



PROTECTION OF RIGHTS WITHOUT BORDERS NON-GOVERNMENTAL
ORGANIZATION

INFORMATION NOTE
**ON THE MONITORING CONDUCTED OVER THE QUALIFICATION
EXAMINATIONS ORGANIZED FOR REPLENISHING THE LISTS OF
JUDGE CANDIDATES FOR CIVIL, CRIMINAL AND ADMINISTRATIVE
BLOCKS**

The information note was elaborated by the “Protection of Rights without Borders” NGO in 2019.



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Information on the qualification procedure

Information on time and place of the qualification examination for the judge candidates was published at the official website of the Republic of Armenia Judicial Department on April 10 of 2019.

Taking into consideration Paragraph 102 of Article 4 of the RA Judicial Code, according to which, up to three representatives of nongovernmental organisations operating in the field of law and having submitted a relevant application to the Supreme Judicial Council at least 3 working days before the conduct of the qualification checks, based on priority of submission of the applications, may be present at the written qualification examination and the interview conducted by the Supreme Judicial Council and follow their process, “The Protection of Rights without Borders” non-governmental organization filed an application to monitor the written examination process¹.

In a line with Article 100 of the RA Judicial Code, the Supreme Judicial Council shall, no later than before 15 September, define and publish the form of the written qualification examination, the minimum requirements for the structure and content of examination questions, the procedure for arranging and holding the written examination and the interview at the Supreme Judicial Council, including the procedure for distribution of examination materials, process of the examination, use of legal or other documents or technical means, checking of examination papers and calculation of the scores, the criteria for evaluating the results of written examination, the minimum passing score based on the results of the written examination (which may not be less than 60% of total scores)².

In a line with Article 99 of the Judicial Code, *the checking of the submitted applications and their attached documents, as well as the acceptance and refusal of the latter is carried out by the Judicial Department.*

The relevant examination for the candidates from civil block took place on April 25 of 2019 at the RA Chamber of Advocate building. 47 candidates filed applications to participate in the exams for the civil block.

¹ Hasmik Harutyunyan, the legal expert of the Protection of Rights without Borders NGO conducted the monitoring.

² Extraordinary completion of the list of judge candidates shall be carried out as prescribed by this Code for regular completion, by maintaining, in the actions following the rendering of the decision on extraordinary completion, the proportionality of time limits prescribed by this Code for regular completion. Article 95, RA Judicial Code.



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In order to participate in the qualification examination, 45 candidates were present at the Republic of Armenia Chamber of Advocates, 2 candidates were absent. The reasons for their absence was unknown.

One candidate left the exam room after the start of the exam because of personal issue. 44 judge candidates factually participated in the relevant qualification examination for the civil block on April 25 of 2019.

The results of the qualification exam monitoring The start and the process

Before the start of the exam and choosing of the exam task, the procedural rules³ were presented by the representatives of the Judicial Department, particularly

It is not allowed during the exam:

- 1) to take any material, paper, pen, bag, telecommunication and computer equipment, including mobile phone, recorders, electronic storage devices or other technical equipment to the exam room,
- 2) to use legal acts, books, manuals, guidebooks, other technical equipment which may contain informaion, with the exclusion of legal acts and other documents uploaded into the computer of the candidate,
- 3) speak with other candidates or communicate with body lanaguage in the exam room or near the area of the exam room,
- 4) smoke or go out for smoking,
- 5) enter other places excluding the restroom,
- 6) stay in the exam room or near the area of the exam room.

It was recorded during the monitoring, that one of the candidates went out with the contoller to smoke and returned only after a few minutes.

Before the start of the qualification exam, the representatives of the Judicial Department informed that the restrooms were muted and it was impossible to use the phone. Though, the monitor could

³ The SJC-34-Ո-91 decision, dated August 23 of 2018, on the format, the minnum requirements for the question structure and content of the written qualification exam, number of the tasks, the elaboration order, the organization and conducting order, details related to the necessity of conducting the works of Evaluation Committee secretly, the order of checking and evaluation of the exam works, the evaluation criteria and evaluation scale, the minimum passing score of the written qualification examination for the judge candidates were defined. The decision is available with the following link <http://www.court.am/arm/top/bdx/decisions/%D4%B2%D4%B4%D4%BD-34-%D5%88-91.pdf>



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access the internet and make a call from the restroom. It should be noted, that the candidates before going to and returning from the restroom were not inspected.

