

**On approval of the regulation provided by the Constitutional law of the Republic of Kazakhstan "On Judicial System and Status of Judges of the Republic of Kazakhstan"**

*Unofficial translation*

Decree of the President of the Republic of Kazakhstan dated June 26, 2001 N 643.

*Unofficial translation*

Under paragraph 8 of Article 29, paragraph 3 of Article 30-1 and paragraph 4 of Article 38-1 of the Constitutional Law of the Republic of Kazakhstan “On Judicial System and Status of Judges of the Republic of Kazakhstan”, I hereby resolve as follows:

**Footnote. The Preamble - as reworded by Decree of the President of the Republic of Kazakhstan No. 804 of 07.02.2022 (shall be enacted from the date of its first official publication).**

1. To approve the attached:

1) Regulation on passing an internship by a candidate for a judge;

1-1) Regulation on the Judicial jury.

**2) is excluded by the Decree of the President of the Republic of Kazakhstan dated 18.05.2012 No. 329.**

**3) is excluded by the Decree of the President of the Republic of Kazakhstan dated 01.04.2011 No. 1177.**

**4) is excluded by the Decree of the President of the Republic of Kazakhstan dated 28.08.2017 No. 535 (shall be enforced from the date of its first official publication).**

5) Regulation on the Commission for the quality of justice under the Supreme Court of the Republic of Kazakhstan.

**Footnote. Paragraph 1 as amended by the decrees of the President of the Republic of Kazakhstan dated 27.02.2007 No. 292; dated 01.04.2011 No. 1177; dated 18.05.2012 No. 329 ; dated 28.08.2017 No. 535 (shall be enforced from the date of its first official publication); dated 05.04.2019 No. 16 (shall be enforced from the date of its first official publication).**

2. To recognize as invalid:

1) The Decree of the President of the Republic of Kazakhstan dated May 24, 1996 N 3004 "On approval of the Regulation on certification of judges of the courts of the Republic of Kazakhstan" (CAPG of the Republic of Kazakhstan, 1996, N 22, Article 189);

2) The Decree of the President of the Republic of Kazakhstan dated October 15, 1997 N 3677 "On approval of the Regulation on qualification classes of judges of the courts of the Republic of Kazakhstan" (CAPG of the Republic of Kazakhstan, 1997, N 45, Article 412);

3) The Decree of the President of the Republic of Kazakhstan dated November 12, 1997 N 3746 "On approval of the Regulation on disciplinary collegiums of the Supreme Court of

the Republic of Kazakhstan, regional and equated to them disciplinary collegiums" (CAPG of the Republic of Kazakhstan, 1997, N 49, Article 453).

3. This Decree shall be enforced from the date of signing.

*President*

*of the Republic of Kazakhstan*

APPROVED  
by the decree of the  
President of the  
Republic of Kazakhstan  
dated June 26, 2001 No. 643

## **REGULATION on passing an internship by a candidate for a judge**

**Footnote. The regulation is in the wording of the Decree of the President of the Republic of Kazakhstan dated 05.04.2019 No. 16 (shall be enforced from the date of its first official publication).**

### **1. General provisions**

1. This Regulation in accordance with the Constitutional law of the Republic of Kazakhstan dated December 25, 2000 "On Judicial System and Status of Judges of the Republic of Kazakhstan" (hereinafter – the Constitutional law) shall determine the conditions and procedure for passing an internship by a candidate for a judge.

2. The main tasks of passing an internship by a candidate for a judge shall be to study the specifics of work in local courts and acquire the necessary practical and organizational skills to work as a judge.

The internship shall be carried out in order to study the business, professional, and moral qualities of a candidate for a judge and determine the perspectives for performing judicial powers by him/her.

The internship of a candidate for a judge shall be carried out on a permanent basis with a break from the main place of work.

Candidates for judges may undergo an internship after receiving a recommendation from the Supreme Judicial Council on appointment to a vacant position.

During the internship period, a candidate for a judge shall be granted leave without pay in accordance with the procedure established by labor legislation.

During the internship period, a candidate for a judge shall be paid a fixed amount of salary in the amount of 70% of the official salary of a judge of a district court and equated to it court with work experience of up to one year.

**Footnote. Paragraph 2 is in the wording of the Decree of the President of the Republic of Kazakhstan dated 10.06.2023 No. 252 (shall be enforced from the date of its first official publication).**

3. For the persons who previously worked as permanent judges for at least five years and within four years from the date of dismissal, expressed a desire to re-take the position of a judge, the internship is not required.

Persons who have completed training at the Academy of Justice under the Supreme Judicial Council of the Republic of Kazakhstan (hereinafter - the Academy of Justice) shall not be required to undergo an internship for four years from the date of completion of training

**Footnote. Paragraph 3 as amended by the Decree of the President of the Republic of Kazakhstan dated 10.06.2023 No. 252 (shall be enforced from 15.07.2024).**

4. The internship period shall be eight months in a district and equated to it court (hereinafter - the district court), one month in a regional and equated to it court (hereinafter - the regional court).

The internship period for persons who have received a recommendation from the Supreme Judicial Council for appointment to a vacant position shall be six months, of which five months in a district court, one month in a regional court.

The internship period for persons with at least ten years of legal experience shall be six months, of which five months in a district court, one month in a regional court.

The internship period for persons who have received a recommendation from the Supreme Judicial Council for appointment to a vacant position and who have at least ten years of legal experience shall be three months, of which two months in a district court, one month in a regional court.

The internship period for persons with over fifteen years of legal experience shall be three months, of which two months in a district court, one month in a regional court.

The internship period for persons who have received a recommendation from the Supreme Judicial Council for appointment to a vacant position and have over fifteen years of legal experience shall be two months, of which one month in a district court, one month in a regional court.

The internship period for persons who are specialists in certain branches of law, the list of which, at the proposal of the Supreme Court, is approved by the Supreme Judicial Council, shall be one month in a regional court.

In case of temporary incapacity for the work of a candidate for a judge lasting more than two months, the internship shall be terminated by the head of the authorized state body in the field of judicial administration (hereinafter - the authorized body).

At the request of the candidate for a judge, the internship shall be terminated by the head of the authorized body before the expiration of the established period, except for the cases provided for in subparagraph 5) of paragraph 26 of these Regulations.

Subsequently, the candidate for a judge may be allowed to undergo an internship in the manner prescribed by these Regulations.

The authorized body shall send information about the termination of the internship of candidates who have received a recommendation for appointment to a vacant position to the Supreme Judicial Council within five working days from the date of the decision.

**Footnote. Paragraph 4 is in the wording of the Decree of the President of the Republic of Kazakhstan dated 10.06.2023 No. 252 (shall be enforced from the date of its first official publication).**

## **2. Requirements for a candidate for a judge**

5. A citizen of the Republic of Kazakhstan shall be allowed to pass an internship:

- 1) has reached the age of twenty-nine years;
- 2) having higher legal education, high moral qualities, impeccable reputation, experience in the legal profession for at least five years;
- 3) passed the qualification exam, the validity of which has not expired (including does not expire before the end of the proposed period of internship);
- 4) passed medical examination and confirmed absence of the diseases interfering the execution of professional duties of the judge.

## **3. The conditions and procedure of the internship**

6. The Office of the Supreme Judicial Council of the Republic of Kazakhstan shall send to the authorized body the lists of persons who have successfully passed the qualification exam for the position of judge and persons who have received a recommendation from the Supreme Judicial Council for appointment to a vacant position.

The Chairman of the Supreme Court of the Republic of Kazakhstan shall annually carry out the distribution of vacant places for internship in local courts, based on proposals from the head of the authorized body.

