



REPUBLIC OF ARMENIA
CHAIRMAN OF THE SUPREME JUDICIAL COUNCIL

Supreme Judicial Council, 28 Nalbandyan St., Yerevan 0010, Republic of Armenia Tel. (0037 410), 583 734

N-~~E~~-2362

«09» April 2018

NURIA DIAZ ABAD
PRESIDENT OF THE EUROPEAN
NETWORK OF COUNCILS FOR THE JUDICIARY

Dear Nuria Diaz Abad,

The referendum held on December 6 in Republic of Armenia, 2015 became a ground for reforms in the judiciary and therefore, various amendments were done to the Mother Law announcing the full independence of the Armenia's judicial power. Currently, the transformation of Armenia's system of governance into the parliamentary system is in progress.

The constitutional amendments, among other principles, affirm that everyone is entitled to fair and equitable treatment under the law, the guarantee of the rule of law and the independence and impartiality of the judiciary.

In 2018, the Supreme Judicial Council (the Council) was set up under the constitutional reform as an independent state body conferred with wide scope of powers, particularly; the primary role of the Council is to guarantee the independence of courts and judges (see the attached annex).

The independence of judiciary is a pillar of a democratic state based on the rule of the law. When every protection fails, it provides a bulwark to the public against any encroachments on its rights and freedoms under the law. These observations apply both domestically within the context of each nation-State and globally, viewing the global judiciary as one great bastion of the rule of law throughout the world. Ensuring the integrity of the global judiciary is thus a task to which much energy, skill and experience must be devoted. It is also a fundamental human right which is – inter alia – recognized in Article 6 of the European Convention on Human Rights and Fundamental Freedoms.

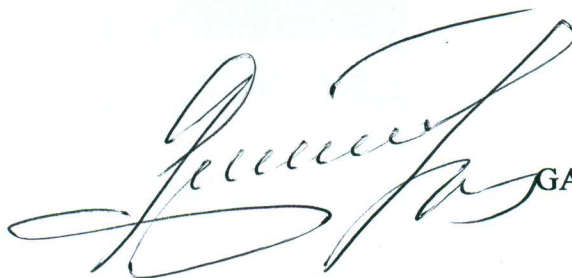
The Council intends to intensify the cooperation with the European Network of Councils for the Judiciary in implementing common objectives and strategic plans aiming to promote and preserve an independent, legally accountable and high quality judiciary.

I would like to express my willingness to attend the upcoming meeting of the General Assembly on 30 May – 01 June 2018 and to present our visions, challenges on the

administration of justice and be participant of the integrity process of the global judiciary.

I look forward to the opportunity to cooperate with you.

Best regards,

A stylized, cursive handwritten signature in dark ink, likely belonging to Gagik Harutyunyan. The signature is fluid and elegant, with a large initial 'G' and 'H'.

GAGIK HARUTYUNYAN

ANNEX

AMENDMENTS TO THE CONSTITUTION OF THE REPUBLIC OF ARMENIA

Article 175. Powers of the Supreme Judicial Council

1. The Supreme Judicial Council shall:

- (1) prepare and approve the lists of candidates for judges, including candidates subject to promotion;
 - (2) propose to the President of the Republic the candidates for judges subject to appointment, including those subject to appointment by way of promotion;
 - (3) propose to the President of the Republic the candidates for chairpersons of courts and the candidates for chairpersons of chambers of the Court of Cassation, subject to appointment;
 - (4) propose to the National Assembly the candidates for judges and for Chairperson of the Court of Cassation;
 - (5) decide on the issue of secondment of judges to another court;
 - (6) decide on giving consent for initiating criminal prosecution against a judge or depriving him or her of liberty with respect to the exercise of his or her powers;
 - (7) decide on the issue of subjecting a judge to disciplinary liability;
 - (8) decide on the issue of terminating the powers of judges;
 - (9) approve its estimate of expenditures as well as those of the courts, and submit them to the Government, in order to include them in the Draft State Budget as prescribed by law;
 - (10) form its staff in accordance with law.
2. In case of discussing the issue of subjecting a judge to disciplinary liability, as well as in other cases prescribed by the Judicial Code, the Supreme Judicial Council shall act as a court.
3. The Supreme Judicial Council shall, in the cases and under the procedure prescribed by law, adopt secondary regulatory legal acts.
4. Other powers and rules of operation of the Supreme Judicial Council shall be prescribed by the Judicial Code.

