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“transparent and efficient justice”
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SPEECH

Mr Fikrat Mammadov, Minister of Justice
AZERBAIJAN

Transparent and Efficient Justice: Experience of Azerbaijan

*Dear Chairman,
Ladies and Gentlemen,*

First and foremost, I would like to express my gratitude to the Council of Europe and the Turkish authorities for hosting the conference on such a vital issue. We have already witnessed an excellent organization of this important forum and enjoyed warm hospitality, for what we are deeply grateful to the Turkish Government.

Dear Colleagues,

Without justice there is no rule of law, no human rights and no democracy. Paul-Henri d'Holbach wisely noted that: “Justice is the foundation of all social virtues”.

Indeed, fair trial is one of the most significant human rights. European Court of Human Rights repeatedly reaffirmed the importance of administering justice without delays which might jeopardise its effectiveness and credibility, as injustice anywhere is a threat to justice everywhere.

There are a number of recommendations and resolutions of the Committee of Ministers and the Parliamentary Assembly in this area. The serious attention to this issue ended up in the establishment of a special commission of the Council of Europe – CEPEJ, which has been successfully operating since then.

These very documents were taken into account within fundamental judicial reform, implemented in our country in close cooperation with the Council of Europe and aimed at increasing the efficiency of justice. The reform focused on improvement of trial procedures, enhancing access to justice and increasing transparency of the judicial review.

It is obvious that increasing the ICT capacity of the courts, wider application of computer technology, setting up modern and safe systems for selection, storage, access, use and distribution of information serve to the aforesaid goals as noted in the Recommendations of the Committee of Ministers of 2001 on the administration of justice through the application of new technologies, the design of judicial systems and legal information, as well as recent studies by CEPEJ and the European Commission.

Having been guided by these documents, we developed a Strategy of Unified Judicial Information Infrastructure. A great deal of attention was paid to studying of modern technologies experiences in courts of several countries, including Turkey. Let me seize the opportunity to express my sincere gratitude to our hosts.

The Strategy includes the interrelated communication system, automation equipment complexes and information resources to be available to the courts, judicial self-government bodies and the Ministry of Justice. The technological system would provide fast access to the legislation database, codified case-law, particularly in new and developing fields of law as well as increase the capacity of analytical studies. It will unify the judicial paperwork and ensure high quality of execution of judicial documents. It does make sense amid growing caseload of judges (number of cases dealt with by the courts increased by 4 times within the last 10 years in Azerbaijan) and while bearing in mind the need to reduce timing and improve the quality of the judgements.

Alongside this, it is expected that the Strategy would allow to greatly simplify the judicial management, since it would reflect all data about movement and progress of the cases (registration, procedural correspondence, statistics, archiving), workload of judges, etc.

Introduction of modern technologies and methods is also stipulated by the need in raising awareness of the society about the judicial activities, which is one of the elements of a fair trial.

We have already achieved some progress in implementation of the strategy. Thus, we have created the most complete, accurate and daily updated online database of legislation. Moreover, taking into account the importance of accessibility of legislation not only for judges, prosecutors, advocates and other lawyers, but also for ordinary citizens, the Ministry has granted free access to the entire population.

The Constitutional and Supreme Courts of the country already have the electronic documentation system, session video recording equipment and congress systems in the courtrooms, which enable translation services, too.

Furthermore, we have been converting criminal cases investigated by the Ministry of Justice into electronic as a pilot project. We have seen the efficiency of this practice in terms of speed and quality of administering justice as well as protection of the rights of the accused. The Supreme Court has already a special communication system in place which gives an opportunity to deal with such cases and enables video conferencing with various agencies.

Application of high technologies is expected everywhere, especially in all regional courts, including those of appeal, new serious, military as well as administrative courts, which will commence operation on the 1st January.

Over 20 state-of-the-art courthouses and judicial complexes, which are being or due to be constructed, will have the capacity to apply high technologies.

Telecommunications will be used to ensure participation at the trial of those persons, who due to various reasons are not able to attend the hearing and will allow for remote examination of witnesses.

It will also make possible connections with the pre-trial detention and other penitentiary facilities that are being built in Azerbaijan in line with the advanced European standards primarily in order to improve detention conditions, as we have no overcrowding problem. This eliminates the need to transport these detainees from remote regions, especially the Nakhchivan Autonomous Republic, which due to blockade caused by aggression of the neighbouring state and occupation of the 20% of the Azerbaijani lands has no direct connection with the country.

Along with this, there is an intensive work underway on the development of websites for all 110 courts of the country. A single Internet portal of the judicial system will be set up as an

outcome of this work. The portal will include all information about courts, judges, considered cases as well as a database of court decisions, which is under construction now.

The work has also been launched to create a Unified Technology Infrastructure. It will initially be installed in pilot courts, the Judicial Legal Council and the Ministry of Justice. And as mentioned above, in future it will cover the whole country.

Undoubtedly, this requires an appropriate funding. The Government of Azerbaijan, despite the financial crisis continues to raise the budget of the judiciary. Over the last 5 years funding for courts has increased by 7 times. Financing of this sector is also envisaged in the State Justice Development Programme, approved by the President of Azerbaijan.

Use of radically new information technology sets some challenges to be coped. These include, judicial training on the use of technology and software. Therefore, following the Recommendation 2003(14), all judges are engaged in the ICT training. We have also included mandatory ICT training for all judicial candidates in the curricula of the Initial Annual Education at the Academy of Justice where candidates benefit from the lectures read by, inter alia, prominent international and foreign judges and experts. We have already got positive feedback. It has crucial importance since we had our judicial corps renewed by half, and also doubled due to the most transparent selections of candidates. Judicial personnel which also increased by 60% thanks to the establishment of new judge's assistant position is also engaged in the aforesaid training.

Dear Colleagues,

The administration of justice is the firmest pillar of government. Being responsible members of our governments, we shall continue making efforts towards increasing the efficiency of justice. I believe that cooperation and exploration of best practices, use the capacity and researches of the CEPEJ, active application of e-justice will make a contribution towards provision a "better" justice to the peoples across Europe.

However, as Madame de Boer-Buquicchio once said, "even while using information technologies ... the statue of justice, should still be with a sword in one hand and a scale – not a Blackberry – in the other".

Indeed, ICT can not turn inefficient system into an effective one, but can help a well-functioning system to operate better and more efficiently. As you may see, everything depends on us.

There is every reason to believe that we are able to achieve this goal by showing a strong will. As Ataturk said: "Başarı, "Başaracağım" diye başlayarak, sonunda "Başardım" diyebilenindir". Success is for those who can begin saying "I will succeed" and say "I have succeeded" in the end.

Thank you for your attention.