Internship places shall be distributed based on the number of judge vacancies predicted in the region, capital, and cities of republican significance, but not less than three places for each region, capital, and cities of republican significance.

Candidates for the position of judge shall be accepted for internships in accordance with the distribution of vacancies.

The internship shall be carried out in local courts in the territory of the region, the capital, and cities of republican significance, where the candidate for the position of a judge is registered at the place of residence. In the absence of vacancies for internships at the place of residence, the candidate shall have the right to apply for admission to the Commission for the selection of persons for internships (hereinafter - the Commission), subject to the availability of vacancies in another region, the capital and cities of republican significance.

Admission to internships for the persons who have received a recommendation from the Supreme Judicial Council for appointment to a vacant position shall be carried out regardless of the distribution of vacancies for internships.

An internship for a person who has received a recommendation from the Supreme Judicial Council shall be carried out in the court to which the recommendation for appointment to a vacant position was received, taking into account the requirements of paragraph 4 of these Regulations.

**Footnote. Paragraph 6 is in the wording of the Decree of the President of the Republic of Kazakhstan dated 10.06.2023 No. 252 (shall be enforced from the date of its first official publication).**

7. Acceptance of documents for the internship shall be carried out quarterly after the first day of the month of the next quarter.

An announcement about vacancies for internships in local courts shall be published by the authorized body on the Internet resources of the Supreme Court and the Supreme Judicial Council in the state and Russian languages at least fifteen calendar days before the start of accepting applications for admission to internships.

**Footnote. Paragraph 7 as amended by the Decree of the President of the Republic of Kazakhstan dated 10.06.2023 No. 252 (shall be enforced from the date of its first official publication).**

8. A person who has expressed a desire to undergo an internship shall apply to the Commission with an application for admission to an internship within fifteen calendar days from the date of publication of the announcement.

The following documents must be attached to the application:

- 1) personal form for personnel records;
- 2) autobiography;
- 3) copies of the diploma and diploma supplement;
- 4) a copy of the document confirming the passage of the qualification exam;
- 5) employee profile from the last place of work. If it is impossible to provide a reference for valid reasons, written explanations are provided;
- 6) a document confirming the passage of a medical examination confirming the absence of diseases, interfering the performance of professional duties of a judge, issued no later than one year before the date of the documents submission.

The documents specified in subparagraphs 1), 2), 3), 4), 5) of this paragraph shall be submitted by a person who has received a recommendation from the Supreme Judicial Council for appointment to a vacant position, at the request of the authorized body.

**Footnote. Paragraph 8 is in the wording of the Decree of the President of the Republic of Kazakhstan dated 10.06.2023 No. 252 (shall be enforced from the date of its first official publication).**

9. The authorized body shall request the information about the persons, who submitted applications for admission to pass an internship from the Committee on legal statistics and special accounts, within five working days from the date of termination of applications acceptance.

The information about the persons who have applied for admission to the internship, shall be published on the Internet resources of the Supreme Court and the Supreme Judicial Council from the date of termination of applications acceptance.

Upon receipt of information, characterizing business and moral qualities of persons who have applied for admission to the internship, their verification shall be carried out, the results of which shall be taken into account when considering the issues of admission to the internship and the results of the internship by the plenary session.

10. Selection of persons for the internship shall be carried out by the Commission, formed by the head of the authorized body from among the employees of the authorized body and the Staff of the Supreme Judicial Council.

The order of formation and organization of work of the Commission shall be determined by the head of the authorized body in coordination with the head of the Staff of the Supreme Judicial Council.

The decision on admission to internship of persons who have received a recommendation for appointment to a vacant position shall be made by the Commission after receiving a list of persons who have received a recommendation for appointment to a vacant position from the Supreme Judicial Council.

**Footnote. Paragraph 10 as amended by the Decree of the President of the Republic of Kazakhstan dated 10.06.2023 No. 252 (shall be enforced from the date of its first official publication).**

11. Based on the results of consideration of the person's application for admission to the internship, the Commission shall make one of the following decisions:

- 1) on admission of a person to the internship;
- 2) refusal of admission to the internship.

Information on the persons, admitted to the internship shall be sent to the regional courts and published on the Internet resources of the Supreme Court and the Supreme Judicial Council.

A person admitted to an internship must start the internship within seven working days after the information is published on Internet resources.

**Footnote. Paragraph 11 as amended by the Decree of the President of the Republic of Kazakhstan dated 10.06.2023 No. 252 (shall be enforced from the date of its first official publication).**

12. The Chairman of the regional court on the basis of subparagraph 1) of paragraph 11 of this Regulation for ensuring obligatory passing of internship on criminal, civil and

administrative specialization by the order shall determine the district court or in the presence of specialization-district courts.

The coordinator of internship-the judge of regional court (hereinafter - the coordinator of internship) to whom general coordination and control of passing an internship are assigned, shall be appointed by the order of the Chairman of regional court.

13. An internship agreement shall be concluded between the head of the authorized body, the candidate for a judge and his/her employer.

If the candidate for a judge is not in an employment relationship, the agreement on the internship shall be concluded between the head of the authorized body and the candidate for a judge.

The internship agreement must contain:

- 1) name of the parties;
- 2) the rights and obligations of the parties, including the obligation of a candidate for a judge in the period of validity of positive conclusion of the plenary meeting to participate in the competition for vacant positions of judges in the courts, in which he/she expressed a desire before passing an internship, and return of the spent public funds in case of refusal from participation in competitions for relevant vacant positions;
- 3) the place of internship;
- 4) conditions and procedure of passing an internship.

The model agreement on the internship shall be approved by the authorized body.

14. The candidate for a judge shall be refused in admission to the internship in the following cases:

- 1) recognition by the court as incapable or partially capable;
- 2) bringing within three years prior to the filing date of application for admission to passing an internship to disciplinary liability for misconduct, discrediting the public service, as well as dismissal for disciplinary misconduct, discrediting the public service;
- 3) imposing administrative sanction in a judicial proceeding for committing a corruption offense within three years prior to the date of filing an application for admission to passing an internship;
- 4) conviction of the court for committing a criminal offense or exemption from criminal liability for committing a criminal offense on the basis of paragraphs 3), 4), 9), 10) and 12) part one of Article 35 or Article 36 of the Criminal procedure code of the Republic of Kazakhstan within three years prior to the date of filing an application for admission to passing an internship;
- 5) criminal record;
- 6) exemption from criminal liability for committing a crime on the basis of paragraphs 3), 4), 9), 10) and 12) part one of Article 35 or Article 36 of the Criminal procedure code of the Republic of Kazakhstan;



7) dismissal for negative reasons from the position of a judge, from law enforcement agencies, special state bodies and courts, from military service, as well as in other cases provided by the laws of the Republic of Kazakhstan;

8) availability of reliable information, characterizing the moral and ethical appearance of the person from the negative side;

9) presence of the diseases impeding the performance of professional duties of a judge, by the results of medical examination;

10) non-submission of the documents provided by paragraph 8 of this Regulation, or submission of unreliable data;

11) non-compliance with other requirements for the candidates to judges established by the Constitutional law.

The Supreme Judicial Council shall check the candidates for compliance with the above requirements of this paragraph when making a recommendation for an appointment to a vacant position.

The Commission shall have the right to make a decision on refusal of admission to an internship if the meeting receives information, characterizing moral and ethical character of a person from a negative point of view.

When making a decision to refuse admission to an internship, the Commission shall send materials to the Supreme Judicial Council to consider the issue of canceling the recommendation to appoint a candidate to a vacant position.

