal from the List of Judicial Candidates, the Cassation Court Chairman shall make a proposal thereon to the Justice Council. In its session, the Justice Council shall study the proposal of the Cassation Court Chairman. If, as a result of an open vote, the Justice Council finds that the proposal meets the requirements of this Article, it shall suggest to the President of the Republic removing the person from the List. If the procedures stipulated by this Code have not been breached, then the President of the Republic shall remove the person from the list within a ten-day period.

Article 121. Grounds of the Emergence of a Vacant Judge Position in a Universal Jurisdiction Court

1. A vacant position of a judge may emerge in a universal jurisdiction court in the following cases:

- 1) When a new court of universal jurisdiction is created;
- 2) When the powers of a functioning judge expire or are terminated; or
- 3) When the number of judges in a court is increased.

2. In the cases stipulated by Paragraphs 1(2) and 1(3) of this Article, a vacancy does not emerge, if a judge has become redundant due to the reduction of the number of judicial positions in the same court, who has still not been appointed to a judicial position in another court. In such case, the judge stops being considered a judge that became redundant due to the reduction of the number of judge positions. If there are several judges that have become redundant in this manner, priority shall be given to the oldest one.

Article 122. Procedure of Nominating a Candidate for a Vacant Judicial Position in a Universal Jurisdiction Court

1. When a vacant judicial position emerges in a universal jurisdiction court, the Cassation Court Chairman shall, for purposes of nominating a candidate to the President of the

Republic, make a written offer to the candidates on behalf of the Justice Council in the following order (candidates against whom criminal prosecution has been instigated shall not be considered):

1) Firstly, the Cassation Court Chairman shall make an offer to such first instance or appellate court chairman, or such judge of a first instance specialized court or appellate court, or such chamber chairman or judge of the Cassation Court, which prior to that filed a written request asking the Cassation Court Chairman to transfer him to the position of a universal court judge. If several candidates have applied in this manner, the first priority shall be given to the chairman of the court in which the vacancy emerged, and the second, to the oldest candidate;

2) Secondly, the Cassation Court Chairman shall make an offer to such oldest reserve judge referred to in Article 14(7) of this Code, who has not been appointed to a judicial position in another court (with the exception of persons stipulated by Article 139 of the Code);

3) Thirdly, the Cassation Court Chairman shall make an offer to such redundant judge referred to in Article 14(6) of this Code, who has not been appointed to a judicial position in another court. If there are several such persons, the priority shall be given first to the oldest judge of another first instance court, then—to the oldest judge of the appellate court, and then—to the oldest judge of the Cassation Court (with the exception of persons stipulated by Article 139 of the Code);

4) Fourthly, the Cassation Court Chairman shall make an offer to such advocates, prosecutors, and investigators included in the List of Judicial Candidates in accordance with the procedure stipulated by Article 118 of this Code, which have completed the training program in the Judicial School, as well as former judges included in the List of Judicial Candidates in accordance with the procedure stipulated by Article 118 of this Code. These persons shall be nominated, even if they are included in the Promotion List. If there are several such persons, priority shall be given first to the oldest former judge, and then—to the oldest person;

5) Fifthly, the Cassation Court Chairman shall make an offer to candidates that have graduated the Judicial School, with the exception of persons performing mandatory military service duties. Such nomination shall be performed in the declining order of total credits gained at the time of graduating the Judicial School. In case of equal total credits, preference shall be given to the older candidate. Graduates of a given year may be given an offer only if the List of Judicial Candidates does not include candidates that have graduated the Judicial School in earlier years, or if all the candidates that graduated the Judicial School in earlier years and are currently on the List of Judicial Candidates are currently performing mandatory military service duties.

2. The Cassation Court Chairman shall present the written offer to reserve judges, former judges, and the persons referred to in Paragraph 1(5) of this Article at the respective candidate's residence address. In other cases, the Cassation Court Chairman shall present the written offer to the workplace of the respective candidate.

Article 123. Procedure of Candidates Accepting the Offer of a Vacant Judicial Position in a Universal Jurisdiction Court and Consequences of Not Accepting Such Offer

1. Within a one-week period of receiving the notification, a candidate must present his written consent to the seat of the Cassation Court Chairman or express his disagreement to appointment. Failure to present consent during the specified period shall be considered as disagreement.

2. In case of the consent of the person specified in Paragraph 1(1) of Article 122 of this Code, he shall start receiving the salary corresponding to the position occupied by him and, if such person had redundant or reserve status, then such status shall terminate.

3. The disagreement of a person specified in Paragraph 1(1) of Article 122 of this Code shall not create any negative consequences for such person.

4. In the cases referred to in Paragraphs 1(2) and 1(3) of Article 122 of this Code, the consent of a first instance specialized or appellate court or Cassation Court judge shall not terminate his reserve or redundant judge status, respectively; however, in case of a universal court judge, such consent shall terminate such judge's reserve or redundant status.

5. In the cases referred to in Paragraphs 1(2) and 1(3) of Article 122 of this Code, a judge's disagreement shall give rise to the termination of his powers.

6. In the case referred to in Paragraph 1(4) of Article 122 of this Code, a candidate's disagreement, with the exception of the case in which he is also included in the Promotion List, shall result in his removal from the List of Judicial Candidates. In case of removal from the List of Judicial Candidates on this ground, a candidate may never again request to be included in such List in accordance with the procedure stipulated in Article 118 of this Code.

7. In the case referred to in Paragraph 1(5) of Article 122 of this Code, a candidate's disagreement shall result in his removal from the List of Judicial Candidates, unless the List contains the same year's graduates of the Judicial School, which are currently not performing mandatory military service duties and have fewer total credits than such candidate.

8. If, in the case referred to in Paragraph 1(5) of Article 122 of this Code, a candidate, which has the fewest total credits among all graduates of the same year that are on the List, must be removed from the list under Paragraph 7 of this Article due to his disagreement, then the Cassation Court Chairman shall repeat his offer to the candidate that has the next fewest number total credits. If the latter, too, has to be removed from the List due to his disagreement, then the making of offers in accordance with the procedure defined by this Paragraph shall be repeated until a candidate accepts the offer or the list of that year's graduates of the School has expired, with the exception of graduates that are at such time performing mandatory military service duties.

9. In case of a candidate's consent, the Cassation Court Chairman shall nominate such candidate to the Justice Council. The Justice Council shall, in an open vote, issue a positive opinion on the nominated candidacy, if the procedures stipulated by this Code have not been breached. In case of the positive opinion of the Justice Council, the candidacy shall be presented to the President of the Republic of Armenia.

10. If, within a two-week period of receiving the nomination, the President of the Republic does not appoint the judge, then the candidacy shall be considered rejected, the person shall be removed from the List of Judicial Candidates, and the nomination for the vacant position shall start anew.

Article 124. Judge's Oath

1. A person appointed to a judicial position shall, no later than within a one-month period of the appointment date, assume his position after taking the following oath in a session of the Justice Council in the presence of the President of the Republic:

“Taking on the high position of a judge, I swear before the people of the Republic of Armenia to perform my judicial duties in accordance with the Republic of Armenia Constitution and laws, to be impartial and principled, fair and humane, and sacredly comply with all the requirements of the status of a judge, ensuring the rule of law and upholding the reputation of the judiciary.”

2. The oath shall be taken in a ceremonial setting, individually, by means of each judge reading the oath text, after which the judge shall sign under the text read by him.

Article 125. Appointment Procedure of Universal Jurisdiction Court Chairmen

1. If a universal jurisdiction court chairman's position becomes vacant, the Cassation Court Chairman shall announce through the official website of the Republic of Armenia judiciary that nominations for such position have begun. The announcement shall specify the deadlines and place of the submission of applications and documents by those seeking the vacant position.

2. Within a two-week period of placing the announcement, judges, court chairmen, and Cassation Court chamber chairmen seeking the vacant position, and, in cases stipulated by Article 152 of this Code, judges of the same court seeking the vacant position, may submit an application to the Justice Council.

3. In its session, the Justice Council shall study the personal files of the applicants and, if necessary, invite them to an interview.

4. Considering the features stipulated by Article 135 of this Code, the Justice Council shall conduct an in-camera vote with ballots. The ballot shall contain the names of all the individuals that have submitted applications. After the name and surname of each applicant, the word "For" shall be written, together with an empty checkbox.

5. Each member of the Justice Council shall have one vote. When voting for the preferred candidate, a member of the Justice Council shall mark the "For" checkbox next to the preferred candidate's name. Ballots that contain more than one vote shall be considered invalid. Based on the vote result, the person that got the largest number of "for" votes shall be nominated to the President of the Republic. In case of equal votes, an additional vote shall be conducted with a ballot that will include only the names of the individuals that got equal votes. If the result of the additional vote is again a tie, advantage shall be given to the older individual.

6. If only one candidate has applied for a vacant position of the first instance court chairman, he shall be considered to have passed the vote, if he has received more than half of the votes of the Justice Council members that voted. If such candidate does not receive the prescribed number of votes, a new round of nominations shall begin on the basis of an announcement made by the Cassation Court Chairman in accordance with the procedure stipulated by this Article.

7. If, within a two-week period of receiving a nomination, the President of the Republic does not appoint the respective person as a court chairman, then a new round of nominations shall begin on the basis of an announcement made by the Cassation Court Chairman in accordance with the procedure stipulated by this Article.

Article 126. Procedure of Appointing a Judge of Another Universal Jurisdiction Court to the Vacant Position of a Judge in a Universal Jurisdiction Court

In exceptional cases, the Cassation Court Chairman may nominate a judge of another universal jurisdiction court, outside of the order stipulated by Article 122 of this Code, for a vacant position of a judge in a universal jurisdiction court, provided that, in such cases, the Cassation Court Chairman must justify such nomination. In this case, the application of the respective judge, too, shall be presented to the Justice Council, in which justified reasons of the transfer must be stated. In its session, the Justice Council shall study the nomination by the Cassation Court Chairman and, if necessary, invite the judge to an interview. To issue its

opinion, the Justice Council shall conduct an in-camera vote using ballots. In the ballot, the words “I am for the transfer” and “I am against the transfer” shall be written, each with an empty checkbox. The Justice Council member that votes shall mark the appropriate checkbox. If more than half of the voters vote for the transfer, then the respective opinion shall be presented to the President of the Republic. The nomination justified by the Cassation Court Chairman, too, shall be presented to the President of the Republic. If, within a two-week period of receiving the opinion, the President of the Republic does not appoint the judge, then the candidacy shall be considered rejected, and the respective court chairman shall continue to serve in his position.

Article 127. Procedure of Exchanging Positions of Judges of Different Universal Jurisdiction Courts

1. In exceptional cases, the Cassation Court Chairman may suggest to the Justice Council exchanging the positions of judges of different universal jurisdiction courts, provided that such suggestion is justified. Such a suggestion may not be made, if there are redundant judges in the courts concerned.

2. The application of the judges concerned, too, shall be submitted to the Justice Council. The application shall contain justified reasons of the transfer. In its session, the Justice Council shall study the application and, if necessary, invite the judges to an interview.

3. To issue its opinion, the Justice Council shall conduct an in-camera vote using ballots. In the ballot, the words “I am for the exchange” and “I am against the exchange” shall be written, each with an empty checkbox. The Justice Council member that votes shall mark the appropriate checkbox. If more than half of the voters vote for the exchange, then the respective opinion shall be presented to the President of the Republic. The nomination justified by the Cassation Court Chairman, too, shall be presented to the President of the Republic. If, within a two-week period of receiving the opinion, the President of the Republic does not appoint the judges, then the exchange of judges shall be considered rejected, and the respective judges shall continue to serve in their positions.

Article 128. Grounds of the Emergence of a Vacant Judge Position in a First Instance Specialized Court

1. A vacant position of a judge may emerge in a first instance specialized court in the following cases:

- 1) When a new first instance specialized court is created;
- 2) When the powers of a functioning judge expire or are terminated; or
- 3) When the number of judges in a court is increased.

2. In the cases stipulated by Paragraphs 1(2) and 1(3) of this Article, a vacancy does not emerge, if a judge has become redundant due to the reduction of the number of judge positions in the same court, who has still not been appointed to a judicial position in another court. In such case, the judge stops being considered a judge that became redundant due to the reduction of the number of judge positions. If there are several judges that have become redundant in this manner, priority shall be given to the oldest one.

Article 129. Procedure of Nominating a Candidate for a Vacant Judicial Position in a First Instance Specialized Court

1. When a vacant judicial position emerges in a first instance specialized court, the Cassation Court Chairman shall, for purposes of nominating a candidate to the President of

the Republic, make a written offer to the candidates on behalf of the Justice Council in the following order:

1) Firstly, the Cassation Court Chairman shall make an offer to such first instance specialized court or appellate court chairman or appellate court judge, or such chamber chairman or judge of the Cassation Court (with the exception of the individuals referred to in Article 139 of this Code), who prior to that filed a written request asking the Cassation Court Chairman to transfer him to the position of a first instance specialized court judge. If several candidates have applied in this manner, the first priority shall be given to the chairman of the court in which the vacancy emerged, and the second, to the oldest candidate;

2) Secondly, the Cassation Court Chairman shall make an offer to such oldest reserve judge of a first instance specialized court or the appellate or Cassation Court, referred to in Article 14(7) of this Code, who has not been appointed to a judge position in another court (with the exception of persons stipulated by Article 139 of the Code);

3) Thirdly, the Cassation Court Chairman shall make an offer to such redundant judge of a first instance specialized court or the appellate or Cassation Court, referred to in Article 14(6) of this Code, who has not been appointed to a judge position in another court. If there are several such persons, the priority shall be given first to the oldest judge of another first instance specialized court, then—to the oldest judge of the appellate court, and then—to the oldest judge of the Cassation Court (with the exception of persons stipulated by Article 139 of the Code); and

4) Fourthly, the Cassation Court Chairman shall make an offer to the oldest redundant or reserve judge of a first instance specialized court, who occupies the position of a universal court judge.

2. The Cassation Court Chairman shall present the written offer to an incumbent judge at his workplace. The offer to a reserve judge shall be delivered to his residence address.

3. If the persons specified in Paragraph 1 of this Article do not exist or reject the offer, the Cassation Court Chairman shall through the official website of the Republic of Armenia judiciary that nominations for a vacant judicial position in a first instance specialized court have begun. The announcement shall specify the deadlines and place of the submission of applications and documents by those seeking the vacant position.

