

MEMORY BOOK OF THE CANDIDATES

Dear Candidate!

Your documents have been submitted and the candidacy has been registered pursuant to the Law. The Judges' Selection Committee appreciates your will and wishes you success!

Our targets are providing you maximum humid conditions to show your legal knowledge and support objectiveness.

By showing special knowledge in the examination you have to read rules that shown in the booklet.

R U L E S OF SELECTION OF NON-JUDICIAL CANDIDATES TO VACANT JUDICIAL POSTS

1. General provisions

1.1. Present Rules were elaborated according to Article 126 of the Constitution of the Republic of Azerbaijan and COURTS AND JUDGES ACT and JUDICIAL-LEGAL COUNCIL ACT of the Republic of Azerbaijan.

1.2. Present Rules establish procedure of selection of the non-Judicial candidates (hereinafter - candidates) to the vacant Judicial posts according to the requirements of paragraph 1 Article 126 of the Constitution of the Republic of Azerbaijan and paragraph 2 Article 93 of the Courts and Judges Act.

2. Selection of candidates to vacant judicial posts

2.1. Judge Selection Committee shall select candidates to vacant judicial posts.

2.2. Candidates to vacant Judicial posts shall be selected in a transparent manner by means of written and oral test examinations, initial long-term training course (basic training for Judges) and final interview in order to determine the level of knowledge, professional skills, general world outlook and suitability to Judicial posts.

2.3. Judge Selection Committee shall assess results of the examinations. Judge Selection Committee shall be entitled to assign ad hoc commission staffed from its members. Ad hoc commission members shall enjoy all the rights and duties of the Judge Selection Committee Member during examination.

2.4. Shall the Judge Selection Committee Member have close kinship ties or personal relationship with the candidate or shall there arise

circumstances giving grounds to his/her partial attitude, s/he will not participate at examinations and interview with the candidate concerned. In these circumstances, the candidate shall object to any Committee member one day before examination at the latest. Judge Selection Committee shall consider objections at its sessions.

2.5. Those candidates who successfully passed written and oral examinations shall move on directly to the long-term training stage. Training stage shall be arranged at the Legal Training Center of the Ministry of Justice.

2.6. Every candidate shall be assessed at the end of the training stage. The members of the Judge Selection Committee shall assess candidates according to the results of training and final interview.

2.7. Candidates shall be assessed by means of mark (points) system. Judge Election Committee shall draw up the candidates according to the marks they have gained.

2.8. Results of the evaluation and opinions on specialization of the candidates shall be submitted to the Judicial-Legal Council. Judicial-Legal Council shall consider the proposals of the Judge Selection Committee on the candidates selected to the judicial posts, monitors the implementation of the legislation and the Rules in the course of the selection and interview candidates.

2.9 Judicial-Legal Council shall classify the candidates into fields of specialization according to the interview results and appropriate opinions of the Judge Selection Committee and proposes to the President of the Republic of Azerbaijan the appointment of the candidates who have gained minimum or higher marks to vacant judicial posts.

3. Written and oral examination

3.1. Judge Selection Committee shall constantly publish in the media and the internet information on commencement dates and deadlines of submission of applications by candidates to the vacant Judicial posts, list of documents to be submitted by the candidates, annotation of examination questions (information on the fields covered by the examination questions), list of legislation used in the elaborations of questions, as well as, other relevant information related to the selection of candidates to vacant Judicial posts.

3.2. Lawyers willing to participate in the written and oral examination and meeting the requirements provided by part I Article 126 of the Constitution of the Republic of Azerbaijan and paragraph 2 Article 93 of the Courts and Judges Act of the Republic of Azerbaijan shall submit the following documents to the judge Selection Committee:

3.2.1. Application to the Judges Selection Committee;

- 3.2.2. Identification card and its copy;
- 3.2.3. Personal history form of the candidates;
- 3.2.4. Curriculum vitae;
- 3.2.5. Certificate of high education (diploma) and its copy;
- 3.2.6. Ratified copy of the record of service (by notary or department of personnel);
- 3.2.7. Medical certificate confirming due physical and mental capacity;
- 3.2.8. Four photographs in 4x6 sizes.

