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REPUBLIC OF KAZAKHSTAN

LAW ON THE HIGH JUDICIAL COUNCIL*

*Translation provided by the authorities of Kazakhstan

**The Law of the Republic of Kazakhstan dated 4 December 2015 № 436-IV LRK
«On the Supreme Judicial Council of the Republic of Kazakhstan»**

Chapter 1. GENERAL PROVISIONS

Article 1. Status and legal framework for the activity of the Supreme Judicial Council of the Republic of Kazakhstan

1. The Supreme Judicial Council of the Republic of Kazakhstan (hereinafter referred to as the Council) is an autonomous state institution established to ensure constitutional powers of the President of the Republic of Kazakhstan to form courts, guarantees of judges' independence and immunity.
2. The legal framework for the Council's activity is the Constitution of the Republic of Kazakhstan, the Constitutional Law defining the judicial system and the status of judges of the Republic of Kazakhstan, this Law and other regulatory legal acts of the Republic of Kazakhstan.
3. The Council has an administrative office that is a legal entity.
4. The cost of running the Council and its administrative office is covered by the national budget.
5. The activity of the Council's administrative office is regulated by the legislation of the Republic of Kazakhstan and the rules of procedure of the Council.

The employees of the Council's administrative office are civil servants.

The limit on the staff number of the Council's administrative office is approved by the President of the Republic of Kazakhstan.

6. The President of the Republic of Kazakhstan appoints head of the Council's administrative office, whose position in the Council is that of secretary.
7. The regulations on the Council's administrative office and its structure are approved by the President of the Republic of Kazakhstan.
8. It is prohibited to interfere with the activity of the Council during the performance of its powers.
9. The chairman and members of the Council are not entitled to interfere with the judicatory activity of courts and judges.

Article 2. Basic principles of the Council's activity

The Council carries out its activity following the principles of independence, legality, collegiality, publicity and impartiality.

Article 3. Powers of the Council

1. The Council shall:

- 1) guarantee the independence and immunity of judges;

2) on a competitive basis select candidates for the vacant position of chairman, a judge of a district court and its equivalent court (hereinafter referred to as a district court), judges of a regional court and its equivalent court (hereinafter referred to as a regional court) and judges of the Supreme Court:

based on the results of a competition, recommend candidates for appointment to the vacant position of chairman and a judge of a district court, a judge of a regional court to the President of the Republic of Kazakhstan;

based on the results of a competition, recommend a candidate for the vacant position of a judge of the Supreme Court to the President of the Republic of Kazakhstan for submission to the Senate of the Parliament;

3) on the proposal of the Chairman of the Supreme Court, consider candidates for the vacant positions of chairmen and chairmen of judicial boards of regional courts, chairmen of judicial boards of the Supreme Court:

recommend candidates for the vacant positions of chairmen and chairmen of judicial boards of regional courts, chairmen of judicial boards of the Supreme Court to the President of the Republic of Kazakhstan for appointment to these positions;

4) consider a candidate for the vacant position of the Chairman of the Supreme Court:

recommend a candidate for the vacant position of the Chairman of the Supreme Court to the President of the Republic of Kazakhstan for submission to the Senate of the Parliament;

5) consider the termination of powers of the Chairman, chairmen of judicial boards and judges of the Supreme Court, chairmen, chairmen of judicial boards and judges of local and other courts in the form of retirement, termination of resignation:

consider the removal from office of judges of local and other courts in the cases of reorganization, abolition of a court, reduction of the number of judges of a relevant court if they do not consent to the vacant position of a judge in another court, and also in the event of a judge's refusal from transfer to another court, to another specialization in the case provided for by subparagraph 4) of paragraph 1 of article 44 of the Constitutional Law of the Republic of Kazakhstan "On the Judicial System and Status of Judges of the Republic of Kazakhstan";

consider the removal from office of chairmen, chairmen of judicial boards of local and other courts in the cases of reorganization, abolition of a court, expiration of the term of office if they do not consent to the vacant position of a judge in another court, and also in the event of the refusal of the chairman of a court, chairman of a judicial board from transfer to another court, to another specialization in the case provided for by subparagraph 4) of paragraph 1 of article 44 of the Constitutional Law of the Republic of Kazakhstan "On the Judicial System and Status of Judges Republic of Kazakhstan";

consider the removal from office of judges of the Supreme Court in the case of the reduction of the number of judges of the Supreme Court if they do not consent to the vacant position of a judge in another court, and also in the event of the refusal of a judge of the Supreme Court from transfer to another court, to another specialization in the case provided for by subparagraph

