

 SUPREME COURT OF KAZAKHSTAN

JUSTICE IN KAZAKHSTAN

REALITIES, TRENDS, PROSPECTS

JANUARY 2020

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FIGURES SPEAK LOUDER THAN WORDS

THE FULL-FLEDGED LEGAL FRAMEWORK OF JUDICIAL POWER HAS EVOLVED SINCE THE NATION GAINED INDEPENDENCE. THE 2015 NATION PLAN LAUNCHED THE NEW DEVELOPMENT STAGE OF KAZAKH JUSTICE. THREE-TIERED COURT SYSTEM REPLACED THE FIVE-STEP SYSTEM. MORE STRINGENT REQUIREMENTS APPLY NOW TO JUDICIAL STAFF AND THE QUALITY OF COURT RULINGS. STATE-OF-THE-ART INFORMATION TECHNOLOGY AND SERVICES ARE IN PLACE FOR THE PUBLIC. INVESTMENT JUDICIAL PROCEDURE IS IN PLACE. ACADEMY OF JUSTICE IS DEVELOPING. "SEVEN STONES OF JUSTICE" CHANGE IMPLEMENTATION PROGRAMME WAS LAUNCHED IN 2018. THIS PUBLICATION PRESENTS THE LATEST DEVELOPMENTS IN THE SYSTEM OF JUSTICE. IT WILL BE REGULARLY UPDATED AT LEAST ONCE IN SIX MONTHS. WE WILL KEEP YOU POSTED ON OUR KEY PERFORMANCE RESULTS, PROJECTS AND OBJECTIVES.



OVERVIEW

COURT SYSTEM STRUCTURE

SUPREME COURT

cassation
instance

OBLAST COURTS

appeals
instance

DISTRICT COURTS

first
instance

COURT TYPES

SUPREME
COURT

1

OBLAST
COURTS

18

17 OBLAST COURTS AND
COURTS OF NUR-SULTAN,
ALMATY AND SHYMKENT

1 MILITARY COURT

DISTRICT
COURTS

371

220 DISTRICT COURTS

47 CITY COURTS

27 ADMINISTRATIVE COURTS

20 JUVENILE COURTS

18 CRIMINAL COURTS

17 ECONOMIC COURTS

17 COURTS OF INQUIRY

5 GARRISON COURTS

OBJECTIVES SET BY THE LEADER OF THE NATION AND THE PRESIDENT

2018

2019



1. IMPROVE JUDICIAL STAFF

2. IMPROVE THE QUALITY OF COURT RULINGS

3. ENSURE UNIFORM JUDICIAL PRACTICE

17

DRAFT LAWS

DEVELOPED IN **2018-2019**

TO FOLLOW UP ON THE OBJECTIVES

- **9** LAWS ENACTED
- **4** DRAFT LAWS IN THE PARLIAMENT
- **4** DRAFTS UNDER CONCURRENCE BY PUBLIC BODIES

9 ADOPTED LAWS

- ▶ STRICTER SELECTION AND JUDGE ASSESSMENT SYSTEM IN PLACE
- ▶ JUDICIAL SELF-GOVERNMENT BODIES REORGANIZED
- ▶ TENURES LIMITED FOR CHIEF JUSTICE AND JURY PRESIDENT
- ▶ COURT JURY AND SUCCESSION BOARD ASSIGNED TO HJC FROM SC
- ▶ JUSTICE QUALITY BOARD UNDER SC IN PLACE
- ▶ COURTS OF INQUIRY IN PLACE

9 ADOPTED LAWS

- ▶ CASES WITH NO DISPUTES ASSIGNED TO PUBLIC BODIES
- ▶ DIGITAL JUDICIAL PROCEDURE IN PLACE
- ▶ COMPETENCE OF JURY TRIALS EXTENDED
- ▶ BANKRUPTCY PROCEDURE STREAMLINED
- ▶ RED TAPE IN ADMINISTRATIVE PROCEDURE REDUCED

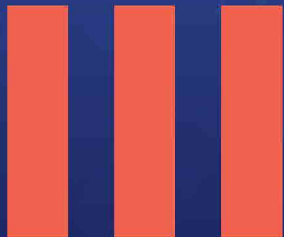
4 DRAFT LAWS IN THE PARLIAMENT WILL ENSURE:

- ◆ ADMINISTRATIVE JUSTICE ESTABLISHMENT

- ◆ IN CIVIL PROCEDURE:
 - a) REDUCTION OF COSTS INCURRED BY THE PEOPLE VIA ELIMINATION OF UNNECESSARY BUREAUCRACY
 - b) EMPOWER THE JUDGE IN ASCERTAINING THE TRUTH IN A DISPUTE TO PROTECT THE WEAKER PARTY
 - c) PROVIDE MORE OPPORTUNITIES FOR PARTIES' RECONCILIATION

4 DRAFT LAWS UNDER GOVERNMENT CONCURRENCE WILL ENSURE:

- ◀ BETTER ACCESS TO CASSATION
- ◀ ENHANCED ADVERSARIAL PRINCIPLE
- ◀ FAMILY COURTS ESTABLISHMENT
- ◀ BALANCED STATE DUTY RATES



JUDICIAL STAFF

JANUARY 2020

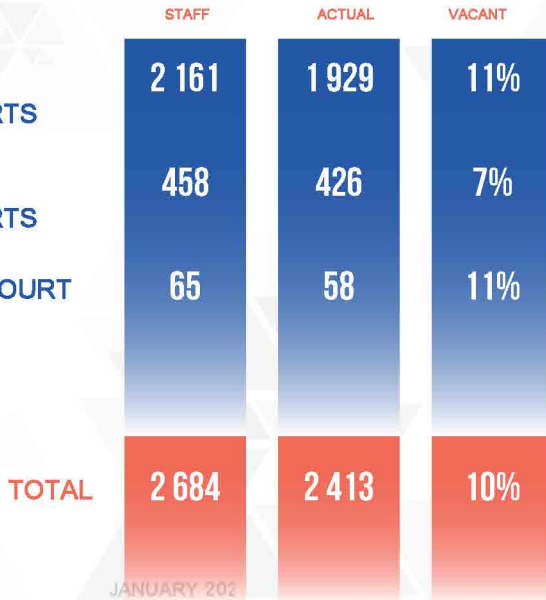
NUMBER OF JUDGES

as of January 5, 2020

◀ DISTRICT AND EQUIVALENT COURTS

◀ OBLAST AND EQUIVALENT COURTS

◀ SUPREME COURT



PERSONNEL MOVEMENT

(as of January 5, 2020)

		2015	2016	2017	2018	2019
01	NEWLY ASSIGNED	153	158	116	29	60
02	SEPARATED:	143	106	150	78	90
	• VOLUNTARY	35	49	67	19	26
	• RESIGNATION	93	41	53	30	30
	• RETIREMENT	6	9	11	8	3
	• DECEDENT	3	5	4	2	2
	• DISMISSED WITH CAUSE	6	2	15	6	29

DISMISSED WITH CAUSE

(as of January 5, 2020)

	CAUSE	2015	2016	2017	2018	2019
01	ETHICAL BREACH	4	2	10	4	15
02	GROSS BREACH OF LAW	2	-	1	-	7
03	LABOUR MISCONDUCT	-	-	1	-	-
04	INAPTITUDE	-	-	3	2	7
	TOTAL	6	2	15	6	29*

**The quality board found another 8 judges inconsistent with the title, and the relevant recommendations are now with HJC*

DISCIPLINARY LIABILITY

(as of January 2020)

COURT JURY DECISION	2015	2016	2017	2018	2019
ADMONITION	26	23	36	26	33
WARNING	17	15	32	25	39
TOTAL	43	38	68	51	72

CRIMINAL CASES OF JUDGES

(as of January 5, 2020)

	2015	2016	2017	2018	2019
CRIMINAL PROSECUTIONS INCLUDING:	1	-	2	8	13
- CONVICTED	1	-	2	4	3
- INVESTIGATION/TRIAL	-	-	-	-	5
- CRIMINAL PROSECUTION TERMINATED	-	-	-	4	5

JUDGE ASSESSMENT PROCEDURE

BEFORE MAY 2019

- ◆ COURT JURY UNDER SC
- ◆ EXAM CARDS
- ◆ JUDGE DATA PROVIDED BY OBLAST COURTS

STARTING MAY 2019

- ◆ JUSTICE QUALITY BOARD UNDER SC
- ◆ ASSESSMENT BASED ON 16 PARAMETERS
- ◆ DATA FROM ELECTRONIC DATA BASE

OBJECTIVES OF JUSTICE QUALITY BOARD

EVALUATES

- ◆ PROFESSIONAL KNOWLEDGE AND SKILLS
- ◆ JUDICIAL PERFORMANCE
- ◆ COMPETENCIES
- ◆ ETHICS

RECOMMENDS

- ◆ ACKNOWLEDGEMENT OF PROFESSIONAL APTITUDE
- ◆ PROMOTION OR NON-PROMOTION
- ◆ TRANSFER TO ANOTHER COURT OR NEW COMPETENCY
- ◆ ACKNOWLEDGEMENT OF PROFESSIONAL INAPTITUDE
- ◆ INCLUSION IN CANDIDATE POOL

JUDGES ARE SUBJECT TO ASSESSMENT

NOT SUBJECT TO ASSESSMENT

- ◆ AFTER THE FIRST YEAR OF SERVICE
- ◆ ONCE IN FIVE YEARS ONWARDS
- ◆ BEFORE PROMOTION

◆ JUDGES WITH OVER 20 YEARS OF RECORD *(19% AS OF JANUARY 5, 2020)*

ASSESSMENT RESULTS

COURT JURY

2016 - APRIL 2019: (3 YEARS AND 4 MONTHS)

◆ PASSED ASSESSMENT **1627**

1612

APTITUDE
CONFIRMED

10

TRANSFER TO ANOTHER
COMPETENCY

5

INAPTITUDE
CONFIRMED

QUALITY BOARD

FROM OCTOBER 2019:

◆ PASSED ASSESSMENT **377**

339

APTITUDE
CONFIRMED

22

TRANSFER TO ANOTHER
COMPETENCY

16

INAPTITUDE
CONFIRMED

6

VOLUNTARY SEPARATION BEFORE
THE ASSESSMENT

TO BE ASSESSED

(USING NEW METHODOLOGY)

IN **2020** - **261** JUDGES

IN **2021** - UP TO **1 000** JUDGES

TOTAL FOR **3** YEARS - **84%** JUDGES

(MINUS VACANCIES AND JUDGES WITH OVER 20 YEARS OF RECORD)

ACADEMY OF JUSTICE UNDER SC

MASTER'S COURSE	2016	2017	2018	2019
GRADUATES	57	53	62	57
GRADUATES APPOINTED JUDGES <i>(AS OF JANUARY 2020)*</i>	8	9	19	-**