The technical parameters for responses to the exam questions were previously defined, particularly:

- the responses should be elaborated with the Microsoft Word program, by maintaining the document format:
 - fonts - GHEA Grapalat
 - font size - 12
 - paragraph spacing - 1,15 cm
 - new paragraph depth – 1 cm
 - page numbered from page 1, bottom central part.

Immediately, after the end of the exam, one of the candidates informed, that he/she had problem to work with the required font.

The responsible technical staff of the exam tried to enable to change the font, but all the computers were connected to one computer and in technical aspect it was impossible to make the relevant change.

During the monitoring of the exam, technical problems related to the use of the computers were detected.

The election of examination questions

In a line with the Order on the elaboration of the qualification examination questions, approved by the SJC Decree-15-ՈՒ-58, dated March 1 of 2019, the questions elaborated for the examination by the relevant specialist (specialists) in closed and stamped envelopes with the relevant notes on it are given to the authorized representative to organize the elaboration of the examination tasks on lottery principal.

The electronic versions of the examination questions are also given to the authorized representative.

According to the Order, the authorized representative, in order to decide the version of the exam tasks, conducts the lottery with the following order: 1) two candidates from the relevant professional block select one examination question from the materials and judiciary examinational



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questions, 2) 3 versions of tasks are elaborated as a result of the remaining examination questions at the tabel, after which another candidate chooses one of those questions, 3) the elected version is considered examinational, the relevant envelops with examination questions and other related documents are opened and uploaded into the computers of the candidates⁴.

The Order, however, does not define anything related to the unopened samples of the exam tasks.

In a line with the prescribed Order, the previsouly elaborated and presented 3 tasks were elected during the exam day.

The unopened 2 samples of the tasks were taken out from the exam room. Nevertheless, the circumstance of removing the envelops without opening, did not enable to get clear information about the differnece of the examinational issues.

Exam time and the proportionality of the task complexity

In a line with the Order on the organization and conducting of the qualification written exam⁵, 6 hours is intended for the exam. Within the scope of the monitoring mission, proportionality and time assessment of the given task was not conducted, nevertheless, the majority of the candidates observed, that the time prescribed for the examination tasks was limited, meanwhile the tasks and their responses were difficult enough.

Similarly, opinions were expressed, that not all the legislative materials for the solution of the task were provided: the case law decisions were not provided at all.

Some candidates recommended to provide the hard copies of the relevant legislative acts.

Handing of the written examination

According to the Order on organizing and conducting of the qualification written examination⁶, after finishing the written exam, the candidate, with the permission of the authorized representative, prints the latter out in two hard copies and writes his/her name, surname on one of the copies.

Then, the representative of the Judicial Department stamps codes on two examples.

⁴ Same place, Annex 3, The Order of organizing and conducting of the qualification written examination Point 27

⁵ Same place, point 30

⁶ Same place, point 37



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The candidate, gives the unsigned example to the representative of the Judicial Department and the signed version puts in the transparent and stamped box. The opening part of the mentioned box is opened by the authorized representative and by other 13 monitors. The authorized representative puts the list with the relevant codes in the mentioned box. It is allowed to open the mentioned box while publishing the examination results.

Printing related technical issues

After the exam time, some candidates started to print out the exam works. It was recorded, that all the computers connected to the network was printing on both sided, meanwhile, the representative of the Judicial Department mentioned that the exam works should be printed one sided.

After a few attempts by the relevant technical specialist, it was possible to print the first exam work one sided, but the next written works were also printed on both sides. The specialist changed the regulations of the computer and the work was printed one sided.

Then, it was recommended by the responsible to print out the works both sided, since it would be time consuming to change the regulations of all the computers.

The monitors recommended to print out several exam works one sided, so that it was not possible to identify the first two works, after which all the works would be printed on both sides. The recommendation was acceptable by the Judicial Department representatives.

It should be mentioned, that the discussions on technical issue and the printing attempts had negative influence on the unfinished exam works of some candidates. One of the candidates complained, that he/she was in the process of writing and the discussions were disturbing to concentrate.

Another problem was detected during the printing. During the exam, only one person could assist the candidates for printing out the exam works, while, there were more than 10 representatives from the Judicial Department, who, could organize the printing works and therefore, it would be possible to avoid the queues. Therefore, it should be necessary to organize and plan the roles of each representative according to the necessity of the organization of the works.