JUDICIAL CODE OF THE REPUBLIC OF ARMENIA

Article 89. Powers of the Supreme Judicial Council

1. The Supreme Judicial Council shall:

- (1) compile and approve the list of judge candidates, including the promotion list of judge candidates;
- (2) propose to the President of the Republic judge candidates subject to appointment, including those subject to appointment by way of promotion;

- (3) propose to the President of the Republic candidates for the chairpersons of courts and candidates for the chairpersons of chambers of the Court of Cassation subject to appointment;
- (4) propose to the National Assembly candidates for judges and for the Chairperson of the Court of Cassation;
- (5) decide on the issue of secondment of a judge to another court;
- (6) decide on the issue of giving consent to initiating criminal prosecution against a judge or depriving him or her of liberty in connection with the exercise of his or her powers;
- (7) decide on the issue of imposing disciplinary action against a judge;
- (8) decide on the issue of imposed termination of the powers of judges;
- (9) record the existence of the circumstance serving as a ground for automatic termination of the powers of a judge;
- (10) approve the estimate of its expenses, as well as of those of the courts;
- (11) submit the budget bid of the Supreme Judicial Council and courts to the Government for including it, as prescribed by law, in the Draft State Budget;
- (12) approve the medium-term expenditure programme of the Supreme Judicial Council and courts and submit it to the Government according to the prescribed procedure;
- (13) distribute the means of the reserve fund of the courts;
- (14) decide on the issue of giving consent to initiating criminal prosecution against a member of the Supreme Judicial Council or depriving him or her of liberty in connection with the exercise of his or her powers;
- (15) decide on the issue of imposing disciplinary action against a member of the Supreme Judicial Council;
- (16) decide on the issue of imposed termination of the powers of members and the Chairperson of the Supreme Judicial Council;
- (17) record the existence of the circumstance serving as a ground for automatic termination of the powers of a member of the Supreme Judicial Council;
- (18) consider any issue endangering the independence of a court or judge, and demand from competent bodies to take necessary measures aimed at the solution of the issue;
- (19) submit recommendations to the competent state bodies on the improvement of regulatory legal acts related to the judiciary;
- (20) provide an opinion on draft regulatory legal acts related to the judiciary;
- (21) approve the procedure for circulation in courts of draft regulatory legal acts pertaining to the judiciary;
- (22) approve the rules of interaction of the Supreme Judicial Council and courts with the mass media;
- (23) approve the rules of submission of documents to courts, of classification of cases according to types, as well as other documentation management rules of courts;
- (24) with the consent of the Government, increase the number of judges of certain courts, reduce the number of judges increased by the Supreme Judicial Council;
- (25) prescribe the seats of courts of first instance, not prescribed by this Code, the area served by the seats, approve the distribution and number of judges according to

seats and specialisations;

(26) provide the description of standard furnishing for a courtroom and an office room of a judge;

(27) prescribe the procedure for substituting the missing judges of the panel;

(28) define recommended average durations for examination of cases according to the specific types and complexity of cases;

(29) prescribe the procedure for calculating the workload of a judge, as well as the criteria for the workload of a judge;

(30) prescribe the procedure for establishing the duty schedule of judges carrying out judicial oversight over pre-trial criminal proceedings;

(31) approve the Charter of the Judicial Department and exercise all the powers of the founder of the Judicial Department;

(32) appoint and dismiss the head of the Judicial Department;

(33) approve, upon the proposal of the head of the Judicial Department, the list of positions and job descriptions of the judicial service and court bailiff service, as well as define the number of staff positions of the Judicial Department;

(34) define the procedure for holding a closed competition for filling vacant positions in the judicial service, as well as the procedure for testing, interviewing and evaluating the merits of the candidates in an open competition, the procedure for formation of competition commissions, and the rules of operation thereof;

(35) prescribe the procedure for evaluating the performance of judicial servants, the criteria and the description form thereof;

(36) approve the procedure for conducting training of judicial servants and court bailiffs;

(37) submit proposals regarding the courses or topics to the Academy of Justice for the purpose of including them in syllabuses for judicial servants, court bailiffs;

(38) define the amount of training hours for judicial servants and court bailiffs;

(39) define the types and forms of badges awarded to court bailiffs as an incentive;

(40) define the types and forms of badges of court bailiffs;

(41) prescribe the procedure for allocating uniforms to court bailiffs and the wearing rules;

(42) prescribe the procedure for the oath of citizens joining the service as court bailiffs at the court bailiff service for the first time;

(43) approve its Operations Procedure;

(44) define the procedure for granting entry passes and the safety rules in the buildings of the Supreme Judicial Council and courts;

(45) exercise other powers defined by the Judicial Code.