*A GRADUATE IS ELIGIBLE TO APPLY WITHIN FOUR YEARS

** 2019 GRADUATES COMPETE TO A CALL FOR APPLICATIONS ANNOUNCED BY HJC IN OCTOBER 2019

ADVANCED TRAINING FOR JUDGES	2016	2017	2018	2019
LOCAL COURT JUDGES	473	480	495	432

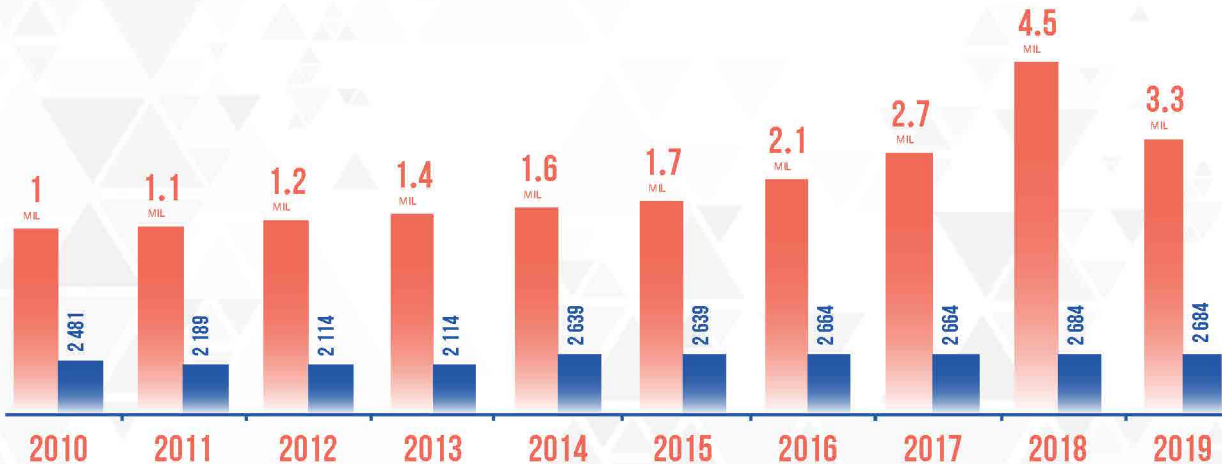
IV

JUDICIAL PROCEDURE

JANUARY 2020

INCOMING CASES AND MATERIALS

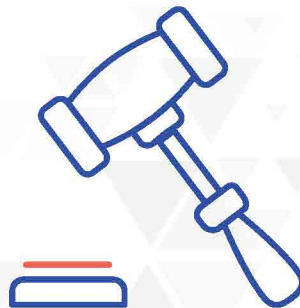
JUDICIAL STAFF



EVERY BUSINESS DAY THE
COURTS DELIVERED

13 500

COURT RULINGS (2019 statistics)



(2019 statistics)

EVERY BUSINESS DAY

DELIVERED
COURT
RULINGS

EACH
JUDGE OF

DISTRICT COURT

7

OBLAST COURT

1

SUPREME COURT

2

DRIVERS OF THE GROWING NUMBERS OF CASES AND MATERIALS

01 PUBLIC BODIES

- a) force individuals and businesses to go to court
- b) many of their powers have been transferred to court without proper rationale