After 16:35 PM, when the exam was already over, the candidates could not print out their exam works, since they were waiting for the representative from the Judicial Department to approach and organize the printing process, as a result of which the printing process took more than two hours.



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Similarly, the assistance by the technical specialist to several candidates during the printing was problematic. This kind of assistance was problematic, since not all the candidates had technical assistant. Thus, it had been previously announced by the representative of the Judicial Department, that the candidates themselves would match their works to the required criteria prescribed for the written exam work.

Meanwhile, some candidates applied to a computer specialists, who changed the work in a line with the required criteria and the latter, those who had already left the exam room, did not have assistance.

Continuation of work after the exam

In a line with the above mentioned order, *after the end of time prescribed for the exam, the candidate is obliged to cease his/her work and file the latter to the representative of the Judicial Department, as prescribed by Point 37 of the mentioned Order.*

It was recorded, that the exam work started at 10:35 PM. According to the Order, the exam should last for 6 hours and it should end at 16:35 PM.

During this period it was recorded, that although the official time prescribed for the exam had already ended, several candidates continued their exam work. Moreover, *a case was recorded, when a candidate went out, discussed the task with another candidate and came back to his/her computer to continue the work.*

Meanwhile, as mentioned in the Order, ***during the exam, the candidates are not allowed to communicate, including also through body language, etc., with other candidates in the exam room or stay in the exam room or in the near area***⁷.

This problem was presented to the relevant people, after which it was announced, that all the computers were blocked and it was not possible to continue the exam work. Each computer should have been unblocked only for printing out the exam work.

Although, as of 17:15 PM, it was noticed that's some candidates continued to make some additions to their works, while trying to print out their works. Thus:

- Number 10 – Lilit Saghoyan
- Number 15 – Sargis Armenakyan

⁷ Same place, point 21



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- Number 39 – Ani Hambardzumyan

This circumstance caused objective complaint among the other candidates, who had already handed over their works or who were waiting to print out the exam works.

In a line with the above mentioned Order, *after the time prescribed for the exam, the candidate should immediately cease his/her exam work and hand it to the representative of the Judicial Department as prescribed by Point 37 of the current Order.*

Lack of Air Conditioning in the Exam Room

It was recorded, that there was lack of air conditioning in all the exam rooms, as a result of which, it was hot in the exam room one hour after the start of the exam.

Although, it was possible to open the windows, some candidates complained about the draught.

Exam Boxes

Two stamped boxes were provided for the qualification results.

Two hard copies of exam results were printed out for the candidates: one with name, surname, the other unanimously (with the relevant code), which were put in the respective boxes.

3 days after checking of the exam results by the Evaluation Committee, the unanimous exam works were compared with the coded works from the other box.

The Creation of the Examination Committee and Checking of the Exam Results

In a line with the Order on checking and evaluating of the exam works by the evaluation committee approved by the Supreme Judicial Council decision SJC-15-Ռ-58 dated March 11 of 2019, in order to check the written qualification exams, *in a line with paragraphs 2-5 of Article 104 of the RA Constitutional Law on “Judicial Code”, the relevant professional evaluation committee is established in lottery procedure⁸ in order to check and evaluate the examination works, immediately after the finish of the exam.*

The election is carried out in a closed sitting of the Council, immediately after receiving the report on the

⁸ Is available with the following link <http://www.court.am/arm/top/bdx/decisions/2019/%D4%B2%D4%B4%D4%BD-15-%D5%88-58.pdf>



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The lottery is conducted in a closed sitting of the Council upon the immediate receipts of the report by the authorized representative of the Council.

The Order does not define based on what criteria the members of the Council are elected, what professional requirements the latter should have.

According to the Order, *The evaluation is carried out with secret and closed-door principal. The representatives of the Judicial Department assured, that the commission works were carried out on constant basis.*

After opening of the written works and publishing the latter, it was detected, that the Commission members went out the previous evening and came back only the next morning.

Evaluation Criteria and Evaluation Scale

According to the relevant provisions of the RA Judicial Code, the Supreme Judicial Council adopted the SJC-34-Ո-91 decision, dated August 23 of 2018, by which the format, the minimum requirements for the question structure and content of the written qualification exam, number of the tasks, the elaboration order, the organization and conducting order, details related to the necessity of conducting the works of Evaluation Committee secretly, **the order of checking and evaluation of the exam works**, the evaluation criteria and evaluation scale, the minimum passing score of the written qualification examination for the judge candidates were defined.

