



Programmatic Cooperation Framework for
Armenia, Azerbaijan, Georgia, Republic of Moldova, Ukraine and Belarus

Funded
by the European Union
and the Council of Europe



COUNCIL OF EUROPE



Implemented
by the Council of Europe

***Statistic data of the Sheki Appellate Court
collected according to the CEPEJ tools***

within the framework of the Project “Support to increased Efficiency of Courts,
Improved Training of Judges and Judicial Self-governance in Azerbaijan”
which is the part of the Council of Europe and European Union
Eastern Partnership Programmatic Co-operation Framework 2015-2017

**STATISTIC INFORMATION
of the Sheki Appellate Court for 2016 according to CEPEJ tools**

Sheki 2017

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I Acknowledgement

The state of Azerbaijan, that has declared the protection of human rights as its supreme goal, has been successfully continuing the implementation of the comprehensive judicial reforms aimed at increasing the efficiency of justice and modernization of the judiciary in close cooperation with international organizations. From this viewpoint the Project “Support to Increased Efficiency of Courts, Improved Training of Judges and Judicial Self-governance in Azerbaijan” which is the part of the Council of Europe and European Union Eastern Partnership Programmatic Co-operation Framework is of utmost importance. Within the implementation of the Project the working group headed by Leonid Antohi, the Project Coordinator on behalf of the CEPEJ had a first meeting with the chairman (president) of the court, the judges and administrative staff of the Sheki Appellate Court in the administrative building of the court. In the course of the meeting, the essence of the CEPEJ tools was explained in the framework of relevant training programs prepared for the purpose of improving the effectiveness and quality of justice and exchange of views concerning their implementation was conducted. In the later stages, reports based on CEPEJ tools were developed, submitted and discussed with the involvement of the representatives of 4 other pilot courts (Sumgayit Appellate Court, Yasamal District Court of Baku, Oghus District Court and Sumgayit Administrative-Economic Court), Ministry of Justice and `Judiciary-Legal Council of the Republic of Azerbaijan held in Baku during the meetings attended by the CEPEJ experts and the state of the implementation of the SATURN time management guidelines was evaluated.

Delegations comprising of the representatives of the Ministry of Justice, JLC and five pilot projects of the Republic of Azerbaijan also participated in the meetings conducted within the project outside of the Republic of Azerbaijan (in Strasbourg of France, Tallinn and Tartu of Estonia) and heard lectures on satisfaction survey methodologies; besides, materials have been translated into Azerbaijani and submitted to participants. Particularly we would like to mention that during the visits to the Supreme Court of Estonia and Tartu City Appellate Court we acquired possibility of getting closely acquainted with the judiciary system of Estonia.

During the passed period satisfaction surveys have been conducted among the court users, lawyers and court staff as a result of the application of CEPEJ tools, the statistic data of the last year were collected and analyses were conducted according to both elements. As a result of the satisfaction surveys the fields that should be improved in the court have been identified and targets have been set for their elimination. During the analysis of the statistic data it is possible to see the performance of the court according to the recommended indicators, particularly to manifestly notice the challenges and obstacles that court has been facing. For instance, application of such recommended indicators as the Clearance (**CR**)” and disposition time (**DT**)” for a longer period may be used for the evaluation of the performance of judges, and more generally, of the court.

In the end we would like to extend our gratitude to the Ministry of Justice and JLC of the Republic of Azerbaijan, all of those who toiled, as well as to the European Union for the financial support, Project Coordinator Leonid Antohin and the expert group for our participation in the Project “Support to Increased Efficiency of Courts, Improved Training of Judges and Judicial Self-governance in Azerbaijan” which is the part of the Council of Europe and European Union Eastern Partnership Programmatic Co-operation Framework 2015-2017, for the theoretical and practical knowledge we have obtained in the field of increasing the efficiency of judiciary performance, including our interesting and useful study visits abroad and hope to meet again in international events within the frame of such useful projects and in the Sheki Court Complex constructed according to the most modern standards.

We are confident that promotion of the application of the knowledge acquired in the course of the project implementation, including the CEPEJ tools and checklists among all courts will result in increasing the quality of the justice.

1. Introduction

1.1. Background information about the project

Sheki Appellate Court	2010	2011	2012	2013	2014	2015	2016
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One of the key objectives of the Project “Support to Increased Efficiency of Courts, Improved Training of Judges and Judicial Self-governance in Azerbaijan” which is the part of the Council of Europe and European Union Eastern Partnership Programmatic Co-operation Framework 2015-2017 is to support the application of CEPEJ tools in five pilot courts of the Republic of Azerbaijan (Sheki Appellate Court, Sumgayit Appellate Court, Yasamal District Court of Baku, Oghus District Court and Sumgayit Administrative-Economic Court) with the view of increasing the efficiency and quality of justice as a public service.

It should be noted that there was a need to establish a permanently functioning commission consisting of the experts of all Member States with the view of properly guiding and coordinating the judiciary reforms conducted in Europe, and having efficient control over the process of abiding by the Member-States to the standards adopted by the CoE. In this regard, based on the initiative made by the CoE Ministers of Justice during their meeting held in London, the Commission for the Efficiency of Justice (CEPEJ) was established upon the Resolution (Res(2012)12) of 18 September, 2002 adopted during the 808th Plenary Session of the CoE Committee of Ministers.

During the implementation of the project CEPEJ experts visited pilot courts and held meetings with the presidents, judges and staff members of the pilot courts and conducted discussions; besides, analyses of the statistic data collected on the basis of 8 performance indicators recommended by CEPEJ experts were conducted and finally, satisfaction survey questionnaires were developed and sent to the courts for implementation.