4) of paragraph 1 of article 44 of the Constitutional Law of the Republic of Kazakhstan "On the Judicial System and Status of Judges of the Republic of Kazakhstan";

consider the removal from office of chairmen of judicial boards of the Supreme Court in cases of expiration of the term of office if they do not consent to the vacant position of a judge in another court, and also in the event of the refusal of the chairman of a judicial board of the Supreme Court from transfer to another court, to another specialization in the case provided for by subparagraph 4) of paragraph 1 of article 44 of the Constitutional Law of the Republic of Kazakhstan “On the Judicial System and Status of Judges of the Republic of Kazakhstan”;

upon expiration of a one-year term, consider the performance of a person first appointed as judge of a district court and, if the professional activity of the judge is positively assessed by the qualification commission of the Judicial Jury, decide to confirm his/her appointment upon the recommendation of the Chairman of the Supreme Court;

consider the removal from office of chairmen of judicial boards and judges of the Supreme Court, chairmen, chairmen of judicial boards and judges of local and other courts for committing disciplinary offences, because of professional incompetence or for failure to comply with the requirements of the Constitutional Law of the Republic of Kazakhstan “On the Judicial System and Status of Judges of the Republic of Kazakhstan” upon the recommendation of the Chairman of the Supreme Court pursuant to the decision of the Judicial Jury and also in the cases of the termination of office by a judge at his/her own request, appointment, selection of a judge to another position and his/her transfer to another job, his/her reaching the retirement age or the age of mandatory retirement for judges;

consider the removal from office of chairmen of judicial boards and judges of the Supreme Court, chairmen, chairmen of judicial boards and judges of local and other courts in the cases of the termination of office by a judge for health reasons preventing further execution of professional duties in accordance with a medical report, in connection with the entry into force of a court decision on recognizing him/her as incapable or partially incapable or applying compulsory medical measures to him/her, entry into force of a court sentence imposed for a criminal offence, the termination of a criminal case at the pretrial stage on non-rehabilitating grounds, the termination of citizenship of the Republic of Kazakhstan, the death of a judge or entry into legal force of a court decision declaring him/her dead;

consider the issue of giving consent by the Chairman of the Supreme Court to extend the term of office of a judge who has reached the retirement age;

recommend the President of the Republic of Kazakhstan to dismiss chairmen, chairmen of judicial boards and judges of local and other courts, chairmen of judicial boards of the Supreme Court;

make recommendations on the dismissal of the Chairman and judges of the Supreme Court to the President of the Republic of Kazakhstan for submission to the Senate of the Parliament;

6) in accordance with the procedure established by the legislation of the Republic of Kazakhstan, upon the recommendation of the Chairman of the Supreme Court, consider the issue of giving consent to the appointment of a candidate as head of the authorized body for ensuring the activity of the Supreme Court, local and other courts and to his/her dismissal;

7) consider judges' applications for appeal against decisions of the Judicial Jury;

- 8) administer qualifying exams of citizens willing to work as judges;
- 9) submit to the President of the Republic of Kazakhstan an opinion on giving consent to the detention, taking into custody or the house arrest of a judge, his/her bringing to court, application of legally imposed administrative penalties to him/her, bringing a judge to criminal liability;
- 10) develop and submit to the President of the Republic of Kazakhstan recommendations and proposals for improving the judicial system and legislation of the Republic of Kazakhstan;
- 11) take measures to improve the quality of the judiciary, the training of personnel, the qualification of judges;
- 12) approve the rules of procedure of the Council;
- 13) keep record of persons who passed qualifying exams for the position of a judge, who interned in courts and received opinions of plenary meetings of regional courts, as well as graduates of a specialized master's program;
- 14) consider giving consent to fix the total number of judges, the number of judges of each local and other court;
- 15) organize the maintenance of electronic personal record of judges;
- 16) together with the Supreme Court, form a candidate pool for positions of chairman of a district court, chairman and chairmen of judicial boards of a regional court, a judge and chairmen of judicial boards of the Supreme Court (hereinafter referred to as the candidate pool);
- 17) approve the procedure for the formation of and work with the candidate pool upon the recommendation of the Chairman of the Supreme Court;
- 18) upon the recommendation of the Chairman of the Supreme Court, confirm the appointment of the chairman of the Republican Candidate Pool Commission and the commission's composition.
- 19) establish the procedure for taking a psychological test by judicial candidates;
- 19-1) establish the procedure for issuing a certificate to a judge;
- 20) approve the Regulations on the Council for cooperation with the courts;
- 21) exercise other powers arising from this Law and other legislative acts of the Republic of Kazakhstan.

2. To exercise its powers, the Council has the right:

- 1) to request and receive necessary information, documents and other materials from state bodies, officials, organizations, citizens;
- 2) to hear oral explanations and request written ones from relevant officials;

3) to set up commissions, working groups from among members of the Council, representatives of state bodies, public associations, organizations and institutions, to involve specialists in its work.