4. In the case stipulated by Paragraph 3 of this Article, the following may seek the vacant judicial position in a first instance specialized court:

1) A person that has worked in the position of a universal court judge for at least one year and does not have a disciplinary sanction in the form of a warning or severe reprimand;

2) A judge of a specialized court who has a different first instance specialization;

3) A person that is included in the List of Judicial Candidates and has worked as a prosecutor, advocate, or investigator for at least three years during the last five years, and has completed the training program in the Judicial School;

4) An ex-judge included in the List of Judicial Candidates, who previously worked as a judge in a first instance specialized court, the appellate court, or the Cassation Court, or had been included in the Official Promotion List of Judges; and

5) An ex-judge included in the List of Judicial Candidates, who worked as a universal court judge for at least three years during the last five years.

5. A person seeking the vacant position may submit an application to the Justice Council within a two-week period of the announcement.

Article 130. Procedure of Candidates Accepting the Offer of a Vacant Judge Position in a First Instance Specialized Court and Consequences of Not Accepting Such Offer. The Opinion of the Justice Council. The Appointment.

1. Within a one-week period of receiving the notification, a candidate must present his written consent to the seat of the Cassation Court Chairman or express his disagreement to appointment. Failure to present consent during the specified period shall be considered as disagreement.

2. In case of the consent of the person specified in Paragraph 1(1) of Article 129 of this Code, he shall start receiving the salary corresponding to the position occupied by him and, if such person had redundant or reserve status, then such status shall terminate.

3. The disagreement of a person specified in Paragraph 1(1) of Article 129 of this Code shall not create any negative consequences for such person.

4. In the cases referred to in Paragraphs 1(2) and 1(3) of Article 129 of this Code, the consent of an appellate court or Cassation Court judge shall not terminate his reserve or redundant judge status, respectively; however, in case of a first instance specialized court judge, such consent shall terminate such judge's reserve or redundant status.

5. In the cases referred to in Paragraphs 1(2) and 1(3) of Article 129 of this Code, a judge's disagreement shall give rise to the termination of his powers.

6. In the case referred to in Paragraph 1(4) of Article 129 of this Code, when a judge disagrees, he shall start receiving the salary corresponding to the position occupied by him.

7. In case of a candidate's consent, the Cassation Court Chairman shall nominate his candidacy to the Justice Council. The Justice Council shall, in an open vote, issue a positive opinion on the nominated candidacy, if the procedures stipulated by this Code have not been breached. In case of the positive opinion of the Justice Council, the candidacy shall be presented to the President of the Republic of Armenia. If the procedures stipulated by this Code have not been breached, the President of the Republic shall, within a ten-day period, appoint the nominated candidate as a judge. In case of a negative opinion, the nomination for the vacant position shall start anew.

Article 131. Procedure of Issuing an Opinion on a Universal Jurisdiction Court Judge, a Judge of a First Instance Court of Another Specialization, an Advocate, a Prosecutor, an Investigator, and an Ex-Judge for Appointment to a Vacant Judge Position in a First Instance Specialized Court and the Appointment to Such Position

1. In its session, the Justice Council shall study the personal files of the individuals that have submitted applications and, if necessary, invite them to an interview.

2. Considering the features stipulated by Article 135 of this Code, the Justice Council shall conduct an in-camera vote with ballots. The ballot shall contain the names of all the individuals that have submitted applications for the vacant position. After the name and surname of each applicant, the word "For" shall be written, together with an empty checkbox.

3. Each member of the Justice Council shall have one vote. When voting for the preferred candidate, a member of the Justice Council shall mark the "For" checkbox next to the preferred candidate's name. Ballots that contain more than one vote shall be considered invalid. Based on the vote result, a positive opinion shall be issued on the person that got the largest number of "for" votes. In case of equal votes, an additional vote shall be conducted with a ballot that will include only the names of the individuals that got equal votes. If the result of the additional vote is again a tie, advantage shall be given to the older individual.

4. If only one candidate has applied for a vacant position of a first instance specialized court judge, positive opinion on him shall be considered to have been issued, if he has received more than half of the votes of the Justice Council members that voted. If such

candidate does not receive the prescribed number of votes, a new round of nominations shall begin on the basis of an announcement made by the Cassation Court Chairman in accordance with the procedure stipulated by this Article.

5. If, within a two-week period of receiving a nomination, the President of the Republic does not appoint the respective person as a judge, then a new round of nominations shall begin on the basis of an announcement made by the Cassation Court Chairman in accordance with the procedure stipulated by this Article.

Article 132. Appointment Procedure of First Instance Specialized Court Chairmen

A universal jurisdiction court judge that complies with the requirements of Paragraph 4(1) of Article 129 of this Code, a first instance specialized court judge, the chairman of another first instance specialized court, a judge or chairman of the appellate court, a Cassation Court chamber judge or chamber chairman, and, in cases stipulated by Article 152 of this Code, judges of the same court, in the procedure stipulated by this Code for the appointment of a universal jurisdiction court chairman, may be appointed as a chairman of a first instance specialized court.

Article 133. Procedure of Appointing Another Judge of a First Instance Specialized Court to a Vacant Judge Position in a First Instance Specialized Court

In exceptional cases, the Cassation Court Chairman may nominate a judge of another first instance court of the same specialization, outside of the order stipulated by Article 129 of this Code, for a vacant position in a first instance specialized court, provided that, in such cases, the Cassation Court Chairman must justify such nomination. In this case, the application of the respective judge, too, shall be presented to the Justice Council, in which justified reasons of the transfer must be stated. In its session, the Justice Council shall study the nomination by the Cassation Court Chairman and, if necessary, invite the judge to an interview. To issue its opinion, the Justice Council shall conduct an in-camera vote using ballots. In the ballot, the words “I am for the transfer” and “I am against the transfer” shall be written, each with an empty checkbox. The Justice Council member that votes shall mark the appropriate checkbox. If more than half of the voters vote for the transfer, then the respective opinion shall be presented to the President of the Republic. The nomination justified by the Cassation Court Chairman, too, shall be presented to the President of the Republic. If, within a two-week period of receiving the opinion, the President of the Republic does not appoint the judge, then the candidacy shall be considered rejected, and the respective judge shall continue to serve in his position.

Article 134. Procedure of Exchanging Positions of Judges of Different First Instance Specialized Courts

1. In exceptional cases, the Cassation Court Chairman may suggest to the Justice Council exchanging the positions of judges of different first instance courts of the same specialization, provided that such suggestion is justified. Such a suggestion may not be made, if there are redundant judges in the courts concerned.

2. The application of the judges concerned, too, shall be submitted to the Justice Council. The application shall contain justified reasons of the transfer. In its session, the Justice Council shall study the application and, if necessary, invite the judges to an interview.

3. To issue its opinion, the Justice Council shall conduct an in-camera vote using ballots. In the ballot, the words “I am for the exchange” and “I am against the exchange” shall be written, each with an empty checkbox. The Justice Council member that votes shall mark the appropriate checkbox. If more than half of the voters vote for the exchange, then the respective opinion shall be presented to the President of the Republic. The nomination justified by the Cassation Court Chairman, too, shall be presented to the President of the Republic. If, within a two-week period of receiving the opinion, the President of the Republic does not appoint the judges, then the exchange of judges shall be considered rejected, and the respective judges shall continue to serve in their positions.

Article 135. Features Taken into Consideration When Voting with Ballots in Connection with the Compilation of the Official Promotion List of Judges or the Appointment of a Court Chairman, a First Instance Specialized Court Judge or an Appellate Court Judge, or a Cassation Court Chamber Judge or Chamber Chairman

When voting with a ballot in connection with the compilation of the Official Promotion List of Judges or the appointment of a court chairman, a first instance specialized court judge or an appellate court judge, or a Cassation Court chamber judge or chamber chairman, members of the Justice Council shall take into consideration the following features:

- 1) The professional knowledge of a judge, including the judge’s professional activities and professional and post-university education;
- 2) The judge’s professional reputation;
- 3) The work skills;
- 4) The quality of judicial acts made by the judge;
- 5) The judge’s respect for the reputation of the judiciary and judges and compliance with the Judicial Code of Conduct;
- 6) Oral and written communication skills, based on the minutes of court sessions and the judicial acts made by the judge;
- 7) The judge’s participation in educational and professional training programs stipulated by this Code;
- 8) The judge’s participation in the self-governance of the judiciary;
- 9) The judge’s participation in law and legislation development projects;
- 10) The attitude towards colleagues during the performance of judge duties; and
- 11) The organizational skills of the judge and the qualities displayed by the judge in the performance of managerial duties.

CHAPTER 16

COMPILATION AND APPROVAL OF OFFICIAL PROMOTION LISTS OF JUDGES. APPOINTMENT PROCEDURE OF APPELLATE AND CASSATION COURT JUDGES AND COURTCHAIRMEN.

Article 136. Official Promotion Lists of Judges

1. The Justice Council shall compile and present to the approval of the President of the Republic the Official Promotion List of Judges. Amendments and supplements to the Official Promotion List of Judges shall be made in the same procedure.

2. The Official Promotion List of Judges shall consist of:

- 1) The Official Promotion List of First Instance Specialized Court Judges; and
- 2) The Official Promotion List of Appellate Court Judges.

3. Persons that work as judges (including reserve and redundant judges, even if they have been appointed to a judge position in a lower court), as well as other persons stipulated by this Code may be included in the Official Promotion List of Judges.

Article 137. Compilation and Approval of the Official Promotion List of First Instance Specialized Court Judges

1. The following may be included in the Official Promotion List of First Instance Specialized Court Judges:

1) A person who has worked in the position of a first instance specialized court judge for at least three years and does not have a disciplinary sanction in the form of a warning or severe reprimand;

2) A person that has worked as a prosecutor, advocate, or investigator for at least five years during the last eight years; and

3) An ex-judge that has worked as a judge for at least five years during the last eight years.

2. The Official Promotion List of First Instance Specialized Court Judges shall consist of the following two sections:

1) Criminal Specialization; and

2) Civil Specialization.

3. If the section list of either specialization in the Official Promotion List has expired, or if by November 1 of the current year, there are no more than five judges in the section list of either specialization in the Official Promotion List, then the Cassation Court Chairman shall, through the official website of the Republic of Armenia judiciary, make an announcement about compiling a list for the respective specialization within the Official Promotion List. The announcement shall specify the deadlines and place of the submission of applications and documents by candidates.

4. Within a two-week period of publishing the announcement, the persons stipulated by Paragraph 1 of this Article may, for the purpose of being included in the Official Promotion List, submit an application to the Justice Council expressing the wish to be included in the respective section of the Official Promotion List. A person may apply for inclusion in the section of only one specialization.

5. Within a ten-day period of the deadline for accepting applications, the Justice Council shall in its session study the personal files of the aspirants and, if necessary, invite them to an interview.

6. For purposes of compiling the Official Promotion List of Judges, the Justice Council shall, taking into consideration the features stipulated by Article 135 of this Code, conduct an in-camera vote using ballots. For each section, separate ballots shall be produced to contain the names of all the candidates that have applied to be included in the respective section. Next to each candidate's name and surname, the word "For" shall be written, together with an empty checkbox.

7. If the number of candidates that have applied to be included in the respective section of the Official Promotion List of Judges is greater than the number necessary to complete the list, then, when voting for that section, the number of votes to which each member of the Justice Council is entitled shall be equal to the difference between the number 6 and the number of persons in the respective section of the list on the voting day. When voting for each candidate, the voter shall mark the "For" checkbox next to the relevant candidate's name. If a voter has given more votes than he is entitled to under this Paragraph, then the ballot shall be deemed invalid. As a result of the vote, a total number of judges, equal to the number of votes to which a voter was entitled, who won the largest number of "for" votes

shall be nominated to the President of the Republic for inclusion in the relevant section of the Official Promotion List. In case of equal votes, an additional vote shall be conducted with a ballot that will include only the names of the judges that got equal votes. In the additional vote, each member of the Justice Council shall have one vote. If the result of the additional vote is a tie, advantage shall be given to the older judge.

8. If the number of candidates that have applied to be included in the respective section of the Official Promotion List of Judges is fewer than or equal to the number necessary to complete the list, then, when voting for that section, the number of votes to which each member of the Justice Council is entitled shall be equal to the number of candidates. As a result of the vote, the candidates for which more than half of the Justice Council members participating in the vote voted shall be considered to have passed the vote.

9. In the list submitted by the Justice Council, the President of the Republic shall leave the candidates acceptable to him and, no later than within a ten-day period, issue a decree supplementing the Official Promotion List of Judges. If the List is not supplemented in the aforementioned period, it shall be considered rejected.

Article 138. Compilation and Approval of the Official Promotion List of Appellate Court Judges

1. The following may be included in the Official Promotion List of Appellate Court Judges:

1) A person who has worked in the position of an appellate court judge for at least five years and does not have a disciplinary sanction in the form of a warning or severe reprimand;

2) A person that has worked as a prosecutor, advocate, or investigator for at least 10 years during the last 15 years; and

3) An ex-judge that has worked as a judge for at least 10 years during the last 15 years.

2. If the Official Promotion List has expired, or if by November 1 of the current year, there are no more than two judges in the List, then the Cassation Court Chairman shall, through the official website of the Republic of Armenia judiciary, make an announcement about compiling an Official Promotion List of Judges. The announcement shall specify the deadlines and place of the submission of applications and documents by candidates.

3. Within a two-week period of publishing the announcement, the persons stipulated by Paragraph 1 of this Article may, for the purpose of being included in the Official Promotion List, submit an application to the Justice Council expressing the wish to be included in the Official Promotion List of Judges.

4. Within a ten-day period of the deadline for accepting applications, the Justice Council shall in its session study the personal files of the aspirants and, if necessary, invite them to an interview.

5. For purposes of compiling the Official Promotion List of Judges, the Justice Council shall, taking into consideration the features stipulated by Article 135 of this Code, conduct an in-camera vote using ballots. The ballots shall contain the names of all the candidates that have applied to be included in that section. Next to each candidate's name and surname, the word "For" shall be written, together with an empty checkbox.

6. If the number of candidates that have applied to be included in the Official Promotion List of Judges is greater than the number necessary to complete the list, then, when voting, the number of votes to which each member of the Justice Council is entitled shall be equal to the difference between the number 3 and the number of persons in the Promotion List on the voting day. When voting for each candidate, the voter shall mark the "For" checkbox next to

the relevant candidate's name. If a voter has given more votes than he is entitled to under this Paragraph, then the ballot shall be deemed invalid. As a result of the vote, a total number of judges, equal to the number of votes to which a voter was entitled, who won the largest number of "for" votes shall be nominated to the President of the Republic for inclusion in the Promotion List. In case of equal votes, an additional vote shall be conducted with a ballot that will include only the names of the judges that got equal votes. In the additional vote, each member of the Justice Council shall have one vote. If the result of the additional vote is a tie, advantage shall be given to the older judge.

