

## CZECH REPUBLIC

<b>I. Highlighting of dysfunctions within a court<sup>1</sup></b>
1. Is there an organised system allowing to detect dysfunctions within a court?  No, there is not.
a. If yes,  i. what are the alert mechanisms ?  ii. who has the initiative of alert ?  iii. who is the addressee of the alert ?
b. If not, how are the dysfunctions within a court brought to the attention of the competent judicial and administrative authorities ?  From quarterly reports of cases pending longer than 3, 5 or 7 years.
<b>II. Methods of investigation and analysis of dysfunctions</b>
2. Which are the methods used to check these dysfunctions ? (audit, evaluation, on location visit, etc..)  Evaluation of the President of the Court, evaluation of the Department of Civil and Criminal Supervision of the Ministry of Justice and location visits.
3. Once a dysfunction has been detected, what methods of analysis are used ?  Analysis of the procedure by the monitoring timing and expediency of the stages of proceedings (by inspecting files).

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<sup>1</sup>The questionnaire does not intend to address disciplinary matters

<b>III. The structure in charge of investigating and analysing the dysfunction</b>
<p>4. Is this structure centralised or decentralised (in this case, is it internal or external to the court) ?</p> <p>Both: centralized in the Ministry of Justice, decentralised in the courts.</p>
<p>5. Under what authority is it placed ?</p> <p>Basically under executive authority. The President of the Court has two roles: as a state administration body and as a judge. Department of Civil and Criminal Supervision of the Ministry of Justice is a part of executive authority.</p>
<p>6. How is this structure set up ? Who appoints its members ?</p> <p>There is no special structure with appointed members. The Presidents of the Courts are appointed by the Minister of Justice. The employees of the Department of Civil and Criminal Supervision are mainly former judges or prosecutors.</p>
<p>7. What is its jurisdiction ?</p> <p>To monitor the procedure of courts from the view of length and dignity of the proceedings, to propose a disciplinary proceeding.</p>
<b>IV. Follow up given to the analysis in order to remedy the dysfunction</b>
<p>8. What form will be adopted for the conclusions of the structure of investigation and analysis ?</p> <p>Written form - recommendation and measures; Verbal form - reprimand.</p>
<p>9. Who is the addressee of the conclusions of the structure of investigation and analysis?</p> <p>The final addressees are the judges and their administrative personnel. If the investigative structure is Department of Civil and Criminal Supervision of the</p>

Ministry of Justice, than they are also the President of the particular court and President of the superior court.
<p>10. What means are available for the structure in order to find a remedy to the dysfunction ?</p> <p>Organizational, personal, technical and financial measures.</p>
<p>11. If the investigation structure does not monitor the imlementation of the recommendations, which structure is entrusted with their implementation?</p> <p>Investigation structure monitors the implementation of the recommendation.</p>
<b>V. Efficiency of mechanisms</b>
<p>11. Is the functioning of this structure evaluated?</p> <p>In principle not.</p>
<p>12. What improvements could be made?</p> <p>Every discovery of dysfunction should be accompanied by suggestion to its remedy.</p>