Chapter 2. COMPOSITION OF THE COUNCIL AND POWERS OF THE MEMBERS OF THE COUNCIL

Article 4. Composition of the Council

1. The Council consists of the Chairman and other persons appointed by the President of the Republic of Kazakhstan.

The Chairman of the Supreme Court, the Prosecutor General, the Minister of Justice, the Minister for Civil Service Affairs, chairmen of respective standing committees of the Senate and the Mazhilis of the Parliament are appointed members of the Council by the President of the Republic of Kazakhstan.

Other persons, such as legal scholars, lawyers, foreign experts, representatives of the Union of Judges may be appointed members of the Council by the President of the Republic of Kazakhstan.

2. The plenary meeting of the Supreme Court elects candidates from among judges and retired judges and recommends appointing them members of the Council by the President of the Republic of Kazakhstan.

The Supreme Court considers candidatures of judges, including retired judges, for members of the Council at a plenary meeting from among candidates recommended by plenary meetings of regional courts with account of equal representation in the Council of judges, retired judges of district and regional courts, and also of the Supreme Court.

Judges and retired judges make up half the Council.

3. The members of the Council, except for the Chairman of the Council and appointed members of the Council, exercise their powers for three years.

4. If a member of the Council quits, a new member of the Council shall be appointed within three months.

5. The position of the Chairman, secretary and member of the Council is incompatible with being a member of the governing body and supervisory board of a commercial organization, with holding a leadership position in a political party.

6. The members of the Council, except for appointed members of the Council and foreign experts, are relieved from fulfilling their primary employment duties for the period of exercising their powers.

7. The members of the Council, who are judges and civil servants, are paid salaries at the place of their primary employment.

8. The members of the Council are independent and obey only the Constitution of the Republic of Kazakhstan, laws of the Republic of Kazakhstan and acts of the President of the Republic of Kazakhstan.

9. The members of the Council shall have equal rights in resolving issues within the powers of the Council.

10. The powers of a member of the Council shall be terminated in accordance with the legislation of the Republic of Kazakhstan.

11. The Secretary of the Council is not a member of the Council and has no voting right.

Article 5. The Chairman of the Council

1. The Chairman of the Council:

- 1) heads and provides general guidance for the Council, and also represents the Council in its relations with state bodies and other organizations;
- 2) approves action plans of the Council upon the recommendation of the secretary of the Council;
- 3) convenes meetings of the Council and presides at them;
- 4) signs recommendations, conclusions, decisions and minutes of meetings of the Council;
- 5) decides what issues are to be considered at meetings of the Council at the suggestion of the Secretary of the Council;
- 6) has the right to participate in a plenary meeting of the Supreme Court, meetings of judges, plenary meetings of regional courts, meetings of the Union of Judges, the Commission on Judicial Ethics, the Judicial Jury;
- 7) ensures the observance of the rules by the Council in its activity;
- 8) conducts a personal reception of citizens;
- 9) distributes duties among the members of the Council relieved from primary employment;
- 10) issues orders;
- 11) exercises other powers provided for by this Law.

2. In the event of a temporary absence of the Chairman of the Council, his/her duties shall be assigned to one of the members of the Council relieved from primary employment by the Chairman's decree.

Article 6. Powers of the members of the Council

1. A member of the Council has the right to:

- 1) familiarize himself/herself with materials submitted for consideration by the Council;
- 2) take part in the study and verification of materials;
- 3) make motions, give reasons for and justifications to his/her proposals on issues under consideration;
- 4) submit documents available to him/her;

- 5) participate in the decision-making by voting;
- 6) conduct retreat meetings with judicial candidates and judges in the regions;
- 7) participate in plenary meetings of regional courts, meetings of councils for cooperation with the courts and those of judiciary bodies on issues within the competence of the Council;
- 8) conduct a personal reception of citizens within the competence of the Council;
- 9) exercise other powers provided for by this Law.

2. A member of the Council shall:

- 1) participate in meetings of the Council;
- 2) be impartial and objective in considering issues within the competence of the Council;
- 3) observe confidentiality with respect to information on the private life of judicial candidates and judges, which became known to him/her through the execution of powers conferred on him/her, as well as the secrecy of voting;
- 4) withdraw his/her name from considering an issue on the agenda of a meeting of the Council, if he/she is a spouse, close relative or in-law relative of a person in respect of whom a decision is to be made.