7. If the number of candidates that have applied to be included in the Official Promotion List of Judges is fewer than or equal to the number necessary to complete the list, then, when voting, the number of votes to which each member of the Justice Council is entitled shall be equal to the number of candidates. As a result of the vote, the candidates for which more than half of the Justice Council members participating in the vote voted shall be considered to have passed the vote.

8. In the list submitted by the Justice Council, the President of the Republic shall leave the candidates acceptable to him and, no later than within a ten-day period, issue a decree supplementing the Official Promotion List of Judges. If the List is not supplemented in the aforementioned period, it shall be considered rejected.

Article 139. Procedure of Including Law Academics in the Official Promotion Lists of Judges

1. Republic of Armenia citizens that have the scientific degree of a PhD in Law and have permanently taught law in higher educational institutions or permanently worked in a scientific institution during the last five years (hereinafter, "law academics") may be included in the Official Promotion Lists of Judges in accordance with the procedure stipulated by this Article.

2. Once a year, but not later than by November 20, law academics may submit an application to the Justice Council, attaching the following documents:

- 1) A personal identification document;
- 2) A card containing the law academic's biographic data, with a description of the professional legal and teaching work carried out by the law academic after obtaining a lawyer's degree, including the relevant evidence;
- 3) A document confirming that the law academic has the relevant scientific degree;
- 4) The original employment record book or documents confirming the work activities of the applicant;
- 5) A document issued in accordance with the procedure stipulated by the Government, confirming the absence of physical handicap and illnesses that hinder one's appointment to a judicial position.

3. In its session, the Justice Council shall study the candidacy and, if necessary, invite the candidate to an interview.

4. The candidacy of the law academic may be included only in the Official Promotion List of Appellate Court Judges. For this purpose, the Justice Council shall hold an in-camera vote with ballots. In the ballot, the words "For" and "Against" together with empty checkboxes shall be written next to each candidate's name and surname. When voting for a candidate, the person voting shall mark the "For" box, and when voting against—the "Against" box. If a candidate receives more than half of the votes of those that voted, he shall be presented to the President of the Republic with a proposal to include him in the Official Promotion List of Appellate Court Judges. If the President of the Republic, after

receiving the proposal, does not replenish the Promotion List of Judge within a two-week period, then the candidacy shall be considered rejected.

Article 140. Grounds for Exclusion from the Annual Official Promotion Lists of Judges

1. A person included in the Official Promotion Lists of Judges shall be excluded from the List:

- 1) If, due to promotion, he has been appointed to an appropriate position of a judge;
- 2) If he requests to be so excluded;
- 3) If his judicial powers have been terminated;
- 4) If a final judgment of court has proven that he was included in the Official Promotion List in breach of the requirements of law;
- 5) If he has been included in the respective section of the Promotion List of Judges for the last five years;
- 6) If the Justice Council has ordered a disciplinary sanction against him in the form of warning or severe reprimand;
- 7) In the cases stipulated by Paragraphs 4 and 5 of Article 144 of this Code; or
- 8) If he has been removed from the List of Judicial Candidates.

2. A person is excluded from the Official Promotion List of Judges when the grounds stipulated by this Article emerge. In the cases stipulated by Paragraphs 1(4) and 1(5) of this Article, the relevant proposal shall be submitted to the Justice Council by the Cassation Court Chairman.

3. Excluding a person from the List does not prevent his application from being again included in the List.

Article 141. Grounds of the Emergence of a Vacant Judicial Position in an Appellate Court

1. A vacant position of a judge may emerge in an appellate court in the following cases:

- 1) When a new appellate court is created;
- 2) When the powers of a functioning judge expire or are terminated; or
- 3) When the number of judges in a court is increased.

2. In the cases stipulated by Paragraphs 1(2) and 1(3) of this Article, a vacancy does not emerge, if a judge has become redundant due to the reduction of the number of judicial positions in the same court, who has still not been appointed to a judicial position in another court. In such case, the judge stops being considered a judge that became redundant due to the reduction of the number of judicial positions. If there are several judges that have become redundant in this manner, priority shall be given to the oldest one.

Article 142. Procedure of Nominating a Candidate for a Vacant Judicial Position in an Appellate Court

1. When a vacant judicial position emerges in an appellate court, the Cassation Court Chairman shall, for purposes of nominating a candidate to the President of the Republic, make a written offer to the judges on behalf of the Justice Council in the following order:

- 1) Firstly, the Cassation Court Chairman shall make an offer to such appellate court chairman, or to such chamber chairman or judge of the Cassation Court (with the exception of the individuals referred to in Article 139 of this Code), who prior to that filed a written request asking the Cassation Court Chairman to transfer him to the position of an appellate

court judge. If several have applied in this manner, the first priority shall be given to the chairman of the court in which the vacancy emerged, and the second, to the oldest one;

2) Secondly, the Cassation Court Chairman shall make an offer to such oldest reserve judge of an appellate or the Cassation Court, referred to in Article 14(7) of this Code, who has not been appointed to a judicial position in another court (with the exception of persons stipulated by Article 139 of the Code);

3) Thirdly, the Cassation Court Chairman shall make an offer to such redundant judge of another appellate court or the Cassation Court, referred to in Article 14(6) of this Code, who has not been appointed to a judicial position in another court. If there are several such persons, the priority shall be given first to the oldest judge of the appellate court, and then—to the oldest judge of the Cassation Court (with the exception of persons stipulated by Article 139 of the Code); and

4) Fourthly, the Cassation Court Chairman shall make an offer to the oldest redundant or reserve judge of an appellate court or of the Cassation Court, who occupies the position of a first instance court judge.

2. The Cassation Court Chairman shall present the written offer to an incumbent judge at his workplace. The offer to a reserve judge shall be delivered to his residence address.

3. If the persons specified in Paragraph 1 of this Article do not exist or reject the offer, then it shall be considered that the candidacies of all the persons included in the respective section of the Official Promotion List have been offered. In such case, the Justice Council shall issue an opinion on the appellate court judge candidates in accordance with the procedure stipulated by Article 144 of this Code.

4. In the case stipulated by Paragraph 3 of this Article, ex-judges included in the Official Promotion List of Appellate Court Judges, as well as prosecutors, advocates, and investigators that have completed the study program in the Judicial School may also apply by means of self-nomination for the vacant position. In case of appointment to the vacant position, they remain in the Official Promotion List of Appellate Court Judges. If they refuse to assume a vacant position, they shall be removed from the Official Promotion List of Appellate Court Judges.

Article 143. Procedure of Candidates Accepting the Offer of a Vacant Judicial Position in an Appellate Court and Consequences of Not Accepting Such Offer. The Opinion of the Justice Council. The Appointment.

1. Within a one-week period of receiving the notification, a candidate must present his written consent to the seat of the Cassation Court Chairman or express his disagreement to appointment. Failure to present consent during the specified period shall be considered as disagreement.

2. In case of the consent of the person specified in Paragraph 1(1) of Article 142 of this Code, he shall start receiving the salary corresponding to the position occupied by him and, if such person had redundant or reserve status, then such status shall terminate.

3. The disagreement of a person specified in Paragraph 1(1) of Article 142 of this Code shall not create any negative consequences for such person.

4. In the cases referred to in Paragraphs 1(2) and 1(3) of Article 142 of this Code, the consent of a Cassation Court judge shall not terminate his reserve or redundant judge status, respectively; however, in case of an appellate court judge, such consent shall terminate such judge's reserve or redundant status.

5. In the cases referred to in Paragraphs 1(2) and 1(3) of Article 142 of this Code, a judge's disagreement shall give rise to the termination of his powers.

6. In the case referred to in Paragraph 1(4) of Article 142 of this Code, when a judge disagrees, he shall start receiving the salary corresponding to the position occupied by him.

7. In case of a candidate's consent, the Cassation Court Chairman shall present his candidacy to the Justice Council. The Justice Council shall, in an open vote, issue a positive opinion on the presented candidacy, if the procedures stipulated by this Code have not been breached. In case of the positive opinion of the Justice Council, the candidacy shall be presented to the President of the Republic of Armenia. If the procedures stipulated by this Code have not been breached, the President of the Republic shall, within a ten-day period, appoint the nominated candidate as a judge. In case of a negative opinion, the candidate shall not be removed from the list, and the nomination for the vacant position shall start anew.

Article 144. Procedure of Issuing an Opinion on Persons Included in the Official Promotion List for and Appointment to a Vacant Position of an Appellate Court Judge

1. In its session, the Justice Council shall study the personal files of the individuals included in the respective section of the Official Promotion List and of the individuals that self-nominated under Article 142(4) of this Code and, if necessary, invite them to an interview.

2. Considering the features stipulated by Article 135 of this Code, the Justice Council shall conduct an in-camera vote with ballots. The ballot shall contain the names of all the individuals included in the respective section of the Official Promotion List and of all the individuals that self-nominated under Article 142(4) of this Code. After the name and surname of each, the word "For" shall be written, together with an empty checkbox.

3. Each member of the Justice Council shall have one vote. When voting for the preferred candidate, a member of the Justice Council shall mark the "For" checkbox next to the preferred candidate's name. Ballots that contain more than one vote shall be considered invalid. Based on the vote result, a positive opinion shall be issued on the person that got the largest number of "for" votes. In case of equal votes, an additional vote shall be conducted with a ballot that will include only the names of the individuals that got equal votes. If the result of the additional vote is again a tie, advantage shall be given to the older individual.

4. If only one candidate is voted, then positive opinion on him shall be considered to have been issued, if he has received more than half of the votes of the Justice Council members that voted. If such candidate does not receive the prescribed number of votes, the Justice Council shall suggest to the President of the Republic removing such person from the Official Promotion List. Within a two-week period of receiving the suggestion, the President shall remove the person from the Official Promotion List, with the exception of the persons stipulated by Article 142(4) of this Code. The Cassation Court Chairman shall, in accordance with the procedure stipulated by Article 137 of this Code, make an announcement on starting a new round of nominations for inclusion in the respective section of the Official Promotion List.

5. Within a two-week period of receiving the positive opinion on a person, the President of the Republic shall remove him from the Official Promotion List and either appoint him to a position or refuse to appoint him; in case of the persons stipulated by Article 142(4) of this Code, the President shall either appoint or refuse to appoint them, without removing them from the Official Promotion List. If other persons are included in the respective section of the Official Promotion List, then the Justice Council shall undertake the compilation of a new opinion in accordance with the procedure stipulated by this Article. If there are no other persons in the respective section of the Official Promotion List, then the Cassation Court

Chairman shall, on the basis of an announcement made in accordance with the procedure stipulated by Article 137 of this Code, start a new round of nominations for inclusion in the respective section of the Official Promotion List.

Article 145. Appointment Procedure of an Appellate Court Chairman

A person that is in the Official Promotion List of First Instance Specialized Court Judges, an appellate court judge, the chairman of another appellate court, a Cassation Court chamber judge or chamber chairman, and, in the cases stipulated by Article 152 of this Code, judges of the same court, in the procedure stipulated by this Code for the appointment of a universal jurisdiction court chairman, may be appointed as a chairman of an appellate court.

Article 146. Grounds of the Emergence of a Vacant Judge Position in the Cassation Court

1. A vacant position of a judge may emerge in the Cassation Court in the following cases:
 - 1) When a new chamber of the Cassation Court is created;
 - 2) When the powers of a functioning judge expire or are terminated; or
 - 3) When the number of judges in the Court is increased.
2. In the cases stipulated by Paragraphs 1(2) and 1(3) of this Article, a vacancy does not emerge, if the Cassation Court Chairman expresses his wish to serve as a Cassation Court judge. In such case, the Justice Council shall, through an open vote, submit his candidacy to the President of the Republic. If the procedures stipulated by this Code have not been breached, then the President of the Republic shall, within a ten-day period, appoint the Cassation Court Chairman to the position of a Cassation Court judge. If the President of the Republic, after receiving the proposal, makes the appointment, the person that refused the position of the Cassation Court Chairman shall start receiving the salary that corresponds to the position occupied by him.
3. In the cases stipulated by Paragraphs 1(2) and 1(3) of this Article, a vacancy does not emerge, if a judge has become redundant due to the reduction of the number of judicial positions in the same court, who has still not been appointed to a judicial position in another court. In such case, the judge stops being considered a judge that became redundant due to the reduction of the number of judge positions. If there are several judges that have become redundant in this manner, priority shall be given to the oldest one.

Article 147. Procedure of Nominating a Candidate for a Vacant Judicial Position in the Cassation Court

1. When a vacant judicial position emerges in the Cassation Court, the Cassation Court Chairman shall, for purposes of nominating a candidate to the President of the Republic, make a written offer to the judges on behalf of the Justice Council in the following order:
 - 1) Firstly, the Cassation Court Chairman shall make an offer to such chamber chairman of the Cassation Court, who prior to that filed a written request asking the Justice Council to transfer him to the position of a Cassation Court judge. If several have applied in this manner, the first priority shall be given to the oldest one;
 - 2) Secondly, the Cassation Court Chairman shall make an offer to such oldest reserve judge or chamber chairman of the Cassation Court, referred to in Article 14(7) of this Code, who has not been appointed to a judicial position in another court; and

3) Thirdly, the Cassation Court Chairman shall make an offer to such oldest reserve or redundant judge or chamber chairman of the Cassation Court, referred to in Article 14(6) or 14(7) of this Code, who occupies a judicial position in another court.

2. If the persons specified in Paragraph 1 of this Article do not exist or reject the offer, the Justice Council shall start the selection of a candidate from the Official Promotion List in accordance with the procedure stipulated by Article 149 of this Code.

Article 148. Procedure of Candidates Accepting the Offer of a Vacant Judicial Position in the Cassation Court and Consequences of Not Accepting Such Offer. The Opinion of the Justice Council. The Appointment.

1. Within a one-week period of receiving the notification, a candidate must present his written consent to the seat of the Cassation Court Chairman or express his disagreement to appointment. Failure to present consent during the specified period shall be considered as disagreement.

2. In case of the consent of the person specified in Paragraph 1(1) of Article 147 of this Code, he shall start receiving the salary corresponding to the position occupied by him.

3. The disagreement of a person specified in Paragraph 1(1) of Article 147 of this Code shall not create any negative consequences for such person.

4. In case of the disagreement of the person specified in Paragraph 1(2) of Article 147 of this Code, his reserve status shall terminate.

5. In case of the disagreement of the person specified in Paragraph 1(3) of Article 147 of this Code, he shall start receiving the salary corresponding to the position occupied by him, and the redundant or reserve status shall terminate.