3.3. Upon attestation of the copy with the original, identification card and certificate of high education (diploma) shall be returned.

3.4. Documents received after deadline, with exception of the posted documents, shall not be accepted.

3.5. Staff of the Judicial-Legal Council shall receive application documents.

3.6. Staff of the Judicial-Legal Council reviews completeness and correctness of the documents, as well as, their conformity to the legislative requirements and keeps the record in the applications receipt journal.

3.7. Documents that are not complete and fail to meet the requirements of the present Rules shall not be accepted and the applicant shall be informed of the revealed shortcomings. Shall discrepancies be revealed subsequently, the documents will be returned with substantiated response. The rectified documents may be re-submitted within the term provided for submission of applications..

3.8. Shall the application documents conform to the Rules, the candidate will be included in the general list and provided with the slip receipt and Memo of the Judicial Candidate. Memo shall cover information on written and oral examinations, training stage and final interview procedural issues, as well as, other necessary information related to the selection of candidates to the vacant Judicial posts.

3.9. Personal identification code shall be issued to every registered candidate. This identification code shall be in the numerical form and secures confidentiality of the application documents.

3.10. Examination Pass shall be provided to each candidate two days prior to written examination. Pass shall bear the photograph of the candidate, as well as, indication of the personal identification code, address of the examination venue, time and date of the examination, chamber, row and seat number.

3.11. Only Personal Identification Code shall be used in the examination. Examination Pass shall not have indication of family name, given name other information identifying the applicant. Candidate has breached this rule shall be debarred from the examination.

3.12. Candidates shall be obliged to produce the Examination Pass and identification card at the examination. Shall the candidate fail to produce even one of the specified documents, s/he will be debarred from examination. Shall the person loose or made corrections to his/her Examination Pass, s/he will be debarred from the examination and will not be issued a new one.

3.13. Written examination shall be conducted by the Judge Selection Committee on the date established in beforehand.

3.14. Judge Selection Committee shall appoint Examination Chief and supervisors in order to conduct written examination. There shall be at least two supervisors per chamber.

3.15. Shall the candidate breach the written examination rules, i.e. submit forged documents, cheat at the examination, bring means of communication to the examination, send someone else instead of himself, or do actions in breach of the rules of examination, Examination Chief and supervisor will draw up a report and the candidate will be debarred from the examination. If such violation will be after the examinations the Judge Election Committee shall annul results of his/her examination.

3.16. Judge Selection Committee shall endorse the list of inadmissible actions and objects, which may not be brought to the written examination and include this information into the Memo of the Judicial Candidate.

3.17. With a view to ensure transparency of the examination, the Judge Selection Committee invites international, governmental and non-governmental organizations, as well as, media representatives to observe examinations. Organizations and media invited or applied for observing the examinations shall produce to the Judge Selection Committee the list of its representatives at least 7 days prior to the examination. The proposed representatives shall be accredited to the Committee.

3.18. Interference with the course of examination, distraction of candidates and abandonment of the examination venue by the observers shall not be admitted. Shall the observers commit such actions, the candidates may report thereof to the Examination Chief.

3.19. Written examination shall be arranged in stages by means of electronic calculating machine (computer) processing on multiple question paper and selecting the composition's themes under procedures provided by paragraphs 3.37 and 3.38 of the Rules.

3.20. Questions of the first stage of the written examination shall be prepared by the Judge Selection Committee with due respect to the principle of confidentiality. The Committee shall be entitled to involve specialists from legal and other fields in the process of formulation of questions. The number of questions in the compilation shall exceed the number of questions produced at the examination at least ten folds.

