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**EUROPEAN COMMISSION FOR DEMOCRACY THROUGH LAW**  
**(VENICE COMMISSION)**

**REPUBLIC OF KAZAKHSTAN**

**REGULATIONS  
OF THE HIGH JUDICIAL COUNCIL\***

\*Translation provided by the authorities of Kazakhstan

APPROVED

By the Order of the High Judicial Council of the Republic of Kazakhstan  
No. 1-2/1 dated February 17, 2016  
(as amended dated 07.06.2017 and 06.06.2018)

These Regulations determine the procedure of conducting sessions, and other issues concerning the organization of operation of the High Judicial Council of the Republic of Kazakhstan and the Qualifications Commission at the High Judicial Council of the Republic of Kazakhstan.

### I. General

1. The High Judicial Council of the Republic of Kazakhstan (hereinafter referred to as the 'Council') is an autonomous state institution created with the purpose of ensuring the constitutional powers of the President of the Republic of Kazakhstan on creating courts, guarantees of the judges' independence and their immunity, and improving the judicial system and legislation.
2. The legal basis of the Council activities shall be provided by the Constitution of the Republic of Kazakhstan, the Fundamental Law of the Republic of Kazakhstan 'On the Judiciary System and the Status of Judges of the Republic of Kazakhstan' (hereinafter referred to as the 'Fundamental Law'), the Law of the Republic of Kazakhstan "On the High Judicial Council of the Republic of Kazakhstan" (hereinafter referred to as the 'Law') and these Regulations.
3. The Council powers shall be provided for by Article 3 of the Law and shall be implemented in accordance with the procedure established by these Regulations.
- 3-1. Under the Council, a permanent Expert Advisory Commission is formed to consider the most significant issues for the judicial system, including those related to the improvement of national legislation, which will subsequently be discussed at the Council meetings. The composition of the Expert Advisory Commission consists of permanent members of the Council, representatives of state bodies, public associations, organizations and institutions. The composition of the Expert Advisory Commission is approved by the order of the Chairman of the High Judicial Council.**

### II. Procedure of conduct of the Council sessions

4. The decision to carry out the session and the list of issues to be discussed at the Council session shall be determined by the Chairman of the Council on the suggestion of the Secretary of the Council.
5. As a rule, employees of the Council Staff shall notify the Members of the Council on the time, place and agenda of the Council sessions not less than in five days prior to the session. If the issue should be considered immediately the Council session, the Members of the Council may be notified in different terms.
6. In the absence of a required quorum provided for by clause 1 of Article 8 of the Law, the Council session shall be postponed, and measures to on the quorum provision shall be taken.

7. The time for reports at the sessions shall be to 15 minutes, for co-reports – to 10 minutes, time for reporters in the course of the issue discussions – to 5 minutes, for notices, offers, suggestions or remarks – to 3 minutes. With regard of the discussed issue, the time for reports, co-reports, contribution, and notices may be established individually.
8. In case of failure to adhere to the reporting time established by these Regulations or in case of reporting not by essence of the issue being discussed, the Chairman of the Council shall have the right to limit the reporter's time.
9. Chairmans of local and other courts, and other persons listed in clause 2 of Article 8 of the Law may be invited to the Council session.
10. During the Council session, audio, video recording, and online broadcast on the Council's official Website (if technical means are provided) shall be carried out, except cases provided for by clause 3 of Article 8 of the Law.
11. If a Member of the Council expresses the special opinion, it should be submitted to the Council within 24 hours from the date of the session conduct.
12. The Council sessions upon the decision of the Chairman of the Council may be conducted remotely, including those using questionnaires (Annex 1 to these Regulations), videoconferencing systems and other information systems.
13. The Minutes of the Council sessions shall be drawn up within five working days from the date of the session conduct. The Minutes shall include the following information: the present Members of the Council, other officials, the list of issues being discussed, the names of the reporters and persons involved into the discussions, and decisions made by the Council.

The Minutes shall be signed by the Chairman and Secretary of the Council.

The Minutes of the sessions shall be assigned an item number. The Minutes or extracts from it shall be sent to the Members of the Council by position, and to state authorities, officials and other persons who received the respective instructions at the session. Permanent Members shall read and understand the Minutes.

14. The Minutes of the Council sessions (original copies) and materials accompanying them shall be stored in the Council Staff.

Issuance of materials, execution of extracts from the documents shall be performed only at the written appeal of the parties involved under the authority of the Chairman of the Council.

15. The Council shall consider the materials within the term established by clause 4 of Article 8 of the Law.

**III. Procedure of acceptance of documents  
and passing of the qualifying examination  
in the Qualifications Commission at the Council**

16. Acceptance of documents for passing the qualifying examinations in Qualifications Commission at the Council hereinafter referred to as the 'Commission') shall be performed in accordance with the list of documents established by clause 17 of these Regulations.

17. An application for admission of a qualifying examination for the position of the judge shall be sent by the applicant to the Commission by personal delivery or by registered mail.

The following documents should be attached to the application, each in one copy:

- 1) personal data sheet with the photograph sizing 4,0 x 6,0 cm;
- 2) autobiography (to be written in person, legibly and accurately with the signature and date attached);
- 3) a copy of an employment record book, certified by a notary **or by the HR Department at the place of work** (for military servants, employees of law enforcement and special governmental bodies, including former employees, shall accompany the copy of the employment record book with a copy of the service record, certified by the HR Department), and in case of dismissal from law enforcement and special governmental bodies, extracts from orders for dismissal from law enforcement and special governmental bodies and military service;
- 4) certified copies of higher legal education diplomas and transcripts to them;
- 5) employee profile signed by the general director or his/her deputy and sealed by the company seal.

The employee profile shall include the date of its issue and the reference registration number. If it is impossible to provide the employee profile on the basis of valid excuses, written explanations shall be provided;

- 6) statement of good health of a standard form (form No. 086), and certificates issued by the respective psychoneurological and narcological dispensaries of the cities of Astana, Almaty, and the regions;
- 7) ID copy.

The documents specified in subclauses 1), 2), 5), 6) of this clause shall be valid for one year from the date of their issue or execution, but should always contain true information about the applicant.

The Council Staff employees shall verify completeness of documentation submitted by the applicant, and its conformity with the requirements, and prepare materials for the Commission sessions.

18. In the process of documentation execution, no erasures or corrections shall be allowed. The documents executors shall be held liable for the completeness and reliability of the information reflected in this documentation.

In case of failure to meet the above requirements to documentation execution or its incompleteness, the materials shall be returned to the person who submitted them.

19. Refusal to accept duly executed applications and documents shall not be allowed.
20. A person shall be allowed to pass the qualifying examination after passing the mandatory special verification.

Passing the special verification shall be provided by the Council Staff with the assistance of regional and equivalent courts (hereinafter referred to as the 'regional court').

21. The decision of admission to passing the qualifying examination shall be executed in the form of a list of applicants to passing the qualifying examination for the position of the judge which shall be approved by the Chairman of the Commission.

Controversial issues arising in the process of admission of persons to passing the qualifying examination shall be considered at the Commission session by decision if its Chairman.

22. In case of refusal of permission to passing the qualifying examination, the motivated reply signed by the Chairman of the Commission and the documents submitted shall be sent to the applicant within ten working days after the decision to refuse the permission.
23. Compiling the list of persons invited to the session on the issues being discussed and ensuring their attendance shall be carried out by the Council Staff employees.
24. As a rule, notifying of the time and place of conduct of the Commission session shall be made by sending telephone messages, and using any communication means ensuring the notification or call registration.
25. Persons admitted to passing the qualifying examination and notified about the time and place of the Commission session may submit an application for postponing the examination date to the Commission with the indication of good reasons.

The good reasons shall include:

- 1) illness of a person admitted to the qualifying examination, the child's illness (sudden, proven by documentation, medical certificates, children's illness of a long-term or chronic nature, shall not belong to the good reasons);
  - 2) death of an immediate relative, including persons referred to in subclause 13) of clause 1 of Article 1 of the Family and Marriage Code of the Republic of Kazakhstan proven by a death certificate (for the period from one to seven days for the purposes of funeral and other procedures);
  - 3) force majeure circumstances preventing the person's arrival for passing the qualifying examinations (weather conditions confirmed by certificates of the Ministry of Internal Affairs of the Republic of Kazakhstan or of meteorological services, certificates of airport services, railway and bus stations);
  - 4) attestation, business trip (copies of orders); participation in the trial as a party, witness, third person (copies of judicial summons).
  - 5) Participation as a defender or a state representative with the purpose of protecting the person's own interests in court shall not belong to the good reasons.
26. The persons admitted to passing the qualifying examination, who twice failed to attend the examination without good reasons and did not submit an application for postponing the examination, shall receive the documents back and shall not be allowed for repeat examination during one year as minimum.
  27. The Chairman and Members of the Commission shall not have the right to participate in the session in cases provided for by clause 5 of Article 11 of the Law. In such cases, self-

disqualification shall be declared. The Chairman or the Member of the Commission may receive self-disqualification on grounds of the existence of circumstances causing doubts in their fairness. In this case, the issue of self-disqualification shall be resolved by all the Members of the Commission present in the absence of the person who received the self-disqualification.

**27-1. The procedure for passing the qualification exam consists of the following stages:**

**1) psychological testing and writing essays;**

**2) computer testing for knowledge of the legislation of the Republic of Kazakhstan and the ability of its application in practice;**

**3) testing the knowledge of the applicant and the ability to apply them in practice on exam tickets that simulate specific situations from judicial practice (case studies).**

**At the stages of the qualification examination with applicants, an instruction is provided, which includes acquaintance with information on the rules for passing the exam.**

**28. At the choice of the applicant, the qualification exam is conducted in the state or Russian language.**

**It is forbidden to use educational materials, specialized literature, mobile phones and other auxiliary materials and means on examination.**

**At each stage of the qualification exam, one candidate is not allowed to assist another.**

**In case of revealing such facts, the candidate is removed by the chairman of the Commission from passing the exam. In this case, the applicant has the right to submit a package of documents for passing the qualification examination not earlier than in a year.**

**29. Psychological testing of applicants for judges is conducted in regional courts by psychologists.**

**The purpose of psychological testing is to reveal the applicant's individual psychological characteristics necessary to work as a judge, as well as factors that impede such work.**

**30. Persons who have received a positive conclusion of psychological testing are invited to the Higher Judicial Council to write an essay.**

**The essay is written on a given topic, which is determined by the applicant by random selection of the proposed options.**

**Time spent on writing essays - no more than 2 hours. The essay is made in printed form, no more than 500 words, in Microsoftword format, font Times New Roman, size 14.**

**31. The evaluation of the essay is carried out by an expert commission consisting of the number of permanent members of the Council and representatives of the**

academic community that are not members of the Qualification Commission of the Council.

The composition of the expert commission is approved at a meeting of the Qualification Commission.

The essay is evaluated according to 7 basic criteria according to the established form of the evaluation sheet (Appendix 1-1 to this Regulation).

As a result of writing an essay, the applicant receives depending on the disclosure of the topic from 0 to 5 points.

The results of the essay writing are of a recommendatory nature.

32. The computer test for knowledge of the law consists of 100 questions covering 11 branches of law:

- Constitutional law;
- Administrative and tort law and process;
- Civil law;
- Civil Procedure Law;
- Criminal law;
- Criminal Procedural Law;
- Land law;
- Family law;
- Labor law;
- Tax law;
- Environmental law.

Monitoring compliance with current legislation is carried out by the Commission in conjunction with the Council's staff on an ongoing basis.

Computer testing for knowledge of legislation is conducted in JSC "National Center for Personnel Management of Civil Service" under the Agency of the Republic of Kazakhstan for Civil Service and Anti-Corruption Affairs.

33. 90 minutes pass for computer testing, after which testing is completed automatically.

Based on the results of computer testing, the applicant receives the following number of points depending on the number of correct answers:

from 80 to 89 correct answers - 4 points;

from 90 or more correct answers - 5 points.

A person who has scored 4 or more points according to the results of computer testing is allowed to the third stage of the qualification examination (examination of the applicant's knowledge of the examination ticket).

Persons who score less than 80 points are considered not to pass the second stage of the exam.