1.2. Information about the court

Pursuant to Article 125 of the Constitution of the Republic of Azerbaijan, which has the highest and direct legal force of our state the judiciary power is exercised in the Republic of Azerbaijan only by courts through the means of justice. Judiciary power is exercised by Constitutional, civil and criminal court proceedings and other means prescribed by law. As it has been stipulated in Article 7 of the Law of the Republic of Azerbaijan “On Courts and Judges”, pursuant to Article 25 of the Constitution of the Republic of Azerbaijan justice is exercised on the basis of equality of rights and liberties of everyone, irrespective of race, nationality, religion, language, sex, origin, financial position, occupation, political convictions, membership in political parties, trade unions and other public organizations. In Article 61 of the referred Law an appellate court has been identified as a higher instance court in civil, administrative and economic disputes, criminal and administrative cases as it has been established in Part I of Article 132 of the Constitution of the Republic of Azerbaijan. With the Decree of the President of the Republic of Azerbaijan of 19 January 2006 On application of the Law of the Republic of Azerbaijan “On changes and amendments to some legislative acts of the Republic of Azerbaijan”, new appellate courts have been established in Ganja, Sumgayit, Sheki and Shirvan, and since 16 July 2007 appellate courts started functioning in regions, including the Sheki Appellate Court in order to facilitate the access of citizens to justice. Sheki Appellate Court consists of 4 judges and 47 court staff. The Court is comprised of a civil board, administrative-economical board, criminal board and military board. The Sheki Appellate Court hears, as a court of appeal, appeals and appeal protests made under court acts on the cases heard by the courts of first instance assigned to its territorial jurisdiction (Aghdash District Court, Balakan District Court, Goychay District Court, Ismayilly District Court, Gakh District Court, Gabala District Court, Mingachevir City Court, Oghuz District Court, Sheki District Court, Yevlakh District Court, Zagatala District Court, Sheki Serious Crimes Court, Sheki Administrative-economic Court, and Military Courts of Ganja and Tartar).

2. Results

2.1 Table 1: General description of the court (actually executed budget and human resources in full time equivalent – judges, judiciary assistants and other staff)

Budget AZN	754687,7	762268,5	850284,7	930828,3	1090940,6	1 062 193	1010943,42
Actual number of judges	8.75	10	10	11.75	12.5	12	11,5
Actual number of staff whose task is to assist the judge	16 (h/k-6.75 i/k-9.25)	22,75 (h/k-12 i/k-10.75)	22,75 (h/k-11 i/k-11,75)	21,5 (h/k-10 i/k-11,5)	20 (h/k-9 i/k-11)	22 (h/k-11,5 i/k-10,5)	25 (h/k-13 i/k-12)
Actual number of the staff in charge of administrative tasks (senior adviser, lead adviser, etc.)	9.75	8	8.75	10	10	9.75	10.75
Actual number of technical staff and cleaning personnel	9.75	9.75	9.75	9.25	10	10	10
Other staff members belonging to the court administration (workmen)	1	1	1	1	1	1	1

2.2 Table 2: information on the workflow per type of cases (number of pending cases as of 1 January; number of registered cases in the year; number of resolved cases in the year; number of pending cases as of 31 December of the year; number of appealed decisions; quashed or amended decisions)