6. In case of a candidate's consent, the Justice Council shall, through an open vote, present him to the President of the Republic. If the procedures stipulated by this Code have not been breached, then the President of the Republic shall, within a ten-day period, appoint the presented candidate to the position of a judge. In case of a negative opinion, the candidate shall not be removed from the list, and the nomination for the vacant position shall start anew.

Article 149. Procedure of Issuing an Opinion on Persons Included in the Official Promotion List for and Appointment to a Vacant Position of a Cassation Court Judge

1. In its session, the Justice Council shall study the personal files of the individuals included in the Official Promotion List and, if necessary, invite them to an interview.

2. Considering the features stipulated by Article 135 of this Code, the Justice Council shall conduct an in-camera vote with ballots. The ballot shall contain the names of all the individuals included in the Official Promotion List. After the name and surname of each, the word "For" shall be written, together with an empty checkbox.

3. Each member of the Justice Council shall have one vote. When voting for the preferred candidate, a member of the Justice Council shall mark the "For" checkbox next to the preferred candidate's name. Ballots that contain more than one vote shall be considered invalid. Based on the vote result, the person that got the largest number of "for" votes shall be proposed. In case of equal votes, an additional vote shall be conducted with a ballot that will include only the names of the individuals that got equal votes. If the result of the additional vote is again a tie, advantage shall be given to the older individual.

4. If only one candidate is included in the Official Promotion List, he shall be considered proposed, if he has received more than half of the votes of the Justice Council members that

voted. If such candidate does not receive the prescribed number of votes, the Justice Council shall suggest to the President of the Republic removing such person from the Official Promotion List. Within a two-week period of receiving the suggestion, the President shall remove the person from the Official Promotion List. The Cassation Court Chairman shall, in accordance with the procedure stipulated by Article 138 of this Code, make an announcement on starting a new round of nominations for inclusion in the respective section of the Official Promotion List.

5. Within a two-week period of receiving the positive opinion on a person, the President of the Republic shall remove him from the Official Promotion List and either appoint him to a position or refuse to appoint him. If other persons are included in the Official Promotion List, then the Justice Council shall undertake the compilation of a new opinion in accordance with the procedure stipulated by this Article. If there are no other persons in the Official Promotion List, then the Cassation Court Chairman shall, on the basis of an announcement made in accordance with the procedure stipulated by Article 138 of this Code, start a new round of nominations for inclusion in the Official Promotion List.

Article 150. Appointment Procedure of a Chamber Chairman of the Cassation Court

1. When the position of a chamber chairman of the Cassation Court is vacant, and the Cassation Court Chairman expresses his wish to serve as a Cassation Court chamber chairman, the Justice Council shall, through an open vote, submit his candidacy to the President of the Republic. If the procedures stipulated by this Code have not been breached, then the President of the Republic shall, within a ten-day period, appoint the Cassation Court Chairman to the position of a Cassation Court chamber chairman. If the President of the Republic, after receiving the proposal, makes the appointment, the person that refused the position of the Cassation Court Chairman shall start receiving the salary that corresponds to the position occupied by him.

2. A person that is in the Official Promotion List of the Appellate Court or is a chamber judge of the Cassation Court may be appointed as a chamber chairman of the Cassation Court. In the cases stipulated by Article 152 of the Code, only judges of the same chamber may be appointed as a chamber chairman of the Cassation Court.

3. Applications for proposing a candidate for the position of a chamber chairman of the Cassation Court shall not be accepted, and the names of all the persons stipulated by Paragraph 1 of this Article shall be included in the ballot.

4. A chamber chairman of the Cassation Court shall be appointed in the procedure stipulated by this Code for the appointment of a universal jurisdiction court chairman, taking into consideration Paragraphs 1 and 3 of this Article.

Article 151. Appointment Procedure of the Cassation Court Chairman

1. Applications for proposing a candidate for the position of the Cassation Court Chairman shall not be accepted. The ballot shall include the names of the Appellate Court Chairman, the chamber chairmen of the Cassation Court, the chamber judges, and persons included in the Official Promotion List of the Appellate Court, unless they have asked the Justice Council to not include their candidacy in the ballot.

2. Each member of the Justice Council has the right to propose the candidacy of another person for inclusion in the ballot. The proposed candidacy shall be included in the ballot, if the proposed person's written consent is present.

3. The Cassation Court Chairman shall be appointed in the procedure stipulated by this Code for the appointment of a universal jurisdiction court chairman, taking into consideration Paragraphs 1 and 2 of this Article. This session of the Justice Council shall be chaired by the person that at such time exercises the powers of the Cassation Court Chairman.

Article 152. Resignation of a First Instance Court, Appellate Court, or Cassation Court Chamber Chairman with the Intent to Serve in a Judicial Position

1. A first instance court, appellate court, or cassation court chamber chairman may submit an application to the Justice Council about resignation from the position of the chairman of the respective court (or Cassation Court chamber) with the intent to serve in a judicial position.

2. From the moment the application is received, the position of the chairman of the respective court (or Cassation Court chamber) shall be considered vacant, and nominations shall start in accordance with the procedure stipulated by this Code.

3. Prior to the appointment of a new chairman of the court, the court chairman that resigned shall continue to serve in office.

4. As a result of a vote conducted in accordance with the procedure stipulated by this Code, the Justice Council shall present the candidacy for the position of the chairman of the respective court (or Cassation Court chamber) to the President of the Republic, together with a positive opinion or proposal on appointing the person that refused the position of the court chairman (or Cassation Court chamber chairman) to the position of the person appointed to the chairman's position.

5. If the President of the Republic, after receiving the suggestion, makes the appointments, then the person that refused the court chairman's position shall start receiving the salary that corresponds to the position occupied by him.

6. If the President of the Republic, within a two-week period of receiving the suggestion, does not make the appointments, then a new round of nominations shall start in accordance with the procedure stipulated by this Code. A person that refused the chairman's position may revoke his application only prior to the deadline set for nominations.

CHAPTER 17

DISCIPLINARY LIABILITY OF JUDGES AND THE TERMINATION OF POWERS

Article 153. Grounds for Subjecting a Judge to Disciplinary Liability

1. The power to subject a judge to disciplinary liability is vested in the Justice Council.

2. A judge may be subjected to disciplinary liability on the following grounds:

1) An obvious and grave violation of a provision of substantive law in the administration of justice: proceedings for subjecting a judge to disciplinary liability on this ground may be instigated within a one-year term of the judge making the judicial act resolving the case in substance;

2) An obvious and grave violation of a provision of procedural law in the administration of justice: proceedings for subjecting a judge to disciplinary liability on this ground may be instigated within a one-year term of the judge making the judicial act resolving the case in substance;

3) Regular violations of or a grave violation of work discipline: proceedings for subjecting a judge to disciplinary liability on this ground may be instigated within a one-

month period of discovering the ground of disciplinary liability, but not later than within six months of the emergence of such ground;

4) Regular violations of or a grave violation by the judge of the Code of Conduct: proceedings for subjecting a judge to disciplinary liability on this ground may be instigated within a three-month period of discovering the ground of disciplinary liability, but not later than within one year of the emergence of such ground;

5) The judge's failure to carry out the judge duties prescribed by Article 12, Article 72, Article 105(2), Article 156(3), Article 159(3), Article 191, Article 167(3), and Article 193 of this Code: proceedings for subjecting a judge to disciplinary liability on this ground may be instigated within a one-month period of the judge committing the violation; or

6) The failure to notify the Ethics Committee, in accordance with the procedure stipulated by this Code, of any interference with his activities of administering justice or exercising other powers stipulated by law, or of other influence not prescribed by law: proceedings for subjecting a judge to disciplinary liability on this ground may be instigated within a three-month period of discovering the violation, but not later than within one year of the violation.

3. The quashing or changing of a judicial act shall not *per se* give rise to the liability of a judge that made such judicial act.

4. Subjecting a judge to criminal, administrative, civil, or other liability prescribed by law does not preclude the possibility of subjecting the judge to disciplinary liability, and vice-versa.

Article 154. Ethics Committee Review of a Report about a Disciplinary Offence Committed by a Judge

1. When receiving a report about, or encountering a fact of, a judge violating the rules of work discipline or the rules of conduct, the Ethics Committee shall, when examining another matter that is within the limits of its authority, organize a discussion in which the judge shall be engaged. If, as a result of the discussion, the Committee finds that the violations are neither grave nor regular, then it may limit its action to the discussion of the matter. Otherwise, the Committee shall file a motion requesting the Disciplinary Committee of the Justice Council to instigate disciplinary proceedings.

2. Having received the information prescribed by Paragraphs 3 or 4 of Article 95 of this Code, as well as the information prescribed by Article 96 of this Code, the Ethics Committee may, if it finds that the information is not complete or is doubtful, organize at its initiative a discussion of the matter, to which it shall invite the respective judge. The results of the discussion shall be determined in accordance with the procedure stipulated by Paragraph 1 of this Article.

Article 155. Instigating Disciplinary Proceedings against a Judge

1. The following shall have the right to instigate disciplinary proceedings against first instance and appellate court judges and chairmen:

- 1) The Minister of Justice; and
- 2) The Disciplinary Committee of the Justice Council.

2. The following shall have the right to instigate disciplinary proceedings against a Cassation Court chamber judge and chamber chairman:

- 1) The Cassation Court Chairman; and
- 2) The Disciplinary Committee of the Justice Council, upon motion by the Ethics Committee of the Council of Court Chairmen.

3. The Disciplinary Committee of the Justice Council, upon motion by the Ethics Committee of the Council of Court Chairmen, has the right to file disciplinary proceedings against the Cassation Court Chairman.

4. If the Minister of Justice or the Cassation Court Chairman instigated disciplinary proceedings, then he shall notify the Disciplinary Committee of the Justice Council of such instigation and of the alleged offence. In case of instigating disciplinary proceedings against a first instance and appellate court judge or chairman, the Disciplinary Committee of the Justice Council shall notify the Minister of Justice of such instigation and of the alleged offence. In case of instigating disciplinary proceedings against a Cassation Court chamber judge or chamber chairman, the Disciplinary Committee of the Justice Council shall notify the Cassation Court Chairman of such instigation and of the alleged offence. Two concurrent sets of proceedings shall not be instigated against the same person in connection with the same offence.

5. The reasons for instigating disciplinary proceedings are the following:

1) A decision of the Cassation Court, which confirms that an obviously illegal judicial act was made in the administration of justice when resolving the case in substance, or the judge committed an obvious and grave violation of the rules of procedural law in the administration of justice;

2) An application by the person;

3) A communication from a state or local government body or official;

4) A motion filed by the Ethics Committee of the Council of Court Chairmen;

5) The finding, as a result of summarizing or studying court practice, of an act that gives rise to disciplinary liability; or

6) The finding, by the persons instigating the proceedings, of an act that gives rise to disciplinary liability.

6. The application, communication, or motion stipulated by Paragraphs 5(1), 5(3), and 5(4) of this Article, which does not contain prima facie evidence of a judge having committed an act that gives rise to disciplinary liability, shall be returned to the person that submitted it, without any examination.

7. In case of not instigating proceedings on the basis of the application, communication, or motion stipulated by Paragraphs 5(1), 5(3), and 5(4) of this Article, the person responsible for instigating proceedings does not have to substantiate in his response the reasons for not instigating proceedings.

Article 156. Conduct of Disciplinary Proceedings against a Judge

1. Disciplinary proceedings may not last longer than six weeks, with the exception of cases in which the judge is absent. The duration of disciplinary proceedings may be extended for a term equal to the term of the judge's absence.

2. In the framework of disciplinary proceedings, the person instigating the proceedings may:

1) Demand from court and study the materials of any criminal, civil, or other case on which there is a final judicial act;

2) In court, become familiar with the materials of any criminal, civil, or other case on which there is still no final judicial act;

3) Demand written explanations from a judge;

4) Summon and hear witnesses;

5) Demand and receive materials from state and local government bodies and officials; and

6) Make a suggestion to the person that submitted the application based on which disciplinary proceedings were instigated to provide additional clarifications. State and local government bodies and officials must provide clarifications.

3. A judge against whom disciplinary proceedings were instigated must provide written explanations to the person that instigated the proceedings.

4. As a result of studies made, the person that instigated the proceedings shall take either of the following decisions:

1) Decision to halt the disciplinary proceedings; or

2) Decision to file a motion requesting the Justice Council to subject the judge to disciplinary liability.

5. If the Minister of Justice or the Cassation Court Chairman has halted the disciplinary proceedings, he shall inform the Disciplinary Committee of the Justice Council thereof. In case of halting the disciplinary proceedings against a first instance and appellate court judge or chairman, the Disciplinary Committee of the Justice Council shall inform the Minister of Justice thereof. In case of halting the disciplinary proceedings against a Cassation Court chamber judge or chamber chairman, the Disciplinary Committee of the Justice Council shall inform the Cassation Court Chairman thereof. After deciding to halt disciplinary proceedings, the person that instigated the proceedings may not instigate proceedings again on the same ground.

6. If the person that instigated the proceedings decides to file a motion requesting the Justice Council to subject the judge to disciplinary liability, he shall prepare an opinion on the disciplinary offence, which shall describe each act committed by the judge, which constitutes a disciplinary offence, and provide evidence justifying that such act was committed and substantiation as to why the act should be qualified as a disciplinary offence, including the judge's guilt for the committed act and the type of guilt.

7. Before sending the materials of the disciplinary proceedings to the Justice Council, the judge against whom disciplinary proceedings have been instigated may become familiar with them. The materials shall be provided to the judge no later than two weeks before the deadline stipulated by Paragraph 1 of this Article. Within a week of receiving the materials, the judge may present additional explanations or file a motion requesting additional checks to be performed. Based on the judge's additional explanations or the additional checks, the person that instigated the proceedings may change his opinion, unless it worsens the judge's situation.

8. The person that instigated the proceedings shall send the materials of the disciplinary proceedings to the Justice Council and to the judge against whom disciplinary proceedings have been instigated, together with a notification of delivery. From the moment the materials of the disciplinary proceedings are sent to the Justice Council, the person that instigated proceedings may not recall the materials of proceedings, and the materials are subject to a substantive discussion in the Justice Council.

9. Within a week of receiving the materials of the disciplinary proceedings, the judge may send a response to the Justice Council. The judge's failure to send a response shall not hinder the Justice Council's review of the disciplinary case against the judge. Upon motion by the judge, the Council may extend the term granted to the judge.

10. The person that instigated the proceedings, witnesses to the case, and other persons must maintain the confidentiality of the disciplinary proceedings. All documents sent in the frameworks of the disciplinary proceedings must be sent in closed envelopes marked "Confidential."