- 34. The third stage - testing the knowledge of the applicant and the ability to apply them in practice on exam tickets that model specific legal situations from judicial practice (case tasks), takes place in the High Judicial Council.**

**he applicants are given 2 hours to solve the case problems.**

**The decision of case problems is made out in print, in Microsoftword format, font Times New Roman, size 14.**

**Examination tickets contain 3 case-studies on the branches of law included in computer testing.**

**Before the beginning of the third stage applicants are given a choice of three envelopes, each of which contains a package of examination tickets.**

**After selecting and opening the envelope, the applicant determines a specific examination ticket by randomly selecting from the tickets in that envelope.**

**When solving case problems, the answers of applicants should be justified, with a detailed and clear statement of their position on the question posed.**

**A short answer is not allowed except with an indication of the applicant's opinion on the question posed and a detailed duplication of the text of the task condition in the narrative part of his decision.**

- 35. After the decision of the case problems, the applicant is invited to an oral interview with the members of the Qualification Commission.**

**During the oral interview, the members of the Qualification Commission ask the applicant questions on his response to the case studies. Questions can also be asked about the results of the applicant's writing essays.**

**When checking the knowledge of the applicant for solving the case problems, audio (video) recording is conducted. Materials of audio (video) recording are stored within one month from the day of the end of the qualification exam on electronic media in the Council's Office.**

- 36. An evaluation based on the results of the applicant's response to the case-related tasks is presented by the members of the Commission on a five-point scale. The answers of each task are evaluated on 5 questions according to the established form of the examination sheet (Appendix 2 to this Regulation). Each member of the Commission for Qualification Tasks issues an average arithmetic score, where points for each question are added and divided by the total number of case tasks in the ticket.**

**Examination sheets with the results of the answers to the case tasks are transferred to the chairperson of the meeting, which calculates the assessments made by the members of the Commission and divides them by the number of all present members of the Commission.**

**The applicant receives, depending on the deduced average score from 0 to 5 points.**

**The third stage of the qualifying examination is considered to be applicants who scored at least 4 points.**



- 37. The final result of the qualifying examination is announced to the applicant at the meeting of the Commission.**

**Decisions adopted at the meeting of the Commission are formalized by the minutes within five working days from the day of the end of the meeting of the Commission, which is signed by the chairman.**

**The minutes of the meeting of the Commission shall indicate the officials present, the name and subject matter of the issues discussed, the rapporteurs and the members of the Commission acting in the discussion, the decisions and (or) recommendations adopted. If necessary, an audio recording of the meeting is made.**

**The minutes of the Commission meetings are assigned serial numbers for a calendar year.**

- 38. The applicant may appeal against the results of computer testing and decision of the case tasks to the Appeals Commission, consisting of the number of permanent members of the Council and representatives of the academic community that are not members of the Qualification Commission of the Council.**

**The composition of the appeal committee is approved by the Chairman of the High Judicial Council.**

**Complaints are submitted after the applicant receives the results of computer testing or the announcement of the results of passing the qualification exam.**

**Decisions of the Appeals Commission are taken by a majority of votes of the total number of commission members. If the votes are equal, the chairman's vote is decisive. Decisions of the appeal commission are made out by a minutes, which must be signed by all members of the appeal commission who took part in this meeting.**

**The Appeal Commission is competent to take decisions with participation of at least two-thirds of the total number of commission members.**

**Based on the results of consideration of the complaint, the Appeals Commission takes one of two decisions:**

- 1) leave the complaint without satisfaction;**
- 2) to satisfy the applicant's complaint and allow him to retake.**

**In this case, the applicant is allowed to retake the test for knowledge of the legislation of the Republic of Kazakhstan and solve the case problems no more than once.**

- 39. Persons who passed the qualification exam are issued a certificate of passing the exam, which indicates the results of psychological testing, the scores obtained following the writing of the essay, computer testing and the decision of the case tasks, the date (day, month, year) of the exam, date ( day, month, year), at the onset of which the validity period of the exam results expires.**

**Information on the results of passing the qualification examination is confidential, access to them (without the right to carry out, transfer and copying) is allowed only to the members of the Commission, the staff of the Council staff that support the**

**activities of the Commission, with the permission of the Chairman of the Commission and the Secretary of the Council.**

**Issuance of materials, implementation of extracts from documents based on the results of the qualification examination are made only upon written request of interested persons with the permission of the Chairman of the Commission and the Secretary of the Council.**

**IV. Polygraphological investigation of persons who passed the qualifying examination for the position of judge**

40. The study goals and objectives are provided for in clauses 1, 2 of Article 15 of the Law. Persons who passed the qualifying examination for the position of the judge shall undergo a polygraphological investigation in accordance with the Rules for the polygraphological investigation passage.

40-1. Members of the Council shall read and understand the decision on the results of polygraphological investigation at the evaluation stage of the competitive selection for vacant positions of judges. At the same time, a Member of the Council shall sign obligations on observing confidentiality in accordance with subclause 3) of clause 2 of Article 6 of the Law.

**V. The procedure of carrying out the competition for the vacant position of the Chairman and the judge of the district court, the judge of the regional court and the judge of the Supreme Court**

41. In accordance with Article 30 of the Fundamental Law, the applicant selection for the vacant position of the Chairman and judge of the district court and the equivalent court (hereinafter referred to as the 'district court'), the judges of the regional court, and the judges of the Supreme Court, shall be carried out by the Council on a competitive basis.

**The Council at the beginning of this year, or at the end of the previous year, approves the schedule for holding contests for judicial positions and accepting candidates' documents.**

**The schedule is made on the basis of the analysis of the turnover of judicial personnel, the categories of available judicial vacancies (district, regional or republican level) and possible participants in the competition (acting judges and candidates for judges).**

**Competitions on the schedule are held separately for persons who are applying for the first time to a judicial position and acting judges.**

42. The competition participants shall be citizens of the Republic who submitted the required documents to the Council after the competition announcement was published.

43. Applicants for the vacant position of chairman and the judges of the district court, the judges of the regional court and the judge of the Supreme Court shall be persons admitted to the competition.

44. The competition shall include a number of consecutive stages:

- 1) publication of the competition announcement;
- 2) receiving documents from citizens wishing to participate in the competition;

3) preliminary consideration of the documents of the competition participants for conformity with the requirements established by legislation;

3-1) admission of persons, meeting the qualification requirements set, to the competition and sending their lists to the regional courts to obtain the decisions on collaboration with courts from the Councils, and plenary sessions of regional courts at the place of the applicants' residence or work;

3-2) counting the points of the applicants for competitive vacant judicial positions under the digitized criteria and systematization of applicants for each competitive vacancy in descending order, carried out automatically by the designated information system;

**3-3) written individual evaluation of the candidate by the members of the Council on the evaluation criteria, the average score of which is entered in a special information system;**

**3-4) oral interviewing of candidates for judicial positions by members of the Council;**

**3-5) preliminary selection by permanent members of the Council of one to three candidates for each vacant judicial position;**

3-6) invitation of applicants to the Council session for interviewing, if required, including the use of video conferencing;

4) consideration of the applicant, recommended for the position of the judge, at the Council session and his/her determination by vote.

**Stages provided for in subparagraphs 3-3) and 3-4) of this paragraph shall be recorded by filling out evaluation lists that are to be kept for 3 years from the date of the assessment.**

45. The announcement of the competition conduct shall contain the following information:

1) the name of the Council with indication of its location, postal address, contact phone number;

2) the full name of the vacant positions of the chairman and judge of the district court, the judge of the regional court or the judge of the Supreme Court;

3) specialization of the court of first instance, where the vacancies are declared (criminal, investigative, civil, administrative, juvenile, military, economic, general jurisdiction);

4) basic requirements to the competition participants set forth in Articles 29 and 30 of the Fundamental Law;

5) term for documents acceptance;

6) list of documents required for submission to the competition.

The announcement text shall be published in periodic printed media distributed throughout the territory of the Republic of Kazakhstan, in the state and Russian languages, and on the Council Internet resource.

46. Citizens wishing to take part in the competition for the vacant position of the Chairman and the judge of the district court, the judge of the regional court or the judge of the Supreme Court shall submit the following documents to the Council within one month from the date of publication of the competition conduct announcement:

1) the application – to be submitted for the name of the Chairman of the Council, written in person and legibly, indicating the full name of the Council, the applicant's home address and contact telephone numbers, with the signature and date specified.

In the application for admission to the competition, the applicant must indicate the specific vacant judicial position he/she would like to occupy and the name of the respective court;  
2) personal data sheet – to be executed in writing, legibly.

The name of the educational institution shall be specified in accordance with an entry in the diploma.

When stating information about employment, time spent in higher and secondary educational institutions, military service, and part-time work shall be included. In the process of enumerating institutions, organizations, companies, and ministries (agencies, departments), the points of their dislocation, the name that was used during the labor activity of this person shall be used again. Information about the person's work activity should be completely identical to the entries in the workbook and other documents.

In the presence of government or departmental awards, their type shall be specified in the personal sheet, and copies of documents confirming their awarding should be attached. In the presence of a scientific degree or an academic title, this shall be specified in the personal sheet, and certified copies of documents confirming their awarding should be attached.

At filling in the box "Home address and phone number", the address of the actual residence and telephone numbers (mobile, home and work) should be specified;

The serving judges, instead of the personal data sheet shall submit a personal data sheet composed and certified by the human resources administration of the respective Court Administrator;

3) the autobiography shall be executed in an arbitrary form, with an obligatory description of the most important events in the person's life.

The autobiography shall be executed in person (legibly and accurately) with the signature and date stated.

The autobiography should include criminal cases initiated, on the implementation of the pre-trial investigation against the applicant, her/his husband (wife), immediate relatives, including the cases subsequently closed on rehabilitating or non-rehabilitating grounds;

4) ID copy. At submission of a copy of a document with an expired validity period, the materials shall be subject to return;

5) certified copies of the diploma of higher legal education and transcripts to it.

If the person has any additional (special) education, certified copies of the diploma and transcripts to it.

In case of participation in a contest for the vacant position of the judge or of the Chairman of a specialized court, if there is an appropriate additional (special) education, notarized copies of the diploma and its annexes;

In case of participation in a competition for the vacant position of the judge or of the Chairman of a specialized court, if there is an appropriate additional (special) education, notarized copies of the diploma and its annexes;

6) a copy of an employment record book, certified by a notary or by the HR Department at the place of work.

For employees, the information on whose work is not entered into the employment record book or entered there in limited volume (employees of law enforcement and special state agencies), including the former employees, should accompany the copy of the employment record book with a copy of the service record or a certificate stating he specified positions, certified by the HR Department.

In case of dismissal from law enforcement and special state bodies, the applicants submit extracts from the dismissal orders;

7) employee profile, in which the evaluation of the applicant's professional activity, business, personal and moral qualities shall be provided. At the same time, information on incentives and disciplinary sanctions should be stated on mandatory basis.

The employee profile shall be executed under the signature of the first head or his/her deputy, with the company seal attached. In addition, the date of issue and the reference number shall be stated.

If it is impossible to receive the profile for good reasons, written explanations shall be submitted.

For the serving judges, the employment profile according to their standards should conform to a letter of recommendation with both positive and non-positive evaluation of the judge's qualities (Annex 2-1 to these Regulations).

The characterization of the applicant for the vacant position of the Chairman of the district court should contain information on the applicant's organizational skills;

8) statement of good health of a standard form (form No. 086), and certificates issued by the respective psychoneurological and narcological dispensaries of the cities of Astana, Almaty, and the regions;

9) for the applicants who are the serving judges, and for those who have been holding the position of the judge earlier, a certificate of behavior for the last three years, information about the facts of bringing to the disciplinary liability and complaints received for the specified period. The certificates should be signed by the chairman of the respective regional court, with the seal of this court attached and the date stated.

In case if the applicant being the serving judge or the applicant who was previously holding the position of a judge, was brought to disciplinary responsibility or if complaints have been received against him/her, the certificate should contain the ground for bringing him/her to disciplinary responsibility, the date of imposing the penalty and its form, plot and result of consideration under each appeal (with a mandatory specification of the fact whether the arguments of the claim authors were confirmed);

10) questionnaire (for serving judges – Annex 3 to these Regulations, for the applicants for the position of the judge – Annex 4 to these Regulations);

**10-1) graduates of the specialized magistracy present documents (notarized copies) confirming the surrender of the qualification examination for the position of a judge.**

11) for the applicants for the position of the Chairman of the district court – the written pledgery of two judges of the superior court and one judge emeritus;

12) for the applicants for the position of the Chairman of the regional court – the decision of the plenary session of the respective regional court (the original copy or the certified copy) and the written pledgery of two judges of the superior court and one judge emeritus;

13) for applicants for the position of the judge of the Supreme Court – the **positive** decision of the plenary session of the Supreme Court (the original copy or the certified copy) and the written pledgery of two judges of the Supreme Court and one judge emeritus;

14) serving judges participating in the competition for the superior judge position (judges of the district court, chairman of the district court), except judges with twenty or more years of judge's experience, shall additionally submit the decision of the Qualifications Commission of the Court Jury on results of assessing the professional activity of the judge participating in the competition for the position of the judge of the highest instance, of the Chairman of the court;

15) serving judges shall also submit certificates of professional development, if available. The applicants for the position of the judge, except serving judges or persons who have previously worked as judges for at least five years and who during four years from the date of dismissal expressed the wish to hold the position of the judge repeatedly, should pass the polygraphological investigation.

The applicants may provide additional information concerning their education, work experience, professional level, and reputation.

All the documents submitted should have a signature and a date of execution or approval, and reference number and date, if necessary.

For serving judges, submission of documents, specified in subclauses 3), 4), 5), 6), 8) of this clause, is not required.

Documents, specified in subclauses 2), 3), 7), 8), 10), 11), 12), 13), 14) of this clause, shall be valid for one year from the date of their issuance or execution.

At this, documents, specified in subclauses 2), 3), 6), 7) of this clause, shall contain correct information about the applicant.

47. The Council shall accept for consideration the documents submitted by citizens personally, by personal delivery or received by mail, within the established acceptance terms.

48. Preliminary consideration of the competition applicants' documents for their conformity to the set requirements shall be carried out by the Council Staff.

The Secretary of the Council shall submit to the Chairman of the Council the data on the conformity or non-conformity of the applicants' documents to the requirements set, after which the documents shall be returned by the Secretary of the Council to the applicant, specifying the reasons for refusal to admit this person to participation within five working days.

49. Within three working days from the date of identification of the persons admitted to participation in the competition, the list of these persons shall be published on the Council's Internet resource and shall be sent by the Council Staff to the regional courts at their place of residence or work for conducting plenary sessions and Councils for interaction with courts to give opinions concerning them.

50. The assessment of the judge applicants' moral traits shall be performed by the Council on interaction with courts at the district court, the decision of which serves as guidance.

**If the Council for Cooperation with Courts gives the candidate a negative opinion, the candidate can send a response to this conclusion to the plenary session of the regional court in the place of residence.**

**At the same time, in the conclusion of the plenary session of the regional court, following the consideration of the candidate's withdrawal, conclusions should be drawn about the reasonableness or unreasonableness of the candidate's arguments and the opinion of the Council for Interaction with the Courts.**

51. At the same time, the Staff of the Council shall systematize data about the applicants under the following criteria:

- 1) serving judges;
- 2) graduate students who completed the master's degree program;
- 3) employees of the judiciary system and separately, the Supreme Court Staff employees;
- 4) the Prosecutor's Office employees;
- 5) the Advocacy employees;
- 6) persons with a scientific degree or an academic title;
- 7) employees of other state authorities and private organizations and persons not working temporarily;
- 8) persons who participated in the competition for the position of the judge over three times.

The Staff of the Council shall prepare analytical and other materials in relation to every applicant, and shall submit them to the Chairman and the Members of the Council.