Article 7. The Secretary of the Council – head of the administrative office

1. The Secretary of the Council - head of the administrative office:

- 1) manages the performance of the Council's administrative office;
- 2) at the suggestion of members of the Council, makes up a list of issues to be considered at a forthcoming meeting, and informs the Chairman of it in advance;
- 3) certifies with his signature extracts from the minutes of meetings, recommendations, conclusions and protocol decisions adopted by the Council;
- 4) organizes inspections, if it is necessary;
- 5) fixes the list of persons invited to a meeting of the Council and ensures their attendance;
- 6) executes orders of the Chairman and decisions of the Council;
- 7) manages the administrative office of the Council: organizes, coordinates and controls the work of its units;
- 8) organizes information-and-analytical, organizational-and-legal, material-and-technical and financial support for the activity of the Council's administrative office;
- 9) approves the provisions on structural units of the administrative office in coordination with the Chairman of the Council;

- 10) supervises the observance of performance and labor discipline by the Council's administrative office;
- 11) manages the Council's public procurement, also signs accounts payable;
- 12) organizes and is responsible for the conduct of public procurement for the material-and-technical support of the activity of the Council;
- 13) in accordance with the procedure established by the legislation of the Republic of Kazakhstan, appoints and dismisses heads of structural units of the Council's administrative office;
- 14) in accordance with the procedure established by the legislation of the Republic of Kazakhstan, appoints and dismisses employees of the Council's administrative office;
- 15) handles issues related to business travels, granting of vacations, provision of financial assistance, training (retraining), professional development, incentives, payment of premiums and bonuses to employees of the Council's administrative office;
- 16) handles issues of disciplinary responsibility of employees of the Council's administrative office, except for employees whose labour relations are referred to the competence of higher state bodies and officials;
- 17) sees to the preparation of a budget request, its submission to the Chairman of the Council, and also to the performance of other budget-related procedures;
- 18) ensures the development of and approves plans for financing the body and the financial reporting of the Council;
- 19) represents the Council in its relations with state bodies and other organizations within its competence;
- 20) within his/her competence, ensures the fulfilment of the requirements of the legislation of the Republic of Kazakhstan on combating corruption;
- 21) takes measures to improve the management of the Council's activity, exercises control over execution of the Council's decisions;
- 22) manages the handling of applications from natural and legal persons;
- 23) performs other organizational and administrative functions provided for by the legislation of the Republic of Kazakhstan.

2. In the event of temporary absence of the secretary of the Council, his/her duties shall be assigned to a member of the Council's administrative office by an order of the secretary.

Chapter 3. MEETINGS OF THE COUNCIL

Article 8. Meetings of the Council

1. A meeting of the Council is authorized to make decisions if attended by at least two-thirds of the total number of the Council's members.
2. Meetings of the Council are held openly and publicly. Representatives of state bodies may be invited to a meeting. Representatives of the public and accredited journalists have the right to

attend meetings of the Council. Where necessary, the Council may hold closed meetings, decisions on the conduct of which are taken by a majority vote of the members of the Council.

The Council may not hold closed meetings to consider the results of a competition for taking up vacant positions of judges, chairmen of judicial boards and chairmen of courts, including the consideration of candidatures and taking decisions on them.

3. Representatives of the public and accredited journalists attending a meeting of the Council have the right to make photo, video and audio recording without interfering with the proceedings of the Council's meeting.

Photo, video and audio recording is not carried out if a relevant request was made by a participant of the meeting, if subject to consideration of the Council's meeting are materials concerning him/her.

4. The Council shall consider materials within two months from the date of their receipt and is obliged to notify an applicant of the outcome of their consideration.

Article 9. Procedure of a meeting of the Council

1. The procedure of meetings of the Council, as well as other issues related to the management of the Council's activity, shall be determined by the rules adopted by a majority of the Council's members.

2. Persons claiming to take up certain positions or to be removed from their offices shall participate in a meeting of the Council that considers relevant materials. The absence of a person properly notified of the time and place of the meeting is not an obstacle to the consideration of the matter on the merits, if his/her direct participation is not required.

3. Members of the Council are obliged to attend meetings, delegation of their powers to other officials is not allowed.

Article 10. Decisions of the Council

1. The Council shall make decisions on an issue concerning a person who is absent, as well as other invited persons, by at least two thirds of votes of its members participating in a meeting.

Decisions of the Council on procedural matters are made by a majority of votes of its members participating in a meeting.

2. Decisions of the Council shall be stated in writing and contain the date and place of their issuance, the composition of the Council that considered the issue, reasons for the decisions made. Decisions are signed by the chairman and secretary of the Council.

3. The Council shall make decisions in the form of a conclusion, protocol decision and/or recommendation. Members of the Council have no right to abstain from voting. In case of disagreement with the adopted decision, a member of the Council has the right to write a separate opinion, which is attached to the minutes of a meeting of the Council.

4. If votes are equal, the presiding judge has the casting vote.

5. The Council creates conditions for free familiarization of all persons with its decisions, which are posted on the Internet resource of the Council.

Chapter 4. PROCEDURE AND TERMS OF ADMINISTERING THE QUALIFYING EXAM BY THE QUALIFICATION COMMISSION OF THE COUNCIL

Article 11. The Qualification Commission of the Council

1. The qualifying exam of judicial candidates aiming to identify their level of knowledge and ability to apply it in practice is administered by the Qualification Commission of the Council (hereinafter referred to as the Commission).
2. The Commission shall consist of persons appointed by the Council such as:
 - 1) the Chairman of the Commission;
 - 2) five specialists from among law teachers, legal scholars;
 - 3) three judges, including retired judges, delegated by the Judicial Jury from its members on a rotational basis;
 - 4) one representative from each of the following institutions: the General Prosecutor's Office, the Ministry of Justice, the Bar;
 - 5) other members of the public.