The evaluation order, evaluation criteria, as well as the evaluation scale is defined by annex 4 of the decision⁹. Therefore, the following evaluation rules/conditions are prescribed:

- The checking of the exam work is carried out by all the members of the Evaluation Committee: the latter separately fill in the checklists adopted by the Council.
- The sample responses for checking the written exam works are prescribed and have supplementary meaning, which is not obligatory to the Committee.
- The 4 following main criteria are prescribed for the written exam work:
 1. Legal knowledge in the relevant professional block,
 2. analytical and interpretation skills,
 3. analysis based conclusion,

⁹ Is available with the following link <http://www.court.am/arm/top/bdx/decisions/%D4%B2%D4%B4%D4%BD-34-%D5%88-91.pdf>, page 14



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4. clarity of written legal speech and logical fluency.

Some explanation for the first two criteria are given, but no explanation is presented for the last two evaluation criteria.

Maximum points are prescribed for each presented criteria, accordingly 3 points for the first two criteria and 2 points for the last each two criteria respectively.

According to the presented criteria, each questions is evaluated maximum 10 points.

Essentially, though, relevant criteria is prescribed for the written exam works, their uniform perception and based on the perception no explanation and criteria for the exclusion of arbitrariness in the evaluation process of the work is defined.

Moreover, though the steps for points is defined, it is not clear and predictable, that in case of wrong response, how much the overall score should be decreased or for example, when not all the legal approaches by the European Court of Human Rights, Constitutional Court and Court of Cassation were not mentioned, in this case how much the scores should be decreased.

After opening of the checked exam works, the monitors were reviewing another exam work from civil block at the presence of the Judicial Department representative.

According to the Order, *the checklist is attached to the checked written exam work, which should contain the relevant notes on the gaps in the work of the candidate. The latter should be enabled to make conclusions on the circumstances of the evaluations.*

After summerizing of the exam results, the relevant report is elaborated by the Evaluation Committee, which should contain information on the points and the summerize of the points scored by the candidates. The protocol is signed by all the members of the Evaluation Committee.

It was recorded by the monitor, that all the 7 members of the Evaluation Committee presented the *same comments and observations* in the “Notes, Comments” section of the written exam checklist results with the same lexicon. All the comments presented on all the issues of the given work were monitored and the similiar approach was recorded.

Moreover, without profound analysis on the content and quality of the exam work, the monitor paid attention to the presented analysis and conclusions of the written exam work respectively classifying the latter under the “ANALYSIS, INTERPRETATION ABILITIES AND ANALYSIS BASED CONCLUSTIONS” criteria.



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It was recorded, that, for example, the candidate wrote a 3-4 lines of analysis for the three-page question, including also copies from the law in the other pages. For such analysis and work, the candidate received 3 points or 1 point from 2 points.

The monitor wanted to review all the exam works to have a complete image on the evaluation, but due to the lack of relevant conditions and non-working hours, the observation was delayed.

Though, the representative of the Judicial Department had assured, that the monitors would receive an invitation to monitor the exam works during the working hours, **the monitors have not received the relevant invitation up till the elaboration of the current report.**

THE MONITORING RESULTS OF INTERVIEW CONDUCTED WITH THE JUDGE CANDIDATES INCLUDED

On May 22, 23 and 24 of 2019 respectively, the interview stage of the judge candidates, who passed the first stage, was organized at the administrative building of the Supreme Judicial Council.

Respectively,

On May 22 of 2019, 12 candidates from the civil block participated in the interview stage.

On May 23 of 2019 - 6 candidates.

On May 23 of 2019 - 7 candidates from the criminal block

On May 24 of 2019 - 6 candidates from the administrative block respectively.

The live broadcast of the interview was carried out from a separate room of the first floor of the Council building. As recorded by the monitor, the live broadcast was sufficient to follow the interview procedure, but in technical aspect, the sound quality of the broadcast did not allow to hear all the uttered thoughts.

On the first day of the live broadcast and during the following next days, besides the candidates participating in that day's interview, candidates who should participate in the interviews during the next day were also present. The latter were enabled to get information about the general questions addressed to the judge candidates, which were repeated the next day.