52. Basic criteria of applicants selection for vacant positions of judges of local courts and the procedure of considering the issue of holding vacant positions of chairmen and judges of district courts, judges of regional courts and judges of the Supreme Court and its summation by the members of the Council shall be governed by Article 18 of the Law.

In order to ensure fairness of the candidate selection process for vacant judicial positions, a special information system shall be used. It is designed for entering personal data and 2 groups (digital and evaluation) of the basic criteria for the competitive candidate selection for the vacant judicial position, depending on the categories of persons participating in the competition (judge applicants, serving judges) and vacancy categories (the district court judge, the Chairman of the district court, the regional court judge, the judge of the Supreme Court), digitized and evaluative (Annex 4-1 to these Regulations).

The digitized criteria shall be applied by the designated information system on the basis of the point and criteria system for their evaluation. In this case, the applicant's personal data, and digitized indicators shall be entered by the Staff employees. The correctness of filling the digitized indicators shall be controlled by the permanent Member of the Council assigned to the employee.

The designated information system arranges all the applicants in descending order, depending on the points received.

The evaluative criteria shall be applied by the permanent Members of the Council at filling in the evaluation lists for all the applicants. At the same time, the Members of the Council jointly examine the applicants, and individually give the points in evaluation sheets with assignment of the points under the evaluation criteria (Annex 4-2 to these Regulations).

The evaluation sheets filled with permanent Members of the Council shall be stored for 3 years.

When considering the applicants for the vacant position of the Chairman of the district court, the opinion of the Chairman of the relevant regional court, courts of Astana and Almaty shall be inquired additionally.

At the competition evaluation stage, the permanent Members of the Council shall interview the applicants, who have successfully passed the digitized stage, as a judicial division. As a rule, they interview from two to five applicants for each vacant position who obtained the highest points (depending on the number of persons applying for the particular vacancy).

Interviewing shall be carried out by means of video conferencing with the respective regional court of the region in which the applicant resides (with provisions of technical means). At this, the judge applicants residing in Astana and expressing a desire to participate personally may be invited to the Council building for interviewing.

Interviewing shall be carried out in accordance with the methods of interviewing the applicants for judicial positions (Annex 4-3 to these Regulations).

Evaluation of communication skills of the judge applicant shall be carried out at the competition evaluation stage after studying the psychological testing results and its evaluation.

Evaluation of the communication skills of the serving judges, the chairmans of the district courts, the judges of the regional courts and of the Supreme Court shall be carried out at the competition evaluation stage after evaluating all criteria.

Evaluation of communication skills shall be carried out jointly with evaluation criteria. Points for communication skills shall be given by the Members of the Council in the evaluation sheet individually to each applicant. On the basis of evaluation sheets filled with permanent Members of the Council, the Staff employee shall calculate in their presence, an average score for each applicant given according to the evaluation stage results. This consolidated evaluation sheet shall be stored for 3 years.

The decision on the threshold value by evaluation criteria on preventing or non-preventing for recommending the judge applicant shall be made by a qualified majority (2/3) of the votes of the permanent Members of the Council.

The filled in consolidated evaluation sheets for each applicant shall be sent to the Staff employee for the preparation of minutes of the competition evaluation stage (Annex 4-4 to these Regulations). The applicant shall be invited for consideration at the final competition stage based on the sum of the final average point for digitized and estimated criteria. At this, depending on the total number of applicants for the specific vacancy, from one to three applicants may be selected for each vacant judicial position.

The process of loading digital criteria into the program, and the process of the evaluation stage conduct shall be entered into the minutes.

In particular, the minutes shall be executed for the digital stage, which shall be opened on the first day of work, closed and signed upon the results of its completion.

The similar unified Minutes shall be filled in at the stage verification of the applicants by the permanent Members of the Council based on the evaluation criteria.



**This minutes reflects the period of carrying out and the results of checking by the permanent members of the Council personal data and the correctness of the introduction of digitized criteria of candidates by the staff of the Office.**

**Similar unified minutes are drawn up at the evaluation stage, during interviewing, as well as when determining the lists of candidates for interviewing and recommendations to the meeting of the Council on the results of the competition (Appendix 4-4 to this Regulation).**

52-1. The Council session, at which the results of the competition for vacant judicial positions are summarized, shall be conducted in the video conferencing mode with regional courts and in the on-line broadcasting mode at the Council Official Website (if technical means are provided).

All persons who wish to participate shall be invited to regional courts for video conferencing.

Open and secret voting may be conducted concerning the applicants who submitted their applications to the Council for giving recommendation on vacant judicial position.

In case of the secret voting and determination of its results, the Council shall elect the ballot commission consisting of a secretary elected from the Members of the Council, and two Members of the Council. The decision on electing the ballot commission shall be entered into the minutes of the Council session. For secret voting, ballots in the amount equaling the number of Members of the Council shall be issued (Annex 5 to these Regulations). The Members of the Council shall express their opinion about the applicant by writing "for" or "against" in the column near the corresponding applicant's name. Before voting starts, a ballot box shall be installed in the Council session hall. Upon the voting completion, the ballot commission shall open the box and calculate the votes. Ballots making determination of the voter's will impossible, shall be deemed invalid.

The ballot commission shall draw up a record of the secret voting results, which shall be signed by all members of the ballot commission and announced by the secretary of the commission. The minutes of the ballot commission on the secret voting results shall be approved by the Council by open voting.

According to the Council decision, the voting results, if necessary, may be checked against the ballots.

Secret voting may also be conducted by electronic voting means (if the electronic system is available).

53. The list of persons recommended by the Council for the holding vacant judicial positions shall be published on the Internet resource of the Council within two working days from the date of summarizing the competition results.

In the absence of grounds preventing the appointment of the applicant who was selected and recommended for appointment by the Council, for the position of the Chairman **or** the judge of the district court, the judge of the regional court and the judge of the Supreme Court, prior to submission for signing of the relevant draft order on appointment to the judicial position by the President of the Republic of Kazakhstan, the Council Staff will demand from the applicant, recommended for appointment, his/her written consent for accepting the position of the Chairman **or** judge of the district court, the judge of the regional court in the appropriate court and the judge of the Supreme Court.

**VI. Procedure of applicants selection for vacant positions of chairmans of judicial divisions of the Supreme Court, chairmans and chairmans of judicial divisions of regional courts**

54. In order resolve the issue of giving recommendations on the appointment (election) for vacant positions of chairmans of the Supreme Court judicial divisions, chairmans and chairmans of the of judicial divisions of the regional courts, the Chairman of the Supreme Court shall submit the following documents to the Council:

- 1) representation of the Chairman of the Supreme Court;
- 2) statement;
- 3) the decision of the plenary session of the Supreme Court;
- 4) personal data sheet with the photograph sizing 4,0 x 6,0 cm;
- 5) autobiography, with obligatory indication in it of information about prosecuted criminal cases, about the implementation of pre-trial investigation in relation to the applicant, including those subsequently terminated on rehabilitative or non-rehabilitating grounds;
- 6) personal data sheet;
- 7) employee profile with data about the judge's organizational abilities;
- 8) ID copy;
- 9) certified copy of higher legal education diploma;
- 10) certified copy of the employment record book (for military servants, employees of law enforcement and special governmental bodies, including former employees, shall accompany the copy of the employment record book with a copy of the service record, certified by the HR Department);
- 11) The applicants for the position of a judge, except serving judges or persons who have previously worked as judges for at least five years and who during four years from the date of dismissal expressed the wish to hold the position of the judge repeatedly, documents confirming the fact of passing the qualifying examination for the position of the judge, and the availability of the positive response from the plenary session concerning the probation, and for the persons, who completed the master's degree program than four years ago, documents confirming passing of the qualifying examination under the specialized master's degree program;
- 12) for the serving judges:
  - comparative table with statistical data on the judge's work quality over the past three years;
  - decision of the Qualifications Commission of the Court jury on the results of assessing the professional activities of the judge, except persons represented by the Chairman of the Supreme Court for appointment to the equal or inferior judicial position, and judges having twenty or more years of judicial experience;
  - information on disciplinary measures and the number of confirmed complaints at the judge's actions;

indicators of the quality of the course of justice, respectively, of the court or the judicial division;

13) other data characterizing the applicant.

Herewith, if the serving judge is offered for vacant positions of chairmans of the Supreme Court judicial divisions, chairmans and chairmans of the judicial divisions of the regional courts, the submission of the documents provided for by subclauses 4), 5), 8), 9), 10) of this clause is not required, and the employee profile, which should comply with the letter of recommendation containing both positive and non-positive assessment of the judge's qualities, shall be provided.

55. By order of the Chairman of the Council, the materials received shall be transferred to one of the Members of the Council, except the Members of the Council by position, for investigation and reporting at the Council session.

**VII. Procedure of considering the issue of approving the prolongation of the judge's tenure upon reaching retirement or limiting age by him/her by the Chairman of the Supreme Court**

56. In order to resolve the issue of approving the prolongation of the judge's tenure upon reaching retirement or limiting age by him/her by the Chairman of the Supreme Court, the following documents shall be submitted to the Council:

- 1) representation of the Chairman of the Supreme Court;
- 2) judge's statement;
- 3) *excluded*;
- 4) personal data sheet;
- 5) employee profile;
- 6) *excluded*;
- 7) comparative table with statistical data on the judge's work quality over the last three years;
- 8) information on disciplinary measures and the number of confirmed complaints at the judge's actions;
- 9) statement of good health of a standard form (form No. 086), and certificates issued by the respective psychoneurological and narcological dispensaries on absence of diseases, according to their activity specifics
- 10) other data characterizing the applicant.

57. By order of the Chairman of the Council, the materials received shall be transferred to one of the Members of the Council, except the Members of the Council by position, for investigation and reporting at the Council session.

58. Refusal of the Council to approve the prolongation of the judge's tenure upon reaching retirement or limiting age by him/her shall entail legal consequences, provided for by Article 34 of the Fundamental Law.

**VIII. Procedure of considering the issue of termination of appointment of the Chairman, of the Chairman of the judicial division, of the judge, and appointment of the judge for the judge position without competition**

59. In order to resolve the issue of termination of appointment of the Chairman, of the Chairman of the judicial division, of the judge, the Chairman of the Supreme Court shall submit the following documents to the Council:

- 1) at retirement:

representation of the Chairman of the Supreme Court;  
judge's statement;  
personal data sheet;  
employee profile;  
decision of the Court jury on confirmation of the right to retirement;  
comparative table with statistical data on the judge's work quality over the last three years;  
information on disciplinary measures and the number of confirmed complaints at the judge's actions;

2) at termination of appointment of the Chairman of the court, of the Chairman of the judicial division, of the judge by his/her own volition:  
representation of the Chairman of the Supreme Court;  
judge's statement;  
personal data sheet;  
employee profile;  
comparative table with statistical data on the judge's work quality over the last three years;  
information on disciplinary measures and the number of confirmed complaints at the judge's actions;

3) at termination of appointment of the judge for health reasons preventing further fulfillment of professional obligations in accordance with the medical certificate:  
representation of the Chairman of the Supreme Court;  
judge's statement, if filed by the judge;  
documents confirming the health condition, preventing further fulfillment of professional obligations;  
personal data sheet;  
employee profile;  
comparative table with statistical data on the judge's work quality over the last three years;  
information on disciplinary measures and the number of confirmed complaints at the judge's actions;

4) at termination of appointment of the judge in connection with coming into legal force of the court decision on admitting the judge fully or partially incapacitated or on application of compulsory measures of medical nature to him/her:  
representation of the Chairman of the Supreme Court;  
copy of the court decision which came into legal force;  
personal data sheet;

5) at termination of appointment of the judge in connection with coming into legal force of the condemnatory judgment regarding this judge:  
representation of the Chairman of the Supreme Court;  
copy of the court judgment, which came into legal force;  
personal data sheet;  
employee profile;

6) at termination of appointment of the judge in connection with cessation of citizenship of the Republic of Kazakhstan:  
representation of the Chairman of the Supreme Court;  
documents confirming cessation of citizenship of the Republic of Kazakhstan;  
personal data sheet;  
employee profile;

7) at termination of appointment of the judge in connection with death of the judge or coming into legal force of the court decision on declaration of his/her death:  
representation of the Chairman of the Supreme Court;  
death certificate or the court decision on declaration of the judge's death;  
personal data sheet;

8) at appointment, selection of the judge for other official position and his/her transfer to other work:  
representation of the Chairman of the Supreme Court;  
judge's statement;  
personal data sheet;  
employee profile;  
documents confirming appointment, selection of the judge for other official position and his/her transfer to other work;  
comparative table with statistical data on the judge's work quality over the last three years;  
information on disciplinary measures and the number of confirmed complaints at the judge's actions;

9) at the court abrogation or restructuring, reduction of the number of judges of the respective court, expiration of the term of office, if the chairman of the court, the chairman of the judicial division or the judge gives no consent to hold the vacant position of the judge in the other court:  
representation of the Chairman of the Supreme Court;  
statement of refusal to hold the vacant position of the judge in the other court;  
personal data sheet;  
employee profile;

10) at termination of appointment of the judge in connection with the decision of the Qualifications Commission of the Court jury on non-conformity of the Chairman of the court, of the Chairman of the judicial division, of the judge to the position held due to unsuitability for a profession:  
representation of the Chairman of the Supreme Court;  
decision of the Qualifications Commission of the Court jury;  
personal data sheet;  
employee profile;  
comparative table with statistical data on the judge's work quality over the past three years;  
information on disciplinary measures and the number of confirmed complaints at the judge's actions;  
the judge's explanatory note for the name of the Chairman of the Council on his/her consent/non-consent to the decision of the Qualifications Commission of the Court jury made concerning this judge, with the statement of the specific arguments;

11) at termination of appointment of the judge in connection with the decision of the Disciplinary Commission of the Court jury on the necessity of termination of appointment of the judge for commitment of a disciplinary offense by him/her or failure to meet the requirements stated in Article 28 of the Fundamental Law:  
representation of the Chairman of the Supreme Court;  
decision of the Disciplinary Commission of the Court jury;  
personal data sheet;  
employee profile;  
comparative table with statistical data on the judge's work quality over the past three years;

information on disciplinary measures and the number of confirmed complaints at the judge's actions;  
 the judge's explanatory note for the name of the Chairman of the Council on his/her consent/non-consent to the decision of the Disciplinary Commission of the Court jury made concerning this judge, with the statement of the specific arguments;

12) at termination of appointment of the judge in connection with reaching retirement or limiting age by him/her:  
 representation of the Chairman of the Supreme Court;  
 statement of termination of appointment, and in case if such statement is absent, justification of the Chairman of the Supreme Court on reasons of impracticality of saving the judge's position for this judge;  
 personal data sheet;  
 employee profile;  
 comparative table with statistical data on the judge's work quality over the past three years;  
 information on disciplinary measures and the number of confirmed complaints at the judge's actions.