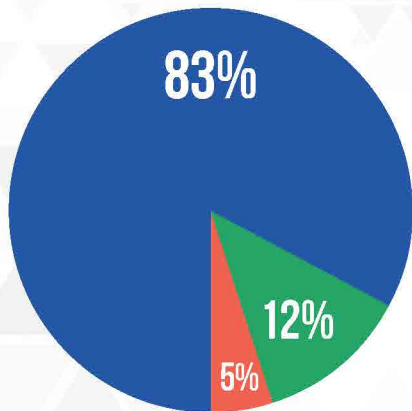
02 LOW RATES OF STATE DUTIES ENCOURAGE

- a) inflow of lawsuits
- b) abuse of the right to take legal action

03 INEFFICIENT PERFORMANCE

of settlement institutions including mediation

DISPOSAL OF CASES AND MATERIALS IN 2019

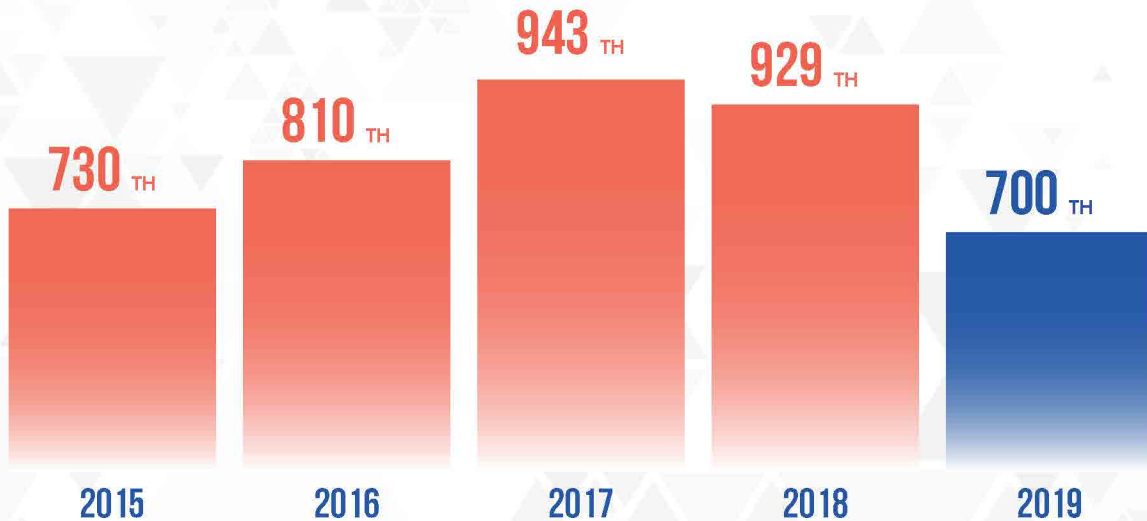


TOTAL FOR THE COUNTRY **3 203 503**

■ CIVIL	2 679 013
■ ADMINISTRATIVE	372 215
■ CRIMINAL	152 275

INCOMING CIVIL CASES

EXCLUDING MATERIALS

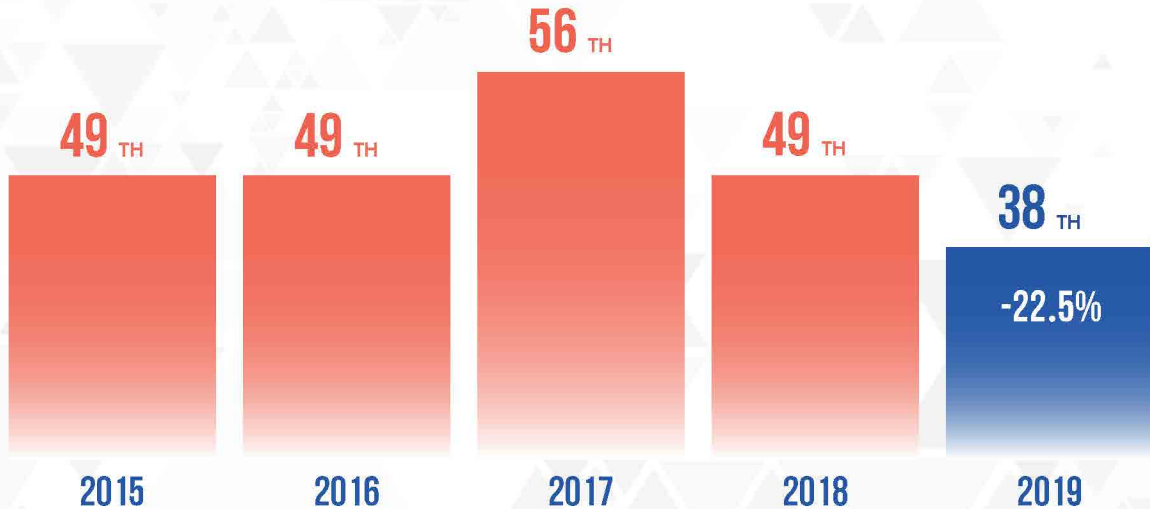


SETTLED DISPUTES



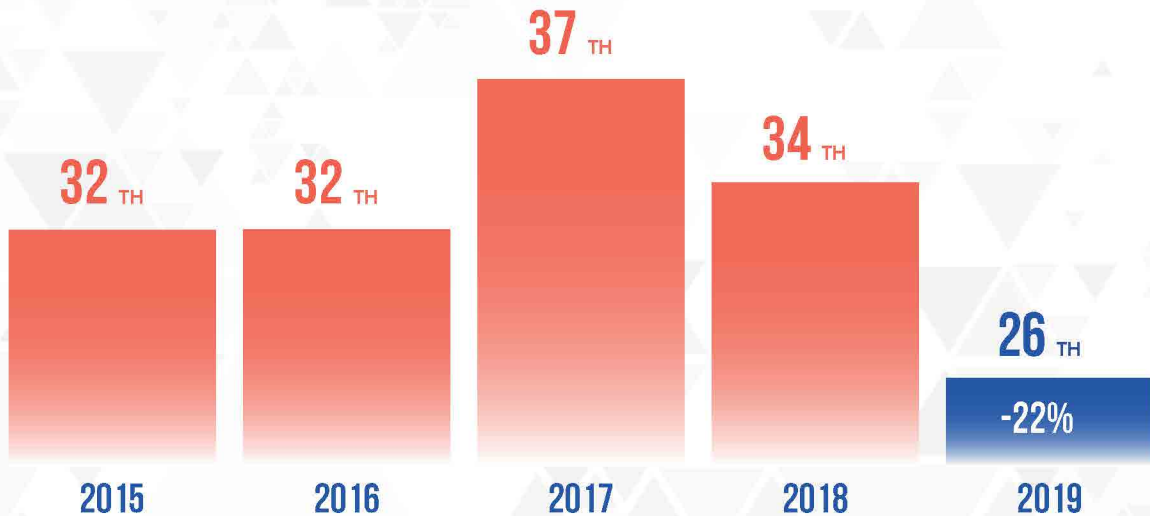
INCOMING CRIMINAL CASES

EXCLUDING MATERIALS



INCOMING CRIMINAL CASES

EXCLUDING MISDEMEANOR AND MATERIALS

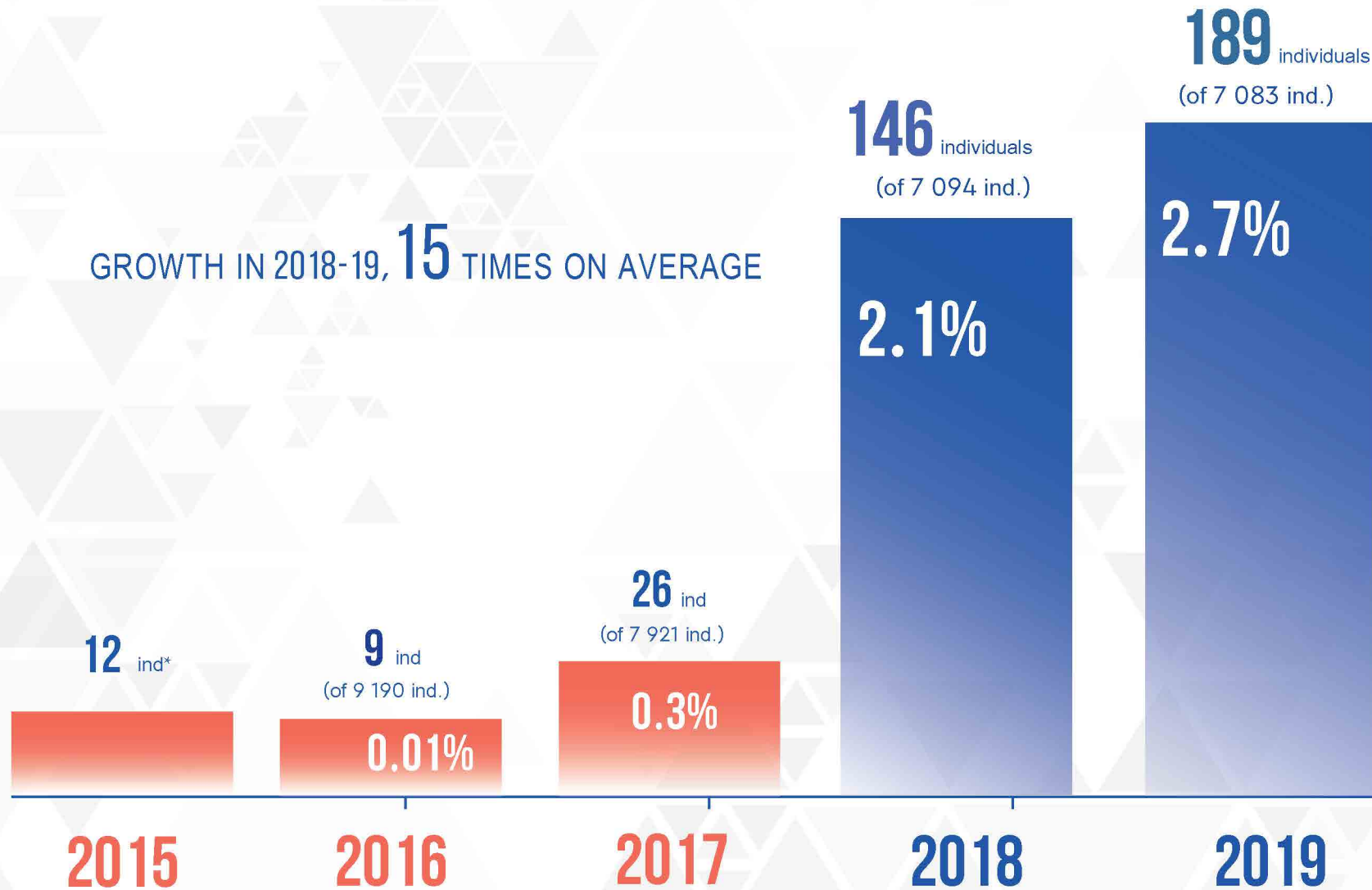


ACQUITTAL JUDGEMENTS

	2015	2016	2017	2018	2019
INDIVIDUALS ACQUITTED OF:	149	62	70	270	318
- MINOR OFFENCE	89	16	15	25	47
- MEDIUM GRAVITY OFFENCE	48	29	25	78	60
- GRAVE OFFENCE	12	9	26	146	189
- EXTREMELY GRAVE OFFENCE	0	8	4	21	21

*

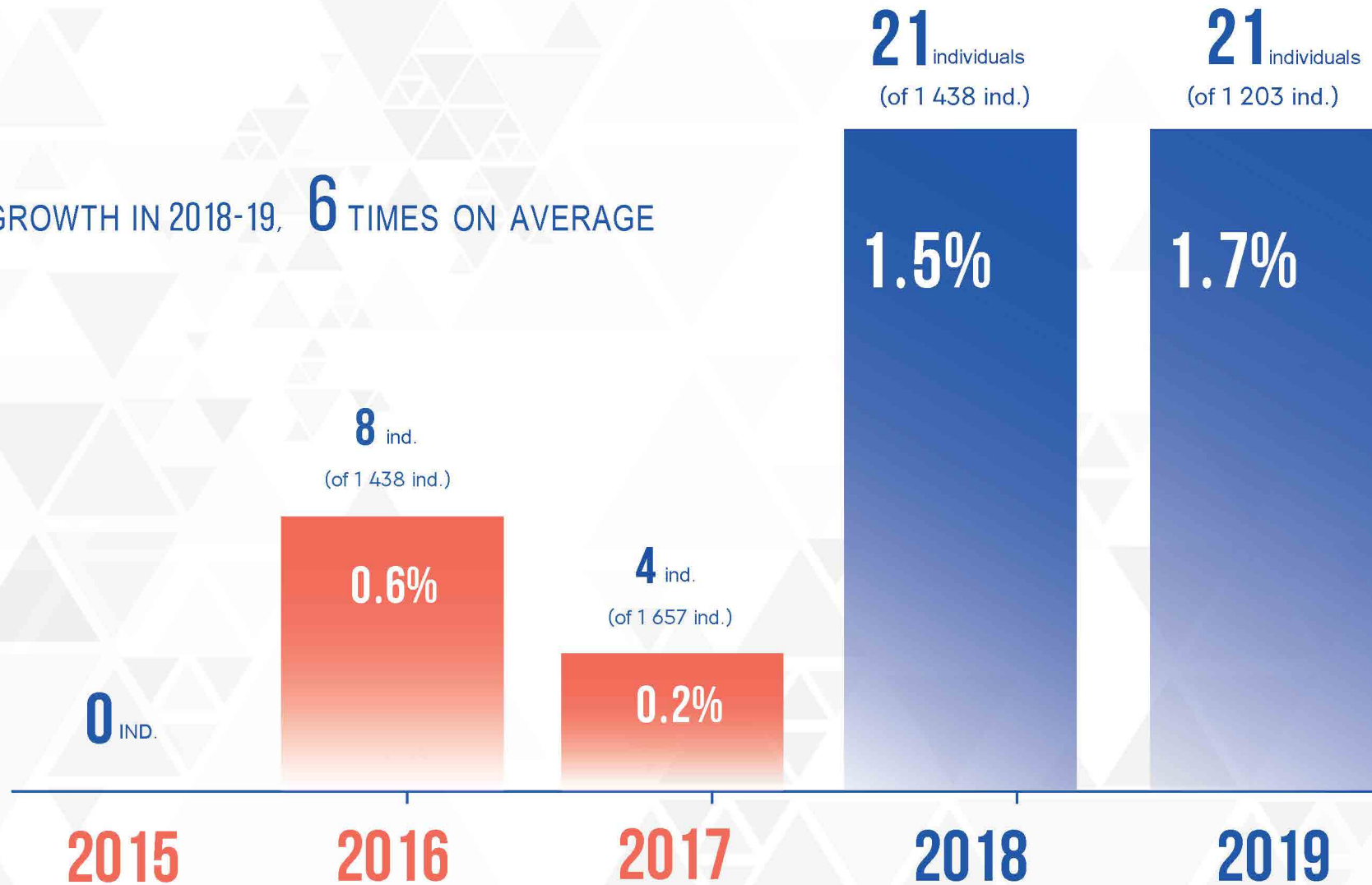
SHARE OF ACQUITTALS OF GRAVE OFFENCES



*2015 statistical reports were not generated in the Torelik court information system

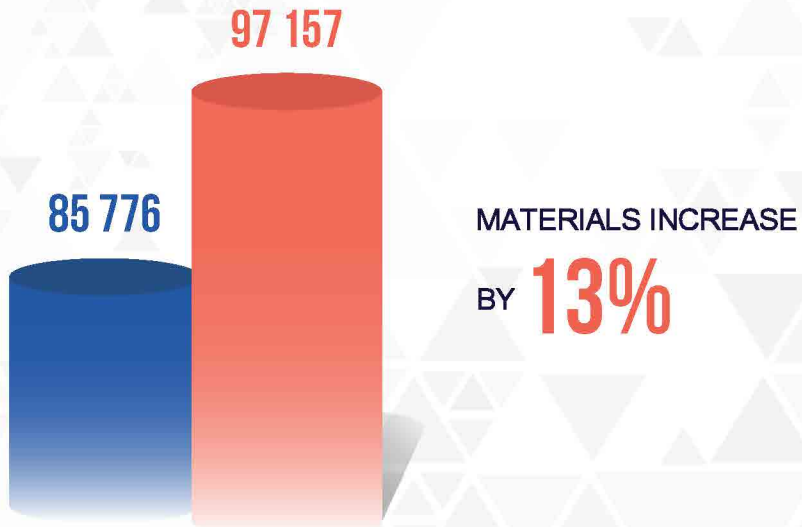
SHARE OF ACQUITTALS OF EXTREMELY GRAVE OFFENCES

