

**Second Study Commission
Civil Law and Procedure
65th Annual Reunion of the IAJ – Tel Aviv, Israel**

Questionnaire 2022

VIRTUAL TRIALS IN CIVIL PROCEEDINGS

Response of the Republic of Azerbaijan

- 1. Did your jurisdiction offer complete or partial virtual civil trials or hearings before the Pandemic? If yes, please describe what was offered and how often the offer was exercised.**
 - Yes, the Civil Procedural Code (CPC) provides the provision on virtual civil hearings starting from 2018. According to the amendments made to the CPC dated December 28, 2018 the article 176.5-1 has been added. That article provides for the opportunity to hold real time virtual hearings using audio, video and other recording technical devices, as well as the opportunity for the parties to participate virtually in the hearings using technical devices (remote hearings) within “Electronic court information system”. To hold virtual (remote) hearing the court shall deliver the relevant ruling on the own initiative or on the basis of the party’s reasoned petition. No statistics is available.

- 2. Did your jurisdiction offer civil virtual trials or hearings during the Pandemic? If yes, was there a change in how, what and when it was offered? Were protocols published? Also, if yes, when were the virtual trials/hearings offered and what was the uptake?**
 - Yes, our jurisdiction offers civil virtual trials or hearings during the Pandemic. So, to protect the health and safety of the judges, court employees and applicants the Supreme Court of the Republic of Azerbaijan recommended to use in certain categories of civil cases and economic disputes the opportunity to hold virtual trials and hearings using “Electronic court information system”. Virtual trials are organized using videoconferencing subsystem through “Electronic court information system”. All court trials are video recorded with further enclosure of CD to the case files in accordance with the law requirements. In view of recommendations fo the Supreme Court of the Republic of Azerbaijan the following virtual court trials have been organized using videoconferencing facilities of the “Electronic court information system” for: civil cases proceeding from family-marriage, labour relations, special proceedings, for economic cases where the number of parties did not exceed 2, for order proceedings, for the simplified procedure of small claim cases, as well as for the cases of consideration of measures to secure the claim for all types of cases.

- 3. Presuming that civil virtual trials were offered, was there any improvements made in the technology/software that the government provided? How were documents and exhibits managed?**
 - Electronic Court proceedings on civil cases are being conducted under the general procedural rules stipulated by the Civil Procedural Code through “Electronic court information system”. To conduct the civil virtual trials the functional options of

the system have been improved, as well as the relevant technical infrastructure have been installed in the court rooms.

The technical devices, applied for the virtual court proceedings using video conferencing link system, provide the best quality real-time voice and video delivery to the court rooms, transparency of the proceedings and provision of other main principles and conditions, as well as information security.

All court files in the courts integrated to the “Electronic court information system” are composed using the system’s options and placed in the Personal Electronic Cabinet for parties.

4. What does the future hold in your jurisdiction with respect to the continuation of virtual trials? What are the issues and or benefits that have arisen?

- The article 10-2 of the Civil Procedural Code provides for conducting court proceedings using video conferencing system. Thus prevents unnecessary delays in the court proceedings.

5. Has or is research being done in your jurisdiction to help ameliorate some of the concerns that have arisen with virtual trials?

- In view of holding of videoconferencing using the “Electronic court information system” any problem arising during organization of electronic proceedings is reported to the system operator and all necessary measures are taken by the system operator to solve the problem.

6. How did the digitally excluded people in your jurisdictions have access to justice and specifically to virtual trials during the Pandemic?

- To facilitate the access to justice, including access to the courts during the Pandemic, the option of e-application using the “Electronic court information system” is provided. At the same time the options of e-Tracking the key court events and e-application of the claims are provided.

To provide participation of any party at the virtual court trial using videoconferencing a special access link is sent to a party who can participate at the trial using that link.