59-1. In order to resolve the issue of appointing chairmans and chairmans of judicial divisions and judges of local and other courts, upon their consent to the vacant position of the judge of an equal or an inferior court without the competition, in cases provided for by clauses 7-9 or Article 31 of the Fundamental Law, the Chairman of the Supreme Court shall submit the following documents to the Council:

representation of the Chairman of the Supreme Court;  
 statement consent to the vacant position of the judge without the competition;  
 decision of the Qualifications Commission of the Court jury (at transfer to the different court in case provided for by subclause 4) of clause 1 of Article 44 of the Fundamental Law);  
 personal data sheet;  
 employee profile;  
 comparative table with statistical data on the judge's work quality over the past three years;  
 information on disciplinary measures and the number of confirmed complaints at the judge's actions.

60. By order of the Chairman of the Council, the materials received shall be transferred to one of the Members of the Council, except the Members of the Council by position, for investigation and reporting at the Council session.

61. If necessary, the Chairman of the Council shall charge the judge's verification to the Commission which may include Members of the Council, employees of the Council Staff, employees of the Supreme Court Staff.

In case if the additional verification is required, consideration of the representation of the Chairman of the Supreme Court may be transferred by the Chairman of the Council to the next Council session.

**IX. Procedure of considering the issue of giving the consent to the applicant's appointment for the position of the head of the authorized body for organizational and logistic and maintenance support of activities of the Supreme Court, local or other courts and termination of his/her appointment**

62. In order to resolve the issue of giving consent by the Chairman of the Supreme Court to the applicant's appointment for the position of the head of the authorized body for organizational and logistic and maintenance support of activities of the Supreme Court, local or other courts and termination of his/her appointment, the following documents shall be submitted to the Council:
- representation of the Chairman of the Supreme Court;
  - statement;
  - personal data sheet with the photograph sizing 4,0 x 6,0 cm;
  - personal data sheet;
  - employee profile;
  - ID copy.
63. By order of the Chairman of the Council, the materials received shall be transferred to one of the Members of the Council, except the Members of the Council by position, for investigation and reporting at the Council session.

**X. Procedure of considering the results of work of a person  
appointed for the position of the district court judge for the first time**

64. In order to consider the results of the judge's work past the oneyear mark, the following documents shall be submitted to the Council:
- 65.
- representation of the Chairman of the Supreme Court;
  - employee profile;
  - comparative table with statistical data on the judge's work;
  - information on disciplinary measures and the number of confirmed complaints at the judge's actions;
  - decision of the Qualifications Commission of the Court jury.
66. By order of the Chairman of the Council, the materials for results of work of persons, appointed for the position of the district court judge for the first time, shall be transferred to one or several the Members of the Council, except the Members of the Council by position, for investigation and reporting at the Council session
- 65-1. The Member of the Council, after investigating the materials for results of work of persons, appointed for the position of the district court judge for the first time, shall execute an analytical certificate and discuss it with permanent Members of the Council prior to considering the respective issue at the Council session.

**XI. Procedure of considering the judges' appeals  
on challenge of decisions of the Disciplinary Commission and  
the Qualifications Commission of the Court jury**

67. In order to consider the judge's appeal on challenge of decisions of Commissions of the Court jury the following documents shall be submitted to the Council:
- 68.
- appeal containing circumstances which the judge does not agree with, and arguments confirming this fact;
  - decision of commissions of the Court jury;
  - materials of disciplinary cause or qualifying estimation.
67. By order of the Chairman of the Council, one of the Members of the Council, except the Members of the Council by position, shall demand from the Court jury all materials confirming the decision made by the Court jury, for investigation and reporting at the Council session

68. Procedure of considering the issue on challenge of the decision of the Court jury shall be governed by Article 24 of the Law.
69. The procedure of considering the judges' appeal on challenge of the decision of the Court jury represented by this Section, shall not apply to decisions of the Court jury on termination of appointment of the Chairman, of the Chairman of the court judicial division and the judge.

## **XII. Activities of the Council Staff**

70. The Council activities shall be provided by its Staff which:

- 1) carries out informational and analytical, organizational and legal support of the Chairman and the Members of the Council on issues affecting the Council powers;
- 1-1) prepares information for the President of the Republic of Kazakhstan on the work of the Council and the status of human resources management in the judicial system;
- 1-2) organizes the Council operation with the purpose of guaranteeing the judges' independence and immunity;
- 2) prepares materials and ensures the conduct of the Council session;
- 3) sends round the session agenda and materials on the issues discussion to the Members of the Council and the invited persons and, if necessary, to other officials;
- 4) provides for the organization of the competitive selection for the vacant position of the judge of local or other court, the Supreme Court, and of the Chairman of a district court and the equivalent court by the Council;
- 4-1) preliminary examination of the documents of persons participating in the competition for the vacant position of the judge of local or other court, of the Supreme Court, and of the Chairman of a district court and the equivalent court, for conformity with the requirements;
- 4-2) prepares analytical and other materials on organizational and HR issues and other issues submitted for the Council consideration, including the following issues for consideration by the Council:

representations of the Chairman of the Supreme Court concerning the applicants for vacant positions of chairmen and chairmen of the judicial divisions of the regional courts, chairmen of the judicial divisions of the Supreme Court;

the applicants for the vacant position of the Chairman of the Supreme Court;

issues of termination of powers of the Chairman, chairmen of the judicial divisions and judges of the Supreme Court, chairmen, chairmen of the judicial divisions and judges of local and other courts in the form of retirement, retirement termination;

issues of termination of appointments of judges of local and other courts from the positions held by judges of local and other courts in cases of the court reorganization, abrogation, reduction of the number of judges of the respective court, if they give no consent to the vacant position of the judge in another court, and in case of the judge's refusal to transfer to another court, another specialization in the case provided for by subclause 4) of clause 1 of Article 44 of the Fundamental Law;

issues of termination of appointments of chairmen, chairmen of the judicial divisions of local and other courts in cases of the court reorganization, abrogation, expiration of the term of office if they give no consent to the vacant position of the judge in another court, and in case of the refusal of the Chairman of the court, of the Chairman of the judicial



division from transfer to another court, to another specialization in the case provided for by subclause 4) of clause 1 of Article 44 of the Fundamental Law;

issues of termination of appointments of judges from the Supreme Court in case of a decrease in the number of judges from the Supreme Court, if they do not consent to the vacant position of the judge in another court, and if the judge of the Supreme Court refuses to transfer to another court, to another specialization in the case provided for by subclause 4) of clause 1 of Article 44 of the Fundamental Law;

issues of termination of appointments from the positions of chairmans of the judicial divisions of the Supreme Court in cases of expiration of the term of office if they give no consent to the vacant position of the judge in another court, and in case of the refusal of the Chairman of the judicial division of the Supreme Court to another court, to another specialization in the case provided for by subclause 4) of clause 1 of Article 44 Of the Fundamental Law;

results of work of a person appointed for the position of the district court judge for the first time, upon the end of a one-year period and at positive evaluation of the judge's professional activity by the Qualifications Commission of the Court jury of the decision on providing the issue of its approval to the Chairman of the Supreme Court;

issues of termination of appointments of chairmans of the judicial divisions and judges of the Supreme Court, chairmans, chairmans of the judicial divisions and judges of local and other courts for committing disciplinary offenses, either because of professional unsuitability or for failure to meet the requirements of the Fundamental Law on presentation of the Chairman of the Supreme Court, based on the decision of the Court jury, and in cases of termination of the judge's term of office by his/her own volition, appointment, election of the judge to another position and his/her transition to another job, achievement of the retirement or the limiting age by the judge;

issues of termination of appointment from the positions of chairmans of the judicial divisions and judges of the Supreme Court, its chairmans, chairmans of the judicial divisions and judges of local and other courts in cases of termination of the judge's authority for health reasons, preventing further exercise of professional duties, in accordance with the medical certificate, coming into legal force of a court decision on admitting the judge fully or partially incapacitated or the application of mandatory means of medical nature, condemnatory judgment for the commission of a criminal offense, termination of a criminal case at the pre-litigation stage for non-rehabilitating reasons, termination of citizenship of the Republic of Kazakhstan, the death of the judge or coming into legal force of a court decision on declaring him/her deceased;

issues on the granting consent for the prolongation the term of the judge's office upon reaching the retirement age by this judge by the Chairman of the Supreme Court;  
representations of the Chairman of the Supreme Court on giving consent to the appointment of the applicant for the position of the head of the authorized body for the operation of the Supreme Court, local and other courts and for termination of his/her appointment;

judges' appeals on challenges of decisions of Commissions of the Court jury;

issues on provision to the President of the Republic of Kazakhstan the conclusion for resolving the issue of giving consent for arrest, detention or house arrest of a judge, his/her compulsory attendance, application of administrative sanctions imposed on him/her in a judicial proceeding, bringing the judge to criminal liability;

issues on giving consent to the establishment of the total staff number of judges, the number of judges of each local and other courts;

issues of formation of the Candidates Pool jointly with the Supreme Court for the positions of the Chairman of the district court, of the Chairman and the chairmans of the regional court judicial divisions, the judge and the chairmans of the Supreme Court judicial divisions (hereinafter referred to as the 'Candidates Pool');

4-3) organizes the Council work on approval and representation of the Chairman of the Supreme Court:

Order of Candidates Pool formation and organization of work with it;

of the Chairman of the Republican Commission for Candidates Pool and the Commission composition;

4-4) organizes the Council work in:

determining the order of passing psychological testing by the judge applicants;  
establishing the procedure for issuing the certificate to the judge;

approving the Regulation on the Council for Cooperation with Courts;

5) provides the Council session attendance by its Members and invited persons  
;

6) ensures the implementation of decisions made by the Council;

7) carries out the Council operation, including the maintenance of the Minutes of the Council sessions;

8) ensure the Commission activities;

9) executes drafts of orders on appointments and terminations of appointments of chairmans and chairmans of judicial divisions, judges of local and other courts;

10) develop suggestions for the improvement of the judicial system and legislations of the Republic of Kazakhstan;

10-1) provides the Council activities in the field of improving the quality of the judiciary composition, improving the human resources training system, increasing the judges' qualification;

10-2) prepares the Council Regulations draft;

11) provides the Council powers for accepting the qualifying examinations from the citizens who expressed the wish to work as judges, accounting persons who have passed the qualifying examinations for the position of a judge, who have passed probation in the courts and received the decisions of plenary sessions of the regional courts, and persons who completed the master's degree program;

12) provides the Council powers for maintaining electronic personal accounting of judges;

13) provides the Council interaction with other state bodies, foreign authorities and international organizations;

- 14) consider appeals from physical and legal entities;
- 15) performs other functions entrusted to the Staff by legislation of the Republic of Kazakhstan.

### **XIII. Electronic personal accounting of judges**

71. In accordance with the subclause 15) of clause 1 of Article 3 of the Law, the Council shall organize the maintenance of the Electronic personal accounting of judges jointly with the respective structural subdivision of the authorized body for organizational and logistic and maintenance support of the Supreme Court activities, which submits information on judges to the Council in the electronic form
72. The information shall be updated during two weeks after signing the Order on judges' appointment or termination of appointment by the President of the Republic of Kazakhstan, and election of judges by the Senate of the Parliament of the Republic of Kazakhstan.
73. The separate list of judges whose appointment was terminated on negative grounds, and the list of the judge applicants, concerning which the early recommendation of the Council was further cancelled, shall be maintained.

### **XIV. Formation of the Candidates Pool for positions of the Chairman of the Regional Court, of the Chairman and Chairmans of the regional court judicial divisions, the judge and Chairmans of the Supreme Court judicial divisions**

74. For approval of the Candidates Pool for positions of the Chairman of the Regional Court, of the Chairman and Chairmans of the regional court judicial divisions, the judge and Chairmans of the Supreme Court judicial divisions, the following documents shall be submitted to the Council:
75. list of applicants for joint formation of the Candidates Pool for the respective year approved by the plenary session of the Supreme Court;  
order of the plenary session of the Supreme Court.
76. By order of the Chairman of the Council, the materials received shall be transferred to one of the Members of the Council, except the Members of the Council by position, for investigation and reporting at the Council session.

### **XV. Consideration of the issue on approval of the Chairman of the Republican Commission for Candidates Pool and the Commission composition**

77. For approval of the Chairman of the Republican Commission for Candidates Pool and the Commission composition, the following documents shall be submitted to the Council:  
  
representation of the Chairman of the Supreme Court;  
personal data sheet;  
employee profile;  
comparative table with statistical data on the judge's work quality over the past three years;  
information on disciplinary measures and the number of confirmed complaints at the judge's actions;  
other data characterizing the judge;

order of the plenary session of the Supreme Court.

78. By order of the Chairman of the Council, the materials received shall be transferred to one of the Members of the Council, except the Members of the Council by position, for investigation and reporting at the Council session.