**Footnote. Paragraph 14 as amended by the Decree of the President of the Republic of Kazakhstan dated 10.06.2023 No. 252 (shall be enforced from the date of its first official publication).**

15. Passing an internship includes the implementation by a candidate for a judge of activities included in the individual internship plan, drawn up in accordance with the Model program of internship of candidates for judges, approved by the Chairman of the Supreme Court of the Republic of Kazakhstan.

16. The individual plan shall be approved by the Chairman of the regional court in agreement with the Chairman of the relevant district court and by the coordinator of the internship.

The individual plan may be amended and supplemented in the future, and the candidate for a judge must be notified within three working days.

17. Upon arrival of a candidate for a judge in the district court, the Chairman of the court shall appoint from the judges the internship supervisor – the judge of the district court ( hereinafter – the internship supervisor) or in the presence of specialization within this court, the internship supervisors. A judge who has at least 5 years of experience as a judge shall be appointed the internship supervisor. In case of absence in this court of the judge complying with the specified requirement, the judge with less experience of judicial work can be appointed as the internship supervisor.



When passing an internship in the regional court, the Chairman of regional court shall appoint the internship supervisor from among the judges of regional court.

The internship supervisor shall:

- 1) determine the required amount of work;
- 2) render assistance to the candidate for a judge in improving the level of professional knowledge and acquiring practical skills;
- 3) ensure the implementation of an individual internship plan.

18. The candidate for a judge during the internship in the court shall perform the following functions as a consultant (assistant) of a judge:

- 1) carries out search for legal information, compilation of regulatory legal acts, materials of judicial practice necessary for a judge to exercise his/her powers;
- 2) prepares information on the cases in the proceedings of a judge;
- 3) carries out actions on preparation of cases for trial;
- 4) prepares drafts of procedural documents;
- 5) participates in the study of applications (claims) received for consideration by the judge in the framework of civil proceedings, cases (materials), complaints in the framework of criminal proceedings, cases of administrative offenses and complaints on them;
- 6) makes proposals to the judge on commission of actions provided by the procedural legislation of the Republic of Kazakhstan;
- 7) carries out monitoring of compliance with the procedural deadlines for consideration of cases;
- 8) prepares draft responses to the appeals and requests in cases pending before a judge;
- 9) other functions arising from the tasks of internship.

19. In case of non-compliance with the internship agreement, as well as in the cases provided by paragraph 26 of this Regulation, the internship coordinator independently or on the basis of presentation of the internship supervisor prematurely introduces for consideration of the plenary session a presentation on giving a negative conclusion about the results of internship.

20. After completion of the internship in district courts and following the results of the internship, the candidate for a judge shall draw up a written report, which should reflect information on implementation of his/her individual plan and tasks of the internship supervisor. The written report must be attached by the drafts of procedural documents drawn up by the candidate for a judge during the internship.

The written report of the candidate for a judge shall be considered by the internship coordinator.

According to the results of internship, the internship supervisors shall make reviews on the candidate for a judge. The reviews shall be approved by the chairmen of the courts in which the internship was carried out. The review should contain information about practical skills and knowledge obtained by the candidate for a judge, the quality of making drafts of

procedural documents, the degree of preparation for implementation of the duties of a judge, compliance with labor and performance discipline, business and moral qualities of the candidate for a judge.

The review on the candidate for a judge, the individual internship plan with the results of its implementation and a written report of the candidate for a judge about the results of an internship shall be submitted by the internship supervisors for consideration by the internship coordinator.

Based on the results of internship and the results of their consideration, the internship coordinator shall make presentation based on the results of all stages of the internship within fifteen calendar days, which, together with other internship materials shall be submitted for consideration by the plenary session of the regional court.

#### **4. Consideration of internship results**

21. The plenary session will consider the results of internship no later than one month after making the submission by the internship coordinator with hearing a report of a candidate for a judge.

22. Based on the results of consideration of the internship results of the candidate for a judge, the plenary session shall give the positive or negative conclusion on the internship results, which is accepted by the majority of votes and signed by the Chairman.

23. In the conclusion of the plenary session on the internship results the following information shall be indicated:

- 1) date and place of conclusion;
- 2) surname, name and patronymic of the internship coordinator, who made a presentation in respect of the candidate for a judge;
- 3) surname, name and patronymic, date of birth, place of residence, place of work for the period of internship of the candidate for a judge;
- 4) names of courts and period of internship;
- 5) surname, name and patronymic of the internship supervisors;
- 6) a brief description of the amount of work performed during the internship;
- 7) characteristics of the level of internship, manifested qualities and other characteristics of the candidate for a judge;
- 8) conclusion on suitability for work as a judge on professional, individual psychological and moral qualities;
- 9) voting results of the plenary session;
- 10) signature of the Chairman of the regional court.

24. The conclusion of the plenary session on the results of internship of the candidate for the position of judge shall be sent by the regional court to the Supreme Judicial Council of the Republic of Kazakhstan.

25. The positive conclusion of the plenary session on the results of internship is valid for four years.

26. A negative conclusion on the results of internship shall be given to the candidate for a judge by the plenary session in the following cases:

1) non-compliance with the requirements for candidates for judges established by the Constitutional law;

2) committing a defamatory offense;

3) availability of information negatively characterizing the moral and ethical appearance of the candidate for a judge;

4) failure to fulfill obligations to comply with the requirements of the internship agreement;

5) presence of the diseases impeding execution of professional duties of a judge by the results of medical examination;

6) dismissal on negative reasons from the position of a judge, from law enforcement agencies, special state bodies and courts, from military service, as well as in other cases provided by the laws of the Republic of Kazakhstan.

27. In case of receiving a negative conclusion on the results of the internship, the candidate for judge shall be allowed to undergo a second internship no earlier than one year from the date of receipt.

If a negative conclusion on the results of the internship is received on the grounds provided for in subparagraph 5) of paragraph 26 of these Regulations, the candidate for judge shall not be allowed to undergo a second internship, except in cases of subsequent confirmation based on the results of a medical examination on the absence of diseases interfering the performance of professional duties of a judge.

**Footnote. Paragraph 27 is in the wording of the Decree of the President of the Republic of Kazakhstan dated 10.06.2023 No. 252 (shall be enforced from the date of its first official publication).**

APPROVED  
by the Decree of the  
President of the  
Republic of Kazakhstan  
dated June 26, 2001 No. 643

**Footnote. The Decree is supplemented by the regulation on the Judicial jury in accordance with the Decree of the President of the Republic of Kazakhstan dated 27.02.2007 No. 292; is in the wording of the Decree of the President of the Republic of Kazakhstan dated 17.04.2019 No. 25 (shall be enforced from 28.04.2019).**

## **REGULATION**

### **about the Judicial jury**

#### **1. General provisions**

1. This Regulation on the Judicial jury (hereinafter – the Regulation) is developed in accordance with the Constitution of the Republic of Kazakhstan, the Constitutional law of the Republic of Kazakhstan "On Judicial System and Status of Judges of the Republic of Kazakhstan" (hereinafter – the Constitutional law), the Law of the Republic of Kazakhstan "On the Supreme Judicial Council of the Republic of Kazakhstan" (hereinafter – the Law) and shall determine the procedure for formation and organization of work of the Judicial jury.

2. The Judicial jury is formed to consider disciplinary cases against judges.

3. In their activities, members of the Judicial jury are independent and guided only by the Constitution of the Republic of Kazakhstan, the Constitutional law, the Law and this Regulation.

4. Interference in the activities of the Judicial jury and influencing its members shall not be allowed. A member of the Judicial jury shall not have the right to give any information on the materials in his/her proceedings, decisions taken.