3.21. Examination paper of the written examination conducted by the means of electronic calculating machine (computer) shall be composed of one hundred questions. Examination shall last four hours.

3.22. Formulation of questions for the first stage of the written examination shall be completed at least three days prior to the examination. Judge Selection Committee shall review and approve the compilation of questions in private session and store it in the sealed envelop in the appropriate storage.

3.23. Judge Selection Committee shall prepare the confidential list of correct answers to the questions for the first stage of the written examination. Members of the Judge Selection Committee shall sign the list and store it in the separate sealed envelop in the special storage of the Committee.

3.24. Candidate shall be present in front of the examination building (the address shall be indicated on the Examination Pass), produce the Examination Pass and Identification Card to the Security Operative at the entrance and enter the building and take his/her place indicated in the Examination Pass. Only one candidate shall be seated at each desk.

3.25. Written examination shall be conducted in one chamber. If not possible, the examination process shall be broadcast (live) to other chambers in the random view profile in order to ensure transparency.

3.26. Questions for the first stage of the written examination shall be selected from the compilation of questions overtly just before the commencement of examination. To this end, envelop containing the compilation of questions shall be unsealed in the presence of observers and loaded into the electronic calculating machine (computer). Electronic calculating machine shall select one hundred questions from the general database according to the programmed software. The selected questions shall be multiplied on the spot. If not possible, the original sample shall be multiplied by the appropriate printing facility in the short period of time in front of the candidates according to their number. Multiplied copies shall be supplied to the Examination Chief for further circulation among the examinees. Shall the selection and 3 multiplication of questions be performed in one of the chambers, these procedures will be broadcast (live) to the other examination chambers.

3.27. When are selected distribution of to the candidates, Examination Chief, along with a supervisor and observer, shall unseal envelop with answer sheets, distribute the answer sheets and explain the rules of filling in. Then the questions are distributed.

3.28. The beginning time of examination shall be counted as of the moment distribution of questions.

3.29. Circled letter marking the correct answer on the answer sheet shall be filled in by with ballpoint black or dark blue pen. The spoilt answer

sheet shall not be replaced. In case if several answer circles under one question are filled in, that answer shall not be valid and contribute to the final result. The wrong answers to the questions shall not affect the correct answers. The person filling in the answer sheet shall sign it.

3.30. Candidate shall submit his/her answer sheet to the examination supervisor at the end of the examination and leave the chamber.

3.31. Fulfillment of examination shall be attested by the protocol at the end of the examination. Supervisors and two candidates shall sign the protocol. The protocol and answer sheets shall be placed in envelop and sealed and submitted to the Examination Head. Examination Chief shall submit the sealed envelop to the President of the Judge Selection Committee.

3.32. Judge Selection Committee shall check the answer sheets.

3.33. Checking of the multiple answer choice based answer sheets of written examination and calculation of points shall be conducted by means of electronic calculating machines (computers) operating in an autonomous mode though involvement of relevant specialists. To this end, sealed answer sheets and the list of correct answers to the examination questions shall be provided to the specialists.

3.34. Each correct answer shall be appraised by 1 point (100 possible points in total). Wrong and blank answers shall be appraised by 0 point.

3.35. Upon completion of the answer sheets checking, the results of the examination along with the answer sheets shall be submitted to the Judge Selection Committee.

3.36. Candidates to have collected sixty or more points at the First Stage of the Written Examination shall be admitted to the Second Stage of the Written Examination. The list of the candidates admitted to the Second Stage of the Written Examination shall be published in media and internet.

3.37. Judicial-Legal Council shall summon in Session to fix the number of composition's themes to be submitted by the Judge Selection Committee and thereby launch the Second Stage of the Written Examination. There shall be even number of composition's themes covering criminal, criminal procedural, civil and civil procedural legislation in equal shares. After the Session of the Judicial-Legal Council, one of the Council members shall immediately announce the decision at the Session of the Judge-Selection Committee to take place in the vicinity of the Examination Chamber. (Session of the Committee shall take place in the vicinity of the Chamber where the composition's themes be selected, in case if there are more than one examination chamber) Afterwards in the same session, the Committee Members shall prepare, within two hours, the composition's themes in number fixed by the Judicial-Legal Council. These composition's themes shall be approved by the Committee Decision passed unanimously.