**XVI. Accounting of persons who passed the qualifying examinations  
in order to hold the judge's position, who passed probation in courts and who  
received  
decisions of plenary sessions  
of regional courts and courts equivalent to them,  
and persons who completed the master's degree program**

79. The list of persons who passed the qualifying examination for the position of the judge, shall be executed by the Council in terms of regions (Astana and Almaty cities, regions) where these persons were residing at the moment of passing the examination for the position of the judge.
80. The list shall be updated following each session of the Commission. At this, the stated list shall be monitored on the regular basis with the purpose of excluding persons, the term of examination passing validity of which expired, from it.
81. Along with the list of persons who passed the qualifying examination for the position of the judge, the separate list of persons, who received no positive mark according to results of passing the qualifying examination, shall be maintained. The latter shall be excluded from the list after one year from the moment of receiving the negative mark at passing the qualifying examination.
82. The list of persons, who passed probation in courts and received decisions of plenary sessions of regional courts, shall be submitted by regional courts during the five-day period after the conduct of plenary sessions. The list shall be maintained in the chronological order in terms of regional courts which gave their decisions upon the results of passing probation in courts by the judge applicants.
83. The list of persons, who passed probation in courts and received decisions of plenary sessions of regional courts, shall be updated on the monthly basis. Herewith, the list of persons who received positive conclusions of plenary sessions of regional courts according to the probation results shall be maintained separately from the list of persons who received negative conclusions according to the probation results. Moreover, daily monitoring of these lists shall be carried out with the purpose of excluding from them persons with delayed validity of the positive conclusions of the plenary sessions of the regional courts, and persons the term from receiving the negative decision for whom exceeds two years.
84. The list of persons, who completed the master's degree program, shall be provided by the Academy of Justice at the Supreme Court during the five-day period after the end of the academic year, and shall be updated on the annual basis (in July). Herewith, the persons, who completed the master's degree program than four years ago, shall be excluded from the list.

The list of persons studying under the master's degree program shall be updated on the annual basis (in September). The persons who completed the master's degree program shall be excluded from the list.

**XVII. Final provisions**

85. Decisions on approval of the Regulations and amendments thereto shall be made by majority vote of the Members of the Council.
  86. The Regulations, and amendments thereto, shall be deemed adopted after their approval by the Council.
  87. Issues of amendments and additions to these Regulations shall be brought to sessions by the Chairman of the Council.
-

Annex 1  
To the REGULATIONS  
of the High Judicial Council  
of the Republic of Kazakhstan,  
approved by decision  
Of the High Judicial Council  
from February 17, 2016 No. 1-2 / 1

**QUESTIONNAIRE**  
**members of the High Judicial Council of the Republic of Kazakhstan**

*Astana*

*dd.mm.yy*

**Question**

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Decision.

**Chairman and members of the High Judicial Council:**

\_\_\_\_\_ **Full name**

\_\_\_\_\_ **Full name**

\_\_\_\_\_ **Full name**

\_\_\_\_\_ **Full name**

\_\_\_\_\_ **Full name**

\_\_\_\_\_ **Full name**

\_\_\_\_\_ **Full name**

\_\_\_\_\_ **Full name**

\_\_\_\_\_ **Full name**

\_\_\_\_\_ **Full name**

Annex 1-1  
To the REGULATIONS  
of the High Judicial Council  
of the Republic of Kazakhstan,  
approved by decision  
Of the High Judicial Council  
from \_\_\_\_\_

**Evaluation sheet on the basic criteria for assessing the essay**

Essay № \_\_\_\_\_

№ п/п	Criteria	Балл
1.	Ability to identify and analyze problematic issues on a given topic	
2.	Criticality and creativity of thinking	
3.	Ability to reason and confirm your point of view	
4.	Justification of the conclusions	
5.	Identification of practical and feasible ways to solve the problem	
6.	Knowledge of strategic and policy documents of the state, legal literacy, reference to legislation	
7.	Grammar and vocabulary	
	<b>Final score</b>	

Member of the expert commission \_\_\_\_\_  
(full name)

\_\_\_\_\_  
(date, full name)

**Decoding of scoring:**

- 1) 1 – if the criterion is fully disclosed (in relation to criteria No. 1, 3 and 6);
- 2) 0,5 – if the criterion is fully disclosed (in relation to the remaining criteria); 0,25 – if the criterion is partially disclosed;
- 3) 0 – if the criterion is not disclosed.

Annex 2  
To the REGULATIONS  
of the High Judicial Council  
of the Republic of Kazakhstan,  
approved by decision  
Of the High Judicial Council  
from February 17, 2016 No. 1-2 / 1

**Examination sheet**

\_\_\_\_\_

**(full name)**

Билет № \_\_\_\_\_

№	questions	score
1.	1) Ability of the applicant to distinguish the legal situation from the illegal (that is, whether this issue is regulated by law or not)	
	2) Ability of the applicant to be guided by the legislation (norms of which law should be applied in this situation)	
	3) Ability of the applicant to operate with legal terminology applicable in this situation (terms that he should use when analyzing a specific legal situation);	
	4) Ability of the applicant to analyze and assess the legal situation (the rules of law are observed or violated, the evaluation of actions (inaction) of participants in legal relations - who is right and why, who is to blame and why);	
	5) The ability of the applicant to prepare a qualitative final answer in the current situation, in which not only a legal assessment will be given, but also optimal ways to resolve the current situation.	
	<b>Score</b>	
2.	1) Ability of the applicant to distinguish a legal situation from an illegal one (that is, whether this issue is regulated by law or not);	
	2) Ability of the applicant to be guided by the legislation (norms of which law should be applied in this situation);	
	3) Ability of the applicant to operate with legal terminology applicable in this situation (terms that he should use when analyzing a specific legal situation);2	
	4) Ability of the applicant to analyze and assess the legal situation (the rules of law are observed or violated, the evaluation of actions (inaction) of participants in legal relations - who is right and why, who is to blame and why);	
	5) The ability of the applicant to prepare a qualitative final answer in the current situation, in which not only a legal assessment will be given, but also optimal ways to resolve the current situation.	
	<b>Score</b>	
3.	1) Ability of the applicant to distinguish the legal situation from the	



	non-legal (that is, whether this issue is regulated by law or not);	
	2) Ability of the applicant to be guided by the legislation (norms of which law should be applied in this situation);	
	3) Ability of the applicant to operate with legal terminology applicable in this situation (terms that he should use when analyzing a specific legal situation);	
	4) Ability of the applicant to analyze and assess the legal situation (the rules of law are observed or violated, the evaluation of actions (inaction) of participants in legal relations - who is right and why, who is to blame and why);	
	5) The ability of the applicant to prepare a qualitative final answer in the current situation, in which not only a legal assessment will be given, but also optimal ways to resolve the current situation.	
	<b>Score</b>	
4.	<b>Average total score</b>	

Member of the Qualification Commission \_\_\_\_\_  
(full name)

\_\_\_\_\_  
(date, signature)

**Decoding of scoring:**

- 1) 1 – if the issue is fully disclosed;
- 2) 0,5 – if the issue is partially disclosed;
- 3) 0 – if the issue is not solved.

Annex 2-1  
To the REGULATIONS  
of the High Judicial Council  
of the Republic of Kazakhstan,  
approved by decision  
Of the High Judicial Council  
from February 17, 2016 No. 1-2 / 1

**Requirements for drawing up  
service characteristics for the acting judges**

**stamp of the regional court  
registration number and date of issue**

**Characteristic**

1. Information about the person to whom the characteristic is issued (full name, date of birth, position with the indication of the date of the last appointment, education, judicial experience of work).
2. Evaluation of the positive and non-positive qualities of the judge in professional activity (specialization, the quality of administration of justice in comparison with the average regional index, work on self-education, the degree of social load, the activity of speeches in the media, etc.).
3. Information about professional development.
4. Promotion Details.
5. Disciplinary penalties.
6. Personality characteristics (moral qualities, compliance with judicial ethics, relationships in the team - whether the authority and respect in the team enjoys, if the candidate is the chairman or claims for the vacant position of the chairman of the court, then additionally indicate the availability of his organizational skills).
7. Information about the marital status, the presence of children.
8. In the concluding part indicate: is characterized positively, negatively.

**Chairman**

*signature*

**Full name**

Annex 3  
To the REGULATIONS  
of the High Judicial Council  
of the Republic of Kazakhstan,  
approved by decision  
Of the High Judicial Council  
from February 17, 2016 No. 1-2 / 1

**QUESTIONNAIRE**

for the acting judge participating in the competition, for the vacant position of a judge of a local court or the Supreme Court, the chairman of a district court and equal court

Fullname

\_\_\_\_\_ (Carefully, typing letters)

Curent position

\_\_\_\_\_

*Underline*

1. Why does he/she want to work in another district and equivalent court in the city, the regional center, in the regional or equivalent court:

- a) wishes to change specialization;
- b) for career development purposes;
- c) in the given area, close relatives work for the legal profession;
- d) did not work well with the team of judges;
- e) is dismissed from the post of the chairman of the court for the expiry of the term of office and wishes to work as a judge in another team;
- e) other reasons (specify):

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

2. Underline any housing problem when moving:

- a) has its own living area;
- b) wants to buy an apartment, a house;
- c) hopes to get an apartment from the state.

3. He/she has the judging experience:

- a) up to 3 years;
- b) from 3 to 5 years;
- c) over 5 years.

4. Was on maternity leave:

- a) from 1 year to 2 years;
- b) from 2 to 3 years;
- c) from 3 to 5 years.

5. Why does he/she want to work in another area, in another area:

- a) wishes to reunite with the spouse;
- b) for career development purposes;
- c) in this locality, the region, parents live, or children are trained;
- d) there is a medical report on the need to change their place of residence, or spouse, children;
- e) is dismissed from the position of the head of the district court upon the expiration of his term of office and wishes to work as a judge in another locality;
- e) other reasons (specify):

\_\_\_\_\_  
\_\_\_\_\_

6. Information on disciplinary sanctions:

- a) had, but they are withdrawn or extinguished;
- b) has at this time;
- c) does not.

7. Does he/she have close relatives or relatives of judges:

- a) yes (indicate full name, position):

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

- b) no.

8. Level of knowledge of the state language:

- a) speaks the state language perfectly or at a good level;
- b) speaks conversationally at everyday level;

c) does not speak the language.

9. Information on prosecuted criminal cases, on the implementation of pre-trial investigation against a candidate, spouse (wife), close relatives:

- a) is not available;
- b) terminated for rehabilitative reasons;
- c) discontinued on non-rehabilitating grounds.

**If there is such information, then briefly state their essence**

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10. Presence of state or departmental awards:

- a) there is a state award;
- b) there is a departmental award;
- c) is not available.

11. Work experience in management positions:

- a) is available;
- b) is not available.

date \_\_\_\_\_

signature \_\_\_\_\_

Annex 4  
To the REGULATIONS  
of the High Judicial Council  
of the Republic of Kazakhstan,  
approved by decision  
Of the High Judicial Council  
from February 17, 2016 No. 1-2 / 1

### QUESTIONNAIRE

for a candidate for a judge participating in a competition for the vacancy of a judge of a local court or the Supreme Court, the chairman of a district court and equal court

Full name

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(carefully, by typing letters)

#### **With a positive response**

##### **circle the number with a circle**

1. He is a graduate of the magistracy of the Institute of Justice of the Academy of Public Administration.
2. He has a scientific degree in jurisprudence.
3. Awarded with government awards, departmental badges.
4. I was recognized as the best in the profession.
5. He has scientific publications on legal issues.

#### **Please underline**

##### **1.1. Level of knowledge of the official language:**

- a) speaks the state language perfectly or at a good level;
- b) speaks conversationally at everyday level;
- c) does not speak the language.

##### **2.1. Information on disciplinary penalties or administrative offenses:**

- a) had, but they are withdrawn or extinguished;
- b) has at this time;
- c) does not.

##### **3.1. He graduated from the higher law school:**

- a) with a diploma of distinction;
- b) on the part-time form of training.

1. Is a resident of the settlement in which the competition is held.
2. I received over 90 points when testing while passing the qualification exam.

##### **4.1. Has close relatives or relatives in the judicial system:**

- a) parents;
- b) brother, sister;
- c) spouse, children.

##### **5.1. Entrepreneurial activity:**

- a) is a member of the partnership, a member of a production cooperative, founder of other legal entities;
- b) is a shareholder of the joint-stock company;
- c) was a member of a private limited company, a shareholder, or a member of a production cooperative in the past;
- d) transferred the property to trust management;
- e) did not engage in entrepreneurial activities.

6.1. Information on criminal cases initiated, on the implementation of pre-trial investigation against a candidate, spouse, close relatives:

- a) is not available;
- b) terminated for rehabilitative reasons;
- c) discontinued on non-rehabilitating grounds.

**If there is such information, then briefly state their essence**

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7.1. Presence of state or departmental awards:

- a) there is a state award;
- b) there is a departmental award;
- c) is not available.

8.1. Work experience in managerial positions:

- a) is available;
- b) is not available.

date \_\_\_\_\_

signature \_\_\_\_\_

Annex 4-1  
To the REGULATIONS  
of the High Judicial Council  
of the Republic of Kazakhstan,  
approved by decision  
Of the High Judicial Council  
from February 17, 2016 No. 1-2 / 1

**The main criteria for the competitive selection of candidates for vacant judicial positions and the procedure for their application**

**Criteria for the selection of judges**

According to Article 29 of the Constitutional Law "On the Judicial System and Status of Judges of the Republic of Kazakhstan" and paragraph 2 of Article 18 of the Law "On the High Judicial Council of the Republic of Kazakhstan" the main criteria for selecting candidates for vacant positions of judges of the district court are:

- 1) a high level of knowledge;
- 2) high moral and moral qualities;
- 3) impeccable reputation, and for acting judges additionally work experience in the position of judge and the quality of the administration of justice.

The criteria that determine these qualities are divided into two blocks:

- 1) digitized;
- 2) estimated.

Scores on the estimated criteria, provided separately by category of candidates, will be calculated automatically by the computer program.