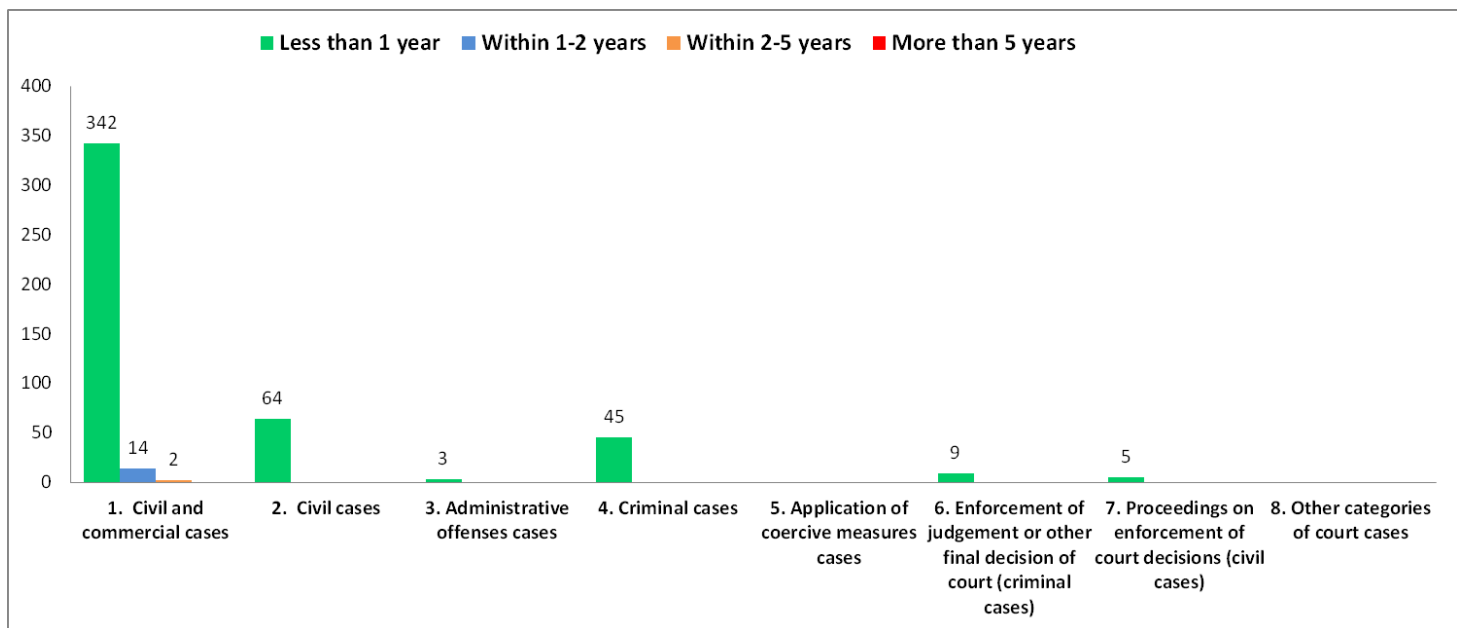
Belonging to 2016	Cases the resolution of which is anticipated as of 1 January	New cases instituted during the year	The cases resolved during the year	Cases the resolution of which is anticipated as of 31 December	Appealed decisions	Quashed or modified decisions in appeal	Clearance Rate	Disposition time (in days)	Appeal rate / quashed or modified decisions	Percentage of appealed decisions
1. Total civil and commercial cases	228	1 791	1 661	358	652	114	92,7%	79	6,9%	39,3%
1a. Divorce cases		99	88	11	16	2	88,9%	46	2,3%	18,2%
1b. Cases of dismissal from work		23	20	3	9		87,0%	55	0,0%	45,0%
1c. Bankruptcy										
2. Total number of administrative cases	50	346	332	64	187	58	96,0%	70	17,5%	56,3%
3. Total number of administrative offences cases		194	191	3			98,5%	6	0,0%	0,0%
4. Total number of criminal cases	41	235	231	45	48	10	98,3%	71	4,3%	20,8%
4a. Theft	6	27	30	3	6	1	111,1%	37	3,3%	20,0%
4b. Homicide	5	14	18	1	7	1	128,6%	20	5,6%	38,9%
5. The application of coercive measures		84	84				100,0%	4	0,0%	0,0%
6. Enforcement of judgement or other final court decisions (criminal cases)	1	62	54	9	12		87,1%	61	0,0%	22,2%
7. Proceedings on the enforcement of the court decision (civil cases)	1	103	99	5	22		96,1%	18	0,0%	22,2%
8. Other categories of court cases										
Total calculated number of cases	321	2 815	2 652	484	921	182	94,2%	67	6,9%	34,7%

2.3 Table 3: Age of pending cases.

<i>Structure of cases in court registry as of 31.12.2016</i>	
Number of cases registered before the period indicated below:	
III	E

Type of cases	Less than 1 year	Total % of cases	Within 1-2 years	Total % of cases	Within 2-5 years	Total % of cases	More than 5 years	Total % of cases	
1. Civil and commercial cases	342	70,66%	14	2,89%	2	0,41%		0,00%	
2. Administrative cases	64	13,22%							
3. Administrative offences cases	3	0,62%							
4. Criminal cases	45	9,30%							
5. Application of coercive measures cases		0,00%							
6. Enforcement of judgement or other final decision of court (criminal cases)	9	1,86%							
7. Proceedings on enforcement of court decisions (civil cases)	5	1,03%							
8. Other categories of court cases		0,00%							
Total number for each period	468	96,69%	14	2,89%	2	0,41%	0	0,00%	484

Table 1



In order to evaluate the performance of the Sheki Appellate Court in 2016 the analysis was conducted according to the following 8 indicators recommended by the **CEPEJ experts**

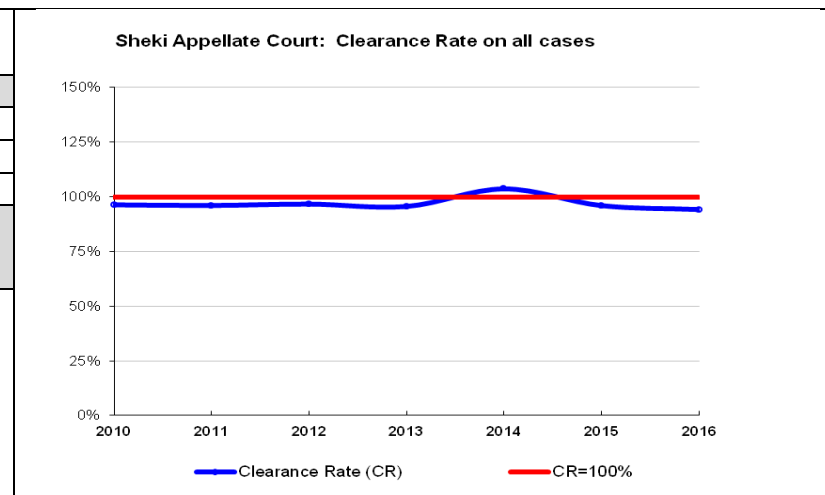
1. Clearance rate (**CR**);
2. Disposition Time (**DT**);
3. Age of Pending Cases (**APC**);
4. Cases Per Judge (**CPJ**);
5. Cases per Staff (**CPS**);
6. Staff Per Judge (**SPJ**);
7. Cost Per Case (**CPC**);
8. Appeal Rate (**AR**);

2.4 • Clearance Rate (CR indicator):

Relationship between the new cases and completed cases within a period in percentage. This indicator provides a good insight into how a concrete court (or a judicial system as a whole) manages its flow of cases.