The issue of following the interview process by the candidates before their interview is not regulated.



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The Supreme Judicial Council was composed of 9 members during the first and second day of the interview and during the third day of the interview 8 members respectively, conditioned by the resignation of Gagik Harutyunyan, the President of the Council¹⁰.

INTERVIEW PROCEDURE

First stage of the interview

In a line with Article 108 of the RA Judicial Code, the interview consists of 2 stages:

- Presentation of personal case and checking of the qualities through a psychological test.
- Solution of a hypothetical legal issue/task related to the judge's codes of conduct.

During the first stage of the interview, one of the Council members presents the candidate's personal case, after which the latter takes the psychological test. After the psychological test, the first stage of the interview is considered over and the candidate continues to solve the hypothetical issue related to the rules of conduct of a judge.

According to the Supreme Judicial Council Order on organizing and conducting of the interview for the judge candidates involved in one uniformed list¹¹, *the maximum time limit for conducting an interview with one judge candidate is one and half hour.*

Overall, as shown by the outcomes of the monitoring, the average time of interview with one judge candidate is 45-60 minutes.

In a line with point 13 of the Order to conduct the interviews with judge candidates, *the election of the rapporteurs to present the judge candidates' personal cases and professional experience is carried out with the principal of the equal distribution and random selection through lottery order and is established by the decree of the Council.*

Before the start of the interviews, the chair presents the order of conducting the interview, the scope of people to be allowed in the room interview room, as well as their rights and other procedural issues.

¹⁰ Is available with the following link <http://www.court.am/index.php?link=news/24-05-2019/24-05-2019.htm>

¹¹ The decision on approving the organization and conducting order of the interview with the judge candidates involved in the uniformed list is available with the following link: <http://www.court.am/arm/top/bdx/decisions/%D4%B2%D4%B4%D4%BD-40-%D5%88-110.pdf>



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The candidates are invited to the interview room in a line with the previously decided order. The personal case, including personal data, professional experience of each judge candidate is presented furtherly.

Then, the personal case, including personal data, professional experience, of each judge candidate was presented. Here, the candidates were asked profession related questions, to find out from the male candidates whether the latter served in the army etc.

On May 16 of 2019, before the interview stage, the Council adopted the list of the rapporteurs to present the judge candidates' personal cases and professional experience involved in the uniformed list¹².

Each rapporteur read the biography of the given candidate, presented the education background, professional experience, after which an opportunity for asking questions was given: the candidates were enabled to make additions or present observations related to their personal cases.

According to the Order, during the interview, the Council is provided with the stamped questionnaire, where the criteria subject to the evaluation of the candidates are mentioned, in particular:

- 1) Professional working experience
- 2) The motive and expectation of becoming a judge
- 3) The awareness related to the fundamental legislative norms on the statues of a judge
- 4) Self-control
- 5) Behaviour
- 6) The moderate application of authority (influence)
- 7) Sense of accountability
- 8) Ability to listen
- 9) Communication skills
- 10) Justice, fairness
- 11) Analytical skills
- 12) The ability to impromptu oriente within a short period of time,
- 13) The availability of necessary knowledge in order to efficiently act in the position of a judge (in case of being involved as a candidate in the uniformed list with an academic gedree).

¹² Decision on the election of rapporteur for presenting the personal cases and the professional experience of the judge candidates involved in the uniformed list at the sittings of the Supreme Judicial Council.



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The presented criteria are not divided into subclasses or other clarifying questions, no information on their explanation is provided.

The number of questions presented by the SJC member, their formation and most importantly their evaluation is vested to the discretionary authority of the Supreme Judicial Council member. It is notable, that it's the outcomes of the oral exam by the Supreme Judicial Council that are considered decisive: the candidate can be presented in the list after the interview outcomes regardless the results of the written qualification exam.

In this regard, the Venice Commission presented its concerns in the opinion on the RA Judicial Code¹³ back on October of 2017 mentioning, that *“although, the interview is an important stage to evaluate the candidates, it cannot be excluded, that the candidate, who got higher scores from the written exam, cannot be considered as a winner of the interview stage. The availability of such system and in case of its application, the stronger candidates can be replaced with weaker candidates. Moreover, when there is a significant difference in the exam results of the judge candidates. The Venice Commission recommended to review that system and address the raised concerns”*. Nevertheless, the RA Constitutional Law on “The RA Judicial Code” did not address the mentioned concerns and the current system vests a huge discretionary authority to the Supreme Judicial Council in the election procedure of the judge candidates.