Article 157. Disciplinary Sanctions Applied to Judges

1. As a result of considering the matter related to the disciplinary liability of a judge, the Justice Council may apply any of the following types of disciplinary sanctions against the judge:

- 1) Warning;
- 2) Reprimand, which shall be combined with depriving the judge of 25% of his salary for a six-month period;
- 3) Severe reprimand, which shall be combined with depriving the judge of 25% of his salary for a one-year period; or
- 4) Filing a motion requesting the President of the Republic to terminate the judge's powers.

2. A warning is formal reproach of a judge, which is applied for a disciplinary offence that the Justice Council considers an offence of the least gravity, unless the judge has another pending sanction.

3. The type of disciplinary sanction prescribed by Paragraph 1(4) of this Article shall be applied, if the grave disciplinary offence or the regular disciplinary offences committed by the judge renders him incompatible with the judge position.

4. The disciplinary sanction applied to a judge shall be proportionate with the offence. When applying a disciplinary sanction, the Justice Council shall also take into account the consequences of the offence, the personal characteristics of the judge, the degree of guilt, any pending sanctions, and other noteworthy circumstances characterizing the judge.

5. If a judge is not subjected to a new disciplinary sanction within two years of receiving a reprimand or severe reprimand, or within one year of receiving a warning, he shall be considered not to have a disciplinary sanction.

6. If a judge is consecutively subjected to disciplinary sanctions that lower the salary, the total lowering of the salary for each month cannot exceed 50% of the salary.

Article 158. Examining a Proposal to Subject a Judge to Disciplinary Liability

1. When examining matters of subjecting a judge to disciplinary liability, the Justice Council shall act as a court. When the Justice Council acts as a court to examine cases, the procedure of case examination shall be subject to the rules of the Republic of Armenia Administrative Procedure Code to the extent that such rules are substantively applicable to the case examination by the Justice Council and do not contradict the rules of this Code.

2. A member of the Justice Council may not declare a self-withdrawal.

3. The person that instigated the proceedings carries the burden to prove that there are grounds for subjecting a judge to disciplinary liability. In a session of the Justice Council, any remaining suspicion about whether the judge committed a disciplinary offence shall be dispelled in favor of the judge.

4. The Justice Council shall examine a case concerning the subjecting of a judge to disciplinary liability within a reasonable period.

5. Documents studied by the Justice Council shall be attached to the case materials, either in the form of originals or duly endorsed copies.

Article 159. Process of the Justice Council's Examination of the Matter of Subjecting a Judge to Disciplinary Liability

1. The examination of the matter in the Justice Council shall start with the report of the person that instigated the proceedings, which shall cover the essence of the matter and the opinion on the disciplinary offence. If the disciplinary proceedings in relation to the judge were instigated by the Minister of Justice, the latter must be present in the Justice Council

session and has the right to speak personally or through a public servant working in the Ministry of Justice. If the disciplinary proceedings in relation to the judge were instigated by the Cassation Court Chairman, then the latter personally shall report on the matter. If the disciplinary proceedings in relation to the judge were instigated by the Disciplinary Committee of the Justice Council, the report to the Justice Council session about the opinion on the disciplinary offence shall, at the instruction of the Disciplinary Committee, be presented by a member of the Disciplinary Committee.

2. When, after sending the materials of the disciplinary proceedings to the Justice Council, the person that instigated the proceedings has discovered circumstances that mitigate the judge's situation or preclude the subjecting of the judge to disciplinary liability, then the person that instigated the proceedings must inform the Justice Council of such circumstances.

3. After the report in the Justice Council of the person that instigated the proceedings, the Council shall hear the explanations of the judge against whom the proceedings were instigated. In the Justice Council, the judge shall provide an explanation about each offence reflected in the opinion on the disciplinary offence. He may deny that he committed the act that is considered a disciplinary offence, challenge the qualification of the act as a disciplinary offence, or do both simultaneously. If the judge does not challenge the factual existence of a disciplinary offence and agrees that the act is to be qualified as a disciplinary offence, then the Justice Council shall immediately start the discussion of whether or not to apply a disciplinary sanction against the judge.

4. If the judge denies that he committed a disciplinary offence, then, after hearing his explanations, the Justice Council shall start examining the materials of the proceedings and the evidence.

5. The Justice Council also has the *proprio motu* right to invite to its session and question witnesses. If the witnesses do not appear, the Justice Council has the right to make a decision to apprehend the witness.

6. The Justice Council shall warn witnesses summoned in a case about the liability prescribed for refusing or avoiding to testify, or giving obviously deceitful testimony. The Justice Council shall warn experts summoned in a case about the liability prescribed for refusing or avoiding to provide an opinion, or providing an obviously false opinion.

7. After studying the case materials, the Justice Council shall hear the final speeches of the persons participating in the session, after which it shall adjourn to the consultative room to make its decision.

8. In the consultative room, the Justice Council shall first vote on whether the judge is guilty of committing the act, after which it shall vote on the type of disciplinary sanction to be applied.

Article 160. Judge's Rights and Responsibilities during the Justice Council's Examination of the Matter of Subjecting Him to Disciplinary Liability

1. A judge has the right:

1) To become familiar with and take excerpts from and make copies of the materials serving as a basis for the examination of the matter by the Justice Council;

2) To ask questions to the speakers, to present objections, to provide explanations, and to file motions;

3) To present evidence and to participate in their examination; and

4) To participate in the session either personally or through an advocate.

2. In any case, the judge's advocate has the right to participate in the Justice Council's examination of the matter concerning the judge and enjoys the rights stipulated by Paragraph 1 of this Article.

3. In case disciplinary proceedings are instigated against a judge, providing explanations to the Justice Council is the judge's obligation.

4. When the Justice Council examines the matter of subjecting a judge to disciplinary liability, the judge shall be entitled to the safeguards enshrined in Article 19 of the Constitution and Article 6(1) of the European Convention for the Protection of Human Rights and Fundamental Freedoms.

5. If a judge fails, without an excusable reason, to appear when summoned by the Justice Council, the Justice Council shall have the right to examine the matter of subjecting the judge to disciplinary liability in the absence of such judge.

Article 161. Justice Council's Decision on Subjecting a Judge to Disciplinary Liability

1. Within the frameworks of one set of disciplinary proceedings, even if the same judge has committed several disciplinary offences, the Justice Council shall make one decision.

2. The decision shall be made in the consultative room. For the purpose of making a decision on a matter examined by the Justice Council, only members of Justice Council may be present in the consultative room. If the disciplinary proceedings were instigated by the Disciplinary Committee of the Justice Council, then the Disciplinary Committee members that instigated such proceedings shall not be present in the consultative room. The decision shall be made by an open vote of the Justice Council members. In case of equal votes, the decision that will be considered made is the one that is more favorable for the judge.

3. Matters discussed by the Justice Council in the consultative room, positions expressed by the Justice Council members, and the results of the vote shall not be publicized either during the session or after the end of the case examination.

4. As a result of examining the matter of subjecting a judge to disciplinary liability, the Justice Council may take either of the following decisions:

- 1) To apply a disciplinary sanction stipulated by this Code in relation to the judge; or
- 2) To halt the case.

Article 162. Grounds for the Justice Council to Halt a Case of Subjecting a Judge to Disciplinary Liability

1. The Justice Council shall halt a case of subjecting a judge to disciplinary liability, if:

1) The existence of a ground for subjecting the judge to disciplinary liability has not been substantiated; or

2) The proceedings were instigated in violation of the time periods stipulated by Article 153(2) of this Code, provided that the judge agrees to have the proceedings halted on such ground; or

3) The powers of the judge have been terminated, or the judge has been dismissed from his position.

2. If the Justice Council does not find it appropriate to apply a disciplinary sanction against the judge, then it may limit the process to a discussion of the matter, specifying in its decision the presence of the grounds for subjecting the judge to disciplinary liability and halting the case of subjecting the judge to disciplinary liability. This Paragraph may be applied in relation to a judge only once.

Article 163. Requirements on and Publication of the Justice Council Decision to Subject a Judge to Disciplinary Liability

1. The Justice Council's decision to subject a judge to disciplinary liability must contain:
 - 1) The name and composition of the Justice Council;
 - 2) The time and place of the Justice Council's examination of the matter;
 - 3) The name, surname, and position of the judge against whom the disciplinary proceedings were instigated;
 - 4) The name, surname, and position of the person that instigated the proceedings;
 - 5) The circumstances of the case;
 - 6) The position of the person that instigated the proceedings or, in the case stipulated by this Code, the position of such person's representative;
 - 7) The explanations of the judge against whom proceedings were instigated;
 - 8) The explanations of the persons invited to the Justice Council's session;
 - 9) Circumstances characterizing the judge as a person;
 - 10) The substantiated opinion of the Justice Council, invoking the evidence at hand;and

11) The decision referred to in Article 161(4) of this Code.

2. After the case examination is declared over, the Justice Council shall announce the time and place of promulgating the decision. The decision shall be promulgated within 15 days of the end of the case examination.

3. Within a five-day period of promulgation, the decision shall be sent to the person that instigated the proceedings, the judge concerned, and the Judicial Department. If a decision was made to file a motion requesting the President of the Republic to terminate the powers of the judge, then such decision shall, within a five-day period of its promulgation, be sent also to the President of the Republic.

4. Decisions of the Justice Council shall be published in the *Official Journal of the Republic of Armenia* and on the official website of the Republic of Armenia judiciary.

Article 164. Review of the Justice Council's Decision to Subject a Judge to Disciplinary Liability on the Basis of Newly-Emerged Circumstances

1. On the basis of newly-emerged circumstances, the Justice Council may review its decision to subject a judge to disciplinary liability.

2. A motion to the Justice Council to review its decision may be submitted by the person that instigated the disciplinary proceedings in relation to the judge or by the judge on whom such decision was taken.

3. The person that filed such motion shall carry the burden to prove the circumstances serving as a basis for reviewing the Justice Council decision to subject a judge to disciplinary liability.

4. If the Justice Council finds that there are no grounds to review the decision to subject a judge to disciplinary liability on the basis of newly-emerged circumstances, then it shall decide to uphold the decision to subject the judge to disciplinary liability.

5. If there are grounds to review the Justice Council decision to subject a judge to disciplinary liability on the basis of newly-emerged circumstances, the Justice Council shall revoke its decision and make a new one.

6. If the disciplinary sanction applied by the Justice Council is a motion requesting the President of the Republic to terminate the judge's powers, and the President of the Republic, based on such motion, terminated the judge's powers, then the Justice Council shall, when

revoking its decision on the basis of newly-emerged circumstances, request the President of the Republic to reinstate the sanctioned judge to his position.

7. Within a ten-day period of receiving such motion, the President of the Republic shall reinstate the judge to his position. The appointment of another person to the position of the sanctioned judge before the judge's reinstatement shall not impede such reinstatement. In this case, the reinstated judge shall acquire the redundant judge status stipulated by Article 14(6) of this Code.

Article 165. Disciplinary Liability of a Court Chairman (a Cassation Court Chamber Chairman)

1. The improper performance by a court chairman (a chamber chairman of the Cassation Court) of his chairman duties is a ground for subjecting him to disciplinary liability. The provisions of this Chapter shall apply to the disciplinary proceedings and the examination of the case, insofar as they do not contradict the provisions of this Article.

2. Disciplinary proceedings on a basis stipulated by Paragraph 1 of this Article may be instigated within a three-month period of discovering the violation, but not later than a year after the violation.

3. If the proceedings were instigated only on the basis of the violations stipulated by Paragraph 1 of this Article, then the Justice Council may apply any of the following disciplinary sanctions in relation to the court chairman (chamber chairman of the Cassation Court):

- 1) Warning;
- 2) Reprimand, which shall be combined with depriving the court chairman of the court chairman's salary supplement for a six-month period;
- 3) Severe reprimand, which shall be combined with depriving the court chairman of the court chairman's salary supplement for a 12-month period; or
- 4) Filing a motion requesting the President of the Republic to terminate the judge's powers.

4. If the Justice Council decides, as a result of examining the case of subjecting to disciplinary liability, that the court chairman (chamber chairman of the Cassation Court) has violated both his judge duties and his chairman duties, then the Justice Council may apply any of the following disciplinary sanctions:

- 1) Warning;
- 2) Reprimand, which shall be combined with depriving the judge of 25% of his judge salary and of the court chairman's salary supplement for a six-month period;
- 3) Severe reprimand, which shall be combined with depriving the judge of 25% of his judge salary and of the court chairman's salary supplement for a 12-month period; or
- 4) Filing a motion requesting the President of the Republic to terminate the judge's powers.

Article 166. Consequences of the Republic President Rejecting the Justice Council's Motion to Terminate a Judge's Powers

If, within a two-week period of receiving the Justice Council's motion to terminate a judge's powers, the President of the Republic does not terminate the judge's powers, then the motion shall be considered rejected. In such case, the judge shall by virtue of law be considered to have been subjected to the disciplinary sanction stipulated by Paragraph 1(3) of Article 157, or Paragraph 3(3) or Paragraph 4(3) of Article 165 of this Code, respectively.

Article 167. Termination of a Judge's Powers on a Ground Unrelated to Disciplinary Liability

1. Based on a suggestion by the Justice Council, a judge's powers must be terminated by the President of the Republic, if:

- 1) The judge files his resignation;
- 2) The judge has reached 65 (retirement age);
- 3) Due to temporary work inability, the judge has been unable to perform his official duties for more than four consecutive months, or for more than six months during a calendar year;
- 4) A final court judgment has proved that the judge was appointed to the judge position in violation of the requirements of law;
- 5) A final court judgment has declared the judge to have limited or no legal capacity, missing, or death;
- 6) A judgment convicting him has become final, or his criminal prosecution has been terminated on a non-acquittal ground;
- 7) He has lost citizenship of the Republic of Armenia;
- 8) He has not passed annual training programs for two consecutive years; or
- 9) After appointment, he acquired a physical handicap or illness that hinders appointment to a judge position.

2. If the grounds prescribed by sub-paragraphs 1-8 of Paragraph 1 of this Article are present, the Cassation Court Chairman must file a motion requesting the Justice Council to terminate the judge's powers.

3. If the ground prescribed by Paragraph 1(9) of this Article is prima facie present, then the Minister of Justice and the Cassation Court Chairman shall jointly request the competent state body to organize the judge's medical examination. The judge must undergo the medical examination. If the medical examination justifies that the ground prescribed by Paragraph 1(9) of this Article is present, then the Cassation Court Chairman shall file an appropriate motion with the Justice Council.