CR indicator (%) = resolved cases ÷ new cases X 100

Total number of cases							
According to years	2010	2011	2012	2013	2014	2015	2016
New	797	1 096	1 339	1 513	1 688	2 054	2 815
Resolved	768	1 053	1 295	1 447	1 750	1 972	2 652
Pending	148	191	235	301	239	321	484
Clearance Rate (CR)	96%	96%	97%	96%	104%	96%	94%



2.5 • Disposition Time (DT indicator):

To calculate the DT, the number of unresolved cases at the end of a period is divided **by the number of resolved cases** within that period and the result is multiplied by 365, so as to be able to express the DT in number of days for particular year. This factor measures the average time required for resolving the case. Indirectly, this indicator gives the answer to one of the questions most raised within a judicial system – what is the average length of proceedings

According to years	2010	2011	2012	2013	2014	2015	2016
New	797	1 096	1 339	1 513	1 688	2 054	2 815
Resolved	768	1 053	1 295	1 447	1 750	1 972	2 652
Pending	148	191	235	301	239	321	484
<i>Disposition (DT)</i>	<i>70</i>	<i>66</i>	<i>66</i>	<i>76</i>	<i>50</i>	<i>59</i>	<i>67</i>

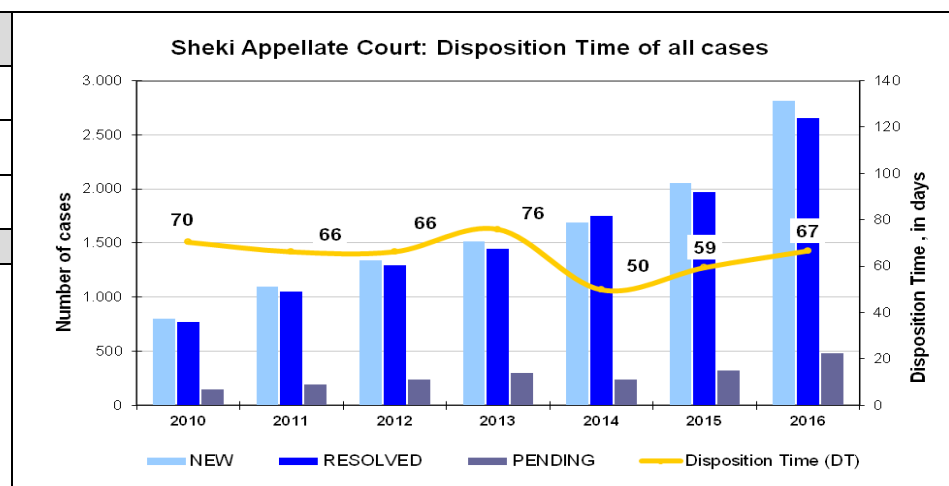


TABLE
On **disposition time** of all cases admitted by the
Sheki Appellate Court (all types of cases) in 2016

	New	Resolved	Resolved	<u>Disposition Time DT indicator</u>
<i>1.</i>	<i>2.</i>	<i>3.</i>	<i>4.</i>	<i>5.</i>
Total number of civil and commercial cases	2019	1661	358	<u>78,67</u>
Total number of administrative cases	396	332	64	<u>70,36</u>
Administrative offences cases	194	191	3	<u>5,73</u>
Total number of criminal and military cases	276	231	45	<u>71,1</u>
Application of coercive measures	84	84		<u>4,34</u>
Cases on enforcement of judgements and other final court decisions	63	54	9	<u>60,83</u>
Cases on enforcement of court resolutions (decisions)	104	99	5	<u>18,43</u>
	3136	2652	484	<u>66,61</u>

2.6 • Age of pending cases (APC indicator):

- The age of the active cases that are pending before a court at a certain moment, measured as a number of years/days from their filing. Cases registered with the court but not disposed of make up the court's pending caseload. This is a crucial indicator in view of fighting infringements of the access to justice within reasonable time in the context of Article 6 of the European Convention on Human Rights (ECHR). Once the age of active cases is determined, the court can flag out the (important) delays and focus its attention on what is required to ensure cases are brought to completion within reasonable time.

ALL CASES WAITING IN THE SHEKI APPELLATE COURT'S ROLL ON:

Pending cases

All types of pending cases that are expected to be resolved by 1 January 2017						
	Less than 3 months	3-6 months	6-9 months	9-12 months	More than 12 months	Total number of pending cases
Reviewed cases						
Criminal and military cases	33	8	4			45
Civil and economic cases	269	47	20	6	16	358
Administrative cases	51	5	6	2		64
Administrative offences cases	3					3
Cases on implementation of the judiciary control						
Cases of enforcement of judgements and other final court decisions	9					9
Cases of enforcement of court decisions	5					5
Total	370	60	30	8	16	484
Percentage	77%	12%	6%	2%	3%	100%

Timeframe A	85%	95%	qaliq %			
Monitoring	-8	-6	11			
Timeframe B		85%	95%	qaliq %		
Monitoring		4		5		
Timeframe C			85%	95%	qaliq %	
Monitoring			10	2	3	

- Along with the indicators of the age of pending cases, the age of resolved cases in 2016 was also analysed.

