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## 1. PROJECT SUMMARY

### 1.1 Purpose and Goals



The web-based information center of the Economic Court of Armenia was created in the framework of the project “Transparency and Accessibility of Armenian Judiciary system” with the assistance of EU European Initiative for Democracy and Human Rights.

The main purposes of the project were:

- To improve access to regulatory and administrative information and to increase transparency of judiciary structures, policies and proceedings in and related to the Economic Court of the Republic of Armenia,
- To provide the capacity and start-up resources for improved accountability of that entity, in other words: to improve the quality and effectiveness of judiciary through strengthening public-private relations.

The project was funded by the European Initiative for Democracy and Human Rights Micro-projects Programmed in June 2004. The Bearing Point (formerly Barents Group of KPMG Consulting LLC) also provided support and participated in the implementation of the Project.

### 1.2 Project Structure

The project has been initiated and jointly implemented by “Armenian Public Relations Association” (APRA) and “Youth for Achievements” (YFA) Non-governmental organizations. Armenian PR Association shouldered the creation of web-based information center starting from September 2004, whereas YFA organized and conducted TV discussions on the creation of the information center and transparency of the judiciary system in general. The Project was overseen by the Executive Director of APRA and advised by a Working Group composed of seven members of the APRA and YFA NGOs. These seven individuals are Public Relations, Web development and Public Outreach professionals with substantive knowledge and experience in addressing topics related to transparency and human rights. The Armenian Public Relations Association was responsible for managing the project in consortium with Youth for Achievements NGO, maintaining communications with the Economic Court, project beneficiaries, civil society and media, as well as for working with community representatives participating in the project. A panel of experts that included lawyers, judges, journalists and civil society institutions who have participated in the research and implementation of related transparency initiatives provided additional assistance for identifying resources and reviewing plans, activities, and products.

### 1.3 Project Activities and Products

The project consisted of the following major activities:

- Determining the broad range of mechanisms, that would ensure effective exchange of information between Armenian public and Economic Court as an integral part of RA judiciary system,
- Creating transparent and accountable facility, allowing the dialogue through round tables, workshops and meetings through electronic media and Internet while providing the private/public sector with access to the information about the functioning of the judiciary system.
- Carrying out public awareness campaign through provision of TV broadcasts, capacity building through trainings, seminars and workshops with the beneficiaries of the Project about the significance and the necessity of action for the increased transparency and accountability of the Economic Court in the society.

Section 2 of this report describes the accomplishments of the “Transparency and Accessibility of Armenian Judiciary System” project. The accomplishments are organized according to these activities. Section 3 summarizes the lessons learned of the project.

## 2. ACCOMPLISHMENTS

### 2.1 Information Exchange Mechanisms Establishment



We can already state that the organizations succeeded in accomplishing the project creating an effective experience in transparent work, and cooperation between public sector and judicial power. In the course of the creation of the information center the organizations succeeded in getting the support of the RA Economic Court and in working cooperatively.

The RA Economic Court has willingly provided holistic information not only about court activities, but also about cases under examination, as a result of which the created website representing the judicial power has no precedent in Armenia, if not in CIS, and can become a daily source of information, as both theoretical information (on the structure, functions, procedures of court application and court verdict appeal, amount of state duties and transfer mechanisms) and court cases in general, are placed in the website. The latter option enables all interested persons and beneficiaries in general to access the court session schedule, cases under examination, the list of bankrupt organizations, public auctions announcements, as well as verdicts and decisions that have come into force. More importantly, the Economic Court has made a commitment to update the web content periodically and to provide fresh information to public.

Thus, an attempt has been made in cooperation with the Economic Court to adjust the website content to the existent demand.



Taking into consideration the ongoing liberalization and democratization processes in the social-political system, I think that the transparency of the judiciary system, in particular of the Economic Court activities, is one of the key tasks. In this context, the creation of the Economic Court website is one of the most important steps, which has both theoretical and practical significance.

The RA Economic Court Website enables its visitors to be informed of the Economic Court activities, operational framework, as well as the decisions and verdicts of the Economic Court.