For the vacant position of a judge of a district court  
- for a candidate

	<b>Digitized criteria</b>	<b>Score</b>
1	the result of the qualification exam	100
2	diploma of higher education	5
3	graduate of a specialized magistracy of the Academy under the Supreme Court (average score of the diploma)	5
4	the presence of a scientific degree or academic title of a candidate or doctor of jurisprudence, Phd	(candidate. – 3 Phd – 4 Doctor – 5)
5	availability of special higher and postgraduate education for judges of specialized courts (average score of the diploma)	5
6	presence of a master's degree in law (average score of a graduate of a master's degree)	5
7	work as secretary of the court session, counselor (assistant) of the court, prosecutor, lawyer	15 (from 5 to 10 years=5 from 10 to 15 years=10 over 15 years =15)
8	Huge experience in the legal profession	(from 10 to 15 years=5 over 15 years =10)

	<b>Evaluation Criteria</b>	<b>Mark</b>
1	the conclusion of psychological testing (the availability of information hampering the recommendation)	<i>Negative</i> <i>positive</i>
2	plenary session of the regional court	<i>positive (+ 1)/</i> <i>negative (- 1)</i>

3	the opinion of the Council for Cooperation with the Courts	<i>positive (+ 1)/ negative (- 1)</i>
4	One-year paid internship internship	<i>positive (+ 1)</i> <b>or does not evaluated (0)</b>
5	job description	<i>positive (+ 1)/ negative (- 1)</i>
6	lack of information about the commission of an administrative offense, unfulfilled tax, alimony and other obligations	<i>Negative positive</i>
7	the conclusion of polygraph research (the availability of information that impedes the recommendation)	<i>Negative positive</i>
8	absence of other information interfering with the recommendation of the candidate for the position of judge	<i>If Negative positive</i>

- for a person who previously held judge position

	<b>Digitized criteria</b>	<b>Score</b>
1	absence of existing disciplinary sanctions	20
2	absence of confirmed complaints	<b>10</b>
3	Greater judicial experience	up to 1 year = 0 from 1 to 3 years = 80 from 3 to 5 years = 85 from 5 to 7 years = 90 from 7 to 10 years = 95 from 10 to 15 years = 100 from 15 to 20 years = 105 over 20 years = 110
4	the presence of a scientific degree or academic title of a candidate or doctor of jurisprudence, phd	candidate – 3 phd – 4 doctor – 5
5	presence of special higher and postgraduate education for judges of specialized courts	5

	<b>Evaluation Criteria</b>	<b>Mark</b>
1	the quality of the administration of justice (the number of cancellations and changes, with the exception of cases for objective reasons)	+ 1 ( <i>below the average of the indicator</i> ) 0 ( <i>within the average of the indicator</i> ) - 1 ( <i>above the average of the indicator</i> )
2	plenary session	<i>positive (+ 1)/ negative (- 1)</i>
3	regional court	<i>positive (+ 1)/ negative (- 1)</i>
4	the opinion of the Council for Cooperation with the Courts	<i>positive (+ 1)/ negative (- 1)</i>
5	job description	<i>for the acting judge, if available prevents / does not prevent</i>
6	in the form of a letter of recommendation	<b><i>in the presence of prevents / does not prevent</i></b>

- for the acting judge



	<b>Digitized criteria</b>	<b>Score</b>
1	absence of existing disciplinary sanctions	20
2	absence of confirmed complaints	<b>10</b>
3	Greater judicial experience	up to 1 year = 0 from 1 to 3 years = 80 from 3 to 5 years = 85 from 5 to 7 years = 90 from 7 to 10 years = 95 from 10 to 15 years = 100 from 15 to 20 years = 105 over 20 years = 110
4	the presence of a scientific degree or academic title of a candidate or doctor of jurisprudence, phd	(candidate. – 3 Phd – 4 Doctor – 5)
5	presence of special higher and postgraduate education for judges of specialized courts	5
6	availability of certificates of professional development	3

	<b>Evaluation criteria</b>	<b>Mark</b>
1	the quality of the administration of justice (the number of cancellations and changes, with the exception of cases for objective reasons)	+ 1 ( <i>below the average of the indicator</i> ) 0 ( <i>within the average of the indicator</i> ) - 1 ( <i>above the average of the indicator</i> )
2	plenary session	positive (+ 1) / negative (-1)
3	regional court	<i>positive (+ 1) / negative (-1)</i>
4	the opinion of the Council for Cooperation with the Courts	<i>positive (+ 1) / negative (-1)</i>
5	job description	<b>+ 2 (more than 5 years)</b> <b>+ 1 (from 3 to 5 years)</b> <b>- 1 (less than 3 years)</b>
6	lack of information about the commission of an administrative offense, unfulfilled tax, alimony and other obligations	<i>in the presence of prevents / does not prevent</i>
7	absence of other information interfering with the recommendation of the candidate for the position of judge	<b><i>in the presence of prevents / does not prevent</i></b>
8	participation in the activities of the judicial system not related to the administration of justice (for example, in the composition of the regional commissions on the personnel reserve, the organization of the work of training centers, participation in the work of branches of the Union of Judges and commissions on judicial ethics)	<i>points are not assigned, but will be taken into account during assessing process</i>

For the vacant position of the chairman of the district court  
- for a person who previously held the position of judge

	<b>Digitized criteria</b>	<b>Score</b>
1	absence of existing disciplinary sanctions	20
2	absence of confirmed complaints	<b>10</b>
3	Greater judicial experience	up to 1 year = 0

		from 1 to 3 years = 80 from 3 to 5 years = 85 from 5 to 7 years = 90 from 7 to 10 years = 95 from 10 to 15 years = 100 from 15 to 20 years = 105 over 20 years = 110
4	presence of special higher and postgraduate education for the chairmen of specialized courts	5
5	the presence of a scientific degree or academic title of a candidate or doctor of jurisprudence, phd	(candidate. – 3 Phd – 4 Doctor – 5)

	<b>Evaluation criteria</b>	<b>Mark</b>
1	the quality of the administration of justice (the number of cancellations and changes, with the exception of cases for objective reasons)	+ 1 ( <i>below the average of the indicator</i> ) 0 ( <i>within the average of the indicator</i> ) - 1 ( <i>above the average of the indicator</i> )
2	organizational skills	+ 1 ( <i>availability</i> ) 0 ( <i>not reflected</i> ) - 1 ( <i>absence</i> )
3	experience in senior positions in public authorities and law enforcement agencies for more than 3 years	<b>+3</b>
4	presence of an action plan (program) to improve the work of the court.	<b>under +5</b>
5	plenary session	<i>positive (+ 1) / negative (-1)</i>
6	the opinion of the Council for Cooperation with the Courts	<i>positive (+ 1) / negative (-1)</i>
7	job description	<i>positive (+ 1) / negative (-1)</i>
8	a guarantee from two judges of a higher court and one retired judge	+ 1
9	lack of information about the commission of an administrative offense, unfulfilled tax, alimony and other obligations	<i>in the presence of prevents / does not prevent</i>
10	<b>absence of other information interfering with the recommendation of the candidate for the position of judge</b>	<i>in the presence of prevents / does not prevent</i>

- for acting judge

	<b>Digitized criteria</b>	<b>Score</b>
1	absence of existing disciplinary sanctions	20
2	<b>absence of confirmed complaints</b>	<b>10</b>
3	Greater judicial experience	up to 1 year = 0 from 1 to 3 years = 80 from 3 to 5 years = 85 from 5 to 7 years = 90 from 7 to 10 years = 95 from 10 to 15 years = 100

		from 15 to 20 years = 105 over 20 years = 110
4	consists in the personnel reserve for this position (he is the chairman of the district court, the judge of the regional court)	10
5	presence of special higher and postgraduate education for the chairmen of specialized courts	5
6	the presence of a scientific degree or academic title of a candidate or doctor of jurisprudence, phd	candidate – 3 phd – 4 Doctor – 5
7	availability of certificates of professional development	3

	<b>Evaluation criteria</b>	<b>Mark</b>
1	the quality of the administration of justice (the number of cancellations and changes, with the exception of cases for objective reasons)	+ 1 ( <i>below the average of the indicator</i> ) 0 ( <i>within the average of the indicator</i> ) - 1 ( <i>above the average of the indicator</i> )
2	Organizational skills	+ 1 ( <i>availability</i> ) 0 ( <i>not reflected</i> ) - 1 ( <i>absence</i> )
3	<b>experience in senior positions in public authorities and law enforcement agencies for more than 3 years</b>	<b>+3</b>
4	<b>presence of an action plan (program) to improve the work of the court.</b>	<b>до +5</b>
5	conclusion of the Judicial Jury Qualification Commission	<i>positive (+ 1) / negative (-1)</i>
6	regional court plenary session	<i>positive (+ 1) / negative (-1)</i>
7	the opinion of the Council for Cooperation with the Courts	<i>positive (+ 1) / negative (-1)</i>
8	letter of recommendation	<i>positive (+ 1) / negative (-1)</i>
9	<b>How long do you work in current position (when you received the last appointment)</b>	<b>+ 2 (<i>more than 5 years</i>) + 1 (<i>from 3 to 5 years</i>) - 1 (<i>less than 3 years</i>)</b>
10	a guarantee from two judges of a higher court and one retired judge	+ 1
11	lack of information about the commission of an administrative offense, unfulfilled tax, alimony and other obligations	<i>in the presence of prevents / does not prevent</i>
12	<b>absence of other information interfering with the recommendation of the candidate for the position of judge</b>	<b><i>in the presence of prevents / does not prevent</i></b>
13	<b>participation in the activities of the judicial system not related to the administration of justice (for example, in the composition of the regional commissions on the personnel reserve, the organization of the work of training centers, participation in the work of branches of the Union of Judges and commissions on judicial ethics)</b>	<i>points are not assigned, but will be taken into account In total</i>

For the vacant position of a judge of the regional court  
- for a person who previously held the position of a judge.

	<b>Digitized criteria</b>	<b>Score</b>
1	absence of existing disciplinary sanctions	20
2	<b>absence of confirmed complaints</b>	<b>10</b>
3	huge judicial experience	from 5 to 7 years = 90 from 7 to 10 years = 95 from 10 to 15 years = 100 from 15 to 20 years = 105 over 20 years = 110
4	the presence of a scientific degree or academic title of a candidate or doctor of jurisprudence, phd	candidate – 3 phd – 4 doctor – 5
5	presence of special higher and postgraduate education	5

	<b>Evaluation criteria</b>	<b>Mark</b>
1	the quality of the administration of justice (the number of cancellations and changes, with the exception of cases for objective reasons)	+ 1 ( <i>below the average of the indicator</i> ) 0 ( <i>within the average of the indicator</i> ) - 1 ( <i>above the average of the indicator</i> )
2	plenary session the relevant regional court	+ positive (+ 1) / negative (-1)
3	plenary session of the regional court at the place of residence	positive (+ 1) / negative (-1)
4	the opinion of the Council for Cooperation with the Courts	positive (+ 1) / negative (-1)
5	letter of recommendation	positive (+ 1) / negative (-1)
6	a guarantee from two judges of a higher court and one retired judge	+ 1
7	lack of information about the commission of an administrative offense, unfulfilled tax, alimony and other obligations	<i>in the presence of prevents / does not prevent</i>
8	<b>absence of other information interfering with the recommendation of the candidate for the position of judge</b>	<b><i>in the presence of prevents / does not prevent</i></b>

- for the acting judge

	<b>Digitized criteria</b>	<b>Score</b>
1	absence of existing disciplinary sanctions	20
2	<b>absence of confirmed complaints</b>	<b>10</b>
3	Greater judicial experience	from 5 to 7 years = 90 from 7 to 10 years = 95 from 10 to 15 years = 100

		from 15 to 20 years = 105 over 20 years = 110
4	the presence of a scientific degree or academic title of a candidate or doctor of jurisprudence, phd	candidate – 3 phd – 4 doctor – 5
5	presence of special higher and postgraduate education	5
6	availability of certificates of professional development	3

	<b>Evaluation criteria</b>	<b>Mark</b>
1	the quality of the administration of justice (the number of cancellations and changes, with the exception of cases for objective reasons)	+ 1 ( <i>below the average of the indicator</i> ) 0 ( <i>within the average of the indicator</i> ) - 1 ( <i>above the average of the indicator</i> )
2	conclusion of the Judicial Jury Qualification Commission	<i>positive (+ 1) / negative (-1)</i>
3	plenary session the relevant regional court	<i>positive (+ 1) / negative (-1)</i>
4	plenary session of the regional court at the place of residence	<i>positive (+ 1) / negative (-1)</i>
5	the opinion of the Council for Cooperation with the Courts	<i>positive (+ 1) / negative (-1)</i>
6	letter of recommendation	<i>positive (+ 1) / negative (-1)</i>
7	<b>How long does he/she work in current position (when received the last appointment)</b>	<b>+ 2 (more than 5 years)</b> <b>+ 1 (from 3 to 5 years)</b> <b>- 1 (less than 3 years)</b>
8	a guarantee from two judges of a higher court and one retired judge	+ 1
9	lack of information about the commission of an administrative offense, unfulfilled tax, alimony and other obligations	<i>in the presence of prevents / does not prevent</i>
10	<b>absence of other information interfering with the recommendation of the candidate for the position of judge</b>	<i>in the presence of prevents / does not prevent</i>
11	<b>participation in the activities of the judicial system not related to the administration of justice (for example, in the composition of the regional commissions on the personnel reserve, the organization of the work of training centers, participation in the work of branches of the Union of Judges and commissions on judicial ethics)</b>	<i>points are not assigned, but will be taken into account In total</i>

For the vacant position of a judge of the Supreme Court  
- for a person who previously held the position of judge

	<b>Evaluation criteria</b>	<b>Score</b>
1	absence of existing disciplinary sanctions	20
2	absence of confirmed complaints	10
3	Greater judicial experience	from 10 to 15 years = 100 from 15 to 20 years =

		105 over 20 years = 110
4	the presence of a scientific degree or academic title of a candidate or doctor of jurisprudence, phd	candidate – 3 phd – 4 doctor – 5
5	presence of special higher and postgraduate education	5
6	experience in the position of chairman of the collegium of the regional court, chairman of the specialized court	Main regional court = 1 year x 5 special court = 1 year x 3

