

Questionnaire to prepare the Study Session

This questionnaire does not intend to result in an exhaustive and detailed study on court supervision.

It has been submitted to the members of the CEPEJ with the following aims:

- *providing the participants in the study session with the relevant information on the various systems in force in the member States;*
- *enabling the participants to prepare themselves for the debates of the study session by defining the main issues at stake while addressing the problematic of dysfunctions within courts.*

In this context, the CEPEJ members are urged to answer briefly to this questionnaire (if possible by e-mail).

I. Highlighting of dysfunctions within a court¹

1. Is there an organised system allowing to detect dysfunctions within a court?

The Judicial Council, which is set up according to Article 13 of the Icelandic Act on the Judiciary, No. 15/1998, *inter alia* has the function of detecting dysfunctions within a court.

The Council has the general role of making sure that the work of the court is efficient and that cases are concluded within reasonable time periods.

a. If yes,

i. what are the alert mechanisms ?

The Judicial Council collects information on the number of cases in the district courts and the conclusion of cases. If the Council detects a problem, e.g. that the case load of a particular court is excessive, it may make proposals related thereto.

ii. who has the initiative of alert ?

In many cases the chief judge of a district court. In other cases the Council may detect a dysfunction within a court itself.

iii. who is the addressee of the alert ?

The Judicial Council

¹The questionnaire does not intend to address disciplinary matters

b. If not, how are the dysfunctions within a court brought to the attention of the competent judicial and administrative authorities ?
II. Methods of investigation and analysis of dysfunctions
2. Which are the methods used to check these dysfunctions ? (audit, evaluation, on location visit, etc..) As stated before, the Judicial Council collects information on the number of cases in the district courts and the conclusions of cases in order to highlight dysfunctions within á court.
3. Once a dysfunction has been detected, what methods of analysis are used ? The Judicial Council has developed a special analytical programme for analysing the workload of courts..
III. The structure in charge of investigating and analysing the dysfunction
4. Is this structure centralised or decentralised (in this case, is it internal or external to the court) ? The Judicial Council is in charge of the administrative affairs of the district courts. It is external to the judicial work carried out by the judges of the courts.
5. Under what authority is it placed ? The Ministry of Justice.
6. How is this structure set up ? Who appoints its members ? The Judicial Council is composed of five members appointed by the Minister of Justice. Two are elected by district court judges from among their group, two by the chief judges of the district courts from among their group, and the Minister appoints one member, who is not an active judge, without a nomination, to serve as chairman.

7. What is its jurisdiction ? Its jurisdiction is explained in Article 14 and Article 15 of the Act on the Judiciary, which is enclosed.
IV. Follow up given to the analysis in order to remedy the dysfunction
8. What form will be adopted for the conclusions of the structure of investigation and analysis ? The Council can transfer judges between district courts and make other proposals to promote efficiency and expediency in the handling of cases in district courts.
9. Who is the addressee of the conclusions of the structure of investigation and analysis ? The district courts (i.e. the chief judge of a district court)
10. What means are available for the structure in order to find a remedy to the dysfunction ? N.A.
11. If the investigation structure does not monitor the implementation of the recommendations, which structure is entrusted with their implementation? N.A.
V. Efficiency of mechanisms
11. Is the functioning of this structure evaluated? The Judicial Council shall annually publish a report on its own functions and those of the district courts which is reviewed by the Ministry of Justice.
12. What improvements could be made ?