The Commission may include foreign experts.

3. The Chairman and members of the Commission shall be appointed or delegated to it for a two-year term. In case of a vacancy, a new member of the Commission shall be appointed or delegated no later than two months after the date the previous member of the Commission quit.
4. The persons recommended to enter the Commission shall have professional knowledge in the field of jurisprudence, at least ten years of legal experience and an impeccable reputation.
5. The Chairman and members of the Commission are not entitled to participate in a meeting considering issues related to their spouses, close relatives or in-law relatives.
6. The performance of the Commission's activity is ensured by the Council's administrative office.

Article 12. Meetings of the Commission on administering qualifying exams

1. The Commission holds its meetings on administering qualifying exams as and when necessary, but at least four times a year.
2. Meetings of the Commission on administering qualifying exams are conducted openly and publicly. Meetings are deemed eligible, if at least two-thirds of all the Commission's members are present.
3. Members of the Commission and invited persons are notified of the time and place of a meeting of the Commission at least ten calendar days in advance.

Article 13. Procedure and terms of administering (taking) qualifying exams

1. The procedure for accepting documents, administering qualifying exams by the Commission is set by the Council's rules of procedure-

2. Judicial candidates may take qualifying exams after undergoing a background check.
3. Persons who previously worked as regular judges for at least five years and who within four years from the date of resignation expressed their desire to re-occupy the position of a judge are exempt from taking the qualifying exam, except for persons removed from office for cause provided for by the Constitutional Law of the Republic of Kazakhstan "On the Judicial System and Status of Judges of the Republic of Kazakhstan".
4. Persons who are graduates of a specialized master's program are exempt from taking the qualifying exam for four years from the day of completing a specialized master's program.
5. Persons dismissed from the position of a judge, from law enforcement bodies or from any other public service for discrediting misconduct and violation of the legislation of the Republic of Kazakhstan in the line of duty are banned from taking qualifying exams.
6. The result of a qualifying exam is valid for four years from the day the exam was passed.
7. Persons who failed to pass qualifying exams may be admitted to re-take them a year later at the earliest.
8. Information on the persons, who passed a qualifying exam, as well as standard questions of a qualifying exam are posted on the Council's Internet resource.
9. An electronic system through which a judicial candidate takes one of the examination steps shall be provided with appropriate security measures that preclude unauthorized access to information, disruption of the operation of the software and hardware collecting, processing, accumulating, storing, retrieving and transmitting information, the putting of the said means out of order.

In order to check the compliance of the electronic system with the requirements specified in part one of this paragraph, an independent evaluation may be conducted, including the involvement of foreign specialists.

10. The procedure for taking a qualifying exam includes three stages:

- 1) computer testing of knowledge of the legislation of the Republic of Kazakhstan and ability to apply it in practice;
- 2) checking the knowledge of an applicant and his/her ability to apply it in practice with the help of exam tickets that simulate specific situations from judicial practice;
- 3) psychological testing.

The number of questions in exam tickets is fixed by the Commission.

The Commission draws up a list of questions to be included in the tests of a qualifying exam and exam tickets. The Council approves the list of questions at its meeting.

Article 14. Refusal to administer qualifying exams

Refusal to administer qualifying exams is allowed if judicial candidates do not meet the requirements set forth by legislative acts of the Republic of Kazakhstan.

If the Commission refuses to administer qualifying exams, it is obliged to issue a reasoned response to a citizen within one month from the filing date.

Article 15. Procedure and terms of polygraph testing

1. Persons who successfully passed a qualifying exam shall take a polygraph test for obtaining additional information and verification of the reliability of the information reported.

2. The main task of the testing is to identify:

1) unlawful intentions;

2) covert behavioral disorders, negative dependencies, use of narcotic, psychotropic and other psychoactive substances that cause mental and physical dependence;

3) concealment or misrepresentation of personal data, income details, information on property and property-related obligations, dual citizenship, use of false documents;

4) previous facts of committing corruption offences, disclosure of secret or official information to unauthorized persons;

5) contacts with prohibited public associations, criminal and terrorist organizations or participation in commercial structures, if this was not previously part of their official duties;

6) abuse of office.

3. Conclusion of the polygraph testing is advisory.

4. The procedure for the polygraph testing is established by the Government of the Republic of Kazakhstan.

Chapter 5. RECOMMENDATION ON APPOINTMENT TO THE POSITION OF CHAIRMAN OF A DISTRICT COURT, JUDGE OF A DISTRICT, REGIONAL AND THE SUPREME COURT

Article 16. Competition for the position of a judge

1. The Council gives recommendation on the appointment to the position of chairman and a judge of a district court, a judge of a regional court and a judge of the Supreme Court following the results of competitive consideration.