CHAPTER 18

JUSTICE COUNCIL EXAMINATION OF PROPOSALS TO DETAIN THE JUDGE, TO INVOLVE THE JUDGE AS A DEFENDANT, OR TO SUBJECT THE JUDGE TO ADMINISTRATIVE LIABILITY BY COURT PROCEDURE. JUSTICE COUNCIL EXAMINATION OF PARDON MATTERS.

Article 168. Proposal to Detain the Judge, to Involve the Judge as a Defendant, or to Subject the Judge to Administrative Liability by Court Procedure

1. The Prosecutor General shall have the power to ask the Justice Council to make a proposal to the President of the Republic requesting his consent to detain a judge, to involve the judge as a defendant, or to subject the judge to administrative liability by court procedure. If the case against the judge is already at the court examination stage, the court handling the case shall have the power to request the Justice Council to make a proposal to the President of the Republic requesting his consent to detain the judge.

2. The Prosecutor General or the court handling the case, respectively, shall present to the Justice Council the materials justifying that the judge must be detained, involved as a defendant, or subjected to administrative liability by court procedure.

3. The Justice Council's proposal requesting the consent of the President of the Republic to detain a judge, to involve the judge as a defendant, or to subject the judge to administrative liability by court procedure shall be reviewed and decided by the President of the Republic within a two-day period. In case of not giving consent during such period, the Justice Council proposal to detain a judge, to involve the judge as a defendant, or to subject the judge to administrative liability by court procedure shall be deemed rejected.

4. The Justice Council proposal to the President of the Republic requesting the President's consent to detain a judge, to involve the judge as a defendant, or to subject the judge to administrative liability by court procedure and the President's consent given on the basis thereof do not imply confirmation of the existence of grounds to detain the judge or to subject the judge to criminal or administrative liability by court procedure, and do not bind the competent court in the determination of the matter in accordance with the procedure defined by law.

5. A proposal to detain a judge, to involve the judge as a defendant, or to subject the judge to administrative liability by court procedure, which is based on the same ground, may not be submitted twice.

6. If, after the Justice Council receives the President's consent to involve the judge as a defendant, it has become necessary to change the scope of charges in such a way that it will or may worsen the judge's situation, then it may only be done in accordance with the procedure prescribed by this Article.

7. When making the decision on submitting a proposal to the President of the Republic requesting the President's consent to detain a judge, to involve the judge as a defendant, or to subject the judge to administrative liability by court procedure, the Justice Council shall reasonably avoid any interruption or delay of its session.

Article 169. Suspension of the Judge's Powers in the Event of Consenting to Involve the Judge as a Defendant Based on the Justice Council Proposal

1. When, based on the Justice Council proposal, the President of the Republic consents to involve the judge as a defendant, the powers of the judge shall be deemed suspended for the duration of the pre-trial investigation and the court proceedings. When suspending a judge's powers, all cases pending before such judge shall be transferred to another judge of the same court. If the judge participates in a collective examination of a case, then, in case of suspension of his powers, such judge shall be replaced with another judge of the same court. In case of suspending a criminal case instigated against a judge, the judge continues to exercise his powers until decision is taken to restart the criminal case.

2. During the term when his powers are suspended, the judge shall receive compensation for idleness not due to the worker's fault.

Article 170. Procedure of Examining the Proposal on Consenting to Detain the Judge, to Involve the Judge as a Defendant, or to Subject the Judge to Administrative Liability by Court Procedure. Procedure of Decision-Making by the Justice Council on Such Matters.

1. During the examination of a proposal on consenting to detain the judge, to involve the judge as a defendant, or to subject the judge to administrative liability by court procedure, the rules stipulated by sub-paragraphs 1, 2, and 4 of Paragraph 1 of Article 160, Paragraphs 2, 3, and 5 of Article 160, Paragraphs 2 and 3 of Article 161, and Paragraph 4 of Article 163 of this Code shall be applied.

2. During the examination of matters related to the proposal on consenting to detain the judge, to involve the judge as a defendant, or to subject the judge to administrative liability by court procedure, the Prosecutor General must be present in the Justice Council session and personally present his position.

3. A copy of the Justice Council's decision to submit a proposal requesting the consent of the President of the Republic to detain the judge, to involve the judge as a defendant, or to subject the judge to administrative liability by court procedure shall immediately be sent to the President of the Republic and the Prosecutor General.

Article 171. Expressing an Opinion on Pardon Matters

1. Upon inquiry by the President of the Republic, the Justice Council shall issue its opinion on pardon matters.

2. The Minister of Justice and the Prosecutor General shall be invited to the Justice Council session on pardon matters and, before the Council takes its decision, may express their opinions on such matters.

PART 2 **THE JUDICIAL SCHOOL**

SECTION 4 **STATUS AND STRUCTURE OF THE JUDICIAL SCHOOL**

CHAPTER 19 ***STATUS OF THE JUDICIAL SCHOOL***

Article 172. Purpose and Legal Status of the Judicial School

1. The Judicial School is a state non-for-profit non-commercial organization that has the status of a legal entity.

2. The founder of the Judicial School is the Republic of Armenia, acting through the Council of Court Chairmen.

3. The activities of the Judicial School shall be governed by this Code, the By-Laws of the School, and the Republic of Armenia Law on State Non-Commercial Organizations insofar as such Law is substantively applicable to the Judicial School and does not contradict this Code. The requirements of the Republic of Armenia Law on Education shall not apply to the Judicial School.

Article 173. Assets and Financing of the Judicial School

1. The Judicial School shall be financed from the state budget under a separate budgetary line.

2. The founder shall assign to the Judicial School the assets necessary for its operation for an indefinite amount of time, with the right of use at no cost.

3. The Judicial School shall have the right to place assets assigned to it by the founder under a lease on behalf of the State in accordance with the procedure specified in this Code and the By-Laws of the Judicial School.

4. Income received by the Judicial School from the use of assets assigned to it shall belong to the School.

Article 174. By-Laws of the Judicial School

1. The By-Laws of the Judicial School shall, upon presentation by the Head of the Judicial Department, be approved by the Council of Court Chairmen in accordance with the Republic of Armenia Law on State Non-Commercial Organizations insofar as such Law is substantively applicable to the Judicial School and does not contradict this Code.

Article 175. Functions of the Judicial School

In accordance with this Code and its goals under its By-Laws, the Judicial School shall:

- 1) Organize the qualification test conducted for purposes of compiling the List of Judicial Candidates;
- 2) Organize the professional preparation of persons included in the List of Judicial Candidates as a result of the qualification test;
- 3) Organize and conduct the training of Judicial School graduates and persons included in the official qualification and promotion list (with the exception of the law academics referred to in Article 139 of this Code);
- 4) Organize and conduct the professional training of judicial servants
- 5) Organize and conduct seminars and conferences on improving the legal system, the legislation, and the administration of justice, publish academic literature, and so on;
- 6) Develop the curricula of the School; and
- 7) Carry out other activities prescribed by its By-Laws.

CHAPTER 20 ***STRUCTURE OF THE JUDICIAL SCHOOL***

Article 176. Bodies of the Judicial School

The School shall be governed by the Judicial School Governing Board and the Director of the Judicial School.

Article 177. Judicial School Governing Board

1. The Judicial School Governing Board shall carry out the general governance of the School and oversee its current activities.
2. The following shall be members of the Governing Board of the School:
 - 1) One person appointed by the Minister of Justice;
 - 2) One person appointed by the Cassation Court Chairman; and
 - 3) All the members of the Training Committee of the Council of Court Chairmen.
3. The Chairman of the Training Committee of the Council of Court Chairmen shall be the Judicial School Governing Board Chairman.
4. The Judicial School Governing Board members shall carry out their duties without any compensation.
5. The powers of a Judicial School Governing Board member shall terminate:
 - 1) In the event of dismissal, termination of office, or expiry of the term; or
 - 2) Under Paragraph 2(3) of this Article, on the basis of his written request, or by decision of the Governing Board, if the member is not properly carrying out his duties as a Governing Board member.

Article 178. Functions of the Judicial School Governing Board

1. The Judicial School Governing Board:
 - 1) Approves the strategic plan and curricula of the Judicial School;
 - 2) Approves the number and names of teachers at the Judicial School;
 - 3) In accordance with guidelines developed by the Training Committee of the Council of Court Chairmen, approves the training plan and training timetable of judges, judge candidates, and persons included in the Promotion Lists;
 - 4) Approves the Judicial School's annual budget and its amendments, as well as the annual report, including financial reports;
 - 5) In accordance with the procedure established by it, recruits by means of a competitive procedure and dismisses the Judicial School Director;
 - 6) In accordance with Article 115(3) of this Code, defines and announces the type of written exam, the procedure of conducting it, the procedures of checking, evaluating, and appealing written tests, the procedure of calculating the sum of credits scored by an applicant on the basis of the evaluation of written tests, and gives appropriate instructions to the Judicial School Director in this respect;
 - 7) Makes decisions on giving the assets of the Judicial School on lease;
 - 8) Makes decisions on how to use the profit of the Judicial School;
 - 9) Approves the auditor of the Judicial School;
 - 10) Hears the reports of the Judicial School Director at the frequency established in the By-Laws;
 - 11) Approves the grounds and procedure of granting postponement to and applying disciplinary sanctions in respect of the Judicial School attendees;
 - 12) Upon presentation by the Judicial School Director, discusses and resolves issues contemplated in Article 185 of this Code;
 - 13) Every year, publishes the annual report of the Judicial School, including financial reports and the income and expenditure statement, containing a breakdown and analysis with reasonable level of detail;
 - 14) Approves the terms of the employment contract with the Director;
 - 15) Upon presentation by the School Director, applies disciplinary sanctions;
 - 16) Approves the procedure and terms of conducting exams in the Judicial School;
 - 17) Approves the procedure of evaluating the knowledge of attendees, calculating exam credits, and re-taking exams;
 - 18) In accordance with this Code and the Judicial School By-Laws, adopts decisions, procedures, and other internal legal acts, and supervises their enforcement; and
 - 19) Performs other functions vested in it by this Code and the By-Laws.
2. Functions vested in the Judicial School Governing Board may not be assigned to another body.

Article 179. Judicial School Governing Board Sessions and Decision-Making Procedure

1. The Judicial School Governing Board acts through sessions. Sessions of the Judicial School Governing Board may be summoned by the Chairman of the Governing Board at his initiative or at the request of the Republic of Armenia Cassation Court Chairman, the Minister of Justice, or the Judicial School Director. The Judicial School Director may take part in the sessions of the School Governing Board, but only with the right to a consultative voice.

2. A session of the Judicial School Governing Board shall have power to act, if two thirds of the members are in attendance.

3. Decisions of the Judicial School Governing Board shall be taken by majority of the votes of the total number of its members.

Article 180. Chairman of the Judicial School Governing Board

1. The Judicial School Governing Board Chairman shall:

- 1) Organize the work of the Judicial School Governing Board;
- 2) Summon and chair sessions of the Judicial School Governing Board;
- 3) Organize the taking of session minutes;
- 4) Conclude an employment contract with the Judicial School Director; and
- 5) Carry out other functions as prescribed by this Code and the By-Laws.

2. In the absence of the Judicial School Governing Board Chairman, his functions shall be performed by the oldest member of the Training Committee of the Council of Court Chairman, who is a member of the Governing Board.

Article 181. Director of the Judicial School

1. The day-to-day activities of the Judicial School shall be managed by the Director of the Judicial School, who is appointed by the Judicial School Governing Board for a five-year term.

2. The Judicial School Director manages the day-to-day activities of the Judicial School, with the exception of matters reserved to the authority of the Judicial School Governing Board by this Code and the By-Laws.

3. The Director of the Judicial School shall:

- 1) Manage the educational process;
- 2) Organize the execution of Governing Board decisions;
- 3) In accordance with the procedure stipulated by the By-Laws of the Judicial School, manage the Judicial School's assets, including the financial assets, and execute transactions on behalf of the Judicial School;
- 4) Represent the Judicial School in the Republic of Armenia and in foreign states;
- 5) Present to the Judicial School Governing Board for approval the Internal Work Regulations of the School, including the staffing list and the internal work discipline rules;
- 6) Present to the Judicial School Governing Board for approval the strategic plan, curricula, and training programs of the Judicial School;
- 7) Within the limits of his authority, issue decrees and orders, give binding instructions, and monitor their execution;
- 8) Make recommendations to the Governing Board on the application of disciplinary sanctions in respect of the attendees;
- 9) Carry out logistical work related to the performance of qualification test in order to supplement the List of Judge Candidates; and
- 10) Carry out other functions prescribed by this Code and the By-Laws.

4. The School Director may also have other functions prescribed by the By-Laws.

5. If it is temporarily impossible for the Judicial School Director to carry out his duties, a person elected for such purpose by the Governing Board shall replace him.

SECTION 5 STUDIES IN THE JUDICIAL SCHOOL

CHAPTER 21
STATUS OF SCHOOL ATTENDEES AND INDIVIDUALS INCLUDED IN THE
OFFICIAL QUALIFICATION LIST OF JUDGES

Article 182. Status of Judicial School Attendees

1. Persons included in the List of Judge Candidates in accordance with Articles 117 and 118 of this Code, with the exception of ex-judges, shall be attendees of the Judicial School.
2. During studies, a Judicial School attendee shall receive a stipend equal to the salary of an assistant of a judge in a universal jurisdiction court.

Article 183. Organizing the Employment of Judicial School Graduates

1. From the first day of the first month following graduation of the Judicial School, the School graduates shall be engaged in work in the central body of the Judicial Department and shall receive a salary corresponding to the position, the functions typical of which they perform.
2. Judicial School graduates may take the initiative to work as judge assistants instead of becoming engaged in work in the central body of the Judicial Department.

Article 184. Disciplinary Sanctions Applied against Judicial School Attendees

1. In the cases and procedure defined in the Judicial School By-Laws, an attendee may be subjected to disciplinary liability.
2. The following types of disciplinary sanctions may be applied:
 - 1) Warning;
 - 2) Reprimand, which is combined with deprivation of 25% of the stipend for a three-month period;
 - 3) Severe reprimand, which is combined with deprivation of 25% of the stipend for a six-month period; and
 - 4) Removal from the School.
3. If an attendee was successively subjected to disciplinary sanctions that result in lowering of the stipend, then the total lowering of the stipend during any given month may not exceed 50% of the stipend.
4. An attendee may file a court appeal against a decision to apply a disciplinary sanction against him, within one month of receiving a copy of such decision.