It was recorded during the monitoring, that the rapporteurs maintained neutrality while presenting the cases of the judge candidates. Nevertheless, on May 24 of 2019, before conducting the interviews, the Council member H. Hovhannisyan welcomed all the judge candidates in the corridor before entering the exam room. The latter welcomed A. Chilingaryan, a candidate from administrative block, separately with a distinct different approach. Furthermore, the personal case of A. Chilingaryan was presented by the Council Member H. Hovhannisyan. Moreover, A. Chilingaryan nodded to all the responses, which was not noticed in case of the other candidates. Although, the candidates were mainly asked the same questions, in case of candidate A. Chilingaryan, H. Hovhannisyan asked different question.

¹³ CDL-AD(2017)019, 117-118 կետեր



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In the outcomes of the interview, the mentioned candidate was involved in the list of judge candidates on the administrative block¹⁴.

Psychologist participation and psychological test

According to the organization and conducting order, the psychologist (psychologists) participating in the sitting of the Council its/their questions present in written form. The candidates are given 15 minutes to answer those questions.

The Council elects a psychologist, who is in charge of elaborating psychological questions directed to the detection¹⁵ of the the non-professional, personal characteristics of the judge candidate (in particular self-control, behavior, moderate application of authority, sense of accountability, ability to listen, communication skills, fairness etc.)

Only one psychologist participated in the interviews during the 3 days of the interview¹⁶.

The order of the election of the psychologist is clarified neither by the above mentioned Order of conducting the interviews, nor by other relevant acts how the psychologist is elected, based on what criteria.

It is notable that, in a line with the prescribed Order, the same questions were presented to the candidates by the SJC members¹⁷ and it is not regulated, how the responses are regulated by the psychologist and the members of the Supreme Judicial Council .

The psychological test elaborated by the psychologist included a list of 42 values directed towards the detection of the personal characteristics of the judge candidates so that the latter can effectively implement the prescribed obligations in the position of a judge.

The candidates were, first of all required, learning the values, evaluate the latter with 1-5 point scale according to their priority.

¹⁴ The list on the elaborating of the judge candidates list as a result of secret voting is available with the following link <http://www.court.am/arm/top/bdx/decisions/2019/%D4%B2%D4%B4%D4%BD-36-%D5%88-83.pdf>

¹⁵ The decision on approving the organization and conducting order of the interview with the judge candidates involved in the uniformed list is available with the following link: <http://www.court.am/arm/top/bdx/decisions/%D4%B2%D4%B4%D4%BD-40-%D5%88-110.pdf>, point 1

¹⁶ Information related to the election of a psychologist to participated at the interview with judge candidates is available with the following link: <http://www.court.am/arm/top/bdx/decisions/2019/%D4%B2%D4%B4%D4%BD-33-%D4%B1%D5%88-22.pdf>

¹⁷ Ibid 11, point 41



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Then, the candidates were required to mention 10 mostly higher evaluated values and then to choose 5 most important values.

The candidate gave the filled-in test to the psychologists, but the latter did not present any conclusion on the mentioned test.

After the psychological test, the Members of the Supreme Judicial Council also addressed questions to the candidate in a line with the prescribed relevant order.

The following questions were mainly asked:

- What role does each of the mentioned values play in your life?
- What is the biggest success of your life?
- What are 3 disadvantages of your character?
- You have an opportunity to realize three wishes: which are those wishes?
- How would your relative describe you?
- What kind of work you will never do? What career you will never pursue?
- Why do you want to become a judge?
- Why are you leaving the career of an advocate? /in case of advocates/.
- Describe one situation, when 2 values in your life did not match?

For example, when your ambition for justice and the sense of accountability were did not match.

- What kind of person you will not share a road with?
- If you are appointed as a judge, are you ready to move to a region from Yerevan?
- Other questions.

The candidates could hardly respond to the presented questions, but the latter were involved in the final confirmed list, which facts also, that the members of the Supreme Judicial Council exercised huge discretionary authority during the interview.

For example, the candidate could not answer the question “if you had the opportunity to realize 3 wishes, which wishes they would be” or “why do you want to become a judge”.