2. The decision to announce a competition shall be made by the Chairman of the Council on the proposal of the secretary of the Council based on the recommendation of the authorized body for ensuring the activity of the Supreme Court, local and other courts.

3. Grounds for announcing a competition by the Council are a statement on the opening of a vacancy for the position of a judge of a district court, a judge of a regional court and a judge of the Supreme Court, as well as the expiry of the term of office of chairman of a district court.

4. The Council's announcement of a competition for the vacant position of a judge of a district court, a judge of a regional court and a judge of the Supreme Court shall be published by the Council's administrative office at least one month prior to the competition, and for the position of chairman of a district court - before the expiration of the term of office of the chairman of the district court, in periodicals distributed throughout the Republic of Kazakhstan in Kazakh and Russian.

5. For participation in a competition for the position of chairman and a judge of a district court, a judge of a regional court and a judge of the Supreme Court, it is necessary to submit an application and other documents, the list of which is set by the Council's rules of procedure, to the administrative office of the Council within one month from the day of publication of the announcement in periodicals distributed throughout the territory of the Republic of Kazakhstan.

6. The Council's administrative office, after completing the acceptance of documents for the competition, sends lists of applicants to all regional courts to check the candidates at the places of their employment, to obtain information from law enforcement bodies and posts it on the Council's Internet resource.

In order to obtain complete and objective personal information on applicants, the Council's administrative office has the right to request additional information on applicants from law enforcement bodies and their territorial subdivisions, other state bodies and the Bar.

Article 17. Participants of a competition for the position of chairman of a district court, judges of district and regional courts, judges of the Supreme Court

1. Citizens meeting the requirements of paragraph 1 of article 29 of the Constitutional Law of the Republic of Kazakhstan "On the Judicial System and Status of Judges of the Republic of Kazakhstan" may participate in a competition for obtaining the Council's recommendation for the position of chairman and a judge of a district court, and candidates, who are current judges, shall comply with the requirements of article 28 and paragraph 1 of article 29 of the Constitutional Law of the Republic of Kazakhstan "On the Judicial System and Status of Judges of the Republic of Kazakhstan".

Candidates for the vacant positions of chairman of a district court shall be current judges or have at least five years of work experience as judge and receive a letter of surety from two judges of a higher court and one retired judge.

2. Citizens may participate in a competition for obtaining the Council's recommendation for the position of a judge of a regional court, if they meet the requirements of the Constitutional Law of the Republic of Kazakhstan "On the Judicial System and Status of Judges of the Republic of Kazakhstan" and have at least fifteen years of legal experience, of which at least five years - as judge, and also received the opinion of the plenary meeting of the relevant regional court and a letter of surety from two judges of a higher court and one retired judge.

The opinion of the plenary meeting of the relevant regional court may be appealed to the plenary meeting of the Supreme Court.

The opinion of the plenary meeting of the relevant regional court or the Supreme Court is advisory and submitted by a candidate to the Council.

3. Citizens may participate in a competition for obtaining the Council's recommendation for the position of a judge of the Supreme Court, if they meet the requirements of the Constitutional Law of the Republic of Kazakhstan "On the Judicial System and Status of Judges of the Republic of Kazakhstan" and have at least twenty years of legal experience, of which at least ten years – as judge, including five years of experience as a judge of a regional court, and also received a positive opinion of the plenary session of the Supreme Court and a letter of surety from two judges of a higher court and one retired judge.

The opinion of the plenary session of the Supreme Court is advisory and submitted by a candidate to the Council.

4. Participants of a competition for the position of chairman and a judge of a district court, after submitting documents to the Council, shall obtain an opinion of the Council for cooperation with the courts and the plenary session of the regional court at the place of residence or employment.

Participants of a competition for the position of a judge of a regional court, after submitting documents to the Council, shall obtain an opinion of the Council for cooperation with the courts and the plenary session of the regional court at the place of residence or employment.

In the event the participants of a competition for the position of a judge of a regional court work or reside in the same region where the court, they apply for the position of a judge, sits, the repeated opinion of the plenary meeting of the regional court is not required.

Opinions of the Council for cooperation with the courts and the plenary meeting of the regional court are advisory.

Participants of a competition for the position of a judge of the Supreme Court, after submitting documents to the Council, shall also receive an opinion of the Council for cooperation with the courts at the place of residence or employment. The opinion of the Council for cooperation with the courts is advisory.

5. Information on the participants of a competition for the position of chairman and a judge of a district court, judge of a regional court and judge of the Supreme Court, the date of plenary meetings of a relevant regional court and the Supreme Court, meetings of the Council for cooperation with the courts, as well as decisions taken by them are subject to posting on the Internet resource of the Council and publishing in other mass media.

