Azerbaijan: e-Courts and the joint achievements in digitalization of justice

Judge Dr. Ramin Gurbanov,
Project coordinator,
President of the European Commission for the Efficiency of Justice (CEPEJ), Council of Europe
Based on CEPEJ’s report among the 47 state members of the Council of Europe:

- 46 countries implemented the e-court system (except Cyprus);
- 34 countries accepted the e-filing (e-claim) system on civil cases (Czech Republic, Finland, Latvia, Serbia also accepted e-filing via e-mail);
- 44 countries have developed Unified Judicial Portal (except Germany, Georgia and Switzerland);
- 40 countries allowed remote questioning of accused persons and witnesses (the countries which implement this system in all type of cases – Portugal, Estonia, Finland, Lithuania, Spain and Sweden).
Some documents adopted by CEPEJ experts for proper use of information technologies during the delivery of services in European court systems:

- European Ethical Charter on the use of artificial intelligence in judicial systems and their environment (5 principles);
- CEPEJ Declaration on lessons learnt and challenges faced by the judiciary during and after the COVID-19 pandemic (7 principles);
- Guidelines on how to drive change towards cyberjustice;
- Guidelines on videoconferencing in judicial proceedings CEPEJ(2021)4;
# Moving Azerbaijan’s Judiciary into the 21st Century – established reforms

## Reforms before 2000
- New constitution was adopted, judicial branch was established, judicial independence guaranteed

## Reforms during 2000
- Substantial renewal of the legislation, testing system for the selection of judges was introduced.

## Reforms in 2004
- In partnership with Council of Europe the status of the Judicial-Legal Council was renewed, Judge Selection Committee was established.

## World Bank

## Reforms in 2006
- In partnership with Council of Europe and sub-bodies (Council of Europe European Commission for the efficiency of justice (CEPEJ)) regional courts were created, the number of judges, staff and advocates was increased.

## Reforms during 2006 - 2019
- With World Bank e-Court infrastructure was established, unified standards were developed, "Electronic Court" and "Enforcement Management" systems were implemented.
- Amendments made to the Civil Procedure Code and to the Law "On courts and judges" - establishing the electronic simplified (fast-track) procedure for small claims; setting up the time standards for key court events, including adjournment; automated random case distribution; e-filling & e-proceeding. Enactment of the Law on Mediation.

## Next step of reforms (April 3, 2019)
- Decree of the President of the Republic of Azerbaijan on deepening reforms in the judicial-legal system: countrywide e-court system, private bailiffs, alternative expertise and etc.
Building Smart Judiciary System

«Judicial Modernization» Project 2006-2011

«Judicial Modernization» Project additional financing 2011-2014

«Judicial Services and Smart Infrastructure» Project 2014-2018

Phase II 2019-2024
Main key direction of project activities

CONSULTING SERVICES ON LAW
(mediation, advocacy institute, court decision enforcement system, gender policy and etc.)

HUMAN CAPACITY BUILDING
(various trainings, surveys, Promotions and etc.)

COURT INFRASTRUCTURE
 design of court buildings, definition of new standards, construction of complexes)

E- MANAGEMENT AND E-SERVICES
(e-notary, e-court, e-enforcement, electronic cabinet and etc.)
ESTABLISHMENT OF E-JUSTICE SYSTEM
Main achievements and developments on e-Services (2008-2018)

<table>
<thead>
<tr>
<th>Access to Justice</th>
<th>e-Court infrastructure</th>
<th>e-Management and efficiency</th>
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<tbody>
<tr>
<td>Unified Judicial Portal</td>
<td>ICT infrastructure has been created for implementation of the &quot;e-Court&quot; System</td>
<td>“e-Court” System (AZEMİS)</td>
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<td>Personal Electronic Cabinet for parties (e-filling of claims, case progress tracking and management)</td>
<td>Delivery of justice in economic disputes based on paperless approach</td>
<td>“e-Enforcement” System</td>
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<tr>
<td>Video Conferencing System (remote questioning of parties)</td>
<td>“e-Enforcement” System is applied in regions</td>
<td>“e-Order» automated system</td>
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<tr>
<td>«e-Court fee» system (electronic payment of court fees and fines)</td>
<td>“e-Notary” System</td>
<td>“e-Enforcement” System</td>
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Audio & video recording system of court hearings (Az-FEMİDA)

Application of KPI in evaluation of court performance

e-Publication of judgments and Unified Database of Judgments
Main elements of the e-Court system

- E-PUBLICATION OF THE JUDGMENTS
- E-CABINET (ELECTRONIC FILING)
- FAST-TRACK PROCEDURE FOR SMALL CLAIMS
  “Paperless approach in commercial cases”
- JUDICIAL STATISTICS, KPIs, e-MANAGEMENT
- MONITORING BOARD:
  Tracking the time standards for key court events and preventing adjournment
- AUTOMATED RANDOM ALLOCATION OF CASES
UNIFIED JUDICIAL PORTAL: innovative approach with e-Cabinet
Impact of the e-Cabinet to court proceedings and opportunities for users

Access to Justice (24/7):
- Electronic filing of initial complaints and documents (claims, petitions and etc.) through a dedicated platform without submitting hard copy;
- e-Payment of court fees;
- e-Access to all related cases (case documents, hearings, judgments and etc).