The Chairperson of the Council constantly mentioned and reminded, that the questions should not be given theoretical responses or present value based description, rather to bring examples or cases from their personal experience. In this regard, the majority of the candidates hardly managed to bring



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concrete examples from their experience, from which it can be assumed, that such issues are not comprehensive.

In separate cases, a situation was described and the candidate was required to present his/her approach on that situation. For example, *“You are in a car on the road, it is raining hard and you see your friend, a beautiful girl and your wife on the street: you can take only one of them with you, who would you choose to take?”*.

Or such situation *“You see there are pickets (the word is written, as it was uttered by Council member H. Hovhannisyan) closing all the doors to the entrance and exit of the Council building, what steps would you take in this regard?”*.

In all the cases, when the candidate was a representative from court staff (assistant, advisor), the member of the Supreme Judicial Council addressed a clarifying question which judge's assistant the later was.

During the interviews, besides the above mentioned questions, the following questions were addressed to separate candidates related to the discussion and Q/A procedure, including:

- Where do you see yourself in 5 years from now?
- Describe a working situation, when you had a problem with communication.
- What kind of riskness the judge should demonstrate?
- Do you remember any examples of work under pressure?
- What kind of lessons did you learn in life?

Second stage of the interview

During the second stage of the interview, after the psychological test and its discussion, the candidates were approaching the representative of the Judicial Department and were randomly choosing the relevant issue for the second stage of the interview. The latter is hypothetical issue related to the rules of conduct of a judge: the candidates are required to present their approach and analysis on the fundamental conduct of a judge, the requirements presented to the judges for the evaluation of other personal characteristics for the position of a judge.

There was one of this kind of situational case, *“you are invited to a book presentation and you meet the advocated involved in the proceeding under your control, who tries to give information about the case and hints about the necessity of forensic examination. What steps would you take in this*



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case?”. In separate cases, the Council members demanded from the candidates to mention the related concrete legislative article in the legislative analysis.

General observations on the interview process

- There was a candidate from the criminal block scoring 96 points in the written exam, who also responded to questions during the oral interview, but by the decision of the Supreme Judicial Council, the latter was not included in the list of judge candidates.
- There were candidates in the list of administrative block, who, after the end of the written exam **were enabled to stay in the exam room and fill in and change their works**. Moreover, one of the candidates was an employee from the Judicial Council.

Observations on the SJC Members conduct during the interviews

During the interview, the members of the Supreme Judicial Council recorded the following:

- The members of the Supreme Judicial Council constantly went out of the exam room with long intervals, nevertheless, as prescribed by the Order, the latter individually evaluated those candidates, whose interview process was missed by the members of the Supreme Judicial Council.
- The members of the Supreme Judicial Council used their mobile phones during the interviews: one of the members participated at the third day interview with headphones, simultaneously using the mobile phone.
- The members of the Supreme Judicial Council simultaneously had discussions and conversations during the interviews.
- It was also recorded, that the psychologist of the given candidate constantly guided the members of the Supreme Judicial Council, writing some things on paper and giving the latter to the Council members.



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RECOMMENDATIONS

On the announcement of the qualification checking exam

- Include all the technical requirements related to the solution of the hypothetical examination issue.

On ensuring the technical part of the exam organized by the Judicial Department

- Ensure, to maximum extend, the necessary technical conditions during the exam, including working on computers, printing out of the written exam work. In particular, ensure that the computers automatically are turned on and turned off at the beginning and at the end of the written exam, so that the candidates are not enabled to continue their work after the time limit prescribed for the exam.

On the presence of the candidates at the end of the exam

- Strictly ensure, that after the end of the exam, the candidate, who had already handed over his written task, leave both the exam room and the near area.

On the timing of the exam and the complexity of the tasks

- Compile the timing of the exam with the complexity of the exam questions or define two days for the qualification check exam: day 1 for material tasks and 2 for the procedural law tasks respectively.

On the examination committee

- Define objective criteria for the members of the Examination Committee including professional qualities and knowledge.

On the unopened samples of the exam tasks

- Ensure a concrete legislative regulation for the further maintainance or deletion of the unopened exam tasks.

On assessment criteria and checklists

- Define a clear evaluation criteria and score decreasing scale.



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- Define a requirement to present a content related review and justification for each assessment by the member of the Evaluation Committee.
- Ensure individual assessment and evaluation justification for each candidate by each member of the Evaluation Committee