INTERNATIONAL ASSOCIATION OF JUDGES

FIRST STUDY COMMISSION

SENEGAL NOVEMBER 2010

Report of ARMENIA

List of possible objective and subjective criteria

_ Are prosecutors regarded as members of the judiciary?

*According to Article 92 of the Constitution of the Republic of Armenia the judiciary is independent and exercised exclusively by courts. And the independence of the judiciary is guaranteed by the Article 94 of the RA. So the prosecutors are not members of the Judiciary.*

_ Is there security of tenure once a judge (prosecutor) has been appointed?

*Judges enjoys personal immunity. They work until 65 and can be released by the President of the Republic with suggestion of the Council of Justice.*

_ Does an independent body regulate appointment and promotion of judges (prosecutors)? If so, are judges in a majority? Is its advice binding?

*According to the Article 94 paragraph 1 the list of judges complies and presents for the President statement, as for the prosecutors they appoint without Council of Justice.*

_ Is salary determined by an independent body? Is its advice binding? Can salaries be reduced?

*There is no independent body and the salary can not be reduced by Law.*

_ Are disciplinary matters dealt with by an independent body? If so, are judges in a majority? Is its advice binding?

*Council of Justice and Commission of Ethics deal with the disciplinary, which consists of judges and disciplinary proceedings, can be evoked by the Minister of Justice according to the Law.*
Is training organised by an independent body?

*Generally, trainings are organized by the Judicial School of Armenia, which is founded by the Council of Court Chairmen (CCC), besides some thematic seminars are organised by the Association of Judges of the RA.*

Is the court administration independent of other executive departments?

*The court administration depends from judicial department, which operates by Judicial Code.*

Is there a separate budget for the court system? Who determines the budget? Who decides spending priorities?

*No. For the court system there is no separate budget, it is included in a general budget of the country. Some priorities are decided by Judicial department.*

Is there immunity from criminal/civil suit against judges (prosecutors)?

*According to the Articles 13 of Judicial Code a judge enjoys personal immunity.*

Is there freedom of association for judges (prosecutors)?

*Yes. All judges of the RA are members of Armenian Judges Association.*

Is there recognition of professional bodies of judges by the executive?

*The Association of Judges of the RA is a non-governmental organisation.*