3.38. Members of the Judge Selection Committee shall take the approved composition's themes to the Examination Chamber and shall not contact with outsiders. At this point, the composition's themes shall be differentiated into criminal law and civil law fields. One of the candidates shall pick one random composition's theme from each field. The selected composition's themes shall be announced and the candidates are given four hours to working. Shall the Examination be conducted in several chambers, the process of selection and announcement of composition's themes shall be broadcast (live) to the other examination chambers. During working on composition's theme, the candidate shall demonstrate the ability to relate the content of the appropriate legislation as complete as possible and to explain it, as well as, to express the concept of the legislation in question. Explanations about way of working on composition's themes and issues which will be taken into account during evaluation of compositions are reflected in the Memo of the Judicial Candidate. Written examination works shall undergo "double check" by the members of the Judge Selection Committee and invited specialists. Final result shall be arrived at by having the aggregate results of both stages of the examinations.

3.39. Each composition's theme at the Second Stage of the Written Examination shall be appraised by one hundred points. Each candidate gaining sixty or more points for each composition's theme shall be considered to have passed this stage of the Written Examination.

3.40. Written Examination results shall be published in media and posted in the Internet.

3.41. Each candidate shall be entitled to be issued feed-back report on his/her demand.

3.42. Judges Selection Committee provides keeping of relevant documents regarding the selection process according to period identified with legislation.

3.43. Discontent candidate shall be entitled to appeal to the Judge Selection Committee for elucidation of the conflict issue within five days after announcement of the result. The issue shall be review in the presence of appellant. This provision shall operate without prejudice to the candidate's general right to appeal.

3.44. If the answer sheet was evaluated correctly, the substantiated response should be made to the appellant. If the points were miscalculated, re-calculation shall be conducted.

3.45. Appeals against the decision of the Judge Selection Committee can be submitted to Judicial-Legal Council within 10 days after submission of that decision. Judicial-Legal Council shall review the appeals in order provided by the Judicial-Legal Council Act.

3.46. Staff of the Judicial-Legal Council Establishment shall inform the candidates about the Oral Examination five days in advance. Candidates shall be informed about the venue, date and time of the examination.

3.47. Questions in the legal area, as well as, those revealing candidates' abilities of logical reasoning, their general outlook and level of knowledge shall be posed to the candidates in the course of the Oral Examination.

3.48. Oral Examination shall be conducted through overt individual conversation with the candidate, which shall last up to thirty minutes, as a rule. Each candidate shall be asked five questions during the Oral Examination.

3.49. Members of the Judge Selection Committee shall be entitled to discuss answers of the candidate.

3.50. Committee Members shall record the questions posed to candidate and his/her answers in the points chart, appraise and report to the President of the Judge Selection Committee.

3.51. Answers of the candidates shall be appraised by maximum twenty points for each question, allowing each candidate to gain maximum one hundred points. Each candidate gaining sixty or more points shall be considered to have passed the Oral Examination.

3.52. The person coming to observe oral examination shall take with him/her identification card. Candidate that has already taken examination shall be entitled to participate as an observer of the Oral Examination. Any interference with the examination shall be inadmissible.

4. Training stage and final interview

4.1. Those candidates who successfully passed written and oral examinations shall move on to the initial long-term training course at the Legal Training Centre under the Ministry of Justice. Judge Selection Committee shall fix the term of the training course.

4.2. List of those candidates who successfully passed examinations and moved on to the initial long-term training course shall be published in media and posted in the Internet.

4.3 Judge Selection Committee and the Legal Training Centre under the Ministry of Justice shall draw the curriculum of the training course. Judicial-Legal Council shall endorse the curriculum and the Judge Selection Committee shall approve it.