## **2. The procedure for formation of the Judicial jury**

5. The Judicial jury consists of six judges, ensuring representation of judges of all levels in the Judicial jury.

The Judicial jury also includes two representatives of the public and one member of the Supreme Judicial Council from the judges, who having the right of advisory vote.

The judges shall be appointed to the Judicial jury on the recommendation of the extended plenary session of the Supreme Court in accordance with paragraph 2-1 of Article 22 of the Constitutional law, and a member of the Supreme Judicial Council from judges and representatives of the public – by the Supreme Judicial Council, for a term of three years.

The candidate who receives the largest number of votes of the extended plenary session by open or secret ballot shall be considered elected.

6. In addition to the main members, a reserve member of the Judicial jury shall be elected from the judges to the Judicial jury.

A reserve member of the Judicial jury shall proceed to execution of the duties of a member of the Judicial jury in the case of removal or self-withdrawal of members of the Judicial jury, resulting in the absence of a quorum, as well as in the case of retirement of a member of the Judicial jury and shall perform the duties of the member of the Judicial jury on the remaining term of office.

If upon the retirement of a member of the Judicial jury, the reserve of reserve members is exhausted, by-elections shall be held for the remaining term in accordance with the procedure established by the Constitutional law.

The composition of the Judicial jury and the candidacy of the reserve member shall be approved by the Supreme Judicial Council.

The Supreme Judicial Council shall have the right, by a reasoned decision, to reject the candidacies for the composition of the Judicial jury and reserve members recommended by the extended plenary session of the Supreme Court of the Republic of Kazakhstan.

7. The persons, recommended to the Judicial jury from the judges, as well as reserve judges, must have high professional qualities, impeccable reputation, integrity, enjoy the authority of the judicial community and have experience as a judge for at least ten years.

The persons recommended to the Jury from representatives of the public must have high professional qualities, impeccable reputation, integrity and have experience in the legal profession for at least ten years.

8. The Chairman and chairmen of the judicial boards of the Supreme Court of the Republic of Kazakhstan, chairmen and chairs of the judicial boards of region and equivalent courts (hereinafter - region courts), judges - members of the Commission on Judicial Ethics, Commission on Quality of Justice under the Supreme Court, Commission on Personnel Reserve under the Supreme Judicial Council may not be elected as members of the Judicial Jury.

**Footnote. Paragraph 8 as reworded by Decree of the President of the Republic of Kazakhstan No. 804 of 07.02.2022 (shall be promulgated from the date of its first official publication).**

9. The chairman of the Judicial jury shall be elected by a majority vote from the judges at the organizational meeting of the Judicial jury.

The person elected by the chairman of the Judicial jury, by the order of the Chairman of the Supreme Court shall be released from performance of official duties on the main place of work for the period of presiding in the Judicial jury.

The employee of the Apparatus of the Supreme Judicial Council shall be appointed as secretary of the Judicial jury.

10. The chairman of the Judicial jury shall:

- 1) provide general guidance to the Judicial jury;
- 2) convene the sessions of the Judicial jury and preside over them;
- 3) determine the issues submitted for consideration at the sessions of the Judicial jury, and approve the agenda;
- 4) sign the decisions and minutes of the Judicial jury;
- 5) create the commission and have the right to instruct the members of the Judicial jury to conduct inspections with departure to the place of appeal or commission of a disciplinary offense;
- 6) organize the analysis and generalization of the work practice of the Judicial jury;
- 7) submit information on the completed work of the Judicial jury to the Supreme Judicial Council;
- 8) represent the Judicial jury in relations with state, public and other bodies, organizations and officials;

9) exercise other powers established by the Constitutional law.

11. In case of temporary absence of the chairman of the Judicial jury on his behalf, the duties of the chairman shall be performed by one of the members of the Judicial jury, from the judges.

12. Sessions of the Judicial jury shall be held as necessary, shall be competent in the presence of at least two-thirds of the composition of the members of the Judicial jury.

During the sessions of the Judicial jury its members in accordance with the legislation of the Republic of Kazakhstan shall be sent to the place of the meeting and released from other duties.

The Judicial jury shall report to the Supreme Judicial Council.

13. The Judicial jury shall have the right to hold meetings and inspections with visits to the relevant regions.

14. The grounds for exemption from the duties of a member of the Judicial jury shall be:

1) dismissal of a judge, a member of the Supreme Judicial Council, a member of the Judicial jury from office, suspension of powers of a judge who is a member of the Judicial jury;

2) commission of a defamatory offense by a member of the Judicial jury;

3) expiration of the term for which a member of the Judicial jury was elected;

4) a statement of their own will.

A member of the Judicial jury shall be relieved of his duties by the decision of the Supreme Judicial Council.

### **3. The procedure for consideration of disciplinary cases against judges**

15. The judges may be brought to disciplinary responsibility only on the grounds provided by the Constitutional law.

16. A judge may be brought to disciplinary responsibility for committing a disciplinary offence.

A disciplinary offense is a guilty act (inaction) in the performance of official duties or in non-judicial activities, as a result of which the provisions of the Constitutional law and (or) the code of judicial ethics were violated, which led to the diminution of the authority of the judiciary and damage to the reputation of the judge.

17. A judge may be brought to disciplinary responsibility for:

1) gross violation of the legality in court cases;

2) committing a defamatory misconduct contrary to judicial ethics.

18. Chairmen of courts and chairmen of judicial collegiums of courts can be brought to disciplinary responsibility for improper performance of official duties provided by the Constitutional law.



19. A judicial error, as well as cancellation or amendment of the judicial act by itself does not entail responsibility of the judge unless there had been gross violations of the law as indicated in a judicial act of a higher court.

The fact of gross violation of the law must be established by a higher court, which canceled or changed the court decision on this basis, and must be reflected in the judicial act.

A judicial error is recognized as an act that led to a wrong interpretation and application of the norms of substantive or procedural law, not related to the guilty actions of a judge.

20. Every judge must be aware that he is the bearer of judicial power, be faithful to the judicial oath, cherish judicial honor, be incorruptible and independent and build their behavior in the service and in personal life in strict accordance with the Code of judicial ethics.

21. The grounds for consideration by the Judicial jury of materials in respect of the judge shall be:

- 1) decisions of plenary sessions of regional courts and the Supreme Court;
- 2) decisions of commissions on judicial ethics.

22. In accordance with the Constitutional law, one of the grounds for consideration by the Judicial jury of materials against a judge shall be the submission of the Chairman of the Supreme Court of the Republic of Kazakhstan.

The Chairman of the Supreme Court shall have the right to make a submission to the Judicial jury in respect of any judge of the Republic of Kazakhstan.

23. The collection of materials in the framework of disciplinary proceedings, its completeness and objectivity in relation to a judge, chairman of district court, judges of the regional court shall be assigned to the personnel department of the court administrators of the republic.

Gathering materials in disciplinary proceedings, their comprehensiveness and objectivity with regard to the chairman of the judicial board, the chairman of the regional court, the judge, the chairman of the judicial board of the Supreme Court shall be the responsibility of the human resources management department (personnel service) of the Judicial Administration of the Republic of Kazakhstan.

**Footnote. Paragraph 23 as amended by Decree of the President of the Republic of Kazakhstan No. 106 of 19.01.2023.**

24. The ground for consideration by the Judicial jury of materials in relation to the judge shall also be information and the facts contained in publications of the mass media, appeals of legal entities and individuals confirmed by the results of inspections.

Carrying out inspections in relation to the judge, the chairman of district court, the judge of regional court shall be assigned to the regional court and the commission on judicial ethics.

Conducting inspections in relation to the chairman of judicial collegium, the chairman of the regional court, the judge, the chairman of judicial collegiums of the Supreme Court, shall be assigned to the Supreme Court and the Commission on judicial ethics.