GROWTH IN 2018-19, **6** TIMES ON AVERAGE

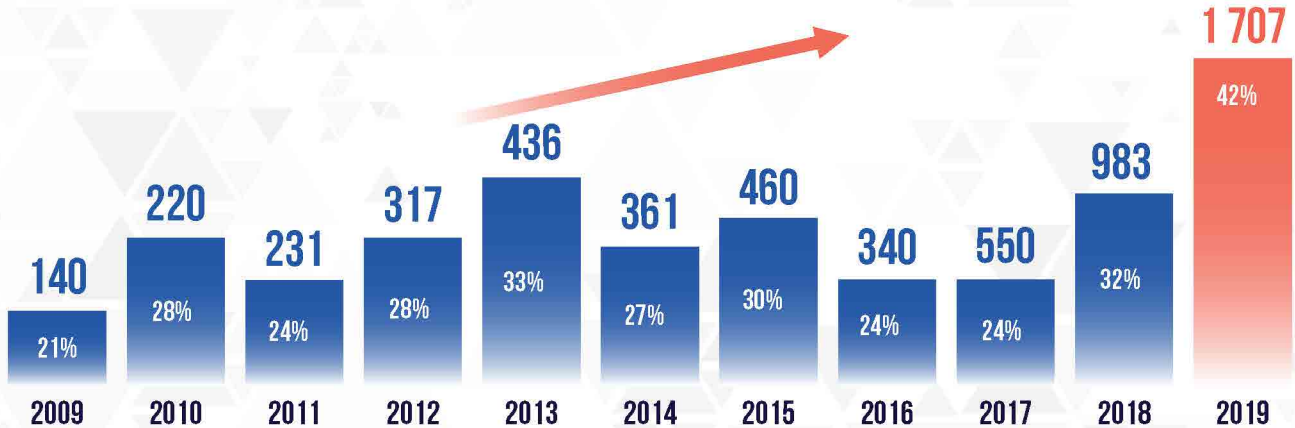


NUMBER OF MATERIALS AT COURTS OF INQUIRY

■ 2018
■ 2019

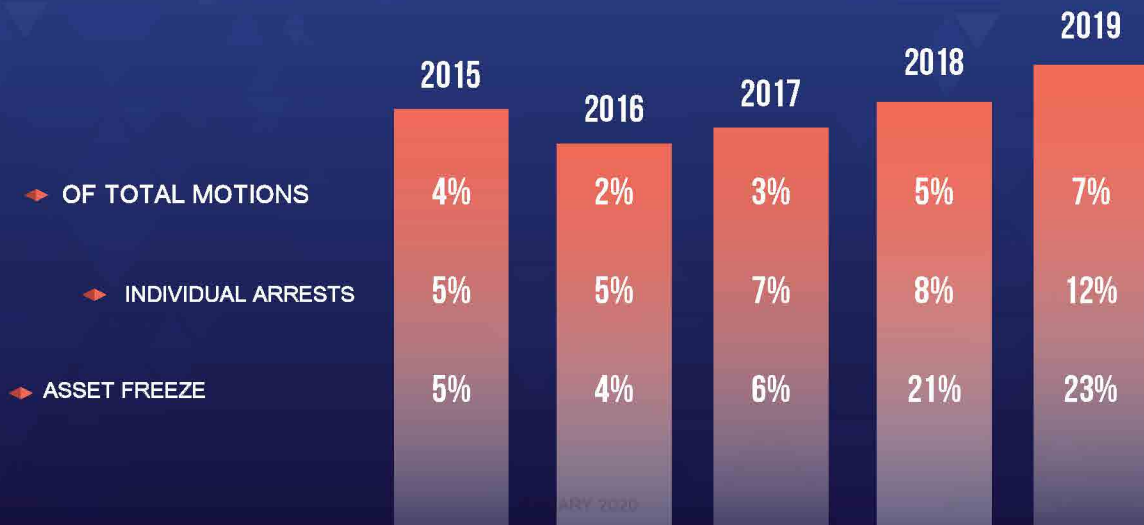


SATISFIED COMPLAINTS AGAINST INVESTIGATION AUTHORITIES

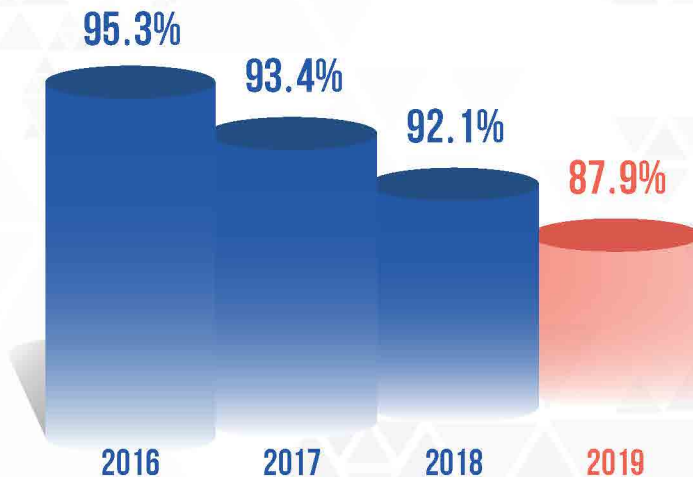


SATISFIED COMPLAINTS VS CONSIDERED COMPLAINTS

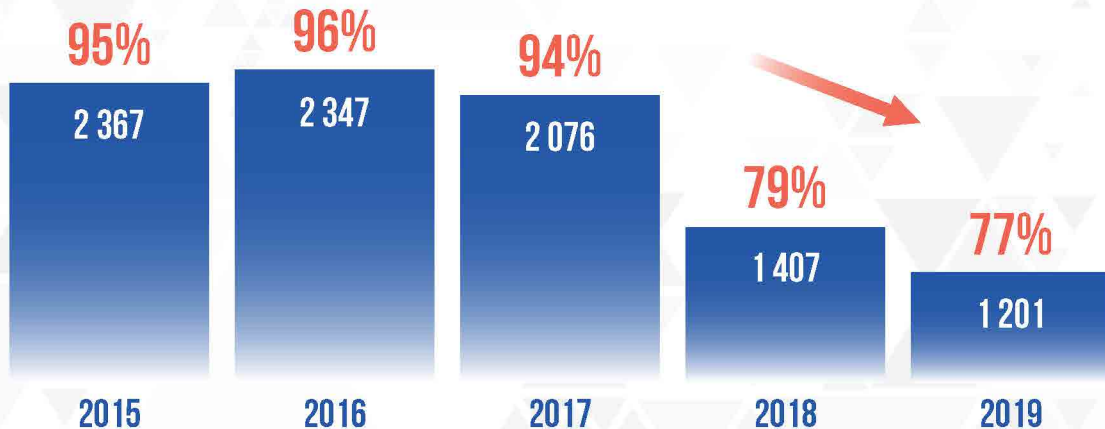
SHARE OF COURT DENIALS TO MOTIONS FROM INVESTIGATION AUTHORITIES



UPHELD MOTIONS FOR INDIVIDUAL ARRESTS FROM INVESTIGATION AUTHORITIES



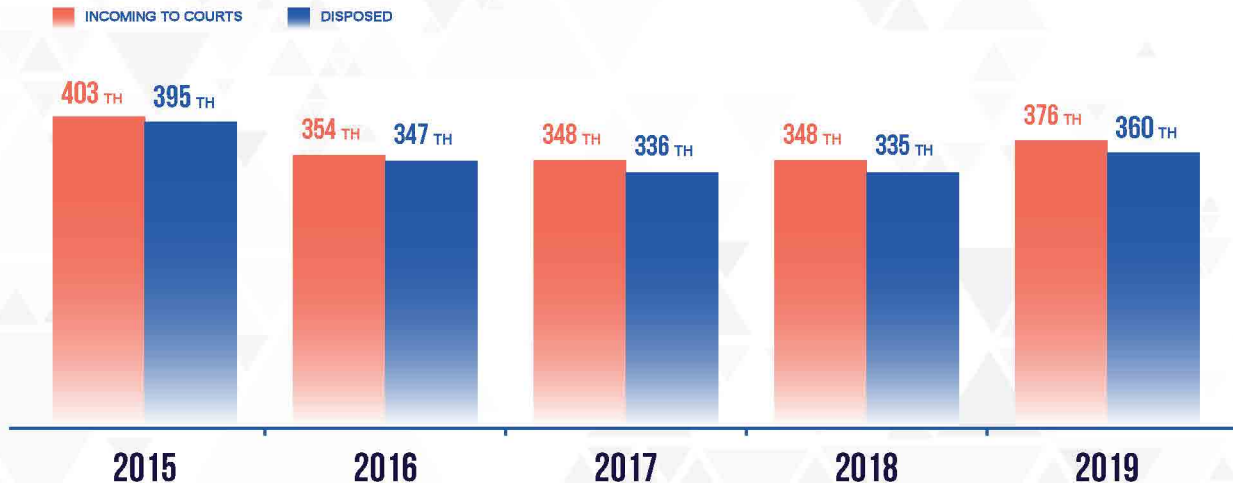
UPHELD MOTIONS FOR ASSET FREEZE FROM INVESTIGATION AUTHORITIES



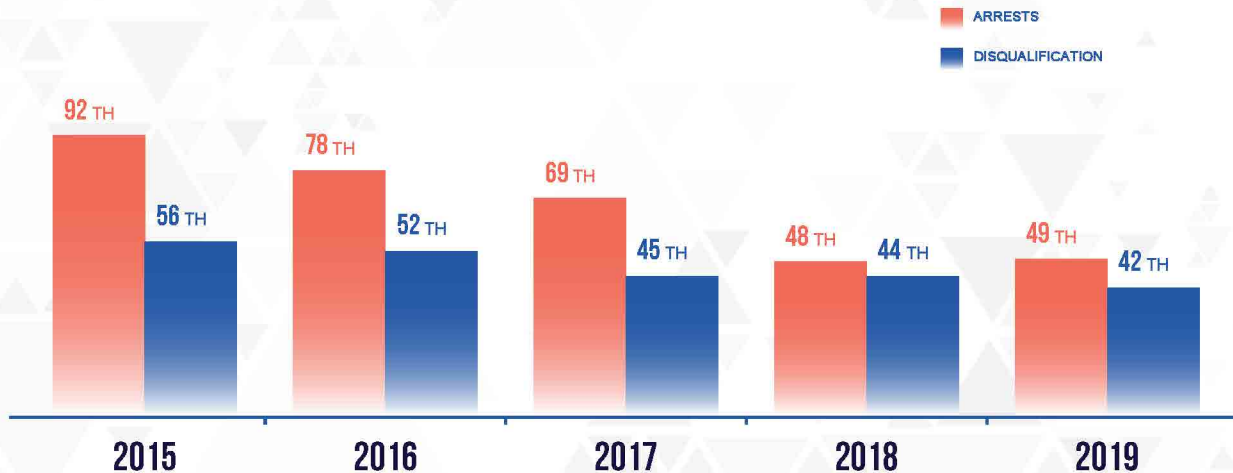
EXAMINING JUDGES APPLYING ARREST/BAIL



INCOMING ADMINISTRATIVE CASES



CERTAIN ADMINISTRATIVE PENALTIES



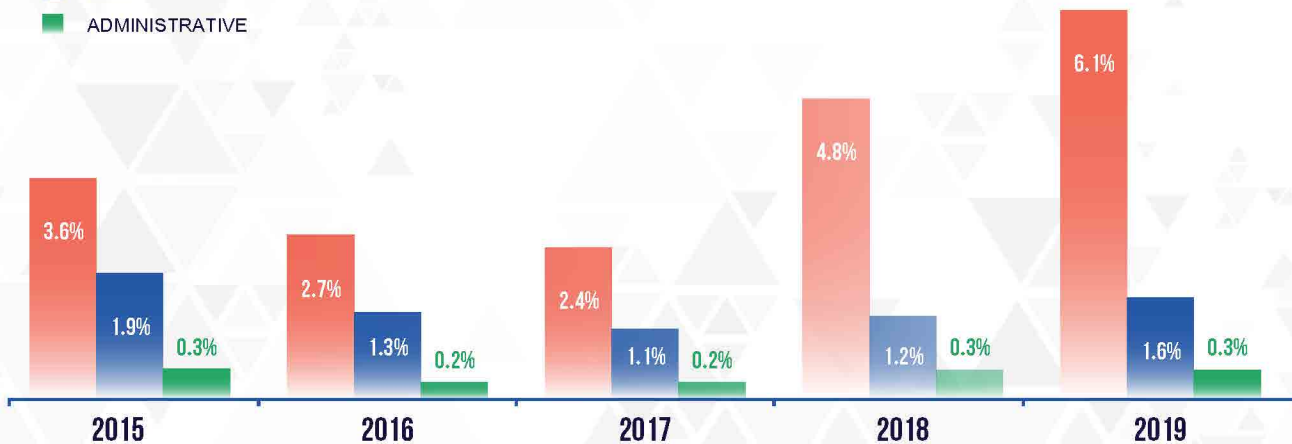
ADMINISTRATIVE FINES



QUALITY OF JUSTICE

(REVOKED AND AMENDED COURT RULINGS OF THE FIRST INSTANCE OF APPEALS AND CASSATION)