4.4. Legal Training Centre shall report to the Judge Selection Committee the results of the training stage (degree of success, participation, conduct).

4.5. At the end of the training, each candidate shall take written and oral examinations. These examinations shall reveal the abilities of

candidates to analyze legislation, issue written comments on the certain legislative provisions or draft court decision on legal case.

4.6. Judge Selection Committee, in conjunction with the Training institution, shall conduct examinations at the end of the training. Committee shall be entitled to involve legal specialists to this activity. Final interview with the candidates who passed examinations on final education shall be held by the Judge Election Committee. It shall be held in order to determine the candidates to be master the features which are necessary in judge activity.

4.7. Each examination at the end of the training shall be appraised by maximum one hundred points. Each candidate gaining sixty or more points at each examination shall be considered to have passed successfully the Training Stage.

4.8. Judge Selection Committee shall conduct the Final Interview with those candidates who successfully passed examinations at the end of the training. Final Interview shall be conducted in order to reveal acquirement of judge qualities.

4.9. Final interview shall be conducted individually and last up to one hour. Ten questions shall be asked to each candidate. Each member of the Judge Selection Committee shall be entitled to ask only one question.

4.10. Members of the Judge Selection Committee shall be entitled to discuss answers of the candidate.

4.11. Committee Members shall record and appraise the questions posed to candidate and his/her answers in the points chart. Final results of the Final Interview shall be reported to the President of the Judge Selection Committee.

4.12. Answers of the candidates shall be appraised by maximum ten points for each question, allowing each candidate to gain maximum one hundred points. Each candidate gaining sixty or more points for each question shall be considered to have passed the Final Interview.

4.13. Judge Selection Committee shall evaluate candidates who successfully passed the Final Interview.

4.14. Aggregate points of the examinations at the end of the training and the Final Interview shall constitute the evaluation mark of candidate.

4.15. Judge Selection Committee shall placed in the list according to the evaluation mark.

5. Classification of candidates and submission of proposals on their appointment to judicial posts

5.1. Judge Selection Committee shall draw up opinion (comments) on the aptitude of candidates to judicial posts at the relevant courts (of general

and specialized jurisdiction) based on the results of the Training Stage and Final Interview.

5.2. Judge Selection Committee shall submit proposals to the Judicial-Legal Council about the candidates selected to the judicial posts.

5.3. Proposal about a candidate shall include the following information:

5.3.1. Name, patronymic and surname;

5.3.2. Curriculum vitae and reference;

5.3.3. Results of the initial training and the Final Interview;

5.3.4. Information on the aptitude to the judicial post, including opinion (comments) on specialization.

5.4. Judicial-Legal Council shall consider the proposals of the Judge Selection Committee about the candidates selected to the judicial posts. Judicial-Legal Council shall review the selection of the candidates as to its compliance with the requirements of the legislation and the present Rules as well as have conversation with candidates.

5.5. Judicial-Legal Council shall refer the candidates to specialization fields according to the results of the Conversation and opinion (comments) of the Judge Selection Committee. Judicial-Legal Council shall propose President of the Republic of Azerbaijan their appointment to vacant judicial posts.

5.6. Motion for appointment to vacant judicial posts shall include the following information about the candidate:

5.6.1. Name, surname, patronymic name;

5.6.2. Curriculum vitae and reference;

5.6.3. Results of the initial training and the Final Interview;

5.6.4. Information on the aptitude to the judicial post, including opinion (comments) on specialization;

5.6.5. Position proposed for appointment.

5.7. Judicial-Legal Council may propose the recruitment of the candidates who graduated from the training course and successfully passed the Final Interview but were not proposed due to the lack of vacancy, to the administrative posts in the justice bodies and prosecutor's office employee in the respective institutions. Appointment of these candidates to the emerging judicial vacancies shall be performed according to paragraphs 5.4-5.6 of the present Rules.