Article 18. The procedure for selecting candidates for vacant positions

1. Competitive selection of candidates for vacant positions is carried out by the Council openly and publicly under conditions that exclude interference with its activity.

2. Main criteria for selecting candidates for the vacant positions of judges of a district court are a high level of knowledge, high moral qualities and impeccable reputation. Priority is given to persons:

- 1) who passed the qualifying exam in a specialized master's program;
- 2) having a longer record of work in the legal profession directly related to participation in judicial proceedings;
- 3) following the results of the qualifying exam;
- 4) with an academic degree or scientific title;
- 5) having participated in the competition for the position of a judge for more than three times;
- 6) with account of the average mark of the diploma of higher education.

3. An additional criterion for the selection of candidates for the vacant positions of judges of specialized courts is their professional education.

4. The work experience directly related to participation in judicial proceedings includes the work as:

- 1) a secretary of a court session;
- 2) an adviser to (assistant of) the court;
- 3) a prosecutor participating in legal proceedings;
- 4) a lawyer participating in legal proceedings.

5. When holding a competition for the vacant position of a judge of a regional court, a judge of the Supreme Court, the following criteria are taken into account:

- 1) the length of service as judge;
- 2) impeccable reputation and the quality of administration of justice;
- 3) an academic degree or scientific title;
- 4) participation in a competition for the position of a judge for more than three times.

6. Organizational skills are also taken into account when holding a competition for the vacant position of chairman of a district court, in addition to the criteria specified in paragraph 2 of this article.

7. The Council considers candidates for vacant positions of chairmen of a district court and judges of a regional court if there is an opinion of the plenary meeting of the relevant regional court and a letter of surety from two judges of a higher court and one retired judge.

The Council considers candidates for the vacant positions of judges of the Supreme Court if there is an opinion of the plenary meeting of the Supreme Court and a letter of surety from two judges of a higher court and one retired judge.

8. Members of the Council consider the issue of occupying vacant positions of chairmen and judges of district courts, judges of regional courts and judges of the Supreme Court right in the course of a meeting of the Council in the following order:

- 1) announcement of information on the vacant position of a judge and the number of persons applying for it;
- 2) consideration by the Council's members of candidates applying for the vacant position of a judge;
- 3) nomination of candidates to be voted for by the members of the Council;
- 4) voting of the members of the Council on a nominee.

If necessary, voting may be by secret ballot;

5) finalizing results of consideration of candidates for vacant positions by the members of the Council.

The candidate, who receives at least two-thirds of votes of the Council's members participating in the meeting, wins the competition for a vacant position.

9. A candidate who is not a current judge but has won the competition shall undergo an additional mandatory background check.

The background check shall be organized by the Council's administrative office.

Candidates with a continuous civil service record, who have undergone a background check earlier, may produce an appropriate statement certified by the personnel department.

The document on the results of the background check is valid for one year from the date of its issue.

10. If the background check finds out the initiation of a criminal case against the winning candidate, and also its subsequent termination on rehabilitating grounds, the prosecutors' offices shall carry out an additional check with regard to such candidates, including the study of criminal case files, the results of which are considered at a meeting of the Council.

If there are arguments against the appointment to the position of chairman or a judge of a district court, a judge of a regional court or a judge of the Supreme Court of a candidate who has been selected and recommended for appointment by the Council, or if he/she refuses to be appointed to a vacant position, the Council revokes its decision on giving recommendation and may recommend another candidate from among the persons who took part in the competition for appointment to the vacant position.

11. If no candidates for vacant positions are selected in the competition, the competition for such vacant positions is declared invalid and a new one may be announced.

12. Following the results of the selection of candidates for vacant positions, the secretary of the Council shall send a notice on the results of the competition to the participants of the competition within ten working days from the date of its completion.

Chapter 6. THE PROCEDURE FOR CONSIDERATION OF CANDIDATURES FOR VACANT POSITIONS OF CHAIRMEN OF JUDICIAL BOARDS OF THE SUPREME COURT, CHAIRMEN AND CHAIRMEN OF JUDICIAL BOARDS OF REGIONAL COURTS

Article 19. The procedure for consideration of candidatures for vacant positions of chairmen of judicial boards of the Supreme Court, chairmen and chairmen of judicial boards of regional courts

1. Candidates for vacant positions of chairmen and chairmen of judicial boards of regional courts, chairmen of judicial boards of the Supreme Court shall be considered by the Council on an alternative basis upon the recommendation of the Chairman of the Supreme Court made on the basis of the decision of a plenary meeting of the Supreme Court.

2. Candidates for vacant positions of chairmen of judicial boards and chairmen of regional courts are recommended from among current judges or persons with at least ten years of experience as judges.

Candidates for positions of chairmen of judicial boards of the Supreme Court are presented from among judges of the Supreme Court.