The transparency of the court activities will promote the increase of public confidence in the court and raise the professional reputation of judges. Transparent work style in this case can have bilaterally positive results: public awareness will contribute to the raise of legal conscience, which in its turn will promote the strengthening of the legal system.

Besides, the creation of the website can be considered an important step in the struggle against corruption, which is among the most crucial challenges that the Republic of Armenia is facing. The transparency of the judicial power is an essential prerequisite in this struggle.

Under the circumstances of Information Technologies development, the existence of the official website is a necessity. The creation of similar websites is one of the first steps of involving the judiciary system in the processes of e-governance, and the Economic Court website is the first successful experiment to safeguard the transparency of the judiciary through modern technologies. This precedent should serve an example not only for other courts, but also for all state bodies.

Hovhannes Manukyan  
Chairman of the Economic Court

## 2.2 Web Based Information Center Description

To outline the framework of the website content, “Youth For Achievements” organized the first TV discussion with lawyers, journalists and businessmen, in October 2004. Different meetings with NGOs and state bodies, blitz surveys with journalists, discussions with judges were conducted.



The homepage of the Economic Court Web-based information center opens with the speech of the chairman of the RA Economic Court Hovhannes Manukyan who welcomed the initiative and voiced hope that it promotes the transparency of the Economic Court activities and contributes to the fulfillment of the rights of the public to receive information.

The visitors can access the main menu, as well as sign up and log in from all pages of the website. Sign up is free and is necessary for downloading court verdicts and decisions available in PDF format. The website contains a lot of internal links which facilitate the navigation process.



The rubric “RA Economic Court” contains 4 sections -“Structure and Functions”, “Judges”, “Court Staff” and “Address of the Court”. In “Structure and Functions” there is information about the functions and liabilities of the Economic Court, as well as those of the chairman of the economic court, location of court residences and their respective areas of service, as well as about the kinds of disputes subject to Economic Court Examination.



In the section “Judges” names, photos and short professional biographies of the Chairman of the Economic Court and 21 judges are available.

The section “Staff” contains some basic information about the functions of the court staff, and the record keeping procedure, as well as a visual display of the organizational structure of the Economic Court staff.



In the rubric “Operational framework”, the section “The Procedure of Submitting Documents” describes the procedures of submitting documents and acquiring documents from the archives. In the section “The procedure of getting access to case materials and reception hours” visitors can get information about the procedure of getting access to the case materials, as well as to learn about the reception hours. The section “Court Session Schedule” can also be accessed from this page.

The “Court Session Schedule” informs the visitors, about court hearings of the cases of first instance, appealed cases and insolvency cases. The interactive calendar allows browsing the court sessions scheduled for the selected day of the preceding 2 months and upcoming one month.

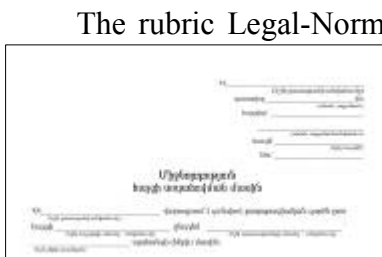




The rubric “Court Application Procedure” the section “Necessary Documents” enumerates the list of documents necessary when bringing a claim, a counterclaim, a cassation complaint, a demand of recognition of insolvency, and describes the procedure of RA EC court application by CIS economic subjects in the section “Necessary Documents”.

The section “State Duty and Bank Preconditions” informs about the amount and mechanism of payment of state duties for RA citizens and CIS economic subjects, including the list of intermediary banks and bank account numbers for dollars, euros, rubles, and drams in case the duty is transferred.

In the section “Application forms” sample application forms, such as claim, counterclaim, cassation complaint, petition and others, may be downloaded in PDF format.



The rubric Legal-Normative information contains the “RA constitution”, “International Documents”, “RA Legislation” and “Legislative News”. The section “RA Legislation” contains “Civil Court Procedure Code”, “Law on Court Formation”, “Law on the Status of Judges”, “Law on Insolvency(bankruptcy)”, “Law on the Bankruptcy of Banks and Credit Companies”, “Law on Court Decision Enforcement”, “Law on Court Decision Enforcement Service”, “Law on Public Auctions” and “Law on State Duty”. This section is available only in Armenian.