Article 185. Removal or Dismissal of an Attendee from the Judicial School

1. Upon presentation by the Judicial School Director, the Governing Board may remove an attendee from the Judicial School—as a disciplinary sanction—in the following cases:
 - 1) If he regularly misses class without an acceptable excuse;
 - 2) If his exam credit received for a course taught at the Judicial School is lower than the Board-established minimum credit required to graduate a course, or if he fails the appropriate phase of the trial period a second time, as defined in Article 190(4) of this Code;or
 - 3) If he has committed an act that is a ground for termination of judge powers in accordance with the Judicial Code of Ethics.

2. An attendee removed from the Judicial School shall be deprived of the right to be admitted again to the Judicial School.

3. An attendee shall, upon presentation by the Judicial School Director and the decision of the Board, be dismissed from the Judicial School, if:

1) He so requests, with the exception of the cases stipulated by Paragraph 1 of this Article;

2) As a consequence of temporary work incapacity, he misses class for more than one consecutive month or any two cumulative months;

3) A final judgment of court has proven that he was included in the List of Judge Candidates by violation of the requirements of law;

4) A final judgment of court has recognized him to be incapacitated, to have limited capacity, to be missing, or declared dead;

5) A convicting judgment against him has entered into legal force, or a criminal case against him was terminated on a non-acquittal ground; or

6) A physical handicap or disease became known, which hinders his appointment to the position of a judge.

4. If the ground specified in Paragraph 3(6) of this Article is prima facie present, then the Judicial School Director shall request Judicial School Board to invite the competent state body to organize the attendee's medical examination. The attendee must undergo the medical examination. If the medical examination justifies that the ground prescribed by Paragraph 3(6) of this Article is present, then the attendee shall be dismissed from the Judicial School in accordance with the procedure stipulated by Paragraph 3 of this Article.

5. In cases of entitlement to yearly postponement established by a decision of the Governing Board, the Judicial School attendee may be dismissed from the School on the basis of his application, but retain the right to be reinstated in the School during the course of a regular academic year.

CHAPTER 22

LEARNING AND TEACHING IN THE JUDICIAL SCHOOL. COMPLETION OF STUDIES IN THE JUDICIAL SCHOOL.

Article 186. Studies of Attendees in the School

1. The Judicial School Curriculum shall be structured in such a way as to aim at preparing impartial, competent, capable, and professional judge candidates.

2. In the Judicial School, studies shall be conducted in the form of lectures, seminars, moot court games, debates, discussions of issues related to adopted judicial acts and their peculiarities, familiarization with specific cases in courts, and didactic materials, video tapes, audio-recorded lectures, and other contemporary techniques of education, which promote self-learning on the part of the attendees.

Article 187. Stages of Education

Studies in the Judicial School shall end with a trial period. Studies in the Judicial School shall begin in January, after summarizing the results of the qualification tests in accordance with Article 117 of this Code, and shall end no later than July 31 of the same year.

Article 188. Teachers of the Judicial School

1. Teaching of attendees in the Judicial School shall be carried out by teachers (lecturers).

2. The teachers (lecturers) of the Judicial School are specialists invited to work in the Judicial School on contractual grounds.

Article 189. Exams Taken during Studies

1. At the end of each subject course taught in the Judicial School, attendees shall take an exam, the purpose of which is to evaluate the theoretical knowledge and practical skills obtained.

2. The exam evaluation is used to calculate the total credits of an attendee at graduation of the Judicial School.

Article 190. Trial Period of Attendees

1. The trial period shall be mandatory.

2. An attendee shall pass a trial period in different judicial instances, including specialized courts.

3. If the exam credit scored from an exam/exams (including repeat exams) taken in a course/courses taught at the Judicial School is lower than the minimum credit established by the Board to consider such course completed, then the attendee shall not pass the trial period and shall be removed from the Judicial School.

4. If the evaluation of the respective stage of the trial period by the trial period mentor in accordance with Paragraph 4 of Article 191 of this Code is negative, then the attendee shall have the right to pass once more the trial period in accordance with the procedure established by the Board, but in such case shall not retain the right to receive a stipend.

Article 191. Mentor of the Trial Period

1. The Governing Board shall, upon presentation by the Judicial School Director, appoint trial period mentors for each stage of the trial period.

2. Only a judge may be a mentor of the trial period.

3. The trial period mentors shall ensure that the attendee undertakes the trial period in accordance with the program.

4. At the end of each stage of the trial period, the mentor shall submit to the Judicial School a written description covering the attendee's practical and moral characteristics displayed by the attendee during the trial period, including a positive or negative evaluation of the attendee's trial period.

Article 192. Completion of Studies

1. Upon completing the studies, the attendees shall not take graduation exams.

2. Upon completing the studies, the Judicial School Governing Board shall sum up the total exam score (for subject courses taught at the Judicial School) of an attendee that received positive evaluation for all the stages of the trial period, and shall declare the attendee a graduate of the Judicial School.

CHAPTER 23

TRAINING OF JUDGES AND INDIVIDUALS INCLUDED IN THE OFFICIAL QUALIFICATION LIST

Article 193. Training Organization and Implementation Types

1. In accordance with the training program developed by the Board, the Judicial School shall regularly organize and conduct training courses that shall be mandatory for judges and all individuals included in the list of judge candidates.

2. Prior to October 1 of the respective calendar year, the Qualification Committee shall define the main guidelines of the training, the total number of training program hours (to be no fewer than 80 and no more than 120 academic hours per annum), and the different categories of training programs and the minimum number of hours for each program for judges of different instances (including specialized courts) and individuals included in the List of Judicial Candidates and the Official Promotion List, with the exception of individuals specified in Article 139 of this Code, based on which the Judicial School Governing Board shall, prior to November 1 of the respective calendar year, develop the Judicial School's training programs and present them to the Judicial School Board for approval.

3. Judges, as well as individuals included in the List of Judicial Candidates and the Official Promotion List shall have the right to elect the proposed training courses in accordance with the requirements and number of hours established by the Training Committee.

4. The procedure of implementing training programs, the timetable, the procedure of notification about such programs, and the procedure of teachers conducting the training shall be determined in accordance with the procedure defined in the Judicial School By-Laws.

5. Judges, as well as individuals included in the List of Judicial Candidates and the Official Promotion List shall be considered to have passed the training, if they have taken part in all the hours of the respective training course.

6. Training courses shall be organized and carried out in accordance with the methods set forth in Article 186 of this Code.

7. During the training, judges and individuals included in the List of Judicial Candidates shall be exempted from their official duties in connection with the training, but shall retain their entitlement to salaries and other supplements. Judges and individuals included in the List of Judicial Candidates, who permanently reside outside the place in which the training is carried out, shall receive compensation for the training-related transportation and accommodation costs or shall have such transportation and accommodation organized.

PART 3 **JUDICIAL SERVICE AND JUDICIAL BAILIFFS**

SECTION 6 **JUDICIAL SERVICE**

CHAPTER 24 ***JUDICIAL SERVICE AND THE JUDICIAL DEPARTMENT***

Article 194. Judicial Service

1. Judicial service is a professional activity carried out to ensure the performance of functions and powers vested in courts and bodies of the judiciary by law. Judicial service is a part of public service defined by the Republic of Armenia legislation.

2. Judicial service shall be performed in the Judicial Department:

- 1) In structural units of the central body of the Judicial Department; and
- 2) In separate subdivisions.

3. Serving in the position of a judge, as well as the activities of court-appointed experts, specialists, insolvency (bankruptcy) administrators, technical support staff, and individuals contracted for specific issues or functions shall not be considered judicial service.

4. Technical support staff shall be considered staff of the Judicial Department, and employment matters related to them shall be regulated by the Republic of Armenia Labor Code and other legal acts.

Article 195. Legal Acts Regulating Judicial Service

1. Matters related to judicial service shall be regulated by the Republic of Armenia Law on Judicial Service.

2. Employment matters related to judicial service shall be regulated by the Republic of Armenia labor legislation, unless the Republic of Armenia Law on Judicial Service prescribes specific provisions on such matters.

3. Official relations between judicial servants shall be regulated by this Code, decisions of the Council of Court Chairmen, and the By-Laws of the Judicial Department.

SECTION 7 JUDICIAL BAILIFFS

CHAPTER 25 GENERAL PROVISIONS ON THE SERVICE OF JUDICIAL BAILIFFS

Article 196. The Service of Judicial Bailiffs

1. The Service of Judicial Bailiffs is a special type of public service, which is created and shall function within the Judicial Department.

2. The peculiarities of the Service of Judicial Bailiffs and the terms and conditions of its organization shall be defined in this Code.

Article 197. Legislation on Judicial Bailiffs

1. The rights and responsibilities of judicial bailiffs, as well as other matters related to their testing, trial period appointment, service, rest time, leaves, restrictions on giving orders to them, supervision of their activities, liability of judicial bailiffs, office safeguards and restrictions, and, in cases prescribed by this Code, other issues related to the Service of Judicial Bailiffs shall be regulated by the provisions of the Republic of Armenia Law on the Service Ensuring Compulsory Execution of Judicial Acts, to the extent that the nature of such provisions makes them applicable to the Service of Judicial Bailiffs, and to the extent to which they do not contradict this Code. In the application of the Law on the Service Ensuring Compulsory Execution of Judicial Acts to matters related to the Service of Judicial Bailiffs, the functions vested in the Minister of Justice and the Chief Compulsory Executor by that law shall be carried out by the Head of the Judicial Department, unless otherwise flows from the provisions of this Code.

2. In cases prescribed by this Code, matters related to the Service of Judicial Bailiffs shall be subject to the provisions of the Republic of Armenia Law on Penitentiary Service, to the extent that the nature of such provisions makes them applicable to the judicial bailiffs, and to the extent to which they do not contradict this Code.

Article 198. Tasks of the Service of Judicial Bailiffs

1. The task of the Service of Judicial Bailiffs is to ensure, in accordance with this Code and other laws:

- 1) Protection of the life, health, dignity, rights, and freedoms of the judge, parties to proceedings, and other persons in court from criminal and other unlawful encroachment;
- 2) Maintenance of the public order and security in the territory of the court;
- 3) Execution of court orders subject to immediate execution on the spot; and
- 4) Protection of court assets, buildings, and support premises.

2. To accomplish its tasks, the Service of Judicial Bailiffs shall cooperate with the Republic of Armenia Police and other public bodies with a view to sharing information, organizing and implementing joint action, and providing the necessary mutual assistance.

Article 199. Principles of the Operation of Judicial Bailiffs

1. The judicial bailiffs operate in strict accordance with the principles of lawfulness, respect for the individual's rights, freedoms, honor, and dignity, humanity, and transparency.

2. Practice of torture, cruel or degrading treatment, or violence against a person by judicial bailiffs is prohibited and shall give rise to liability in accordance with the procedure stipulated by law.

3. In each case of restricting human rights and freedoms, judicial bailiffs must immediately present the grounds for such restriction to such person, and explain his rights and responsibilities; if arresting a person, they must ensure immediately his transfer to the Police.

CHAPTER 26

FORMATION, STRUCTURE, AND MANAGEMENT OF THE SERVICE OF JUDICIAL BAILIFFS

Article 200. Structure of the Service of Judicial Bailiffs

1. The system of the Service of Judicial Bailiffs shall consist of separate units of the Service of Judicial Bailiffs. As a rule, a separate unit of the Service of Judicial Bailiffs is created for each court.

2. The list of the separate units of the Service of Judicial Bailiffs shall be approved by the Council of Court Chairmen.

3. The number of staff positions in the Service of Judicial Bailiffs shall be approved by the Council of Court Chairmen. During the budgetary year, changes to the number of staff positions in the Service of Judicial Bailiffs shall be made within the limits of state budget allocations for that year.

Article 201. Management of the Service of Judicial Bailiffs

1. The activities of the Service of Judicial Bailiffs shall be coordinated by the Head of the Judicial Department.

2. The organization and overall management of the activities of units of the Service of Judicial Bailiffs shall be carried out by the courts' chiefs of staff, while their direct management shall be carried out by the unit heads.

3. Instructions given by the judge in the courtroom shall prevail and be binding for execution by the judicial bailiff.

Article 202. Positions in the Service of Judicial Bailiffs

1. Positions in the Service of Judicial Bailiffs shall be classified into the following groups:

- 1) Leadership positions of the Service of Judicial Bailiffs—unit heads; and
- 2) Junior positions of the Service of Judicial Bailiffs—senior judicial bailiffs and judicial bailiffs.

2. Persons that occupy the positions of the Service of Judicial Bailiffs specified in Paragraph 1 of this Article shall be considered judicial bailiffs.

Article 203. Ranks in the Service of Judicial Bailiffs

1. The following ranks shall be awarded to judicial bailiffs:

- 1) Captain of justice;
- 2) Senior lieutenant of justice;
- 3) Lieutenant of justice;
- 4) Senior corporal of justice;
- 5) Corporal of justice;
- 6) First sergeant of justice;
- 7) Senior sergeant of justice;
- 8) Sergeant of justice; and
- 9) Junior sergeant of justice.

2. The ranks specified in Paragraph 1 of this article are presented in hierarchical order—from high to low.

3. Ranks in the Service of Judicial Bailiffs are awarded by the Head of the Judicial Department.

4. Ranks are awarded in consecutive order, in accordance with the ranks designated for one’s current office.

5. The following ranks are designated for judicial bailiffs’ positions:

Group of positions	Position	Lower and higher limits of rank corresponding to the position
Leadership	Unit head	Lieutenant of justice—captain of justice
Junior	Senior judicial bailiffs	First sergeant of justice—senior corporal of justice
	Judicial bailiffs	Junior sergeant of justice—senior sergeant of justice

6. The Republic of Armenia Law on Penitentiary Service regulates matters concerning the awarding of ranks, their term, the procedure of calculation, and rank deprivation.

Article 204. Main Requirements for Entry into the Service of Judicial Bailiffs

The requirements for entry into the Service of Judicial Bailiffs are those stipulated in the Republic of Armenia Law on Penitentiary Service. The provisions of the Republic of Armenia Law on Penitentiary Service concerning the middle group of positions in penitentiary service shall apply to the leadership positions in the Service of Judicial Bailiffs.

Article 205. Oath of Judicial Bailiffs

Citizens that are first-time entrants into the Service of Judicial Bailiffs shall take an oath in accordance with the procedure established by the Council of Court Chairmen, in front of the state flag of the Republic of Armenia, with the following text:

“I, [name, surname, patronymic], by entering into the Republic of Armenia Service of Judicial Bailiffs, swear to perform my functions in accordance with the Republic of Armenia Constitution and laws, with due respect for human and civic rights and freedoms, to carry out the official duties of a judicial bailiff with commitment and in good faith, and to uphold the reputation of the judiciary.”