Priority in the selection of candidates for positions of chairman and chairmen of judicial boards of a regional court, chairmen of judicial boards of the Supreme Court is given to persons with organizational skills from the candidate pool.

3. Materials on all candidates considered at a plenary meeting of a relevant court on an alternative basis are attached to the recommendation of the Chairman of the Supreme Court.

4. At its meeting, the Council must consider all candidates for vacant positions of chairmen and chairmen of judicial boards of regional courts, chairmen of judicial boards of the Supreme Court.

Article 20. Conditions for consideration of candidates for vacant positions

Chairmen of district courts, chairmen and chairmen of judicial boards of regional courts, chairmen of judicial boards of the Supreme Court may not be appointed to their positions in the relevant court more than twice in a row.

Chapter 7. PROCEDURE FOR CONSIDERATION OF MATERIALS ON THE REMOVAL FROM OFFICE OF CHAIRMAN, CHAIRMAN OF THE JUDICIAL BOARD OF A COURT AND A JUDGE

Article 21. Grounds for considering the removal from office of chairman, chairman of the judicial board of a court and a judge or refusal to remove from office

1. A ground for the Council's consideration of removal from office of chairman, chairman of the judicial board of a court and a judge is a recommendation of the Chairman of the Supreme Court. The recommendation for removal from office of chairman, chairman of the judicial board of a court and a judge for committing disciplinary offences, because of professional incompetence or for failure to comply with the requirements of the Constitutional Law of the Republic of Kazakhstan "On the Judicial System and Status of Judges of the Republic of Kazakhstan" is submitted by the Chairman of the Supreme Court to the Council pursuant to the decision of the Judicial Jury.

2. After receiving the materials, the Council shall verify the information contained therein by obtaining written explanations from chairman, chairman of the judicial board of a court, a judge and other persons, by requesting relevant documents and familiarizing themselves with them, receiving other information from state bodies, organizations and citizens.

3. Based on the results of the inspection, a statement is made. The statement shall contain the presentation of revealed circumstances, the conclusion and proposals of the inspectors and their signatures.

Article 22. Familiarization of a judge with the results of inspection

1. A judge, in respect of whom the inspection was conducted, shall be familiarized with the statement and materials of the inspection. At the same time, he/she may give additional explanations, apply for verification of certain circumstances.

2. If a judge, in respect of whom the inspection was conducted, refuses to familiarize himself/herself with the statement and materials of the inspection, a protocol about this shall be drawn up, signed by the persons who conducted the inspection.

Article 23. Consideration of removal from office of chairman, chairman of the judicial board of a court and a judge

1. Considering the removal from office of chairman, chairman of the judicial board of a court and a judge, the Council hears the explanation of a judge, in whose respect the recommendation of the Chairman of the Supreme Court has been received. The failure of chairman, chairman of the judicial board of a court and the judge to attend the meeting of the Council without justifiable reasons does not preclude the consideration of the issue. The meeting may hear reports of

other persons invited at the request of the chairman, the chairman of the judicial board of a court and the judge, the secretary of the Council, the documents may be read out and other materials - considered.

2. The decision of the Council shall contain the circumstances underlying the adopted recommendation to the President of the Republic of Kazakhstan on the removal from office of the chairman, chairman of the judicial board of a court and a judge, or refusal to accept it with reference to specific materials.

3. The Council's refusal to give a recommendation on the removal from office of chairman, chairman of the judicial board of a court and a judge is a ground for the Judicial Jury to revoke its decision and reconsider it.

Article 24. Consideration of the issue of appealing the decision of the Judicial Jury

1. A judge may appeal a decision of the disciplinary and qualification commissions of the Judicial Jury to the Council.

2. Considering the appeal against the Judicial Jury's decision, the Council hears the explanation of a judge against whom the decision is made by the Judicial Jury. A judge's failure to attend a meeting of the Council without justifiable reasons does not preclude the consideration of the issue. The meeting may hear reports of other persons invited at the request of the judge, secretary of the Council, the documents may be read out and other materials - considered.

3. The decision of the Council on the groundlessness of the Judicial Jury's decision is a ground for the Judicial Jury to revoke its decision and reconsider it.

Chapter 8. FINAL PROVISIONS

Article 25. Final provisions

The Law of the Republic of Kazakhstan dated 17 November, 2008 " On the Supreme Judicial Council of the Republic of Kazakhstan " shall be considered to have lost force (Bulletin of the Parliament of the Republic of Kazakhstan, 2008, № 20, art. 80; 2010, № 24, art. 153; 2012, № 5, art. 39; 2014, № 14, art. 84; № 16, art. 90; № 22, art. 128).

Article 26. Procedure for the Enactment of this Law

This Law shall go into effect on 1 January 2016.

The President of the Republic of Kazakhstan	N. NAZARBAYEV
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