In the section “International Documents” different agreements with CIS countries regarding the activities of the Economic Court may be downloaded in Russian.



The section “Legislative News” is designed to present all changes in RA legislation, pertaining to Economic Court.



The rubric “Appeal and Cassation” gives the list of verdicts and decisions subject to appealing, describes the procedure of appealing against them, making reference to the corresponding codes of RA legislation.

In the rubric “Court Case” which is ONLY in Armenian, the visitors can use the flexible search engine to search for first instance, appealed and insolvency cases by any of the following criteria- name of claimant, name of respondent, number of the case, date of the court session, and type of legal relationship (the latter is not applicable for insolvency cases). Decisions and verdicts of the Economic



Court can be downloaded by registered users. Downloaded copies cannot be used as legal documents unless verified by the court.

In the section “Bankrupt organizations and entrepreneurs” the visitors can search for organizations and entrepreneurs recognized bankrupt by the Economic Court verdicts. The name of the debtor, the number or the date of case should be submitted to complete the search.

In the section “Licensed Administrators”, visitors can access the list of administrators appointed by the court who are responsible for and authorized to take charge of organizations during the period when the case of their bankruptcy is in court, as well as to conduct public auctions for the debtor’s property sale.



The rubric “Debtor’s Property Sale” describes comprehensively the procedures of debtor’s property sale and participation in public auctions. Links to the list of necessary documents and sample application forms are placed in this page. Here visitors can also find detailed announcements about upcoming public auctions.

The “News” rubric has sections on "Statistical Reports”, “Speeches and Articles”, and “Mass Media about the Economic Court.” In “Statistical reports” visitors can download in Armenian annual reports concerning the activities of the Economic Court. In the section “Mass Media about the EC” links to various articles since 2001, related to the Economic Court are available. In the section “Speeches and Articles” analyses, speeches and articles by judges and members of staff concerning the activities of the economic court, legislation field and economic situation in general, will be placed.



The rubric “International Connections” informs the visitors about major treaties, agreements and intergovernmental institutions that the RA Economic Court is party to. The section contains links to the texts of these agreements in Russian.

Using the Feedback option visitors can send their questions, opinions, and recommendations. The staff will receive them and keep records in a separate register. The feedback will be used to enhance the site and continuously adjust it to the demands of the public.





The rubric “Links” contains links to the websites of RA president, RA National Assembly, RA Constitutional Court, RA Court of Cassation, RA Ministry of Justice, RA Ministry of Economy and Finances, RA Central Bank, Stock Commission, Tax Committee, State Tax Services and CIS Economic Court.

In “About the Site” visitors can find concise information about the website, including names of the donor and implementer organizations of the project.



Today we can state that Economic Court website has stimulated a lot of interest and is becoming a highly demanded website. The official launch of the website was on February 25, and up to March 20 it had had 354 visitors, of which 133 from the United States.

The website is trilingual and substantial materials are placed in Armenian, Russian and English. The prospective strategy of the work-team is to use this experience for safeguarding the transparency of other branches of the judiciary system as well.

The website content will be updated quite frequently as the court cases and court session schedule are placed there. The record keeping of the Economic Court is done through an automate system which is updated daily, and the website is designed in a way that allows updating information with one click.

### 2.3 Research and Development of Working Model of Feedback Provision

A set of principles was used to aid in the selection and screening of promising strategies for the establishment of effective information and feedback provision for the representatives of the private/public sectors of the society. These principles had been previously developed by APRA based on a review of international experience in the area and judiciary institutions web- sites developed in India, Belarus, Russia, US and other countries.

The Working Group and panel of experts were called upon to expand and improve the existing practices. The following observations and findings were drawn out from the multiple meetings and interviews conducted with the experts, beneficiaries and Economic Court representatives:

#### *Economic Court clients (Target group for the project)*

- The circle of people applying to court is diverse. Their demands can be conventionally divided into 3 groups- restoration of rights, demands against the debtor within the framework of the bankruptcy procedure, and general information provision.
- There was a tendency in 2004 towards cases regarding disputes between the founders of judicial





persons and other members of the company. Though their number was not large, the tendency for growth is noticeable. In 2002-2003 there were only a few of them, whereas in 2004 there were 19 claims regarding disputes between the founders of organizations. It implies a raise in the level of legal conscience of judicial persons. People try to regulate their relations in the legal field. Many are the claims the questions raised in which can hardly be called a dispute: the sides want to give solution to debates (difference of opinions) on professional issues that the court can resolve assessing the proofs. Also, in 2004 there were a number of claims against state body acts that contradict the law and violate the rights of judicial persons and entrepreneurs.