ALL CASES THAT ARE IN THE SHEKI APPELLATE COURT'S ROLL ON:

Pending cases

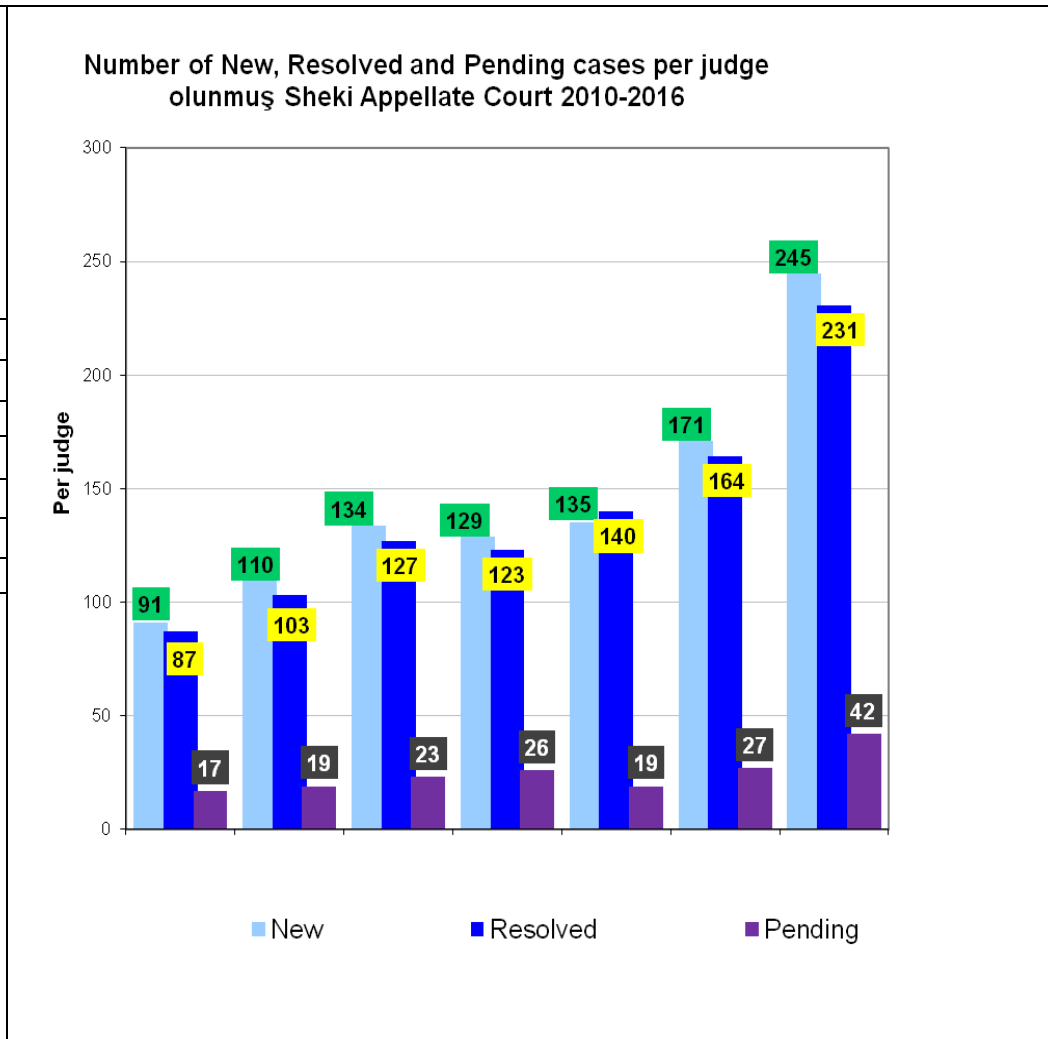
All types of cases that were handled by 1 January 2017						
Handled cases	Less than 3 months	3-6 months	6-9 months	9-12 months	More than 12 months	Total number of handled cases
Criminal and military cases	198	27	5	1		231
Civil and economic cases	1487	104	35	18	17	1661
Administrative cases	283	38	5	3	3	332
Administrative offences cases	191					191
Cases on implementation of the judiciary control	84					84
Cases of enforcement of judgements and other final court decisions	54					54
Cases of enforcement of court decisions	99					99
Total	2396	169	45	22	20	2652
Percentage	90%	6%	2%	1%	1%	100%

Timeframe A	85%	95%	qaliq %		
Monitoring	5	1	4		
Timeframe B		85%	95%	qaliq %	
Monitoring		11	3	2	
Timeframe C			85%	95%	qaliq %
Monitoring			13	4	1

2.7 • Number of cases per judge (CPJ indicator):

- Number of cases solved per judge in the given period. This indicator is important for weighting the workload of judges and comparing the “productivity” or pressure exercised on them. It can be used to compare the workload of individual judges within a court. When combined with the indicator SPJ below, there can be drawn conclusions in view of balancing the assistance to judges to reach maximum performance and quality.

Per years	Number of NEW cases per judge (CPJ indicator):	Number of RESOLVED cases per judge (CPJ indicator):	Number of PENDING cases per judge (CPJ indicator):
2010	91 cases	87 cases	17 cases
2011	110 cases	103 cases	19 cases
2012	134 cases	127 cases	23 cases
2013	129 cases	123 cases	26 cases
2014	135 cases	140 cases	19 cases
2015	171 cases	164 cases	27 cases
2016	245 cases	231 cases	42 cases