24-1. The issue of referral to the Judicial Jury of materials against a judge for grossly violating the legitimacy of the trial shall be submitted for discussion at a plenary session of the Regional Court or the Supreme Court within three months of the discovery of the disciplinary offence, not including the time the judge was absent from work for good cause, but no later than one month prior to the expiry of the time limits for initiating disciplinary proceedings foreseen by paragraph 1 of Article 42 of the Constitutional Law.

The referral to the Judicial Jury of materials against a judge for a misdemeanour contrary to judicial ethics shall be submitted to the Judicial Ethics Commission for discussion pursuant to the procedure and within the time limits prescribed by the regulation on the Judicial Ethics Commission, but no later than one month prior to the expiration of the time limits for initiating disciplinary proceedings stipulated by paragraph 1 of Article 42 of the Constitutional Law.

The issue of referral to the Judicial Jury of materials against the chairman of a court or the chairman of a judicial board of a court for improper performance of official duties shall be brought before a plenary session of a regional court or the Supreme Court within three months from the date of the relevant report on the results of the office inspection, not including the time of absence for good cause, but no later than one month before the expiry of the time limits for initiating disciplinary proceedings provided by paragraph 1 of Article 42 of the Constitutional Court.

Materials against a judge must be sent to the Judicial Jury within one month of the decision of the plenary session of the regional court, the Supreme Court or of the Judicial Ethics Commission, but no later than fifteen calendar days prior to the deadline for initiating disciplinary proceedings stipulated in paragraph 1 of Article 42 of the Constitutional Law.

**Footnote. The Regulation as supplemented by paragraph 24-1 under Decree of the President of the Republic of Kazakhstan No. 804 dated 07.02.2022 (shall become effective on the date of its first official publication).**

**25. Collection of information for assessing the professional activity of a judge shall be carried out by a structural unit of the authorized state body in the field of judicial administration (hereinafter - the authorized body), which ensures the activities of the Commission.**

**Footnote. Paragraph 25 is in the wording of the Decree of the President of the Republic of Kazakhstan dated 10.06.2023 No. 252 (shall be enforced from the date of its first official publication).**

25-1. Disciplinary cases and files may be consolidated in one disciplinary proceeding for similar disciplinary offences against the same judge.

A disciplinary case and material may be separated into distinct disciplinary proceedings in the following cases:

- 1) in relation to several judges;
- 2) against one judge for certain disciplinary offences.

The time limits laid down in paragraph 28 of this Regulation for merging or splitting disciplinary cases and files shall be calculated from the date of the decision of the Chairman of the Judicial Jury.

Footnote. The Regulation has been supplemented by paragraph 25-1 under Decree of the President of the Republic of Kazakhstan No. 804 of 07.02.2022 (shall come into force as of the date of its first official publication).

26. Disciplinary proceedings against a judge may be initiated no later than one year from the date of finding the misconduct and no later than two years from the date of the misconduct.

The time limits set out in the first part of this paragraph shall not include the time the judge has been absent from work for a valid reason after the day on which the disciplinary offence was discovered.

The date of detection of a disciplinary offence involving a breach of legitimacy by a judge when hearing a case shall be the date of entry into force of the judicial act of the higher court that established the breach of legitimacy, while the date of the commission of the offence shall be the date of the issuance of the unlawful judicial act.

The date of detection of a disciplinary offence contrary to judicial ethics shall be the date of the decision of the Commission on Judicial Ethics, determining that the judge has committed a defamatory offence contrary to judicial ethics, and the date or period of committing such an offence shall be the date of the commission of the offence.

The date of finding a disciplinary offence related to the improper performance of official duties by court chairmen and chairmen of judicial boards of courts shall be the date of submission by the Chairman of the Supreme Court, adoption of decisions by plenary sessions of regional courts and the Supreme Court establishing the improper performance of official duties, while the date of committing such an offence shall be the date or period of improper performance of official duties by court chairmen and chairmen of judicial boards of courts.

Where the day on which a disciplinary offence is committed shall be defined by a period of time, the time limits laid down in part one of this paragraph shall be calculated from the day following the end of the period.

Footnote. Paragraph 26 - as reworded by Decree of the President of the Republic of Kazakhstan No. 804 of 07.02.2022 (shall become effective on the date of its first official publication).

27. Excluded by Decree of the President of the Republic of Kazakhstan No. 804 of 07.02.2022 (shall be promulgated from the date of its first official publication).

28. Disciplinary proceedings must be completed within two months from the date of its commencement, not taking into account the time of internal inspection and absence of the judge at work for a good reason.

The beginning of disciplinary proceedings shall be considered the date of acceptance by the chairman of the Judicial jury of disciplinary material for consideration and determination of the rapporteur on it.

29. Reception of materials received by the Judicial jury, sending requests, notification of the judge in respect of whom the disciplinary case is scheduled, as well as informing the members of the Judicial jury about the date, time and place of the meeting shall be carried out by the Apparatus of the Supreme Judicial Council.

30. The chairman of the Judicial jury shall determine the rapporteur and the date of consideration of the disciplinary case against the judge. In order to ensure the completeness and objectivity of consideration the case may appoint an inspection before its consideration.

31. The decision of the Commission to recognize a judge as unsuitable for the position due to professional unsuitability based on the results of an assessment of professional activity shall be the basis for the Supreme Judicial Council to consider the issue of dismissing the judge from the position.

The decision of the Commission to transfer a judge to another court based on the results of a periodic assessment of professional activity shall be the basis for the Supreme Judicial Council to consider the issue of transferring a judge to another court and in case of refusal to transfer, to dismiss the judge from the position.

**Footnote. Paragraph 31 is in the wording of the Decree of the President of the Republic of Kazakhstan dated 10.06.2023 No. 252 (shall be enforced from the date of its first official publication).**

32. Consideration of a disciplinary case shall be carried out with obligatory participation of the judge in respect of whom disciplinary proceedings have been initiated.

In case of absence of the judge for a good reason (illness or other circumstances that objectively prevented participation in the meeting of the Judicial jury), the meeting of the Judicial jury shall be postponed.

If the judge fails to appear without a good reason, consideration of the disciplinary case shall be carried out without his/her participation.

The session of the Judicial jury may be held with the use of audio and video recording, including the use of video conferencing.

33. The judge in respect of whom disciplinary proceedings are being considered may declare a reasoned recusal to the member (s) of the Judicial jury before the case is considered.

34. A member of the Judicial jury may not participate in the session if he/she is family relations with the judge in respect of whom the materials are considered, or if there are other circumstances that raise doubts about his/her objectivity and impartiality.

35. Any member of the Judicial jury may declare a motivated recusal from participation in the consideration of materials.

36. The issue of recusal or self-recusal shall be resolved by the members of the Judicial jury in the absence of the person against whom the recusal (self-recusal) is declared by a majority votes.

The results of voting on the declared recusal (self-recusal) shall be reflected in the minutes of the session.

37. Copies of the protocol decisions of the Commission on the results of the judge's work after the expiration of a one-year period, together with the received materials, shall be sent to the Chairman of the Supreme Court for subsequent submission to the Supreme Judicial Council for approval.

Copies of the Commission's protocol decisions on declaring a judge unsuitable for the position due to professional unsuitability or transferring him/her to another court shall be sent to the Supreme Judicial Council.

**Footnote. Paragraph 37 is in the wording of the Decree of the President of the Republic of Kazakhstan dated 10.06.2023 No. 252 (shall be enforced from the date of its first official publication).**

38. The judge, in respect of whom the case is being considered, may take part in the study of materials, give explanations on the merits, submit additional materials, submit petitions.