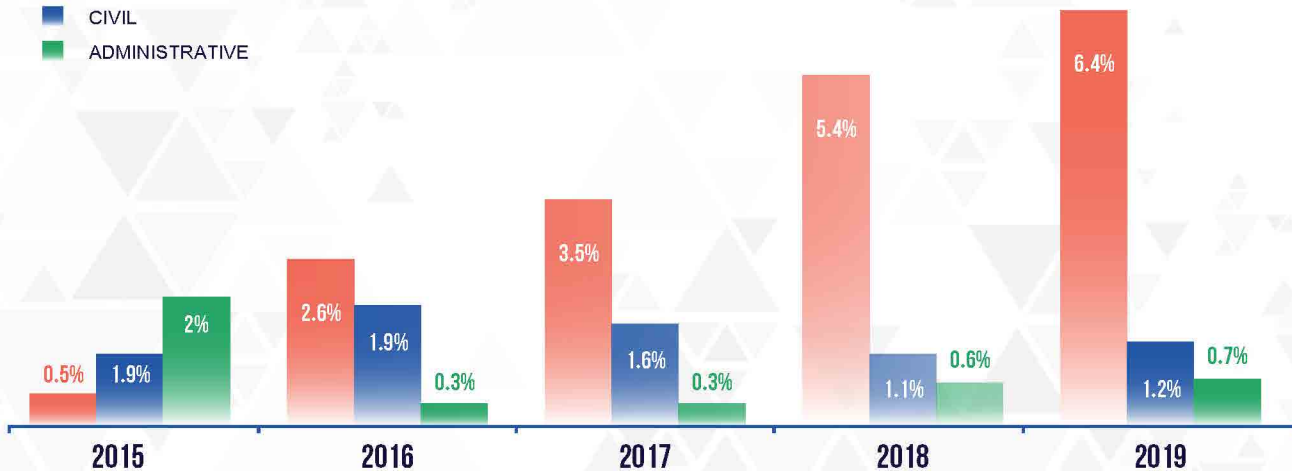
- CRIMINAL (INDIVIDUALS)
- CIVIL
- ADMINISTRATIVE



QUALITY OF JUSTICE

(REVOKED AND AMENDED COURT RULINGS ON APPEALS IN CASSATION)

- CRIMINAL (INDIVIDUALS)
- CIVIL
- ADMINISTRATIVE



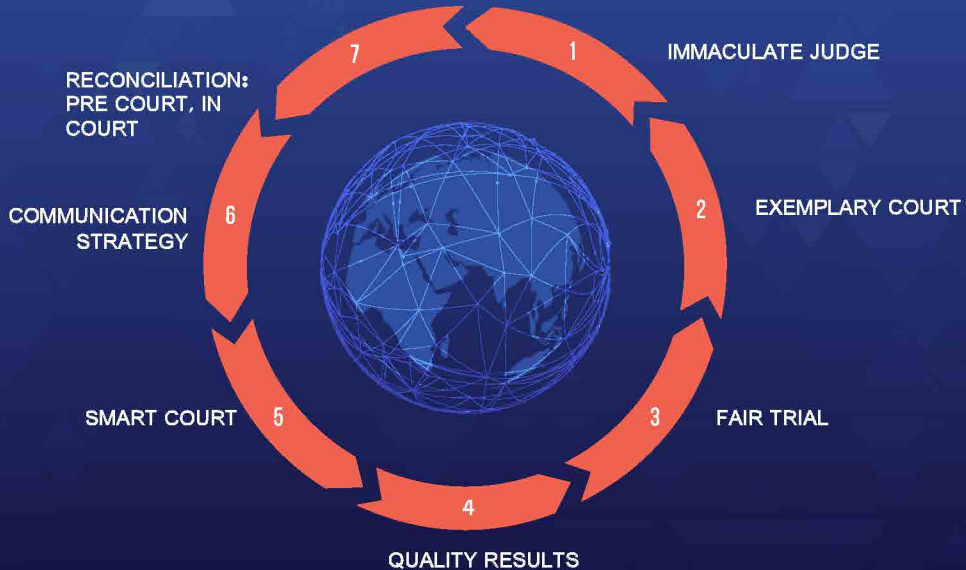


SUPREME COURT PROJECTS

JANUARY 2020

SEVEN STONES OF JUSTICE

(from 2018)



PROJECTS UNDER SEVEN STONES OF JUSTICE*

01 IMMACULATE JUDGE

- ◆ PROFESSIONALISM
HIGH QUALITY PERFORMANCE
- ◆ HIGH ETHICAL STANDARDS
- ◆ REAL GUARANTEE
OF JUDICIAL INDEPENDENCE

02 EXEMPLARY COURT

- ◆ EFFICIENT COURT
ADMINISTRATION
- ◆ ADEQUATE SYSTEM
OF FINANCING

03 FAIR TRIAL

- ◆ STRICT ADHERENCE
TO JUSTICE PRINCIPLES
- ◆ UNIFORM COURT
PRACTICE
- ◆ STREAMLINED ORGANIZATION
OF JUDGE'S WORK
- ◆ ELIMINATION OF EXCESSIVE COURT
PROCEDURES

04 QUALITY RESULT

- ◆ CLEAR AND COHERENT COURT RULINGS
- ◆ QUALITY RESPONSES TO CLAIMS
- ◆ FAST EXECUTION OF COURT RULINGS ON
CIVIL CASES

05 SMART COURT

- ◆ STREAMLINED IT PRODUCTS AND ENHANCED
ANALYTICAL CAPABILITIES
- ◆ MAXIMIZED AUTOMATION OF COURT SERVICES
- ◆ BETTER ACCESS TO IT SERVICES
- ◆ SMOOTH OPERATIONS

06 COMMUNICATION STRATEGY

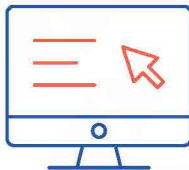
- ◆ IMPROVED QUANTITY AND QUALITY
OF EXTERNAL COMMUNICATION CHANNELS
- ◆ INTERNAL COMMUNICATION TO ENHANCE
THE VALUES OF THE JUSTICE SYSTEM

07 RECONCILIATION: PRE COURT IN COURT

- ◆ CONFLICT MITIGATION
IN THE SOCIETY
- ◆ BROAD IMPLEMENTATION OF
ALTERNATIVE DISPUTE RESOLUTION
- ◆ PROMOTION OF RECONCILIATION
PROCEDURES IN COURT

* MORE DETAILS IN MEDIA PUBLICATIONS - REFERENCES ARE AVAILABLE ON THE NEXT PAGE

MEDIA PUBLICATIONS ON SEVEN STONES OF JUSTICE



- ▶ <http://sud.gov.kz/rus/massmedia/pravosudie-v-detalyah-iberzhanova-kazahstanskaya-pravda-13112019-g>
- ▶ <http://sud.gov.kz/rus/massmedia/sudebnaya-sistema-rk-sem-kamney-pravosudiya-szagipova-liter-23082019-g>
- ▶ <http://sud.gov.kz/rus/massmedia/predsedatel-verhovnogo-suda-zhakup-asanov-menyaya-sud-my-menyaem-obshchestvo-grahmetova>
- ▶ <http://sud.gov.kz/rus/massmedia/reformy-v-deystvii-grahmetova-kazahstanskaya-pravda-12062019-g>
- ▶ <http://sud.gov.kz/rus/massmedia/zhakup-asanov-sudeyskie-oshibki-ne-dolzhny-ostavatsya-beznakazannymi-gmuhanbetzhanova>
- ▶ <http://sud.gov.kz/rus/massmedia/idealnyy-sud-elevkovich-kazahstanskaya-pravda-03082018-g>

JUDICIAL CANDIDATES TAKE

BEFORE 2019

- ◆ TEST ON LEGISLATION AT HJC
- ◆ ORAL EXAM (EXAM CARDS)
- ◆ PSYCHOLOGICAL ASSESSMENT
- ◆ POLYGRAPH (LIE DETECTOR)

STARTING 2019

- ▶ TEST ON LEGISLATION AT ACSA
- ▶ CASE STUDIES
- ▶ PSYCHOLOGICAL ASSESSMENT
- ▶ POLYGRAPH (LIE DETECTOR)
- ▶ ESSAY
- ▶ INTERVIEW WITH 7-8 JUDGES

EXAMS PASSED SUCCESSFULLY BY

25%

6%

JANUARY 2020

PARTICIPANTS OF ONE JUDICIAL SELECTION

2016	55
2017	70
2018	71
2019	130

REQUIREMENTS FOR JUDICIAL CANDIDATES

BEFORE MARCH 2019

- ◆ 5 YEARS OF RECORD AS LAWYER FOR COURT SESSION SECRETARIES, 10 YEARS FOR OTHERS
- ◆ 5 YEARS OF RECORD AS DISTRICT COURT JUDGE FOR OBLAST COURT JUDGES
- ◆ 10 YEARS OF RECORD AS JUDGE FOR SC JUDGES INCLUDING 5 YEARS AS OBLAST COURT JUDGE

STARTING MARCH 2019

- ◆ 5 YEARS OF RECORD FOR ALL
 - ◆ 15 YEARS OF RECORD AS LAWYER OR 5 YEARS AS JUDGE FOR OBLAST COURT JUDGES
 - ◆ 20 YEARS OF RECORD AS LAWYER FOR SC JUDGES INCLUDING 10 YEARS AS JUDGE INCLUDING 5 YEARS AT OBLAST COURT
- EXCEPTION: NO JUDGE RECORD REQUIRED IF PROPOSED BY HEAD OF STATE

ACADEMY OF JUSTICE

BEFORE 2019

- ◆ MINISTRY OF EDUCATION STANDARDS APPLIED TO ACADEMY CURRICULA DRAFTING
- ◆ COMPULSORY COURSES OF UNCALLED FOR DISCIPLINES
- ◆ UNCHALLENGING ENTRY EXAM

STARTING 2019

- ▶ INDEPENDENT ACADEMY NOT SUBORDINATE TO MINISTRY OF EDUCATION
- ▶ FOCUS ON SPECIAL KNOWLEDGE
- ▶ CHALLENGING EXAM: ESSAY, CASES, INTERVIEW

ADVANCED TRAINING AT ACADEMY OF JUSTICE

BEFORE JANUARY 1, 2020

LOCAL COURTS ASSIGNED THE STUDENTS FOR THE COURSES WITHOUT CONSIDERING THE ACTUAL NEED FOR TRAINING

AFTER JANUARY 1, 2020

SC ASSIGNS STUDENTS FROM JUDGES:

- 01 WHO FAILED TO MASTER THE NEW FORMAT OF COURT RULINGS
- 02 WHO DELIVER RULINGS INCOMPLIANT WITH JUDICIAL PRACTICE
- 03 SHOWING THE WORST PERFORMANCE

GUARANTEES OF JUDGES' INDEPENDENCE

BEFORE MARCH 2019

- ◆ JUDGE APPOINTMENTS AND THEIR RESPONSIBILITIES DEPENDED ON THE OBLAST COURT PRESIDUMS*
- ◆ UNLIMITED TENURES FOR PRESIDENTS OF COURTS AND JURIES
- ◆ POOR SOCIAL BENEFITS PACKAGE
- ◆ DISTRICT JUDGES DID NOT PARTICIPATE IN JUDICIAL SELF-GOVERNMENT

*OBLAST COURT PRESIDENT DETERMINED THE PRESIDUM MEMBERS.