PRE-EXAMINATION DUTIES OF JUDGE CANDIDATES

1. You must come to the examination venue at least one hour before the examination start time (address is indicated on examination pass card), and must bring with yourself ball-point pen with black or dark blue ink and the following documents:

- a) ID card;
- b) examination pass card.

In absence of any of abovementioned documents, you'll not be allowed to take part in the examination.

2. Be cautious with the examination pass card. It's forbidden to fold, wrap, damage or make any amendments on this document. If you lose or make it unusable you'll not be provided with a new pass card.

3. It is prohibited to write the candidate's name, surname and other information revealing the candidate's identity on the pass card. Candidates violating this rule will be removed from the examination.

4. You should enter the examination venue by showing the mentioned documents to security officer checking the documents in front of the door and have a sit in the auditorium indicated on the pass card. Only one candidate should sit behind each desk.

FIRST PHASE OF THE WRITTEN EXAMINATION

The examination will be held in the same auditorium for all judge candidates.

After sitting at the place indicated in the pass card the candidate should listen to explanations of the controller, and if doesn't understand something should ask the controller.

After the explanation is finished, the questions of the first phase of the written examination will be selected from question database in the examination auditorium with participation of candidates right before the examination starts. For this purpose the envelope containing e-version of the questions will be opened with participation of the observers and will be entered into the computer located in the examination auditorium. The computer will automatically select 100 questions from the question database proportionate to different fields of law in accordance with the special software.

One candidate randomly chosen by the Representatives of international organizations and NGOs invited as observers conducts selection process of the questions. Observers, randomly chosen two candidates and two members of JSC observe the selection process of the questions.

Selected questions are reproduced in different variants in accordance with the number of the candidates in presence of the candidates and the observers within a short time by rapid copy machines and are given to the examination supervisor.

Afterwards the examination supervisor together with the controllers and observers unseals the envelope containing answer sheets, delivers the answer sheets to the candidates and explains how to fill in those sheets.

After the answer sheets, question papers will be delivered to the candidates. Before delivering the question papers it's announced that all question papers should be put on desks upside down and should be turned only after start of the examination in order to ensure that each candidate has equal time for the examination.

Question papers will be delivered to the candidates by the controllers. After the question papers are delivered to all candidates the examination starts and its ending time is announced. The examination lasts 4 hours. There will be no breaks during the examination.

Attention!

Answer sheet (see the sample) must be filled with a ball-point pen with black or dark-blue ink. The data on answer sheet will be read by optical reading devices. Thus, you should be careful when filling the answer sheet. Fill the circles wholly; do not press the pen hard. It's forbidden to rumple, stain, damage and tear the answer sheet.

Spoiled answer sheet will not be renewed!

Write personal code in the 1st item of answer card. Verify the code with the code shown in Pass Card.

Read declaration written in the 1st item of answer card, neatly and legibly fill in surname, name and patronymic in relevant section and affirm with your signature to obey issues that shown there.

By sequentially writing boxes with each number of personal code and by finding the relevant numbers in circle that under boxes fill in it. Be attentive, because only one circle in each row must be filled in.

Read all shown answers given for each question in question paper. Only one answer is correct. Choose the answer you consider as correct. In the answer sheet fill in the same letter which you find correct in question card. Be cautious while filling in answers. If you fill in two or more circles answer will be considered wrong. Wrong answers will not affect the correct answers negatively.

Free spaces in question paper are provided for making notes. Therefore usage of additional paper is forbidden (The notes that have been made in question papers have no legal effect).

When the examination is finished, it's announced that the candidates must stop filling in the answer sheets; groups formed from one member of the Judge Selection Committee and one international observer collect answer sheets. Each group controls whether candidates have signed answer sheets and there is stamp of the Judge Selection Committee on backside of the sheets.

If candidate will leave the examination for some reason or other, he/she submits answer sheet in a manner shown above and leaves the examination venue accompanied by a controller.