39. If necessary, the chairman of the court, where the judge works, or the chairman of the relevant judicial collegiums, as well as other persons may be invited to the session of the Judicial jury to give explanations.

40. Consideration of the issue on confirming the right of a judge to resign shall be carried out by the Commission on the basis of materials sent by the Supreme Judicial Council.

**Footnote. Paragraph 40 is in the wording of the Decree of the President of the Republic of Kazakhstan dated 10.06.2023 No. 252 (shall be enforced from the date of its first official publication).**

41. The documents provided for by the Rules of the Commission in relation to a judge, the chairman of a district court, and a judge of a regional court shall be submitted to the Commission by the chairman of the regional court, in relation to the chairman and chairman of the judicial board of the regional court, the judge and chairman of the judicial board of the Supreme Court, as well as judges who previously terminated their powers in connection with their appointment by the President of the Republic of Kazakhstan to positions - Chairman of the Supreme Court.

**Footnote. Paragraph 41 is in the wording of the Decree of the President of the Republic of Kazakhstan dated 10.06.2023 No. 252 (shall be enforced from the date of its first official publication).**

42. The following types of disciplinary punishment may be applied to the judges:

- 1) remark;
- 2) reprimand;

3) dismissal from the position of the chairman of the court or the chairman of the judicial collegiums for improper performance of official duties;

4) dismissal from the position of a judge on the grounds provided by the Constitutional law.

43. For each violation committed by a judge, the Judicial jury shall impose only one disciplinary sanction, taking into account the nature of the disciplinary misconduct, information about the identity of the judge and the degree of his/her guilt.

44. The resignation of a judge shall be terminated on the grounds provided for in paragraph 3 of Article 35 of the Constitutional Law.

Termination of resignation shall be considered by the Commission on the basis of materials sent by the Supreme Judicial Council.

**Footnote. Paragraph 44 is in the wording of the Decree of the President of the Republic of Kazakhstan dated 10.06.2023 No. 252 (shall be enforced from the date of its first official publication).**

45. Based on the results of consideration of materials on confirming the judge's right to resign and termination of resignation, the commission shall make one of the following decisions:

- 1) on confirmation of the right to resign;
- 2) refusal to confirm the right to resign;
- 3) on termination of resignation;
- 4) refusal to terminate the resignation.

The decision of the Commission shall be sent for consideration to the Supreme Judicial Council.

**Footnote. Paragraph 45 is in the wording of the Decree of the President of the Republic of Kazakhstan dated 10.06.2023 No. 252 (shall be enforced from the date of its first official publication).**

46. Grounds for termination of disciplinary proceedings against a judge shall include:

- 1) absence of a disciplinary offence in the actions of the judge;
- 2) the expiry of the time limits for examining a disciplinary case against a judge, stipulated by paragraph 1 of Article 42 of the Constitutional Law;
- 3) insignificance of the disciplinary offence committed, with no negative legal consequences and no violation of the rights and freedoms of citizens or the rights and legitimate interests of organisations, if the Judicial Jury concludes that a verbal reprimand of the judge's actions (or inaction) is possible;
- 4) relieving a judge from his or her position and terminating the powers of the chairman of the court, the chairman of the Judicial Board and the judge on the grounds stipulated in Article 34 of the Constitutional Law;
- 5) annulment by a higher court of a judicial act, the issuance thereof serving as grounds for the initiation of disciplinary proceedings.



Footnote. Paragraph 46 - as reworded by Decree of the President of the Republic of Kazakhstan No. 804 of 07.02.2022 (shall take effect from the date of its first official publication).

47. The decision of the Judicial jury on imposition of a disciplinary sanction in accordance with subparagraphs 4), 5) of paragraph 1 of Article 40 of the Constitutional law shall be the ground for consideration of the issue on dismissal of the chairman, the chairman of the judicial collegiums and the judge from the held position by the Supreme Judicial Council.

48. The refusal of the Supreme Judicial Council to make a recommendation on the dismissal of a judge from the position shall cancel the decision made by the Commission. The cancellation of the Commission's decision by the Supreme Judicial Council shall be the basis for the Supreme Judicial Council or the Commission to make another decision provided for in Article 44 of the Constitutional Law.

The adoption by the Supreme Judicial Council of the decision provided for in subparagraph 4) of paragraph 1 of Article 44 of the Constitutional Law shall be the basis for the Supreme Judicial Council to consider the issue of transferring a judge to another court, to another specialization.

Footnote. Paragraph 48 is in the wording of the Decree of the President of the Republic of Kazakhstan dated 10.06.2023 No. 252 (shall be enforced from the date of its first official publication).

49. A request for early removal of disciplinary sanction and attachment of relevant documents on impeccable behavior of a judge and a conscientious attitude to the performance of his/her duties shall be submitted in the Judicial jury against a judge, the chairman of the district court, a judge of the regional court – by the Chairman of the regional court, in respect of the chairman, the chairman of the judicial collegiums of the regional court, a judge, the chairman of judicial collegiums of the Supreme Court of the Republic of Kazakhstan – by the Chairman of the Supreme Court of the Republic of Kazakhstan.

50. The petition of the judge for early removal of the disciplinary sanction shall be considered by the Judicial jury within one month from the moment of receipt of the material for consideration with the relevant decision.

51. The minutes, if necessary audio and video recording shall be conducted at the meeting of the Judicial jury.

The minutes shall be signed by the chairman of the session and the secretary.

52. Copies of the decisions of the Judicial jury shall be sent to the judge in respect of whom the decision was made, as well as to the relevant regional court or the Supreme Court.

Copies of decisions on dismissal of a judge for committing a disciplinary misconduct or failure to comply with the requirements specified in Article 28 of the Constitutional law shall be sent to the Supreme Judicial Council of the Republic of Kazakhstan.

#### **4. Cancellation and review of decisions of the Judicial jury**

53. The decision of the Judicial jury may be appealed by the judge to the Supreme Judicial Council not later than ten working days from the date of receipt of a copy of the decision.

54. In case of adoption by the Supreme Judicial Council of the decision provided by subparagraph 3) of paragraph 3 of Article 24 of the Law "On the Supreme Judicial Council of the Republic of Kazakhstan", the Judicial jury shall re-examine the case.

54-1. Should a higher court institute cancel or modify a judicial act establishing a gross violation of the rule of law during the examination of a case, based on an application by the judge, the Judicial Jury shall revoke the decision to impose disciplinary responsibility and reconsider the case.

**Footnote. The Regulation as supplemented by paragraph 54-1 under Decree of the President of the Republic of Kazakhstan No. 804 of 07.02.2022 (shall be enacted from the date of its first official publication).**

54-2. The disciplinary case shall be re-examined by the Judicial Jury under the procedure prescribed in paragraphs 25-47, 51 and 52 of this Regulation.

**Footnote. The Regulation as supplemented by paragraph 54-2 as per Decree of the President of the Republic of Kazakhstan No. 804 of 07.02.2022 (shall enter into force from the date of its first official publication).**

#### **5. Organization of work of the Judicial jury**

55. The Reglament of the Judicial jury on other issues of the organization of activity of the Judicial jury, conditions and procedure for holding sessions, and also implementation of powers of its members shall be approve by the Supreme Judicial Council.

56. Organizational, information-analytical and other support for the activities of the Judicial jury shall be carried out by the Apparatus of the Supreme Judicial Council.