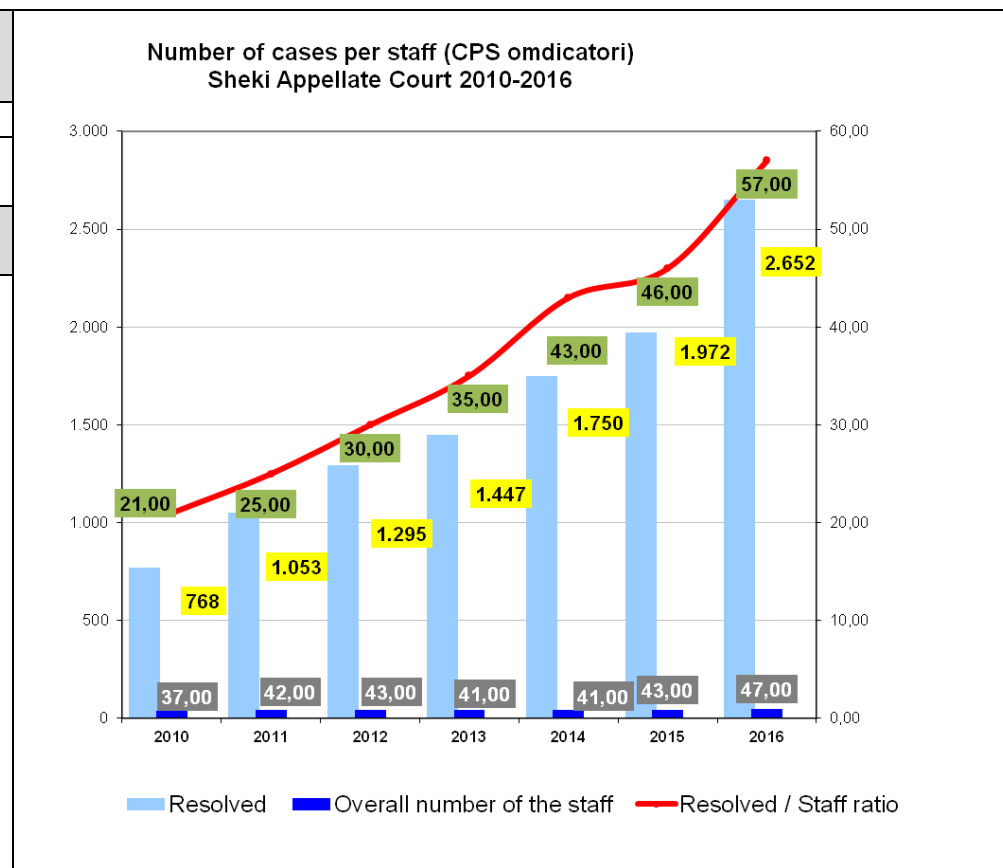
2.8 • Number of cases per staff (CPS indicator):

Relationship between the number of personnel of a court in a period of time and the output of cases from the same court and period of time. This indicator can be used in comparison with comparable courts (e.g. same type) or to monitor staff performance over time.

From Table 1 above it becomes clear that the **total number of staff** in 2016 was 46,75, including 13 judicial assistants and 12 court secretaries, as well as 21.75 extra judiciary staff members. In case the number of resolved cases last year is 2652, **the number of cases per staff (CPS indicator)** – (overall number of handled cases 2652 ÷ overall number of staff in total 46,75) **is 57**.

As to previous years, an increase of the number of cases per staff is observed as a result of the increased number of all cases handled by the court

Per years	2010	2011	2012	2013	2014	2015	2016
Resolved	768	1 053	1 295	1 447	1 750	1 972	2 652
Overall number of the staff	37	42	43	41	41	43	47
<i>Resolved/ Staff ratio</i>	<i>21</i>	<i>25</i>	<i>30</i>	<i>35</i>	<i>43</i>	<i>46</i>	<i>57</i>



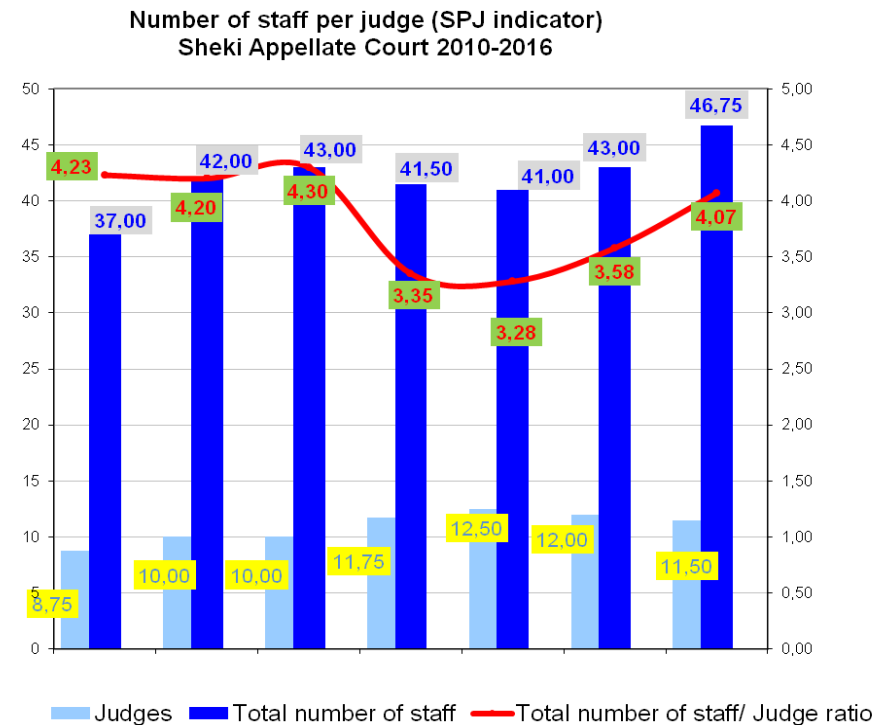
2.9 • Number of staff per judge (SPJ indicator):

Relationship between the number of personnel of a court and the number of judges of the same court over a specific period of time. It is obvious that the efficiency of a court depends of the quantity and quality of human resources. A proper allocation of judicial and administrative support staff will lead to higher efficiency and quality of judicial services.