STARTING MARCH 2019

- ◆ JUDGE APPOINTMENTS AND THEIR RESPONSIBILITIES DEPEND ON PLENARY SESSIONS ATTENDED BY JUDICIAL DELEGATES FROM ALL SUBNATIONAL COURTS
- ◆ PRESIDENCY OF EQUIVALENT COURTS IS LIMITED TO TWO TENURES
- ◆ IMPROVED SOCIAL BENEFITS PACKAGE
- ◆ ASSIGNED TO HJC FROM SC:
 - COURT JURY
 - SUCCESSION BOARD
- ◆ EXTENDED PLENARY SESSIONS INVOLVING JUDGES OF ALL TIERS

FRONT OFFICES

(COMFORT AND SERVICE)

BEFORE MAY 2018



CONGESTED LOBBY, LINES,
NO COMFORT

TODAY

RECEPTION DESK, DIGITAL QUEUE,
PAY TERMINALS, MEDIATOR,
LAWYER, NOTARY, OPEN SPACE,
UNIFORM DESIGN





FRONT OFFICES

2018

AT **54** COURTS

2019

+ **145** COURTS

18 COURTS LEFT

CITIZEN SERVICE CENTER

BEFORE DECEMBER 2018

- ◆ ONCE A QUARTER – SC PRESIDENT
- ◆ ONCE A MONTH – PRESIDENTS OF SC BOARDS
- ◆ FOR 2018 ГОД – 490 CITIZENS SERVED



STARTING DECEMBER 2018

- ◆ ONCE A MONTH – SC PRESIDENT
- ◆ TWICE A MONTH – PRESIDENTS OF BOARDS DAILY – SC
- ◆ JUDGES, SCP ADVISORS
- ◆ TWO SC JUDGES RECEIVE CITIZENS PERMANENTLY
- ◆ SC FOR 2019 – 1789 CITIZENS SERVED



ROLE OF JUDGE IN CIVIL PROCEEDINGS

JUDGE NOW

- ◆ MAY NOT SHOW INITIATIVE IN ESTABLISHING THE TRUTH IN A DISPUTE
- ◆ CONFINED BY SPECIFIC CLAIMS AND POSITIONS OF PARTIES
- ◆ FULLY EXEMPT FROM EVIDENCE COLLECTION

JUDGE WILL*

- ▶ SHOW INITIATIVE IN ASCERTAINING THE TRUTH
- ▶ REQUIRE EVIDENCE UNPRODUCED BY THE PARTIES

* AMENDMENTS TO CIVIL PROCEDURAL CODE AT THE PARLIAMENT

UNIFORM COURT PRACTICE

ISSUE

- ◀ DIFFERENT JUDGEMENTS ON SIMILAR CASES
- ◀ IMPACTS INVESTMENT CLIMATE

SOLUTION

- ▶ UNIFORM PRACTICE FOR **20** TYPES OF DISPUTES SENSITIVE FOR BUSINESSES
- ▶ DEVELOP IT PRODUCT FOR COURT ANALYTICS AND CASE OUTCOME PROJECTIONS IN COOPERATION WITH CHAMBER OF COMMERCE
- ▶ ADOPT SC REGULATIONS TO ESTABLISH UNIFORM COURT PRACTICE

GOAL: PREDICTABLE JUSTICE

EXCLUSION OF SEVEN FORMAL DEFINITIONS*

IN CONSIDERING A CASE

1. ON TRANSITION TO ACTION PROCEEDING FROM SUMMARY PROCEEDING
2. ON UPHOLDING REMARKS TO JUDICIAL RECORD
3. ON ACCEPTING ACTION UNDER SUMMARY PROCEEDING
4. ON ABOLISHING SECURITY OF A CLAIM
5. ON SCHEDULING A TRIAL

BASED ON NEWLY DISCOVERED EVIDENCE

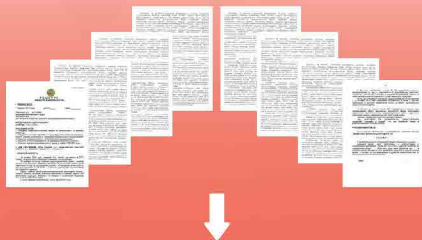
6. ON RETURNING A CLAIM
7. ON ACCEPTING A CLAIM

*AMENDMENTS TO CIVIL PROCEDURAL CODE ON IMPLEMENTING MODERN COURT FORMATS IN THE PARLIAMENT

NEW FORMATS OF COURT RULINGS*

BEFORE

(before September 2018)

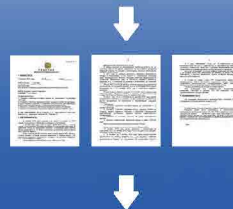


- ◀ STRAIGHT LENGTHY TEXT
- ◀ DIFFICULT LANGUAGE AND TERMS
- ◀ NO STRUCTURE OR BULLETS
- ◀ BULK OF UNNECESSARY INFORMATION

NOW

(from September 2018)

THE SAME JUDGEMENT UNDER NEW FORMAT



- ▶ PITHY AND CONCISE TEXT
- ▶ INTELLIGIBLE LANGUAGE
- ▶ CLEAR STRUCTURE LIKE AT INTERNATIONAL COURTS
- ▶ ANSWER TO EACH ARGUMENT

EXPLANATION OF COURT RULINGS*

BEFORE SEPTEMBER 2018

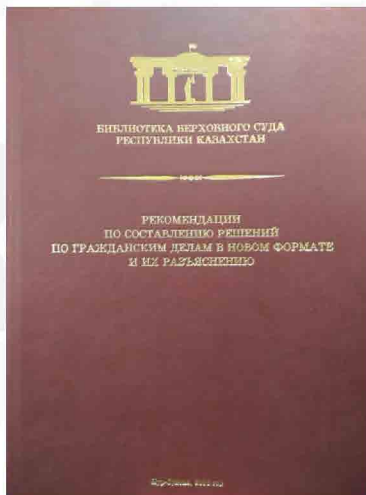
- ◆ THE JUDGE ANNOUNCES THE SENTENCE/ RULING AND LEAVES THE CHAMBER IMMEDIATELY
- ◆ THE PARTIES RECEIVE NO ANSWERS TO THEIR QUESTIONS
- ◆ LACK OF UNDERSTANDING, DISCONTENT
- ◆ COMPLAINTS TO HIGHER INSTANCES

STARTING SEPTEMBER 2018

- ◆ THE JUDGE MUST EXPLAIN THE DECISION THOROUGHLY
- ◆ THE PARTIES MAY RECEIVE ANSWERS TO THEIR QUESTIONS
- ◆ THE COURT RULING LOGIC MUST BE CLEAR TO THEM
- ◆ LESS DISCONTENT - LESS COMPLAINTS

video at <https://www.youtube.com/watch?v=Ku4go8luTDg>

GUIDELINES FOR JUDGES*



GOAL:

ASSIST JUDGES IN DRAFTING PROPER RULINGS FOR CIVIL CASES

VOLUME:

251 PAGES

OBJECTIVE:

- ◆ EXAMPLES FOR MOST FREQUENT CASE CATEGORIES
- ◆ COURT READINGS 'AS IS' VS 'AS REQUIRED'

ACHIEVEMENTS



01 DIGITAL NOTICES FOR PROCEEDINGS PARTICIPANTS

- PUSH NOTIFICATIONS IN MOBILE APP
- COMBINED MAILING (EMAIL AND PAPER)
- VIA ONLINE SERVICES
- TEXT MESSAGES AND EMAILS



02 VIRTUAL COURT

- VIDEOTELECONFERENCE (VTC)
- MOBILE VIDEOCONFERENCE
- 381 VTC ROOMS AT PUBLIC OFFICES



03 DIGITAL SERVICES

- DIGITAL AGENT
- GIS COURTS
- 'KOMEK' DIGITAL ASSISTANT

DIGITAL AGENT

MOBILE APPLICATION FOR IOS AND ANDROID

ANYONE CAN RATE THE
SERVICES AT ALL **390** COURTS
BY **4** CRITERIA

LAUNCHED IN MAY **2019**:

▶ **869** REVIEWS PROCESSED

▶ **354** NEGATIVE RATINGS

ОЦЕНИТЕ УЧРЕЖДЕНИЕ

1-й клик 


2-й клик

1. КОМФОРТ	2. СЕРВИС
4. ПРОЦЕДУРЫ	3. ПЕРСОНАЛ


<p>1. КОМФОРТ</p> <ul style="list-style-type: none"> ✓ Чистота ✓ Кондиционирование ✓ Отопление ✓ Функционирующий санузел ✓ Место для сидения ✓ Место для составления документов 	<p>2. СЕРВИС</p> <ul style="list-style-type: none"> ✓ Образцы заявлений ✓ Информационные стенды ✓ График личного приёма ✓ График судебных заседаний ✓ Организация приёма/ выдачи документов ✓ Пропускной режим ✓ Условия для маломобильных групп
<p>4. ПРОЦЕДУРЫ</p> <ul style="list-style-type: none"> ✓ Вежливость ✓ Компетентность ✓ Полнота информации ✓ Соблюдение закона с языках ✓ Готовность помочь 	<p>3. ПЕРСОНАЛ</p> <ul style="list-style-type: none"> ✓ Своевременность извещений ✓ Своевременность выдачи судебных актов/ документов ✓ Возможность проведения дистанционного судебного процесса ✓ Своевременность выдачи и качество АВП ✓ Разъяснение судебного акта

GIS COURTS

(<http://office.sud.kz/gis>)



ВЕРХОВНЫЙ СУД РК
СУДЕБНЫЙ КАБИНЕТ



САЙТ ВЕРХОВНОГО
СУДА РК

Мобильный
КАБИНЕТ

Сервис "Суды-GIS" представляет из себя геоинформационную систему, нацеленную

Адвокаты ▾


Область (столица, город республиканского значения)

Актюбинская область ▾

Поиск 🔍

Абдулин Олжас Зейнулаевич
Номер: 7752302242
Адрес: пр. а. молдагуловой, 57 "д"

Абдулина Эльвира Махатовна
Номер: 7015708718
Адрес: пр. а. молдагуловой, 57 "д"

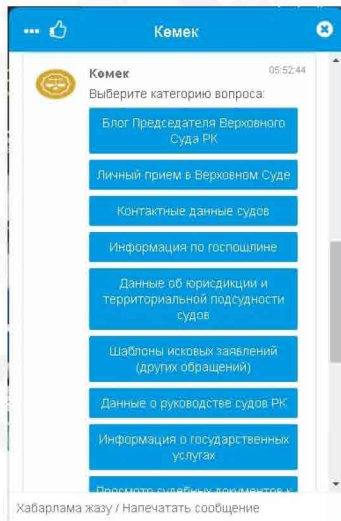


GEOLOCATION, ADDRESSES AND PHONE NUMBERS OF:

- ◆ COURTS
- ◆ LAWYERS
- ◆ NOTARIES
- ◆ MEDIATORS

"KOMEK" DIGITAL ASSISTANT

CHAT BOT AT SUD.GOV.KZ



- ◆ INTERACTIVE ASSISTANCE
- ◆ QUICK ACCESS TO COURT SITES
- ◆ ANSWERS TO FAQ

IN PROGRESS

01 DIGITAL ANALYTICS

- ◆ JUDGE'S DIGITAL ASSISTANT
- ◆ REPORT AND ANALYTICS GENERATION
- ◆ ASSISTANCE IN JUDGEMENT
- ◆ CASE OUTCOME PROJECTION

02 DIGITAL COURT CHAMBER

- ◆ WS FOR PARTICIPANTS (SECRETARY, PROSECUTOR, DEFENDER)
- ◆ DIGITAL TRIAL
- ◆ TRANSPARENCY

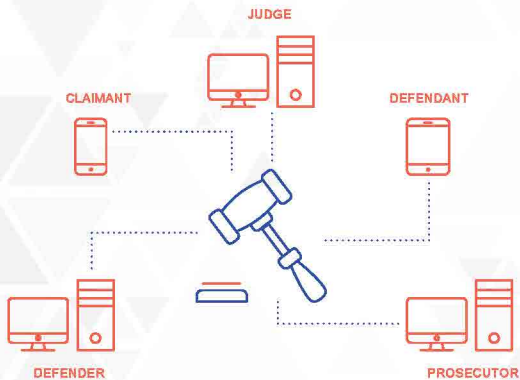
IN PROGRESS: DIGITAL ANALYTICS



IT PRODUCT FOR:

- MONITORING OF COURT RULING LIFE CYCLE
- COURT RULING SMART SEARCH (*UNDER TESTING*)
- CASE OUTCOME PROJECTION

IN PROGRESS: DIGITAL COURT CHAMBER



ADVANTAGES:

- ◀ DIGITAL COURT SESSION
- ◀ REMOTE PARTICIPATION USING GADGETS AND VTC

OBJECTIVES FOR 2020:

- ◀ EQUIP 699 ROOMS
- ◀ START TRANSITION TO PAPERLESS CIVIL PROCEEDINGS

OUTREACH ACTIVITIES IN 2019

3	LIVE BROADCASTS (<i>FINAL AND PLENARY SESSIONS OF SUPREME COURT</i>)
48	ISSUES OF THE "VERY IMPORTANT CASE" TV PROJECT
10	EPISODES OF "JUSTICE SPACE" TV SERIES
273	PRESS TOURS
1 254	BRIEFINGS
2 035	DOORS OPEN DAYS AT COURTS
3 814	TV NEWS STORIES
9 994	PRINTED MEDIA PUBLICATIONS
14 896	WEB PUBLICATIONS

OUTREACH ACTIVITIES IN 2019

INTERNET AND SOCIAL MEDIA



OVER **600** CORPORATE ACCOUNTS

7 COMMUNITIES

- IT JUSTICE
- SEVEN STONES OF JUSTICE
- JUDICIAL PROTECTION OF BUSINESSES
- RECONCILIATION IN COURTS
- CRIMINAL JUSTICE
- JUDGES AND MEDIA



42 VIDEOS

(OVER **700** SINCE ACCOUNT LAUNCH)



OVER **400** POSTS -

IN **SC** SPOKESPERSON'S ACCOUNT



SC ACCOUNTS CREATED

MENTIONS OF COURTS IN MEDIA AND SOCIAL MEDIA

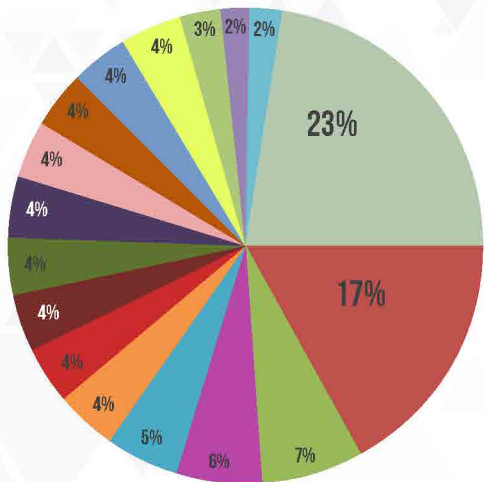
(ACCORDING TO ALEMRESEARCH LLP*)



* PROVIDER SITE - [HTTPS://WWW.ALEM.KZ/](https://www.alem.kz/)

CRITICISM BY REGIONS

(2017 - 2019)



- COURTS OF ALMATY
- COURTS OF NUR-SULTAN
- COURTS OF TURKESTAN OBLAST
- COURTS KOSTANAY OBLAST
- COURTS OF KARAGANDY OBLAST
- COURTS OF AKMOLA OBLAST
- COURTS OF ATYRAU OBLAST
- COURTS OF KYZYLORDA OBLAST
- COURTS OF WEST KAZAKHSTAN OBLAST
- COURTS OF AKTOBE OBLAST
- COURTS OF PAVLODAR OBLAST
- COURTS OF NORTH KAZAKHSTAN OBLAST
- COURTS OF ALMATY OBLAST
- COURTS OF EAST KAZAKHSTAN OBLAST
- COURTS OF ZHAMBYL OBLAST
- COURTS OF MANGYSTAU OBLAST
- COURTS OF SHYMKENT

CENTERS OUT-OF-COURT SETTLEMENT

(2018-2019)

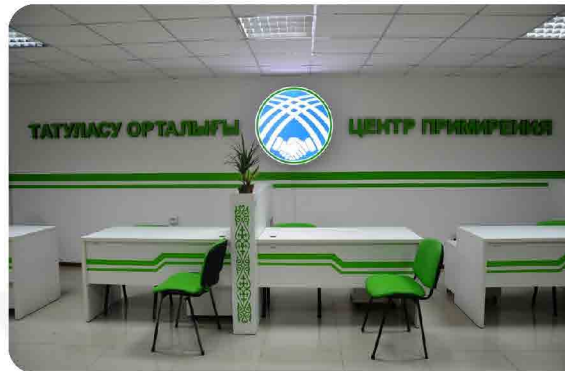
GOAL:

- a) PROMOTION OF OUT-OF-COURT MECHANISMS OF DISPUTE RESOLUTION
- b) MITIGATION OF CONFLICT IN SOCIETY

◀ OPERATE IN **17** REGIONS

◀ NATIONALLY, TOTAL OF **47** CENTERS

◀ **413** BI (PEACE COMMISSIONER) COUNCILS ESTABLISHED



CONCILIATOR JUDGE

(PILOT PROJECT SINCE 2018)



◀ THE PILOT ENGAGES **97** COURTS

◀ NUMBER OF CONCILIATORS - **118**

◀ NUMBER OF CASES DISPOSED SO FAR - **86 053**

◀ CONCILIATION PROCEDURES CONDUCTED FOR **24 159** CASES

◀ OUT-OF-COURT SETTLEMENT OF **28%** OF DISPUTES

FAMILY COURTS

(PILOT PROJECT SINCE 2019)

GOAL:

- a) SPOUSES RECONCILIATION, FAMILY PRESERVATION
- b) PROTECTION OF CHILDREN'S INTERESTS

- ◀ **107** FAMILY CASE JUDGES
- ◀ IN 2019, JUDGES DISPOSED **57 977** FAMILY DISPUTE CASES
- ◀ RECONCILIATION IN **22%** OF CASES
- ◀ PSYCHOLOGISTS AND MEDIATORS ARE INVOLVED
- ◀ FAMILIES ARE PRESERVED



NIGHT COURTS

(JUNE 2018 TO DECEMBER 2019)

BEFORE THE PROJECT

- ◆ AFTER ACCIDENTS: POLICE REPORT+ JUDGEMENT IN 3 MONTHS
- ◆ INSURANCE - IN 100 DAYS
- ◆ VEHICLE DOWNTIME, INCONVENIENCE
- ◆ DISCONTENT, CORRUPTION

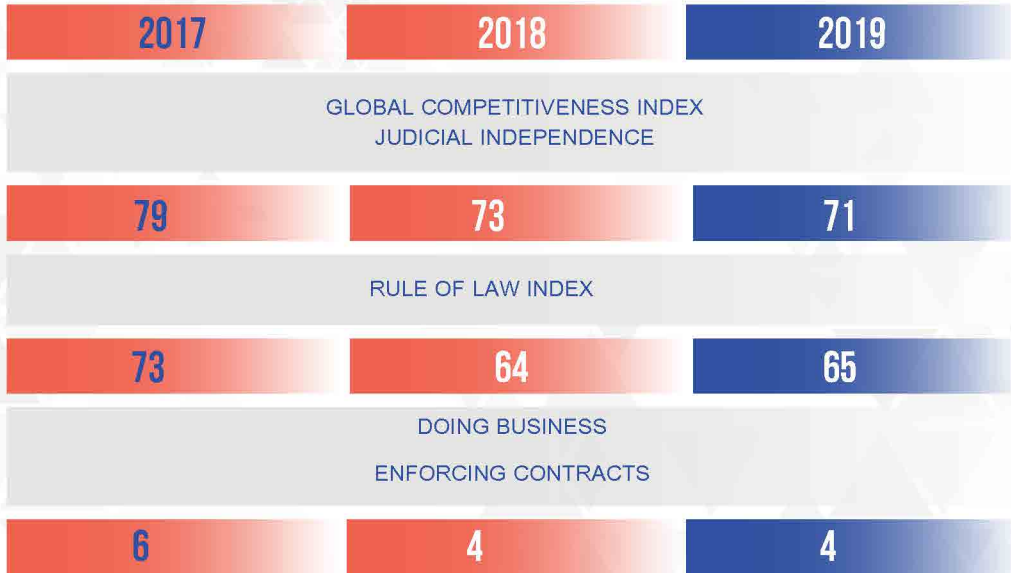
DURING THE PROJECT

- ◆ REPORT + JUDGEMENT - IN 3 DAYS+ 10 DAYS FOR ENTRY INTO FORCE
- ◆ INSURANCE IN 15 DAYS
- ◆ COURT SESSION AFTER BUSINESS HOURS (UNTIL 10 P.M.) IN 18 OBLAST CENTERS
- ◆ 23 316 ADMINISTRATIVE CASES DISPOSED

AMENDMENTS TO ADMINISTRATIVE CODE ON DECEMBER 30, 2019

- ◆ IMMEDIATE HEARINGS UPON MOTIONS FROM PARTIES
- ◆ IMMEDIATE ENACTMENT OF JUDGEMENTS

OUR SCORE IN GLOBAL RANKINGS





JUDICIAL ADMINISTRATION

JANUARY 2020

JUDICIAL BUDGET

	2015	2016	2017	2018	2019	2020
JUDICIAL BUDGET (KZT BILLION)	27.1	30.5	34.3	36.2	54.5	57.9
% OF BUDGET EXPENSES	0.39	0.38	0.32	0.38	0.47	0.46

BUDGETS OF FORMER USSR COURTS

(based on 2019 results)