APPROVED  
by the Decree  
of the President of the  
Republic of Kazakhstan  
dated June 26, 2001 N 643

#### **REGULATION on Republican and regional disciplinary and qualification collegiums of judges**

**Footnote. The regulation is excluded by the Decree of the President of the Republic of Kazakhstan dated 18.05.2012 No. 329.**

Approved  
by the Decree  
of the President of the  
Republic of Kazakhstan  
dated June 26, 2001 N 643

## **Regulation on qualification classes of judges of the Republic of Kazakhstan**

**Footnote. The regulation is excluded by the Decree of the President of the Republic of Kazakhstan dated 01.04.2011 No. 1177.**

APPROVED  
by the Decree  
of the President of the  
Republic of Kazakhstan  
dated June 26, 2001 No. 643

## **RULES**

### **for issuance of certificates to the judges of the Republic of Kazakhstan**

**Footnote. The rules are excluded by the Decree of the President of the Republic of Kazakhstan dated 28.08.2017 No. 535 (shall be enforced from the date of its first official publication).**

APPROVED  
by the decree of the  
President of the  
Republic of Kazakhstan  
dated June 26, 2001 No. 643

## **REGULATIONS**

### **on the Commission on the quality of Justice under the Supreme Court of the Republic of Kazakhstan**

**Footnote. The Decree was supplemented by a Provision in accordance with the Decree of the President of the Republic of Kazakhstan dated 05.04.2019 No. 16 (effective from the date of its first official publication).**

### **1. General provisions**

1. This Regulation on the Commission on the Quality of Justice under the Supreme Court of the Republic of Kazakhstan (hereinafter - the Regulation) has been developed in accordance with the Constitution of the Republic of Kazakhstan, the Constitutional Law of the Republic of Kazakhstan "On the Judicial System and Status of Judges of the Republic of Kazakhstan" (hereinafter - the Constitutional Law), the Law of the Republic of Kazakhstan "On the Supreme Judicial Council of the Republic of Kazakhstan" and determines the procedure for the formation and organization of the work of the Commission on the Quality of Justice under the Supreme Court of the Republic of Kazakhstan (hereinafter - the Commission).

2. The Commission is formed to evaluate the professional activity of a judge, confirm the judge's right to resign and terminate it.

3. In their activities, the members of the Commission are independent and guided only by the Constitution of the Republic of Kazakhstan, the Constitutional Law, this Regulation and the Regulations of the Commission.

4. Interference in the activities of the Commission and influencing its members are not allowed. A member of the Commission is not entitled to give any information on the materials in his possession and the decisions taken.

## **2. The procedure for the formation of the Commission**

5. The Commission consists of seven members – three judges of regional courts (hereinafter – the regional court), three judges of the Supreme Court (hereinafter – the Supreme Court) and one retired judge.

**Footnote. Paragraph 5 – as amended by the Decree of the President of the Republic of Kazakhstan dated 07.02.2022 No. 804 (effective from the date of its first official publication).**

6. Judges in the Commission must have high professionalism, impeccable reputation and well-deserved authority in the judicial environment.

7. The Chairman and chairmen of judicial boards of the Supreme Court, chairmen and chairmen of judicial boards of regional courts, judges – members of the Supreme Judicial Council of the Republic of Kazakhstan (hereinafter – the Supreme Judicial Council), commissions on judicial ethics of branches of the Union of Judges of the Republic of Kazakhstan and the Judicial Jury at the Supreme Judicial Council may not be elected to the Commission.

8. The composition of the Commission is elected by the expanded plenary session of the Supreme Court for a period of two years.

9. Candidates from among the judges of regional courts are elected from among the candidates recommended by the expanded plenary sessions of regional courts.

Candidates from among the judges of the Supreme Court and retired judges are presented on an alternative basis by the Chairman of the Supreme Court.

The candidate who receives the largest number of votes of the members of the expanded plenary session by open or secret ballot is considered elected.

10. In addition to the main members, one reserve member of the Commission from the relevant judicial instance is elected to the Commission to perform the duties of the temporarily absent main member of the Commission.

A reserve member of the Commission shall assume the duties of the retired member of the Commission on the basis of its decision.

If a judge who is the main or reserve member of the Commission from the relevant judicial instance is appointed as a judge of another judicial instance, their by-elections are held for the remaining term in accordance with the procedure established by this Regulation.

11. At the first organizational meeting, the composition of the Commission from among its members elects the Chairman and Secretary of the Commission by a majority vote.

12. Chairman of the Commission:

- 1) provides general management of the Commission;
- 2) convenes the meetings of the Commission and chairs them;
- 3) determines the issues submitted for consideration at the meetings of the Commission and approves the agenda;
- 4) signs the decisions and protocols of the Commission;
- 5) organizes the analysis and generalization of the Commission's work practices;
- 6) provides information on the work done by the Commission at an expanded plenary session of the Supreme Court;
- 7) represents the Commission in relations with state, public and other bodies, organizations and officials;
- 8) exercise other powers provided for by this Regulation.

13. In case of temporary absence of the Chairman of the Commission on his behalf, one of its members performs the duties of the Chairman.

14. Meetings of the Commission are held as necessary and are authorized if more than half of its members are present.

During the work of the Commission, its members, in accordance with the legislation of the Republic of Kazakhstan, are sent to the place of the meeting and are released from performing other duties. A member of the Commission may participate in its meeting via video link.

15. The Commission has the right to hold its meetings with visits to local courts.

16. The Commission delegates two judges on a rotating basis to the Qualification Commission under the Supreme Judicial Council for a period of two years.

Candidates for the Qualification Commission at the Supreme Judicial Council are nominated by the Chairman of the Commission.

17. The decision on the delegation of judges to the Qualification Commission under the Supreme Judicial Council is taken at a meeting of the Commission by voting and is considered adopted if a majority of the members of the Commission participating in the voting voted for it. The decision on delegation is sent to the Supreme Judicial Council within three working days.

18. The grounds for the release of judges from the duties of a member of the Commission are:

- 1) dismissal of a judge from office, termination or suspension of the powers of a judge;
- 2) termination of the retirement of a retired judge;
- 3) committing a defamatory offense contrary to judicial ethics;
- 4) expiration of the term of office;
- 5) own desire.

**3. The procedure for assessing the professional activity of a judge**

19. An assessment of a judge's professional activity is an assessment of the level of his professional knowledge and the ability to apply them in the administration of justice, the results of judicial activity, the business and moral qualities of a judge and his compliance with the requirements of the Constitutional Law and the Code of Judicial Ethics.

20. The evaluation of the professional activity of a judge is carried out in order to improve the quality of the judicial corps, stimulate the growth of professional qualifications, increase responsibility for strengthening the rule of law when considering court cases, identify weaknesses and strengths of a judge to determine the areas of his professional self-improvement.

When assessing the professional activity of a judge, the principles of judicial independence should not be violated.

21. The assessment of professional activity is carried out:

- 1) for the first time based on the results of one year of work as a judge;
- 2) periodically every five years of work as a judge;

3) Excluded by the Decree of the President of the Republic of Kazakhstan dated 07.02.2022 No. 804 (effective from the date of its first official publication).

Judges with twenty or more years of judicial experience are exempt from periodic evaluation of professional activity.

Footnote. Paragraph 21 as amended by the Decree of the President of the Republic of Kazakhstan dated 07.02.2022 No. 804 (effective from the date of its first official publication).

22. The assessment of the professional activity of a judge is carried out for the first time after one year of continuous tenure as a judge.

23. A periodic assessment of the professional activity of a judge is carried out after each subsequent five years of continuous tenure as a judge. The periodic assessment of the professional activity of the judge must be carried out no later than six months from the date of the specified period.

24. The results of the judge's work are evaluated on the basis of the following criteria:

- 1) indicators of the quality of the administration of justice;
- 2) compliance with the norms of judicial ethics and labor discipline.