	<b>Evaluation criteria</b>	<b>Mark</b>
1	the quality of the administration of justice (the number of cancellations and changes, with the exception of cases for objective reasons)	+ 1 ( <i>below the average of the indicator</i> ) 0 ( <i>within the average of the indicator</i> ) - 1 ( <i>above the average of the indicator</i> )
2	positive conclusion of the plenary session Supreme Court	+ 1
3	the opinion of the Council for Cooperation with the Courts	<i>positive (+ 1) / negative (-1)</i>
4	job description in the form of a letter of recommendation	<i>positive (+ 1) / negative (-1)</i>
5	a guarantee from two judges of a higher court and one retired judge	+ 1
6	lack of information about the commission of an administrative offense, unfulfilled tax, alimony and other obligations	<i>in the presence of prevents / does not prevent</i>
7	<b>absence of other information interfering with the recommendation of the candidate for the position of judge</b>	<i>in the presence of prevents / does not prevent</i>

- for acting judge

	<b>Digitized criteria</b>	<b>Score</b>
1	is the personnel reserve for this position	10
2	absence of existing disciplinary sanctions	20
3	absence of confirmed complaints	10
4	Greater judicial experience	from 10 to 15 years = 100 from 15 to 20 years = 105 over 20 years = 110
5	the presence of a scientific degree or academic title of a candidate or doctor of jurisprudence, phd	candidate – 3 phd – 4 doctor – 5
6	presence of special higher and postgraduate education	5
7	availability of certificates of professional development	3
8	experience in the position of chairman of the collegium of the regional court, chairman of the specialized court	область = 1 год x 5 спец. суд = 1 год x 3

	<b>Evaluation criteria</b>	<b>Mark</b>
1	the quality of the administration of justice (the number of cancellations and changes, with the exception of cases for objective reasons)	+ 1 ( <i>below the average of the indicator</i> ) 0 ( <i>within the average of the indicator</i> ) - 1 ( <i>above the average of the</i>

		<i>indicator)</i>
2	conclusion of the Judicial Jury Qualification Commission	<i>positive (+ 1) / negative (-1)</i>
3	positive conclusion of the Supreme Court plenary session	<i>+ 1</i>
4	the opinion of the Council for Cooperation with the Courts	<i>positive (+ 1) / negative (-1)</i>
5	Recommendation letter	<i>positive (+ 1) / negative (-1)</i>
6	<b>How long does he/she work in current position?</b>	<b>+ 2 (more than 5 years) + 1 (from 3 to 5 years) - 1 (less than 3 years)</b>
7	a guarantee from two judges of a higher court and one retired judge	<i>+ 1</i>
8	lack of information about the commission of an administrative offense, unfulfilled tax, alimony and other obligations	<i>in the presence of prevents / does not prevent</i>
11	<b>absence of other information interfering with the recommendation of the candidate for the position of judge</b>	<b><i>in the presence of prevents / does not prevent</i></b>
10	<b>participation in the activities of the judicial system not related to the administration of justice (for example, in the composition of the regional commissions on the personnel reserve, the organization of the work of training centers, participation in the work of branches of the Union of Judges and commissions on judicial ethics)</b>	<i>points are not assigned, but will be taken into account In total</i>

### Methodology for evaluating digitized criteria

The main criterion for evaluating candidates for a judge is the result of passing a qualification exam, which is assessed on a 100 point scale.

If a separate stage of the exam was measured on a 5-point scale, it is transferred to a 100-point system (5 = 100, 4 = 90, 3 = 80). The final score is displayed as the arithmetic mean of all estimates.

For example, the result of computer testing - 83 points, and the examination ticket - 5 points. In this case, 5 points are equated to 100 points. In this case, the arithmetic mean of the two estimates will be  $(83 + 100) / 2 = 91.5$

**The remaining criteria of the level of knowledge are considered in the aggregate, the sum of the scores of which does not exceed the established limits.**

All criteria for assessing the level of knowledge, with the exception of seniority, are estimated on a five-point system.

Priority is given to the special work experience associated with participation in the process, therefore it is assessed higher than the ordinary legal one (Article 29 of the Constitutional Law "On the Judicial System and Status of Judges" and Article 18 of the Law "On the High Judicial Council").

For contestants from the number of active judges, the judge's experience, absence of disciplinary penalties and confirmed complaints for the last three years are used as a basis for scoring.

The number of digital scores for acting judges does not exceed the established limits, and for candidates for the posts of chairmen of district courts and judges of the Supreme Court may be large, taking into account such criteria as being in the personnel reserve and work experience as the chairman of the collegium of the regional court or the chairman of the specialized court.

The computer program automatically calculates the scores and builds all the candidates for a particular judicial position in descending order (from the persons who scored the maximum score to the persons who scored the minimum points). All these candidates are then examined on the basis of evaluation criteria.

**Method of calculating evaluation criteria.**

When reviewing the evaluation criteria, the permanent members of the Board each individually fill in the evaluation sheets, in which points are awarded for each evaluation criterion.

With regard to acting judges, scores on such evaluation criteria as the quality of the administration of justice and others are set on the basis of performance indicators over the past three years. At the same time, the quality of the administration of justice is assessed for each working year separately.

These points are summarized and used in the selection of candidates.

At the same time, in the process of evaluating candidates for a judge, a high priority is given to the results of psychological testing, which will be evaluated according to a separate methodology.

The results of psychological testing in relation to persons who passed the qualification exam before September 1, 2018, is assessed as preventing or not preventing. Since September 1, 2018, the results of psychological testing are subject to evaluation according to a separate methodology, which provides that in case it does not interfere, it is assigned from 10 to 30 points depending on the test results.

When assessing the criteria, the confidentiality of confidential information will be ensured.



Annex 4-2  
To the REGULATIONS  
of the High Judicial Council  
of the Republic of Kazakhstan,  
approved by decision  
Of the High Judicial Council  
from February 17, 2016 No. 1-2 / 1

For the vacant position of a judge of a district court  
- for a candidate

	<b>Evaluation Criteria</b>	<b>Recommended score</b>	<b>Note</b>	<b>Score</b>
1	the conclusion of psychological testing (the availability of information hampering the recommendation)	<i>Negative positive</i>		
2	plenary session of the regional court	<i>positive (+ 1)/ negative (- 1)</i>		
3	the opinion of the Council for Cooperation with the Courts	<i>positive (+ 1)/ negative (- 1)</i>		
4	One-year paid internship internship	<i>positive (+ 1)</i>  <b>or does not evaluated (0)</b>		
5	job description	<i>positive (+ 1)/ negative (- 1)</i>		
6	lack of information about the commission of an administrative offense, unfulfilled tax, alimony and other obligations	<i>Negative positive</i>		
7	the conclusion of polygraph research (the availability of information that impedes the recommendation)	<i>Negative positive</i>		
8	absence of other information interfering with the recommendation of the candidate for the position of judge	<i>If Negative positive</i>		

Member of the High Judicial Council signature /  
Full Name

« \_\_\_ » \_\_\_\_\_ 20\_\_ year

- for a person who previously held judge position

	<b>Evaluation Criteria</b>	<b>Recommended score</b>	<b>Note</b>	<b>Score</b>
1	the quality of the administration of justice (the number of cancellations and changes, with the exception of cases for objective reasons)	<i>+ 1 (below the average of the indicator) 0 (within the average of</i>		

		<i>the indicator)</i> <i>- 1 (above the average of the indicator))</i>		
2	plenary session	<i>positive (+ 1)/</i> <i>negative (- 1)</i>		
3	regional court	<i>positive (+ 1)/</i> <i>negative (- 1)</i>		
4	the opinion of the Council for Cooperation with the Courts	<i>positive (+ 1)/</i> <i>negative (- 1)</i>		
5	job description	<i>for the acting judge, if available</i> <i>prevents /</i> <i>does not prevent</i>		
6	in the form of a letter of recommendation	<b><i>in the presence of</i></b> <b><i>prevents /</i></b> <b><i>does not prevent</i></b>		

Member of the High Judicial Council signature /  
Full Name

« \_\_\_ » \_\_\_\_\_ 20\_\_\_ year

- for the acting judge

	<b>Evaluation criteria</b>	<b>Mark</b>
1	the quality of the administration of justice (the number of cancellations and changes, with the exception of cases for objective reasons)	<b>+ 1 (below the average of the indicator)</b> <b>0 (within the average of the indicator)</b> <b>- 1 (above the average of the indicator)</b>
2	plenary session	<i>positive (+ 1) /</i> <i>negative (-1)</i>
3	regional court	<i>positive (+ 1) /</i> <i>negative (-1)</i>
4	the opinion of the Council for Cooperation with the Courts	<i>positive (+ 1) /</i> <i>negative (-1)</i>
5	job description	<b>+ 2 (more than 5 years)</b> <b>+ 1 (from 3 to 5 years)</b> <b>- 1 (less than 3 years)</b>
6	lack of information about the commission of an administrative offense, unfulfilled tax, alimony and other obligations	<i>in the presence of</i> <i>prevents /</i> <i>does not prevent</i>
7	absence of other information interfering with the recommendation of the candidate for the position of judge	<b><i>in the presence of prevents /</i></b> <b><i>does not prevent</i></b>
8	participation in the activities of the judicial system not related to the administration of justice (for example, in the composition of the regional commissions on the personnel reserve, the organization of the work of training centers, participation in the work of branches of the Union of Judges and commissions on judicial ethics)	<i>points</i> <i>are not assigned, but</i> <i>will be taken into account</i> <i>during assessing process</i>

Member of the High Judicial Council signature /  
Full Name

« \_\_\_ » \_\_\_\_\_ 20\_\_\_ year

For the vacant position of the chairman of the district court  
- for a person who previously held the position of judge

	<b>Evaluation criteria</b>	<b>Mark</b>
1	the quality of the administration of justice (the number of cancellations and changes, with the exception of cases for objective reasons)	+ 1 ( <i>below the average of the indicator</i> ) 0 ( <i>within the average of the indicator</i> ) - 1 ( <i>above the average of the indicator</i> )
2	organizational skills	+ 1 ( <i>availability</i> ) 0 ( <i>not reflected</i> ) - 1 ( <i>absence</i> )
3	experience in senior positions in public authorities and law enforcement agencies for more than 3 years	<b>+3</b>
4	presence of an action plan (program) to improve the work of the court.	<b>under +5</b>
5	plenary session	<i>positive (+ 1) / negative (-1)</i>
6	the opinion of the Council for Cooperation with the Courts	<i>positive (+ 1) / negative (-1)</i>
7	job description	<i>positive (+ 1) / negative (-1)</i>
8	a guarantee from two judges of a higher court and one retired judge	+ 1
9	lack of information about the commission of an administrative offense, unfulfilled tax, alimony and other obligations	<i>in the presence of prevents / does not prevent</i>
10	<b>absence of other information interfering with the recommendation of the candidate for the position of judge</b>	<i>in the presence of prevents / does not prevent</i>

Member of the High Judicial Council signature /  
Full Name

« \_\_\_ » \_\_\_\_\_ 20\_\_\_ year

- for acting judge

	<b>Evaluation criteria</b>	<b>Mark</b>
1	the quality of the administration of justice (the number of cancellations and changes, with the exception of cases for objective reasons)	+ 1 ( <i>below the average of the indicator</i> ) 0 ( <i>within the average of the indicator</i> ) - 1 ( <i>above the average of the indicator</i> )
2	Organizational skills	+ 1 ( <i>availability</i> ) 0 ( <i>not reflected</i> ) - 1 ( <i>absence</i> )
3	<b>experience in senior positions in public authorities and law enforcement agencies for more than 3 years</b>	<b>+3</b>
4	<b>presence of an action plan (program) to improve the work of the court.</b>	<b>do +5</b>
5	conclusion of the Judicial Jury Qualification Commission	<i>positive (+ 1) / negative (-1)</i>

6	regional court plenary session	<i>positive (+ 1) / negative (-1)</i>
7	the opinion of the Council for Cooperation with the Courts	<i>positive (+ 1) / negative (-1)</i>
8	letter of recommendation	<i>positive (+ 1) / negative (-1)</i>
9	<b>How long do you work in current position (when you received the last appointment)</b>	<b>+ 2 (more than 5 years) + 1 (from 3 to 5 years) - 1 (less than 3 years)</b>
10	a guarantee from two judges of a higher court and one retired judge	+ 1
11	lack of information about the commission of an administrative offense, unfulfilled tax, alimony and other obligations	<i>in the presence of prevents / does not prevent</i>
12	<b>absence of other information interfering with the recommendation of the candidate for the position of judge</b>	<b><i>in the presence of prevents / does not prevent</i></b>
13	<b>participation in the activities of the judicial system not related to the administration of justice (for example, in the composition of the regional commissions on the personnel reserve, the organization of the work of training centers, participation in the work of branches of the Union of Judges and commissions on judicial ethics)</b>	<i>points are not assigned, but will be taken into account In total</i>

Member of the High Judicial Council signature /  
Full Name

« \_\_\_ » \_\_\_\_\_ 20\_\_\_ year

For the vacant position of a judge of the regional court  
- for a person who previously held the position of a judge.