NO	STATE	TOTAL STATE EXPENSE (€)	JUDICIAL BUDGET (€)	%	NOTE
01	LATVIA	9 400 000 000	4 380 000	2.71	
02	MOLDOVA	2 471 731 856	48 016 705	1.94	SHARED BUDGET WITH MINISTRY OF JUSTICE
03	UKRAINE	36 798 754 706	646 231 241	1.76	
04	LITHUANIA	11 705 900 000	153 300 000	1.31	
05	KYRGYZSTAN	2 223 184 425	27 652 413	1.24	TO INCREASE BY 2% IN 2020
06	RUSSIA	252 813 903 426	2 891 357 001	1.14	
07	ARMENIA	3 256 012 004	27 865 659	0.86	
08	AZERBAIJAN	13 340 545 509	66 821 799	0.50	WITH WORLD BANK LOAN FOR 2014-2019
09	KAZAKHSTAN	26 785 327 625	127 253 129	0.47	
10	ESTONIA	11 310 000 000	50 915 305	0.45	
11	GEORGIA	3 911 310 729	16 614 195	0.42	
12	BELARUS	16 046 142 109	60 170 276	0.37	
13	UZBEKISTAN	10 222 178 666	-	-	
14	TAJIKISTAN	2 241 941 425	-	-	
15	TURKMENISTAN	898 857 028	-	-	

Average across countries – 1.1%

COURT BUDGETS TO GDP

(FORMER USSR STATES)

STATES	SHARE IN %
MOLDOVA	0.32
UKRAINE	0.26
RUSSIA	0.22
LITHUANIA	0.19
ESTONIA	0.19
LATVIA	0.21
GEORGIA	0.18
ARMENIA	0.18
AZERBAIJAN	0.13
KAZAKHSTAN	0.07

COURT BUILDINGS CONSTRUCTED IN 2016-2019

NO	COURT	YEAR	EXPENSES	
			NATIONAL BUDGET	LOCAL BUDGETS
01	COURT NO2 URALSK	2016		1 BLN
02	ZHARKAIN DISTRICT	2017	254 ML	
03	QURATY DISTRICT COURT	2017	292 ML	
04	KAZALY DISTRICT COURT	2017		164 ML
05	TEKELI DISTRICT COURT	2017	207 ML	
06	NAURYZBAY DISTRICT COURT	2017		2.4 BLN
07	MARTUK DISTRICT COURT	2017		160 ML
08	KOSTANAY OBLAST COURT	2018		1.3 BLN
09	KARAGANDY OBLAST COURT	2019	2.4 BLN	
10	ARAL DISTRICT COURT	2019		168 ML
11	ISATAY DISTRICT COURT	2019		76 ML
12	TASKALI DISTRICT COURT	2019		149 ML

CONSTRUCTION PLAN FOR 2020-2021

NO	COURT	YEAR	EXPENSES	
			NATIONAL BUDGET	LOCAL BUDGETS
01	AITEKEBI DISTRICT COURT	2020		258 MIL
02	ARYS DISTRICT COURT	2020	315 MIL	
03	SATPAYEV CITY COURT	2020	673 MIL	
04	ALMATY CITY COURT	2020		4,9 BLN
05	PAVLODAR CITY COURT	2020		1.2 BLN
06	KARATOBE DISTRICT COURT	2020		153 MIL
07	GLUBOKOV DISTRICT COURT	2020		476 MIL
08	ZHYLYOY DISTRICT COURT	2020		220 MIL
09	ZHAMBYL OBLAST COURT	2021	1.3 BLN	
10	BAYKONUR DISTRICT COURT OF NUR-SULTAN	2021		6.6 BLN
11	TURKESTAN OBLAST COURT	2021		2.9 BLN

IN SEPTEMBER 2019 NUR-SULTAN HOSTED FOR THE FIRST TIME

62TH CONFERENCE OF INTERNATIONAL ASSOCIATION OF JUDGES (IAG)

OVER **300** JUDGES FROM **97** COUNTRIES

14TH CONFERENCE OF INTERNATIONAL ASSOCIATION FOR COURT ADMINISTRATION (IACA)

200 DELEGATES FROM **60** COUNTRIES

INTERNATIONAL FORUM ON QUALITY OF JUSTICE

OVER **700** DELEGATES FROM **120** COUNTRIES

OUR INTERNATIONAL PARTNERS

- ▶ EEU COURT
- ▶ CIS ECONOMIC COURT
- ▶ AIFC COURT
- ▶ EUROPEAN COMMISSION FOR THE EFFICIENCY OF JUSTICE (CEPEJ)
- ▶ CONSULTATIVE COUNCIL OF EUROPEAN JUDGES (CCJE)
- ▶ VENICE COMMISSION
- ▶ INTERNATIONAL ASSOCIATION OF JUDGES (IAJ-IUM)
- ▶ INTERNATIONAL ASSOCIATION FOR COURT ADMINISTRATION (IACA)
- ▶ CONFERENCE OF SCO CHIEF JUSTICES

- ▶ WORLD BANK
- ▶ UNDP
- ▶ UNICEF
- ▶ UN HCHR
- ▶ UNODC
- ▶ OSCE
- ▶ OECD
- ▶ USAID
- ▶ ABA ROLI
- ▶ JICA

- ▶ GERMAN SOCIETY FOR INTERNATIONAL COOPERATION (GIZ)
- ▶ GERMAN FUND FOR INTERNATIONAL LEGAL COOPERATION (IRZ)
- ▶ EBERT FOUNDATION
- ▶ THE LAW SOCIETY OF ENGLAND AND WALES
- ▶ HAGUE CONFERENCE ON PRIVATE INTERNATIONAL LAW (HCCH)
- ▶ PENAL REFORM INTERNATIONAL (PRI)

INTERNATIONAL COUNCIL UNDER SUPREME COURT*

- ▶ ESTABLISHED IN 2016 (UNDER “100 CONCRETE STEPS”)
- ▶ CONSULTATIVE AND ADVISORY BODY
- ▶ GOAL – IMPLEMENT BEST INTERNATIONAL JUDICIAL STANDARDS
- ▶ MEMBERS: FOREIGN EXPERTS, REPUTABLE JUDGES AND SCHOLARS
- ▶ EIGHT SESSIONS CONDUCTED SINCE ESTABLISHMENT
- ▶ 16 RECOMMENDATIONS INCLUDING ON:
 - EQUALITY OF DEFENSE AND PROSECUTION
 - ADMINISTRATIVE JUSTICE ESTABLISHMENT
 - STREAMLINING CIVIL PROCEEDINGS, ETC.

* <http://sud.gov.kz/rus/kategoriya/mezhdunarodnyy-sovet-pri-verhovnom-sude-respubliki-kazahstan>

VIII

OBJECTIVES FOR 2020

JANUARY 2020

OBJECTIVES FOR 2020:

- 01 IMPLEMENT JUDICIAL QUALITY MONITORING
- 02 IMPLEMENT ADMINISTRATIVE JUSTICE
- 03 IMPROVE ACCESS TO CASSATION BY LAW
- 04 ENHANCE THE ROLE AND RESPONSIBILITY OF APPEALS INSTANCE
- 05 REFORM TRAINING AT ACADEMY OF JUSTICE

1. IMPLEMENT JUDICIAL QUALITY MONITORING

JUDGES ASSESSMENT

AMEND METHODOLOGY BASED ON 2019
OUTCOMES

CONDUCT REGULAR ASSESSMENT

COURT PRACTICE

DEVELOP METHODOLOGY FOR
COURT RULING MONITORING

IMPLEMENT NEW PROCEDURE FOR
COURT PRACTICE GENERALIZATION

COURT OPERATIONS

DEVELOP AND IMPLEMENT
INTERNATIONAL COURT ASSESSMENT
SYSTEM (CEPEJ)

COMMISSION JUDICIAL INFORMATION
RESOURCE (statistics, analytics)

2. IMPLEMENT ADMINISTRATIVE JUSTICE

ISSUE

- ◆ BURDEN OF PROOF IS ON THE CLAIMANT IN A DISPUTE WITH A PUBLIC BODY
- ◆ THE JUDGE IS PASSIVE IN A TRIAL
- ◆ POOR PERFORMANCE OF PUBLIC BODIES

SOLUTION

- ◆ THE PUBLIC BODY PROVES
(PRESUMPTION OF GUILT OF A PUBLIC BODY)
- ◆ THE JUDGE IS ACTIVE IN ASCERTAINING THE TRUTH IN A DISPUTE
- ◆ THE JUDGE OVERSEES THE JUDGEMENT ENFORCEMENT AND MAY PENALIZE THE PUBLIC BODY HEAD FOR NON-ENFORCEMENT

3. IMPROVE ACCESS TO CASSATION

NOW

PRELIMINARY CONSIDERATION BY THE
JUDGE SITTING ALONE

SUGGESTED*

PRELIMINARY CONSIDERATION **DONE**
COLLECTIVELY (THREE JUDGES)

*DRAFT LAW ON PENAL AND PROCEDURAL CODES UNDER GOVERNMENT CONCURRENCE

4. ENHANCE THE ROLE AND RESPONSIBILITY OF APPEALS INSTANCE

- ◆ OBLIGE THE APPEALS INSTANCE TO ACCEPT NEW CASE EVIDENCE
- ◆ OBLIGE THE APPEALS INSTANCE TO JUDGE ON MERITS OF THE CASES RETURNED BY CASSATION
- ◆ EXPAND THE LIST OF JUDGEMENTS TO BE DELIVERED BY THE APPEALS INSTANCE
- ◆ IMPROVE THE QUALITY OF TRIALS AT THE APPEALS INSTANCE
- ◆ IMPROVE THE QUALITY OF ANALYTICS AT OBLAST COURTS
- ◆ ADOPT THE NEW FORMAT OF THE APPEALS INSTANCE'S FINAL ACTS
- ◆ APPROVE THE GUIDELINES ON THE NEW FORMAT AND EXPLANATION OF THE APPEALS ACTS
- ◆ CONTINUE JUDGE TRAINING (*VISITS TO REGIONS, TRAINING EVENTS*)

5. REFORM TRAINING AT ACADEMY OF JUSTICE

NOW

- ◆ PREVALENCE OF THEORY AND IRRELEVANT TOPICS
- ◆ THE STUDENT DOES INTERNSHIP ALONE
- ◆ THE STUDENT DRAFTS COURT RULINGS INDEPENDENTLY
- ◆ LACK OF COMPETITION

STARTING SEPTEMBER 1, 2020

- ◆ CLASSES AND PROJECTS BASED ON COURT PRACTICE
- ◆ THE STUDENTS DO INTERNSHIPS IN GROUPS
- ◆ GROUP DISCUSSION OF JUDGEMENTS AND INDIVIDUAL DRAFTING OF COURT RULINGS
- ◆ COMPETITION + MOTIVATION

2020 IS THE YEAR OF QUALITY IN COMMUNICATIONS

01 PRESS SERVICE RESET

02 CALL CENTER UPGRADE

03 NEW SUPREME COURT WEB SITE *(in Kazakh, Russian and English)*