As part of the evaluation procedure, the qualification of the judge can be checked, including through a written essay and (or) solving case problems.

The quality indicators of the administration of justice and the methods and procedures for data collection shall be established by the Methodology for Assessing the Professional Performance of Judges, to be adopted by the plenary session of the Supreme Court after prior agreement with the Supreme Judicial Council and published on the website of the Supreme Court.

Materials on compliance with the norms of judicial ethics are submitted by the relevant commissions on judicial ethics of the branches of the Union of Judges.



Footnote. Paragraph 24 as amended by the Decree of the President of the Republic of Kazakhstan dated 07.02.2022 No. 804 (effective from the date of its first official publication).

25. The collection of information for the evaluation of the professional activity of a judge is carried out by the structural subdivision of the authorized body for organizational and logistical support of the activities of the Supreme Court, local and other courts (hereinafter referred to as the authorized body), which ensures the activities of the Commission.

26. A judge whose professional activity is subject to evaluation, five calendar days before the meeting of the Commission, must be acquainted with the materials that are submitted to the Commission for consideration in relation to him.

27. Before the beginning of the assessment of the judge's professional activity, the Commission, if necessary, conducts an inspection with the request of additional documents and materials, including court cases, during the consideration of which the judge committed violations of the law, including gross ones.

The Chairman of the Commission shall entrust the conduct of the audit to one of its members.

28. Acceptance of materials received for consideration by the Commission, notification of judges whose professional activities are subject to evaluation, as well as informing members of the Commission about the date, time and place of the meeting is carried out by the structural subdivision of the authorized body that ensures the activities of the Commission.

29. The meeting of the Commission for the evaluation of professional activity is held with the mandatory participation of the judge whose professional activity is evaluated. The participation of the judge at the meeting of the Commission can be provided in the video mode.

The minutes are kept at the meeting of the Commission.

30. The Commission, based on the results of the evaluation of the judge's professional activity, makes one of the following decisions:

- 1) recognize the appropriate position;
- 2) Excluded by the Decree of the President of the Republic of Kazakhstan dated 07.02.2022 No. 804 (effective from the date of its first official publication).
- 3) recommend for enrollment in the personnel reserve for a higher position (in a higher judicial instance);
- 4) about transfer to another court, to another specialization;
- 5) to recognize as not corresponding to the position held due to professional unfitness;
- 6) Excluded by the Decree of the President of the Republic of Kazakhstan dated 07.02.2022 No. 804 (effective from the date of its first official publication).

The decision of the Justice Quality Commission stipulated in sub-paragraph 3) of part one of this paragraph shall be of an advisory nature.

Footnote. Paragraph 30 as amended by the Decree of the President of the Republic of Kazakhstan dated 07.02.2022 No. 804 (effective from the date of its first official publication).

31. The decision of the Commission on the recognition of a judge as unfit for his position due to professional unfitness based on the results of an assessment of professional activity is the basis for the Chairman of the Supreme Court to submit to the Supreme Judicial Council a submission on the dismissal of a judge from his post.

The Commission's decision on the transfer of a judge to another court based on the results of a periodic assessment of professional activity is the basis for the Chairman of the Supreme Court to submit to the Supreme Judicial Council a submission on the transfer of a judge to another court, and in case of refusal of transfer - a submission on the dismissal of a judge from his post.

32. The decision of the Commission is adopted by a majority vote. Members of the Commission have no right to abstain from voting. In case of equality of votes, a decision improving the position of the judge in respect of whom the materials are being considered is considered adopted.

33. In case of disagreement with the decision taken, a member of the Commission has the right to express in writing a dissenting opinion, which is attached to the decision.

34. The protocol decision of the Commission must contain information about:

- 1) the composition of the Commission;
- 2) the place and time of consideration of materials;
- 3) a judge whose professional activity is evaluated;
- 4) the grounds for consideration of the material at the meeting of the Commission;
- 5) conclusions and motives of the decision taken by the Commission;
- 6) the procedure for appealing the decision.

35. The protocol decision is signed by the chairman of the meeting and the Secretary of the Commission.

**36. Excluded by the Decree of the President of the Republic of Kazakhstan dated 07.02.2022 No. 804 (effective from the date of its first official publication).**

37. Copies of the protocol decisions of the Commission on the results of the judge's work after the expiration of the one-year period, together with the materials received, as well as on the recognition of the judge as unfit for his position due to professional unfitness, transfer to another court, are sent to the Chairman of the Supreme Court for subsequent submission to the Supreme Judicial Council.

38. A copy of the protocol decision of the Commission is sent to the relevant regional court and the Supreme Court within five calendar days from the date of their adoption.

39. A copy of the protocol decision on declaring a judge unfit for office due to professional incompetence, on transfer to another court, to another speciality shall be forwarded to the relevant regional court as well as to the judge in respect of whom the decision is taken.

**Footnote. Paragraph 39 – as amended by the Decree of the President of the Republic of Kazakhstan dated 07.02.2022 No. 804 (effective from the date of its first official publication).**

#### **4. Procedure for consideration of issues on confirmation of the judge's right to resign and its termination**

40. Consideration of the issue of confirming the judge's right to resign is carried out by the Commission on the basis of his written application. The application must be accompanied by documents confirming the impeccable reputation of the judge.

41. The application and relevant documents in respect of the judge, the chairman of the district court and the judge of the regional court are submitted to the Commission by the chairman of the regional court, in respect of the chairman and the chairman of the judicial board of the regional court, the judge and the chairman of the judicial board of the Supreme Court, as well as judges who previously terminated their powers in connection with their appointment by the President of the Republic of Kazakhstan, - Chairman of the Supreme Court.

42. The application for confirmation of the judge's right to resign must be considered within one month from the date of receipt of the material for consideration with the issuance of an appropriate decision.

43. The decision of the Commission on the refusal to confirm the judge's right to resign serves as a basis for refusing dismissal in the form of resignation.

44. The resignation of a judge is terminated on the grounds provided for in paragraph 3 of Article 35 of the Constitutional Law.

The Chairman of the Supreme Court, the chairmen of the regional courts, as well as the judge himself can apply to the Commission with the idea of terminating the resignation.

45. The Commission , based on the results of consideration of materials on confirmation of the judge's right to resign and termination of retirement , makes one of the following decisions:

- 1) confirmation of the right to resign;
- 2) refusal to confirm the right to resign;
- 3) on termination of resignation;
- 4) the refusal to terminate the resignation.

46. A protocol decision based on the results of consideration of materials confirming the judge's right to resign and termination of resignation is signed by the chairman of the meeting and the secretary of the Commission.

#### **5. Appeal of the Commission's decision**

47. Decisions of the Commission may be appealed to the Supreme Judicial Council through the Commission no later than ten working days from the date of familiarization.

48. The adoption by the Supreme Judicial Council of a decision under sub-paragraph 3) of paragraph 3 of Article 24 of the Law “On the Supreme Judicial Council of the Republic of Kazakhstan” shall be the ground for the Supreme Judicial Council or the Commission to

adopt another decision as prescribed by Article 44 of the Constitutional Law “On the Judicial System and the Status of Judges of the Republic of Kazakhstan”.

Footnote. Paragraph 48 – as amended by the Decree of the President of the Republic of Kazakhstan dated 07.02.2022 No. 804 (effective from the date of its first official publication).

## **6. Organization of the Commission's work**

49. Other issues of the organization of the Commission's activities, the conditions and procedure for holding its meetings, as well as the exercise of the powers of its members are regulated by the Commission's Rules of Procedure.

50. Organizational, informational, analytical and other support for the activities of the Commission is carried out by the authorized body.