	<b>Evaluation criteria</b>	<b>Mark</b>
1	the quality of the administration of justice (the number of cancellations and changes, with the exception of cases for objective reasons)	+ 1 (below the average of the indicator) 0 (within the average of the indicator) - 1 (above the average of the indicator)
2	plenary session the relevant regional court	+ positive (+ 1) / negative (-1)
3	plenary session of the regional court at the place of residence	<i>positive (+ 1) / negative (-1)</i>
4	the opinion of the Council for Cooperation with the Courts	<i>positive (+ 1) / negative (-1)</i>
5	letter of recommendation	<i>positive (+ 1) / negative (-1)</i>
6	a guarantee from two judges of a higher court and one retired judge	+ 1
7	lack of information about the commission of an administrative offense, unfulfilled tax, alimony and other obligations	<i>in the presence of prevents / does not prevent</i>

8	<b>absence of other information interfering with the recommendation of the candidate for the position of judge</b>	<i><b>in the presence of prevents / does not prevent</b></i>
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Member of the High Judicial Council signature /  
Full Name

« \_\_\_ » \_\_\_\_\_ 20\_\_ year

- for the acting judge

	Evaluation criteria	Mark
1	the quality of the administration of justice (the number of cancellations and changes, with the exception of cases for objective reasons)	+ 1 ( <i>below the average of the indicator</i> ) 0 ( <i>within the average of the indicator</i> ) - 1 ( <i>above the average of the indicator</i> )
2	conclusion of the Judicial Jury Qualification Commission	<i>positive (+ 1) / negative (-1)</i>
3	plenary session the relevant regional court	<i>positive (+ 1) / negative (-1)</i>
4	plenary session of the regional court at the place of residence	<i>positive (+ 1) / negative (-1)</i>
5	the opinion of the Council for Cooperation with the Courts	<i>positive (+ 1) / negative (-1)</i>
6	letter of recommendation	<i>positive (+ 1) / negative (-1)</i>
7	<b>How long does he/she work in current position (when received the last appointment)</b>	<b>+ 2 (more than 5 years) + 1 (from 3 to 5 years) - 1 (less than 3 years)</b>
8	a guarantee from two judges of a higher court and one retired judge	+ 1
9	lack of information about the commission of an administrative offense, unfulfilled tax, alimony and other obligations	<i>in the presence of prevents / does not prevent</i>
10	<b>absence of other information interfering with the recommendation of the candidate for the position of judge</b>	<i>in the presence of prevents / does not prevent</i>
11	<b>participation in the activities of the judicial system not related to the administration of justice (for example, in the composition of the regional commissions on the personnel reserve, the organization of the work of training centers, participation in the work of branches of the Union of Judges and commissions on judicial ethics)</b>	<i>points are not assigned, but will be taken into account In total</i>

Member of the High Judicial Council signature /  
Full Name

« \_\_\_ » \_\_\_\_\_ 20\_\_ year

For the vacant position of a judge of the Supreme Court  
- for a person who previously held the position of judge

	<b>Evaluation criteria</b>	<b>Score</b>
1	absence of existing disciplinary sanctions	20
2	absence of confirmed complaints	<b>10</b>
3	Greater judicial experience	from 10 to 15 years = 100 from 15 to 20 years = 105 over 20 years = 110
4	the presence of a scientific degree or academic title of a candidate or doctor of jurisprudence, phd	candidate – 3 phd – 4 doctor – 5
5	presence of special higher and postgraduate education	5
6	experience in the position of chairman of the collegium of the regional court, chairman of the specialized court	Main regional court = 1 year x 5 special court = 1 year x 3

	<b>Evaluation criteria</b>	<b>Mark</b>
1	the quality of the administration of justice (the number of cancellations and changes, with the exception of cases for objective reasons)	+ 1 ( <i>below the average of the indicator</i> ) 0 ( <i>within the average of the indicator</i> ) - 1 ( <i>above the average of the indicator</i> )
2	positive conclusion of the plenary session Supreme Court	+ 1
3	the opinion of the Council for Cooperation with the Courts	<i>positive (+ 1) / negative (-1)</i>
4	job description in the form of a letter of recommendation	<i>positive (+ 1) / negative (-1)</i>
5	a guarantee from two judges of a higher court and one retired judge	+ 1
6	lack of information about the commission of an administrative offense, unfulfilled tax, alimony and other obligations	<i>in the presence of prevents / does not prevent</i>
7	<b>absence of other information interfering with the recommendation of the candidate for the position of judge</b>	<i>in the presence of prevents / does not prevent</i>

Member of the High Judicial Council signature /  
Full Name

« \_\_\_ » \_\_\_\_\_ 20\_\_\_ year

- for acting judge

	<b>Evaluation criteria</b>	<b>Mark</b>
1	the quality of the administration of justice (the number of cancellations and changes, with the exception of cases for objective reasons)	+ 1 ( <i>below the average of the indicator</i> ) 0 ( <i>within the average of the indicator</i> ) - 1 ( <i>above the average of the indicator</i> )
2	conclusion of the Judicial Jury Qualification Commission	<i>positive (+ 1) / negative (-1)</i>
3	positive conclusion of the Supreme Court plenary session	+ 1

4	the opinion of the Council for Cooperation with the Courts	<i>positive (+ 1) / negative (-1)</i>
5	Recommendation letter	<i>positive (+ 1) / negative (-1)</i>
6	<b>How long does he/she work in current position?</b>	<b>+ 2 (more than 5 years) + 1 (from 3 to 5 years) - 1 (less than 3 years)</b>
7	a guarantee from two judges of a higher court and one retired judge	+ 1
8	lack of information about the commission of an administrative offense, unfulfilled tax, alimony and other obligations	<i>in the presence of prevents / does not prevent</i>
11	<b>absence of other information interfering with the recommendation of the candidate for the position of judge</b>	<b><i>in the presence of prevents / does not prevent</i></b>
10	<b>participation in the activities of the judicial system not related to the administration of justice (for example, in the composition of the regional commissions on the personnel reserve, the organization of the work of training centers, participation in the work of branches of the Union of Judges and commissions on judicial ethics)</b>	<i>points are not assigned, but will be taken into account In total</i>

Member of the High Judicial Council signature /  
Full Name

« \_\_\_ » \_\_\_\_\_ 20\_\_ year

Annex 4-3  
To the REGULATIONS  
of the High Judicial Council  
of the Republic of Kazakhstan,  
approved by decision  
Of the High Judicial Council  
from February 17, 2016 No. 1-2 / 1

### **Methods of interviewing the applicants for judge positions**

These methods have been developed in accordance with the Fundamental Law of the Republic of Kazakhstan 'On the Judiciary System and the Status of Judges of the Republic of Kazakhstan» and the Law the Republic of Kazakhstan 'On the High Judicial Court of the Republic of Kazakhstan».

#### **1. General**

Communication skills required for the judge's work:

- 1) the skill to take the initiative of starting a dialogue and its conduct;
- 2) at establishing connection with a person, the skill to understand the line of behavior with him/her, words to be told to this person, and the manner of speaking, the ability to emancipate, to entertain a person with conversation, create for this person a positive, creative attitude for the future conversation;
- 3) in the dialogue, the skill to listen to the other person with attention, simultaneously observing and taking into account the features of his/her verbal (behavior expressed in speech) and non-verbal behavior (behavior in the process of non-verbal communication: gestures, facial expressions);
- 4) the skill to understand the interlocutor's psychological characteristics, to determine his/her behavior congruence (adequacy), his/her desire or lack of desire to continue the conversation, his/her ability (willingness) to change his/her mind, etc.;
- 5) in the process of conversation – the skill to select, mark out the most significant information shared by the interlocutor; the skill to understand his/her intentions and goals even if they are concealed;
- 6) in conversation with a person in a state of emotional excitement, the skill to correct this state to the capable level without causing the interlocutor's aggression or alienation;
- 7) if emotional tension preventing the dialogue appears or exists, the skill to align it without lowering the conversation tempo or efficiency;
- 8) when persuading a person, the skill to learn his/her position, interests and attitude to the subject, goals, circumstances and other conversation aspects; the skill to find arguments and proofs that are convincing for the specific person, the skill to get his/her consent in principle; the skill to refuse persuasively or delicately;
- 9) the skill to provide the interlocutor with feedback on all aspects of the conversation; the skill to correct or to impact on the interlocutor's behavior correction;
- 10) the skill to achieve the planned goal of the dialogue to leave the wish for the interlocutor to continue collaboration;
- 11) the skill to play the role of an arbitrator between the conflicting parties; the skill to understand their requirements; the skill to find a constructive way of interaction between all parties;
- 12) ability to manage the course of the dialogue and to finish it at the right moment.

*The purpose of interviewing* is to determine the applicant's basic communication skills required to work as a judge.

Evaluation of communication skills of the applicant for the position of the judge shall be carried out at the competition evaluation stage after examining the psychological test results and its evaluation.



Evaluation of communication skills of serving judges, chairmans of district courts, judges of regional courts and of the Supreme Court shall be carried at the competition evaluation stage after evaluating all the criteria.

## **2. Requirements to the Members of the Council at interviewing**

- 1) follow the principles of interviewing (fairness, ethics, clearness);
- 2) use the time allocated for interviewing efficiently;
- 3) read and understand the information on the applicant;
- 4) examine the required documents (the list of questions attached to these Methods) for the correct formulation of questions to the applicant;
- 5) exclude the conflict of interest (in case of participation of immediate relatives or property owners in interviewing, the Member of the Council should specify this);
- 6) give the applicant possibility to fully answer the questions, in case if the applicant's answer is inaccurate, ask specifying questions;
- 7) evaluate each applicant individually and then make a decision immediately after completing interviewing the person (up to 10 minutes).

The interviewing organizational support shall be carried out by the Staff.

## **3. Requirements to the interviewing site**

It is required to create appropriate conditions for interviewing:

- 1) the Council premises shall be no less than 20-30 m<sup>2</sup> (the plan of seating for the Members of the Council members and the applicant should provide the maximal possibility of the comprehensive interviewing), a video conference hall in the Supreme Court building may be used (as agreed);
- 2) the premises of the regional court, designed for video conferencing (conference hall) should be technically equipped, including a microphone and a panoramic video camera;
- 3) audio and video recording;
- 4) wall clock;
- 5) drinking water;
- 6) waiting rooms/halls for the applicants.

## **4. Preparation to interviewing**

The Staff employee shall notify the applicant, who has passed the digitized stage, about interviewing no later than seven working days prior to its conduct.

Members of the Council shall be trained in advance (in 1-2 days), if required.

## **5. Procedure of interviewing**

The Members of the Council shall interview the applicant, including the means of video conferencing.

When the applicant is invited to the interviewing, the Staff employee shall confirm the applicant's identity by checking his/her ID card.

The applicant shall be prohibited to carry electronic transmitting devices (including mobile phones and other electronic equipment) during the interviewing, of which the Staff employee shall notify the applicants in polite form before the interviewing.

Prior to the interviewing, the applicant shall specify the interviewing language (state or Russian).

Herewith, further interviewing shall be carried out in the language chosen by the applicant.

The time of interviewing one applicant shall not exceed fifty minutes. Herewith, time for each question asked and the answer shall not exceed 5 minutes. The total number of questions should not exceed ten, without additional clarifying questions.

The sample of question on communication skills is provided in Appendix A to these Methods.

The questions shall be asked consistently, in medium tempo, fairly and addressing the applicant personally.

In the course of interviewing, the applicant shall have the right to:

- 1) specify the question received from the Members of the Council;
- 2) ask for medical assistance in case of unsatisfactory health condition;
- 3) ask for water;
- 4) perform other actions that are not prohibited by the legislation of the Republic of Kazakhstan and do not prevent the course of interviewing.

In the course of interviewing the applicant, the Members of the Council shall have no right to:

- 1) leave the place;
- 2) leave the premises;
- 3) talk over the phone;
- 4) enter into polemics with the applicant during the receipt of the answer to the questions asked;
- 5) perform other actions preventing the course of interviewing.

In case of the risk of exceeding the time provided for interviewing, the Staff employee should notify the applicants about this in 5 minutes before the completion.

## **6. Summarizing the interviewing results**

After completing the interviewing of the applicant, the results shall be summed up within 10 minutes.

Evaluation data shall be displayed in the evaluation sheet (according to Appendix B to these Methods).

In the case of a positive answer to the question asked, the applicant shall be assigned 1 point. Based on the interviewing results, the total point shall be calculated (maximal point is 10), entered into the point sheet and signed by the Member of the Council.

Evaluation of communication skills shall be carried out jointly with the evaluation criteria. Points for communication skills shall be given by the Members of the Council for each applicant individually in the evaluation sheet, then in the point sheet. The filled in point sheets for each applicant shall be delivered to the Staff employee for executing evaluation protocol for the competition evaluation stage. The final point sum shall form the basis for recommending the applicant to the final stage of the competition.

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Annex 4-4  
To the REGULATIONS  
of the High Judicial Council  
of the Republic of Kazakhstan,  
approved by decision  
Of the High Judicial Council  
from February 17, 2016 No. 1-2 / 1

**The list of Minutes,  
compiled in the framework of competitive procedures for the employment of vacant  
judicial positions**

- 1. Minutes on the implementation of the digitized stage of the competition (input of personal data and digitized indicators by the staff of the Office into a special information system).**
  - 2. Minutes on the implementation of the evaluation stage of the competition (completion of evaluation lists for candidates by the permanent members of the Council).**
  - 3. Minutes on the introduction of evaluation indicators in a special information system (input by staff of the Office of information from evaluation sheets filled with permanent members of the Council, in tables in Excel format for the average score for each candidate and the introduction of an average score in a special information system).**
  - 4. Minutes of the meeting of the permanent members of the Council on the selection of candidates for interviewing.**
  - 5. Minutes of interviewing candidates (indicating points for interviewing).**
  - 6. Minutes of the meeting of the permanent members of the Council on the selection of candidates to give recommendations on vacant judicial positions (for consideration at the meeting of the Council)**
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Annex 5  
To the REGULATIONS  
of the High Judicial Council  
of the Republic of Kazakhstan,  
approved by decision  
Of the High Judicial Council  
from February 17, 2016 No. 1-2 / 1

**THE BULLETIN**  
**for secret ballot for candidate**  
**for the vacant position of a judge \_\_\_\_\_**

	<b>For</b>	<b>Against</b>
1. _____ (full name)	<input type="checkbox"/>	<input type="checkbox"/>
2. _____ (full name)	<input type="checkbox"/>	<input type="checkbox"/>
3. _____ (full name)	<input type="checkbox"/>	<input type="checkbox"/>
4. _____ (full name)	<input type="checkbox"/>	<input type="checkbox"/>
5. _____ (full name)	<input type="checkbox"/>	<input type="checkbox"/>