He/she can't return to examination venue anymore.

Answers are checked at the examination venue till the end of the examination. The answers are checked automatically by optical reading device.

Results of examination are announced in examination venue, published in press and placed on internet.

THE FOLLOWING ARE PROHIBITED FOR JUDGE CANDIDATES:

To use and take with him/her mobile phone, pager and other communication devices, calculator and other technical devices, summary, literature, information handbooks, bag, briefcase.

To leave and return to examination venue for some reason or other;

To violate examination rules;

To walk during the examination, to change place or to profit from others' assistance, to assist anyone and to impede the examination process;

To look at answer sheets of other candidates in written examination or to allow other candidates to copy his/her answers.

In case such circumstances occur the candidate will be removed from examination and his/her results will be annulled.

Violation or falsification (submitting of forged documents, copying, send other person instead of himself/herself and acts against the Rules) of selection rules of judge candidates and any condition of this Memo book by the candidate will be a ground for annulment of his/her examination results and will lead to application of relevant measures against him/her.

If you face with any violation of rules during examination, apply to the controller without fail. If controller would not take any measures, you can demand presence of the supervisor of the examination or representative of the Judicial Legal Council.

Wish you success and good luck!

Test examples

According to Civil Procedure Code, which judicial act must be given by judge in abandonment of claim by claimant, in confession of an action by appellee and affirming of the truce agreement by parties?

- a) *court ruling in abandonment of claim and in confession of an action by appellee, judgment in affirming of the truce agreement by parties*
- b) *judgment in every situation*
- c) *court ruling in every situation*
- d) *court ruling in abandonment of claim and affirming of the truce agreement by parties, judgment in confession of an action by appellee*

Court sentenced Ahmed to 3 years imprisonment on charges of robbery. After a year of punishment, he fights with Samed and inflicted to him minor bodily harm. Court sentenced Him to 1-year imprisonment on charges of the crime, by partly combining this punishment with unpunished part of previous punishment, the court awarded Him to a year and 6 months imprisonment. Is this part of the final sentence correct?

- a) *is lawful, thanks to calculation of term of the punishment*
- b) *is unlawful, thanks to incorrect calculation of term of the punishment*
- c) *is unlawful, thanks to combining the punishments fully*
- d) *is lawful, thanks to His term of being in punishment is 1/3*

Since what time the administrative detention of drunken man is counted?

- a) *since time of administrative detention*
- b) *since time of bringing for compiling protocol*
- c) *since sober*
- d) *since compiling of protocol of detention*

Examples of written examination

1. Ahmed inflicted to Mammad grievous bodily harm in territory of Shemkir district. After Mammad's complaint due to his prominent personality, prosecution was brought against Ahmed by the Ministry of National Security of Azerbaijan Republic according to article 126.1 of Criminal Code (inflict bodily harm not in aggravating circumstances). After 36 hours of his detention by prosecution as suspect, he had been charged with that article and an arrest selected as preventive punishment by Prosecutor against him.

The case was investigated till 4 months. Within investigation the Victim entered into a contract with court expert on getting opinion about bodily harm he inflicted.

After summarizing investigation, the case documents were sent to Shemkir District Court. Court sentenced Him to 6 years imprisonment on charges of the crime.

Please, analyze substantiation of the case issues from focus of the Criminal Procedure Code and its legality too.

2. RabitaBank gave credit in sum of \$ 2000 to Ali Hasanov who is entrepreneur and Zahid Mammadov gave written warrant on repayment of Ali Hasanov's debt. Later the Bank recollects the credit contract, but after expiry of the term of claim of payment. Nevertheless, the Bank had known Ali Hasanov's insolvency, so claimed debts against the Warrantor.

Can the Warrantor refuse against repayment of debts due to expiry of the term of the claim?

Please, analyze substantiation of the case issues from focus of the Civil Procedure Code and its legality too.