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Strengthening Judicial Independence and Impartiality as a Pre-condition for the Rule of Law: Experience of Azerbaijan

Without justice there is no rule of law, no human rights, and no democracy. The independence and impartiality of the judiciary are fundamental to the rule of law; they are necessary for the separation of powers and for confidence in the justice system as a whole.

It is well known that special place in ensuring the independence of judiciary, particularly with regard to relations with the executive, takes the creation of an independent body of judicial self-governance, the majority of which ought to consist of judges.

Today, the competence of the Council in Azerbaijan includes all the issues concerning the judiciary, particularly its exclusive powers include: the organization of the selection of judges, evaluation of their performance, career advancement, questions of liability and reward. It is this principle on which Judicial-Legal Counsel established

In terms of the independence of judiciary, as well as the enhancement of confidence in court, the personality of a judge is of high importance.

Attaching special importance to this factor, Azerbaijan has developed the most transparent system of selection of judges in collaboration with the Council of Europe. A new body was created specifically to conduct the selection of judges - the Judges Selection Committee, members of which are made up mostly of judges. The selection process is a multi-stage procedure that includes tests, written and oral examinations, long-term trainings locally and abroad with the participation of international judges and experts, as well as internships in courts. It should be noted that all candidates - and there have been over one thousand - pass exams in one room, while the process is observed by multiple local and international observers and media. In this regard, judges' salaries, as recommended, are fixed by our law. Moreover, despite the economic crisis, the salaries of judges in Azerbaijan are constantly being increased. Thus, according to the legislative amendment, judicial budgets should always be agreed with the Judicial Legal Council and the Council's budget cannot be less than it was the previous year.

Working conditions of judges, as well as the equipment of courts with information and communication technologies also play an important role. Azerbaijan is implementing now a third project with the World Bank, main components of which are the modernization of judicial infrastructure and introduction of e-court.

All court buildings are equipped with the latest ICT, transforming the judicial bodies into high-tech courts. The new system allows for electronic documentation, audio recording of trials, video conferences, remote questioning of witnesses and even questioning of witnesses with a voice change, for their protection.

New courthouses have administrative and public areas, and both have separate entrances. The administrative area is intended for judges and court employees, while the public area is envisaged for the citizens. The Justice Ministry's bailiffs, the public prosecutor and defense lawyers are using the public section. This limits nonprocedural relations between judges and citizens, as they will only meet in courtrooms.

At the same time, modern information e-booths have been installed to simplify people's access and raise their awareness, enabling them to easily and conveniently obtain information about trials, their the place and time, courtrooms, judges and other issues.

These courthouses also offer favorable conditions for people to use public catering services, and, if necessary, get medical assistance. Special rooms for parents with small children are also allocated.

At the same time, single Internet portal of the judicial system (www.courts.gov.az) was updated and enriched, to include the "E-Court" section. Through the portal people can obtain more detailed information about the courts, use the "individual room", electronically file lawsuits related to economic disputes, download samples of documents, electronically obtain information about the pending cases, hearings and decisions made, pay court fees, etc.

At the same time, the units responsible for enforcing judicial decisions are setting up "Electronic Execution" system, to be an integral part of the "E-Court", and many of its components have already been launched. Since 2017 continuous audio and video recording of court hearings on economic disputes has been provided.

The ability to form professional organizations is an important element of judges' internal independence. Judges Associations, created in Azerbaijan, which recently formed the Union of Judges, actively participate in the legislative reform in the judicial field, make proposals, conduct trainings for judges and court clerks on their own, and organize social events. By the way, the Association of Judges of general jurisdiction is a full member of the International Association of Judges.

As one can see, a significant simplification of access to justice has led to a drastic increase in the number of cases at the courts. Reducing the workload cannot be achieved only by increasing the number of judges. In this regard, actions are being taken to introduce the extrajudicial settlement of civil cases, and therefore international experience in this field is being studied. A project on mediation has been launched with the European Union. Moreover, legislative amendments are made to simplify and complete the enforcement procedure.

For the purpose of humanizing the penal policy on 1 December of last year amendments were made to the codes of Criminal Procedure and Execution of Punishments, in addition to numerous deductions, the provisions were envisaged on the means of electronic control, that enable widespread application of alternative punishment and procedural compulsory measures not associated with isolation from society.

In order to more efficiently organize the control over the execution of non-custodial punishments and the management in this field in accordance with the Order of the President of the Republic of

Azerbaijan, the Probation Service of the Ministry of Justice was established and a number of organization measures were taken since to ensure the Service's operation.

The relevant change was introduced to the structure of the Ministry of Justice by the 07.11.2017 Presidential Decree; the Probation Service was defined as a structural body with general departmental authority, and the necessary work has been conducted for forming its staff.

I would like to briefly shed light upon recent developments, in last ten month after the change management of Bar Association, in particular during these month the number of lawyers has been raised up to 50 % while as of now the total number lawyers is 1500; first time in the history of Azerbaijani lawyer profession the open registry of the all Association members have been uploaded to an open source – official web page of the Association; in order to maintain effective liaison between the Association and the lawyers, e-cabinet of lawyers have been elaborated which is interconnected with state e-court system where lawyers chase in-court cases, etc; In-office activities of all local bars have standardized and set to demands of Association.

Today we discuss about one of the main topics of the meeting. In this content it is important to note that illegally deprivation of liberty of two Azerbaijani hostages still continue by Armenian authorities in our occupied territories- Nagorno Karabakh breaking and violating all international law.

We ask international organization and countries to contribute of their liberation.