*Type of Information mostly demanded*

- Provide information **an bane ruptcy** Mostly, judicial persons and entrepreneurs address Economic Court with the request as to RA Law on Purchases demands including in the competition application package a certificate about the applicant not being bankrupt. Information about the recognition of the debtor as bankrupt or not bankrupt this can be provided only by the staff of the Economic Court to the claimant personally.
- Many people, especially those involved in a court case, request information about the proceedings of a particular case and copies of the case materials.
- The third group of questions refers to the amount, ways of payment, account numbers of state duties. Such questions are often asked by CIS economic subjects,

**Example**

The sanitary hygienic service of the Ministry of Health was quite active in 2004 bringing claims about fining economic subjects. There were 1-2 such cases only in 2003 but in 2004 their number abruptly grew. Tax Agency brings claims about confiscating advanced tax, Social security bodies- about mandatory social fees to be paid by entrepreneurs, Yerevan municipality- about tax on land, and the Prosecutor's office- with demands on state property in illegal use. The number of insolvency claims has increased which is accounted for by the fact that the Law on Insolvency has come into force. According to that law which came into force on 14 January 2004, state bodies which collect taxes and other mandatory fees, must file claims to recognize the debtor bankrupt in cases stipulated in the law. The new law simplifies the procedure of the recognition of bankruptcy which caused an increase in the number of such claims.

The website is designed to be an exhaustive resource for such kind of information. While developing the content of the website one of our purposes was to answer questions about the court application procedure, the list of necessary documents, ways of payment and/or transfer of state duties.

The website enables people to get information not only about the proceedings of a particular case but also about his rights and duties, and the liabilities and authority of the Economic Court without addressing the court. In a sense that will promote the increase of legal conscience of the public, which can only contribute to the exercise of justice.

According to the project staff (including the local facilitator) and members of the Working Group, the project had a "significant" impact on the community at large and the transparency of the court will promote the exercise of justice.

## Judges Feedback Summary

The formation of civil society presupposes the transparency of the activities of the state system, including the judiciary, the open work style, the accessibility of decisions and verdicts. The Economic Court judges made remarks about this answering the following two questions:

- *“How essential and purposeful is the transparency of the judiciary system and the Economic Court in particular?”*



- *“What will be the impact of transparent work style on the exercise of justice and where’s the borderline of the information accessibility?”*

The interviewed judges recognized that the activities of each state body must be transparent. As for the court, the transparency of court activities will be a guarantee for the independence of the court. When the doors and windows are closed and no one knows what’s going on inside, everything can be done without grounds. Whereas it is different when the actions of the court, questions and answers, explanations of the sides as well as for example, the procedure of Yerevan Municipality defending its interests, are transparent (70% of the Economic Court cases deal with state bodies).

They noted that the opening of a website about the court is new to the judiciary system of Armenia. The court is the only state body executing justice. Court proceedings are the only procedure for executing justice end through this website everybody can be informed about case examinations. The publicity of case examinations is one of the principles of justice, which helps the public control the execution of justice. That obliges the court and trial participants to be more vigilant and raises the degree of their responsibility. Publicity guarantees the versatile, holistic and objective examination of the case, it makes justice more accessible.

With the launch of the website the court will be more visible and accessible to all and will help in the prevention of the violation of law and the maintenance of lawfulness in the civil legal relationships, increase the role and significance of the court, enhance the reputation the court and the rule of law. It is necessary that the public be informed about every step of the judiciary system. That is needed not only for the public but can have a positive impact on the work of the court and judges. It is more “pleasant” for the judge when the sides come to the court prepared. If the sides are not acquainted with the court work, they cannot participate in the process and compete properly. The Civil Court Procedure Code defines “competitive” court procedure. The side may be right, but lose unable to prove that.