From the Table 1 proposed in the beginning of the analysis it becomes clear that in 2016 the **overall number of judges** was 11.5 and **overall number of the staff** was 46.75. In such a case, **the number of staff per judge (SPJ indicator) – is 4.07** (overall number of the staff 46.75 + to the number of judges 11.5).

When comparing the number of staff per judge (SPJ) for 2016 with the previous years we can obtain the following results.

Per years	2010	2011	2012	2013	2014	2015	2016
Judges	8,75	10,00	10,00	11,75	12,50	12,00	11,50
Total number of judges	37,00	42,00	43,00	41,50	41,00	43,00	46,75
Total number of staff/ Judge ratio	4,23	4,20	4,30	3,53	3,28	3,58	4,07



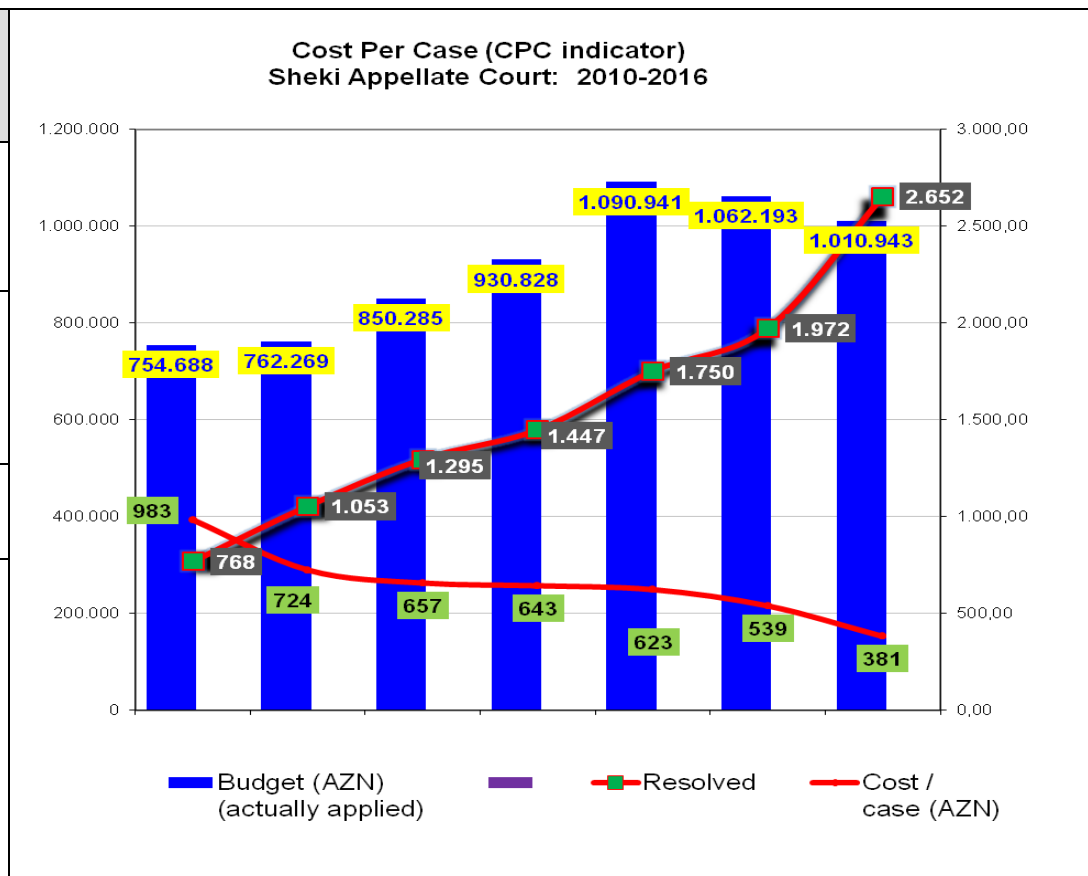
2.10 • Cost per case (CPC indicator):

The average cost of processing a single case. Cost per case forges a direct connection between how much is spent and what is accomplished.

As it is known, in 2016 the actual applied budget of the Sheki Appellate Court was AZN 1.010.943 while the number of resolved cases was 2652. In such case (actually applied budget AZN 1.010.943 ÷ to the number of resolved cases 2652) **the cost per case (CPC indicator) is AZN 381.**

Despite the number the resolved cases increased in 2016, the cost per case decreased as to previous years. The following table clearly indicates this feature according to years.

Years	2010	2011	2012	2013	2014	2015	2016
Resolved	768	1 053	1 295	1 447	1 750	1 972	2 652
Budget (AZN) (actually applied)	754687,7	762268,5	850284,7	930828,3	1090940,6	1 062 193	1 010 943
Cost / case (AZN)	983	724	657	643	623	539	381



Reduction of the **cost per case (CPC indicator)** is explained also by the fact that the Sheki Appellate Court moved to a new “Court Complex” since the beginning of November, 2015, so there was no need to cover the rent, utility services and some other expenses.

2.11 • Appeal (cassation) rate (AR):

For the purpose of the present report, the AR is considered the rate expressed in the percentage of court decisions quashed or modified by the higher instance (appeal or cassation) compared to the total number of decisions issued over a period of time.

From the analysis of the statistical data it becomes clear that 921 cases out of 2652 were appealed in 2016, which makes 34,7%. 182 out of 921 cases appealed in cassation or 19,76% were quashed or modified by the cassation court.