Article 206. Appointment and Dismissal of Judicial Bailiffs

Appointment to and dismissal from leadership and junior groups of positions in the Service of Judicial Bailiffs shall be made by the Chief of Staff of the respective court.

Article 207. Conditions for the Appointment of Judicial Bailiffs

1. To be appointed as a unit head in the Service of Judicial Bailiffs, a citizen must have higher education and must, with his practical and personal potential, be capable of performing the duties associated with the respective position. If the citizens appointed to the aforementioned positions have military or special rank or qualification rank below that of a lieutenant, or have no rank, then upon appointment, they shall be awarded the rank of a lieutenant of justice.

2. To be appointed to a junior category position in the Service of Judicial Bailiffs, a citizen must have at least secondary education. To be appointed as a senior judicial bailiff, a citizen must have at least the rank of a first sergeant of justice or, must have occupied a position corresponding to that of a junior judicial bailiff for at least three years prior to appointment, while holding the rank of a senior sergeant of justice. When appointed to the position of a judicial bailiff, a citizen is awarded the rank of a junior sergeant of justice or a rank that corresponds to the higher military or special rank (or qualification rank) already possessed by him.

3. The correspondence of positions in the armed forces, national security, the Police, the competent bodies of prosecution, the Ministry of Justice Department for Compulsory Execution of Judicial Acts, and the Penitentiary Service, to the positions in the Service of Judicial Bailiffs shall be determined in accordance with the procedure approved by the Republic of Armenia Government for the Penitentiary Service.

CHAPTER 27

TESTING AND TRAINING OF JUDICIAL BAILIFFS

Article 208. Testing of Judicial Bailiffs

1. The judicial bailiffs' testing committee shall be formed and the testing procedure and terms defined by the Judicial Department Head.

2. The testing committee shall, following the procedure and time prescribed by the Republic of Armenia Law on the Service Ensuring Compulsory Execution of Judicial Acts, present the testing results, including the appeals and the results of appeal review and the decisions taken to the Chief of Staff of the respective court.

Article 209. Training and Special Training of Judicial Bailiffs

1. Judicial bailiffs shall take part in training and special training. Training and special training shall be carried out in accordance with the procedure set forth in the Republic of Armenia Law on the Service Ensuring Compulsory Execution of Judicial Acts.

2. The procedure and terms of taking part in training shall be defined by the Judicial Department Head.

Article 210. Judicial Bailiff's Transfer to Another Position

A judicial bailiff may be transferred to another position by the person that appointed him in accordance with the Republic of Armenia Law on the Service Ensuring Compulsory Execution of Judicial Acts.

CHAPTER 28 ***FUNCTIONS OF JUDICIAL BAILIFFS***

Article 211. Functions of the Court's Chief of Staff in His Capacity as the Person Carrying out the Overall Management of the Respective Unit of the Service of Judicial Bailiffs

The Chief of Staff of the respective court shall:

- 1) Carry out the overall management of the respective unit of the Service of Judicial Bailiffs;
- 2) Organize the execution of decisions and instructions of the Council of Court Chairmen and the Judicial Department Head concerning the Service of Judicial Bailiffs, and give instructions and assignments to the unit head of the Service of Judicial Bailiffs;
- 3) Make a recommendation to the Judicial Department Head on the structure of the units and the staffing of the Service of Judicial Bailiffs;
- 4) Present to the Judicial Department Head recommendations on the material and technical resources of the Service of Judicial Bailiffs;
- 5) Encourage and apply disciplinary sanctions against judicial bailiffs;
- 6) Review complaints against actions of the respective unit head;
- 7) Organize professional and special training of judicial bailiffs; and
- 8) Present an annual report to the Judicial Department Head regarding the activities of the Service of Judicial Bailiffs.

Article 212. Functions of Unit Heads of the Service of Judicial Bailiffs

1. A unit head of the Service of Judicial Bailiffs shall:
 - 1) Ensure the performance of the tasks of the Service of Judicial Bailiffs in the respective court;
 - 2) Organize and supervise the activities of the unit;
 - 3) Head the activities of judicial bailiffs operating within the unit;
 - 4) Ensure the execution of instructions of the court chairman, the presiding judge of a session, or the judge regarding maintenance of the public order and security in court;
 - 5) Within the limits of his authority, apply disciplinary sanctions against judicial bailiffs;
 - 6) Make recommendations to the Chief of Staff of the respective court on encouraging and applying disciplinary sanctions against judicial bailiffs;
 - 7) Examine complaints against judicial bailiffs of the respective unit;

8) Within the limits of his authority, give binding orders and instructions to the judicial bailiffs in the respective unit; and

9) Carry out the instructions and orders of the Chief of Staff of the respective court.

2. A unit head of the Service of Judicial Bailiffs shall be responsible for the performance of the functions of the respective unit of the Service of Judicial Bailiffs.

Article 213. Functions of Judicial Bailiffs

1. With a view to ensuring compliance with the established procedure of court activities, a judicial bailiff shall, in accordance with this Code and other laws:

1) Ensure the protection of the life, health, dignity, rights, and freedoms of the judge, parties to proceedings, and other persons in court, as well as of the premises of the court against criminal and other illegal encroachments;

2) Carry out the instructions of the court chairman, the presiding judge of a session, or the judge concerning maintenance of the public order and security in court;

3) Ensure protection of judicial assets, premises, and adjacent territory, and protection of the judge consultative room while the judge is inside such room;

4) Check whether the courtroom is ready for the judicial session, and ensure, upon instruction of the judge, the delivery of the criminal case materials and evidence to the judicial examination place and their protection; and

5) Prevent and disrupt the committal of crimes and other offences in court, identify offenders, and, if necessary, arrest them, in which case their immediate transfer to the Police must be ensured.

2. If necessary in the exercise of his functions, a judicial bailiff shall cooperate with other competent state bodies.

Article 214. Rights and Responsibilities of the Judicial Bailiff during the Performance of His Functions

1. To perform his functions, a judicial bailiff shall have the right:

1) To determine the identity of persons entering into the court, those present in the courtroom, or those subjected to a judicial sanction;

2) Based on a court decision, to remove a person from the courtroom or to restrict the entry of such person into the courtroom;

3) To examine the persons entering into the court or the courtroom, including their belongings; and

4) In accordance with the procedure and terms enshrined in this Code, to apply physical force and special means.

2. A judicial bailiff must exercise his rights in accordance with law and make sure that his activities do not violate the rights and lawful interests of persons.

Article 215. Binding Nature of a Judicial Bailiff's Demands

1. Demands made by a judicial bailiff within the limits of his authority shall be binding.

2. If a person disobeys the demands of the judicial bailiff while the latter is exercising his rights set forth in Article 214(1) of this Code, the judicial bailiff may, as the case may be, prohibit such person's entry into the court building, remove a person from the courtroom if the person, who is already in the courtroom, refuses to disclose his identity or presents manifestly false information, or, in case of a person subjected to a judicial sanction, transfer such person to the Republic of Armenia Police, and, with a view to preventing resistance or

an encroachment by the person, to arrest him, in which case his immediate transfer to the Police must be ensured.

3. Failure to comply with the demands of a judicial bailiff and/or the hindering of his performance of his duties shall give rise to liability prescribed by law.

Article 216. Use of Physical Force and Special Means

1. In the cases and procedure defined in this Code, a judicial bailiff has the right to use physical force and special means.

2. Judicial bailiffs must undertake special training and must regularly take part in tests determining the ability to act in situations that render the use of physical force and special means necessary.

3. When choosing whether or not to use physical force and special means, a judicial bailiff shall be guided by the situation at hand, the nature of the offence, and who the offender is.

4. In the absence of special needs in conditions of necessary defense or extreme necessity, a judicial bailiff has the right to use all possible means available at his disposal.

5. The use of physical force and special means shall be made in accordance with the procedure defined in the Republic of Armenia Law on the Service Ensuring Compulsory Execution of Judicial Acts.

Article 217. Use of Physical Force

In cases of disobeying the lawful demands of a judicial bailiff, displaying disobedience, or engaging in resistance, as well as for purposes of self-defense, a judicial bailiff may use physical force against offenders.

Article 218. Cases and Procedure of Using Special Means

1. Judicial bailiffs shall have the right to use special means available at their disposal, when:

1) Disrupting an ongoing attack on a judge, persons present in the judicial session, or a judicial bailiff;

2) Overcoming disobedience to the judicial bailiff or disrupting resistance;

3) Capturing persons caught at the moment of committing an offence and trying to abscond;

4) There are sufficient grounds to assume that the person or persons are preparing to engage in an armed attack or resistance; and

5) When arresting a person caught for committing an offence or refusing to disclose his identity or presenting manifestly false information, and transferring him to the Republic of Armenia Police, if his behavior gives reason to believe that he may abscond, harm himself or the surroundings, engage in disobedience, or resist the judicial bailiff.

2. Judicial bailiffs may use the following special means: rubber truncheons, handcuffs, electrocuting devices, and spark dischargers.

3. The procedure of allocating and maintaining special means shall be defined by the Judicial Department Head.

CHAPTER 29

SAFEGUARDS OF LEGAL AND SOCIAL PROTECTION OF JUDICIAL BAILIFFS

Article 219. Vacation of Judicial Bailiffs

Leave shall be granted to judicial bailiffs by the Chief of Staff of the respective court.

Article 220. Material Security of Judicial Bailiffs

1. The amount and calculation procedure of monetary compensation of judicial bailiffs shall be set forth in the Republic of Armenia Law on Penitentiary Service.

2. The official pay rates of a unit head of the Service of Judicial Bailiffs shall be equal to the official pay rate of a unit head in a penitentiary institution.

3. The official pay rate of a senior judicial bailiff shall be equal to the official pay rate of a second rank expert in the Penitentiary Department.

4. The official pay rate of a judicial bailiff shall be equal to the official pay rate of a second rank expert in a penitentiary institution.

Article 221. Uniform and Official ID of Judicial Bailiffs

1. In the performance of his official duties, a judicial bailiff shall wear a uniform with differentiating signs and symbols, the descriptions of which shall be defined by the Republic of Armenia Government. The procedure of allocating and wearing uniforms shall be established by the Council of Court Chairmen upon presentation by the Judicial Department Head.

2. Judicial bailiffs shall receive IDs in accordance with the standard form approved by the Judicial Department.

Article 222. Material and Technical Resources of the Service of Judicial Bailiffs

The material and technical resource security of the Service of Judicial Bailiffs shall be ensured by the Judicial Department.

CHAPTER 30

ENCOURAGING AND APPLYING DISCIPLINARY SANCTIONS AGAINST JUDICIAL BAILIFFS

Article 223. Types of Encouragement Awarded To Judicial Bailiffs

1. For lengthy service and for diligent execution of official duties and assignments, the following types of encouragement may be awarded to a judicial bailiff:

- 1) Expression of gratitude;
- 2) One-time monetary award;
- 3) Award of a souvenir;
- 4) Pre-term award of a rank; and
- 5) Reward of a medal.

2. As encouragement for a judicial bailiff, early termination of a previously-applied disciplinary sanction by the manager that applied the sanction or his supervisor may be performed.

3. The encouragement specified in Paragraph 1(4) of this Article shall be awarded to judicial bailiffs in exceptional cases, and may be awarded only once during the whole term of a bailiff's service.

4. Several types of encouragement may be awarded concurrently.

5. Encouragements referred to in Paragraph 1 of this Article may be awarded to judicial bailiffs by the Chief of Staff of the respective court upon presentation by the respective unit head.

6. Encouragements in the form of expression of gratitude, a one-time monetary award, award of a souvenir, or reward of a medal may be awarded to a unit head of the Service of Judicial Bailiffs by the Chief of Staff of the respective court. Encouragement in the form of pre-term award of a rank may be awarded by the Judicial Department Head.

7. The types and forms of medals referred to in Paragraph 1(5) of this Article shall be defined by the Council of Court Chairmen.

8. The encouragements specified in sub-paragraphs 2, 3, and 5 of Paragraph 1 of this Article shall be awarded using the relevant resources provisioned in the State Budget of the Republic of Armenia.

Article 224. Disciplinary Sanctions Against Judicial Bailiffs

1. In case of the failure to perform official duties without an excusable reason, the improper performance thereof, excess use of official powers, and violating the requirements of law and other legal acts, the following disciplinary sanctions shall be imposed against judicial bailiffs in accordance with the procedure defined in the Republic of Armenia legislation:

- 1) Reprimand;
- 2) Severe reprimand;
- 3) Lowering of position;
- 4) Lowering of rank by one degree; and
- 5) Dismissal from Service.

2. The disciplinary sanctions prescribed in Paragraph 1 of this Article may be imposed against judicial bailiffs by the Chief of Staff of the respective court.

3. The disciplinary sanction specified in sub-paragraphs 1(1) and 1(2) of this Article may also be imposed by the respective unit head of the Service of Judicial Bailiffs.

CHAPTER 31

JUDICIAL BAILIFFS' DISMISSAL FROM OFFICE AND TERMINATION OF SERVICE

Article 225. Dismissal of Judicial Bailiffs from Office in the Service of Judicial Bailiffs

Judicial bailiffs' dismissal from position in the Service of Judicial Bailiffs shall be subject to the provisions of the Republic of Armenia Law on the Service Ensuring Compulsory Execution of Judicial Acts.

Article 226. Age Restrictions in the Service of Judicial Bailiffs

1. Fifty-five years shall be the maximum age limit for having a junior group position within the Service of Judicial Bailiffs, and sixty years—for a leadership position.

2. When a judicial bailiff reaches the maximum age limit for having a position, his term of service may be extended for a term of up to five years by the person that appointed him to such position.

3. A judicial bailiff's dismissal on the ground of his having reached the maximum age limit shall be performed on the first date of the first month after the person has reached the age specified in Paragraph 1 of this Article.

Article 227. Judicial Bailiff's Reinstatement in a Service Position

Matters related to judicial bailiffs' reinstatement to office in the Service of Judicial Bailiffs, as well as the award of a rank after such reinstatement and the length of service shall be regulated in accordance with the procedure defined in the Republic of Armenia Law on the Service Ensuring Compulsory Execution of Judicial Acts.

**SECTION 8
FINAL AND TRANSITIONAL PROVISIONS**

Article 228. Coming into Force

The Republic of Armenia Judicial Code shall come into force in the term and in accordance with the procedure stipulated by the Republic of Armenia Law on Putting into Effect the Republic of Armenia Judicial Code.

Republic of Armenia President

R. Kocharyan

[The official version of the Judicial Code is the Armenian version. This English translation is not official. This translation was prepared by Khachatur Adumyan in June 2007, with financial assistance from the American Bar Association Rule of Law Initiative Armenia Office and the World Bank.]