Our country is a democratic state, consequently the transparency of the whole state system including the judiciary, is indispensable. That will enable the public to be aware of the procedure of dispute resolution between state and judicial bodies, i.e. the execution of justice. The transparency of the EC activities is an important circumstance. The court exercises justice and the public must know how it is done. This task is essential especially in newly forming democratic societies where there exists a necessity to raise the level of legal culture. We have a task to explain to the broad layers of the society what mean rights, court, verdict.

Regarding the impact of the web site and the project in general on the overall effectiveness of judiciary, judges responded that the transparency of the court activities can be useful both for the public and the court itself. In their opinion the judge has nothing to conceal from the public. The borderline of transparency starts with the moment the claim is filed and

ends with the act finishing the case examination. They suggested that even the office of the judge should be transparent, i.e. in what conditions the judge works.

The information placed in the website will decrease the number of future disputes rising in the sphere of entrepreneurship, will make stable the civil legal relationships, will contribute to the creation of civilized market relations. Thus, the subject will have opportunities to get to know their rights and duties more closely, as well as to protect their violated rights. The citizen must exercise his right of getting information as long as it is not banned by the law. The provision of information to public starts with the court decision to accept the claim for examination and ends with the making of the court act.



### **Journalists Feedback Summary**

The project workshop named “**Internet as a source of operative information**” conducted with the representatives of media and NGOs in September 2004 provided another opportunity for promoting the new resource. Web site resource development in its progress was exhibited and distributed at the workshop. A presentation about the project was also conducted

by the local facilitator.

Workshop participants concluded that the accessibility of the information starts at the moment the claim is brought to court and ends when the verdict is made. The exercise of the right of citizens to get information is partly ensured by the Mass Media whose mission is to inform the public about the ongoing processes. That is, getting information is not only the right of Mass Media but also their professional duty. What is the best source of information for journalists and what kind of information do the media expect to find in particular from the Economic Court website, what will be more useful to them? The journalists are voicing their point of view, answering the questions below: “Which is the most efficient means of getting information?”, and “What information would you like to get from the website of the Economic Court?”

Media representatives think that this process starts with the Economic Court as journalists had some problems to acquire decisions and verdicts. The creation of the website will enable media to follow court cases sparing time and not having to communicate with the judges in person. Unfortunately, not all state agencies have their website and getting information of interest to media from other sources is quite time-consuming. Taking into account that personal interactions have become more complicated, internet is quite an effective option for getting information.

Most workshop participants noted that they were mostly interested in decisions and verdicts, court sessions as well as in information on judges, their professional background, court annual budget and annual budget report of the previous year. They underlined the importance of introducing legal acts concerning the Economic Court and the procedure of appealing court decisions.

TV programs to discuss the problem of transparency in the society and promote the initiative were undertaken by the Project Team. The TV Component of the Action was implemented by “Youth For Achievements” NGO, possessing extensive experience in conduction of projects, including experience of TV promotion of European structures, electronic media promotion and public advocacy.

## **2.4 TV Component of the Projects**

This component of the project was instrumental in promotion of the action's ideology, as well as in receiving a wider public feedback on the action. The project included three television shows, each of which served a specific purpose and played a crucial role in the implementation of the action.

All TV shows had a talk show/group discussion format facilitated by the show host. The show host highlighted the topics to be discussed and opened the floor for the audience's discussion. Audience included experts in the field of judiciary, stakeholders and representatives of business and NGO community. The show host also summarized the outcomes of discussions and provided a regulatory function in the discussion.

### **The 1st show**

The first TV show was prepared and aired after the preparation stage of the action. This first TV show aimed at defining the scope, type and quality of information desired from the Economic Court and routes of possible cooperation. It also served as the public announcement of the action.

### **The 2nd show**

The second TV show was prepared and aired after the launch of the website. This second show aimed at discussing the progress of the project, receiving feedback on the work that has been done and positive tendencies triggered by the action. It also served as a public evaluation exercise and provided a valuable scope of comments aimed at improvement of the website.