According to CEPEJ tools, the percentage of the cases quashed or modified by the higher instance court is calculated according to the number of the resolved cases. In such case, the number of quashed or modified cases in cassation was 182 in 2016 which makes 6,9% of 2652 resolved cases.

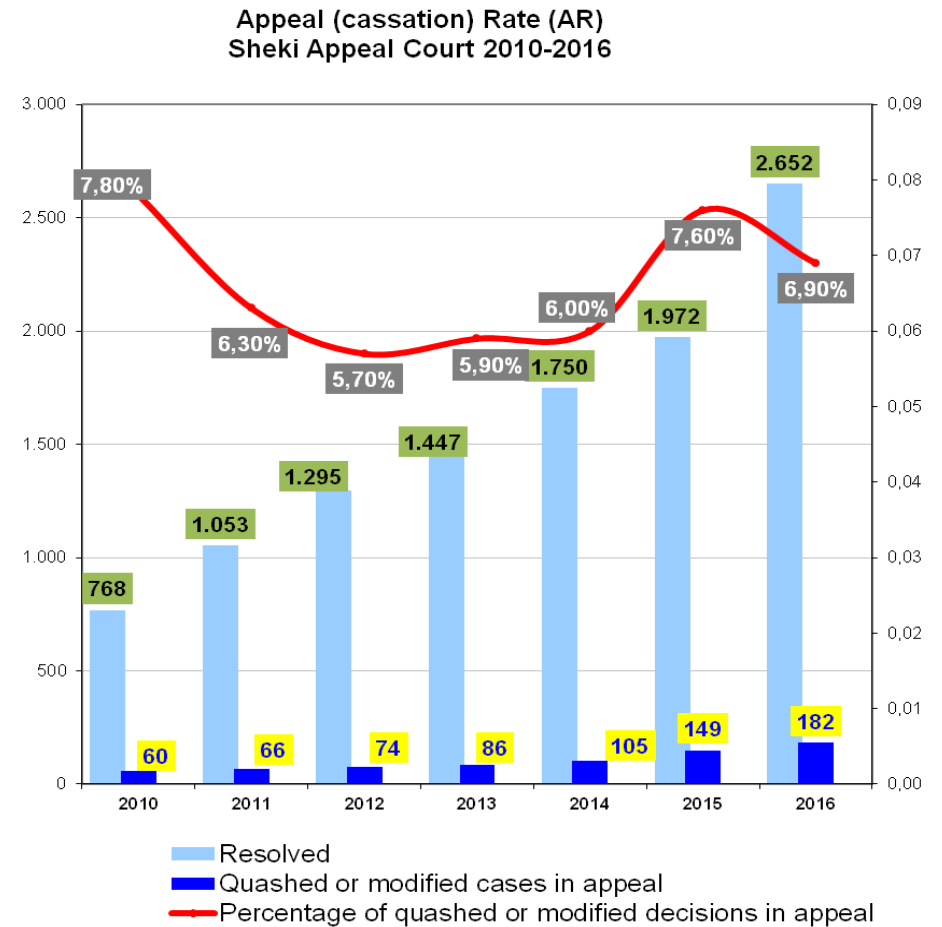
On the basis of the table below it is possible to identify the **appeal rate (AR)** per various types of cases

2016	Cases resolved within the year	Appealed (appeal or cassation) decisions	Percentage of appealed (appeal or cassation) decisions	Quashed or modified decisions by the appeal or cassation instance	Percentage of appealed (cassation) cases/quashed or modified decisions
1. Total number of civil and commercial cases	1 661	652	39,3%	114	6,9%
2. Overall number of administrative cases	332	187	56,3%	58	17,5%
3. Overall number of administrative offences	191				0,0%
4. Overall number of criminal cases	231	48	20,8%	10	4,3%
5. Application of coercive measures	84				0,0%
6. Enforcement of judgement or other final court decisions (criminal cases)	54	12	22,2%		0,0%
7. Enforcement of court decisions (civil cases)	99	22	22,2%		0,0%
Calculated overall number of court staff	2 652	921	34,7%	182	6,9%

The following is the division of quashed or modified by the cassation court cases per years

Years	2010	2011	2012	2013	2014	2015	2016
Resolved	768	1 053	1 295	1 447	1 750	1 972	2 652
Quashed or modified cases in appeal	60	66	74	86	105	149	182
Percentage of quashed or modified decisions in appeal	7,8%	6,3%	5,7%	5,9%	6,0%	7,6%	6,9%

Table 1



3. Action Plan based on results

An Action Plan for the Sheki Appellate Court has been identified as a result of the analysis of the statistic data based on CEPEJ tools:

3.1 Action Plan:

S/S	Goals	Settlement procedure	Responsible persons(s)	Period of implementation	Resources	Comments
1.	Conducting collection of information based on CEPEJ tools	Quarterly	Court administration	Regularly	Internal resources	
2.	Discussing the information collected based on CEPEJ tools with the judges of the court	Quarterly	President of the court, judges and court administration	Regularly	Internal resources	
3.	Carrying out practical measures for the elimination of the shortages identified on the basis of the information collected based on the CEPEJ tools	Quarterly	President of the court, judges and court administration	Regularly	Internal resources	

4. Conclusion

We mention that the Sheki Appellate Court is constantly analysing its activities in order to increase the efficiency of the performance of judges, and more generally, the functioning of the court and carries out necessary measures aimed at improving the quality of the work. There is no doubt about the efficiency of applying the indicators recommended by the CEPEJ in this sphere. To this end, it is planned to regularly apply the indicators recommended by the CEPEJ experts in order to evaluate the performance of judges, and more generally that of the Sheki Appellate Court.