Completely electronic interaction between the judge and the party:
- e-Communication between judge and party (electronic delivery of court notices and etc.);
- e-Document flow (submitting and getting documents);
- Automatic publication of judgments;
- e-Tracking the status of the enforcement of judgments.

Transparency and efficiency:
- Speed-up the court proceedings and getting the court documents on time;
- Elimination of delays and fraud.

Cost and time saving:
- No post and paper expenses;
- No need to visit court before or after hearings;
- No any direct interaction with court staff and waiting for their response.
Providing paperless electronic document flow

Paperless **electronic document** flow between
Judge and Business Entity

Completely electronic interaction between the judge and the party

Paperless **electronic case flow** between
Court Instances

Supreme Court

Courts of Appeal

1-st instance courts

Paperless electronic case flow between
State Institutions
(e.g. courts and enforcement agencies, prosecution)

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### PAPERLESS APPROACH IN COMMERCIAL CASES:
Speed-up the court proceedings by digitalization

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<th>METHODS &amp; OUTCOMES</th>
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<tr>
<td>Easy filing of the case – e-Cabinet &amp; e-Payment of court fees 24/7</td>
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<td>e-Registration of the cases - <em>reducing the time of case registration</em></td>
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<td>Automated random allocation of cases – <em>immediately and directly</em></td>
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<td>e-Preparation of the court documents</td>
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<td>e-Scheduling the hearings</td>
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<td>e-Tracking the key court events and validating the key operations</td>
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<td>e-Publishing the judgments</td>
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<td>e-Preparation of the statistical reports based on KPI</td>
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AUTOMATED RANDOM ALLOCATION OF CASES

Main allocation principles (criteria)

- By case types – civil, commercial, administrative and etc..
- By dispute categories – insolvency, contract enforcement, debts and etc..
- Weight of the case – dispute types grouped by panel of expert judges.
- On the basis of the court's/judge's caseload

Outcomes

- Random allocation of cases provides - individual independence of judge and his/her productivity
- Transparency for judges and parties – access to the case allocation reports through e-Court system
AUTOMATED PUBLICATION OF JUDGMENTS

The judgment is signed by judge's e-signature.

- **Unified Judicial Portal** (public access)
- **e-Cabinet** (private access) and **Unified Database of Judgments**

**Automated publication**
- With anonymization in
- Without anonymization in

The process is completed in 0.5 minutes.
INNOVATIVE APPROACH IN COURT MANAGEMENT: (“Court Pulse – Revolution in Management” Project)
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(“Court Pulse – Revolution in Management” Project)

Crystal Scales of Justice Competition

27 October 2017
Fast-track procedure for uncontested small claims
“e-Order” automated system:
*Initial implementation of the Artificial Intelligence*

- Banks;
- Mobile operators;
- Business entities.

**Validations the submitted information:**
- State Registry of Population;
- Credit bureau;
- Automated Information System of Taxes;
- e-Notary

**“e-Order” automated system**

- e-Signed applications (bulk or through e-cabinet)
- e-Signed judgments (orders)
- e-Signing of the judgments (orders) by the judge
- e-Enforcement order
- ENFORCEMENT AGENCY
- COURT
Positive impact of the implementing of the Automated Fast-Track System for small claims ("Silk Way" Project)

- Case review: Within 1 business day
- More than 60 business entities use the online system
- Increasing confidence in courts
- About the 7% disputed court decisions
- Speed up the enforcing process by e-Enforcement
- Cost and time savings for Business Environment (lawyer and post services)
International acknowledgment of the Project on automated e-Fast-Track System for small claims ("Silk Way" Project)
Pro-Active ICT Infrastructure Monitoring
24/7/365 control of ICT network & electronic systems

Nation wide “Traffic Light” monitoring of e-systems availability

Quickly identify and predict performance issues on MoJ e-Services delivery
Reserve (Full-Backup) Tier III Data Center
State-of-the-art Data Center solution Certified by the Global Uptime Institute Data Center Authority

Airbus – Up in the air with containerized Performance Optimized Datacenter (POD) solution in Toulouse, France

Ministry of Justice (MoJ) first to implement POD Containerized Datacenter in Azerbaijan (Uptime Institute Tier III Certified)
Awards & Certificates

Council of Europe

Project: “Court Pulse – The Management Revolution” was awarded with SPECIAL MENTION at the Crystal Scales of Justice Prize awarding ceremony in Edinburgh, Scotland on 27 October 2017.

“e-Order” automated system – International recognition of use of artificial intelligence in Azerbaijan (“Silk Way” Project)

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