### **The 3rd show**

The third show discussed the state structures transparency issues in the context of the lessons learned during the Economic Court transparency and accountability project. Experts, invited to the show included representatives of Yerevan Press Club, Center of Freedom of Information and Internews. Talk show participants agreed that the transparency of state was a primary condition for elimination of corruption and ineffective administration in public institutions and guaranteed access to public information.

### 3. SUMMARY OF LESSONS LEARNED

The Project was launched at the moment when increased demand from the private sector and civil society coincided with the presence of willingness within the Armenian Judiciary (Economic Court) to support and promote the Project. The Project exhibited a number of important characteristics that will ensure its sustainability.

The lessons learned during the project show that that the Armenian judiciary has the capacity to maintain and develop ICT based information solutions based on the world best practice. The representatives of the private sector and civil society, who participated in the Project implementation and web center launch, have articulated clear demand and support to the Project outputs. The project provided a wider, deeper and longer-term perspective, by assessing the overall impact of the E-Dialogue elements on the functioning and operation of the judiciary. The project's main lesson was that the issue of increasing the efficiency and transparency of the Judiciary and in particular Economic Court activities is possible only by applying participatory approach, delivering responsive, cost-effective services to citizens and businesses, and by involving civil society in the governance process.

The participants in the project believe, first and foremost, that court transparency and accountability models may work and lead to significant efficiencies in a court system. Data from the Economic Court experience demonstrated that implementation of virtual Court information facility led to a more balanced workload among judges. Second, sustainability of the court web - information center is conditioned by applying a new vision of the role of the judiciary. Judges must see themselves as part of a system of justice, with accountability to their colleagues and to their communities. This new vision anticipates that judges, individually and collectively, will play an active role in the administration of the court system. This new vision contrasts with an "old vision" of judges controlling isolated individual fiefdoms with no responsibilities outside their assigned cases.

Third, the project team members have learned that the Court transparency is not a subject that lends it to quick fixes and simple solutions since the problems associated with court virtual information facility implementation are interrelated and complex. They include concerns about judicial efficiency, convenience to the public, court staffing, court funding, information systems, the effect of policy changes on various groups of court clients, the quality and structure of the delivery of court-related services to children and families, court facility needs, the funding mechanisms necessary to support the updates of the web -sites, and the quality of justice. These concerns, and more, have all been a part of the ongoing discussions of the project.

Fourth, the project participants believe that the reorganization process must be open and inclusive. If a group with a significant interest in court functions is not included in planning discussions, the whole process is undermined. The project has included judges, administrators, clerks, attorneys, court-related services providers, policy agencies, local government officials, and others in its meetings. That process has included meetings to plan the changes and ongoing (post-change) meetings to evaluate and troubleshoot the new system.

Finally, we think that the reorganization of our court system requires some experimentation before a final model is determined, and that the first model must provide for a significant amount of local input and flexibility. We think that the entire state can learn from the experience in project we think that we can all learn from experiments in other countries.

#### 4. FUTURE DIRECTIONS

Armenia Public Relations Association has already made considerable efforts to advocate market-oriented e-business regulations and to consolidate the civil society voice for better government services provision.

We see the future directions of legal information in Armenia as one of many sorts of information available on the global information infrastructure. In summary, number of sources indicated that technological developments may lead to widespread changes in legal practice, demonstrated by the table below.

<b>Current legal practice</b>	<b>Future legal practice</b>
Advisory service	Information service
Dispute resolution	Dispute pre-emption
Publication of law	Promulgation of law
A dedicated legal profession	Legal specialists and information engineers
Print-based	IT based legal systems

While implementing judiciary transparency and accountability projects civil society organizations should perform broad public information campaigns, disseminate information on success stories about the implementation of the developed models that would increase the likelihood of their wider use and therefore ensure their greater sustainability.

Consistency and interactivity are central issues in the development and maintenance of web-based information resource. Further, as judicial web resources are evolving with specific requirements different from self-organizing systems, such as the Web, it is important that they are aimed specifically at interoperability between internal document flow and their web representation. As interoperability mechanisms will form an infrastructure, rather than a variety of proprietary components, it is particularly appropriate that the research and development of this publicly usable infrastructure be undertaken with public rather than private resources. The four areas of models, coordination and control, query processing and implementation mechanisms performed under the Economic Court Transparency project provide an outline framework for this.