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**EUROPEAN COMMISSION FOR THE EFFICIENCY OF JUSTICE
(CEPEJ)**

**REVISED SATURN GUIDELINES
FOR JUDICIAL TIME MANAGEMENT
(3rd revision)**

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TABLE OF CONTENTS

Part I: Guidelines for Courts	3
I. General principles and guidelines	3
II. Guidelines for legislators and policy makers	5
III. Guidelines for authorities responsible for administration of justice	7
IV. Guidelines for court managers	8
V. Guidelines for judges	9
Part II: Guidelines for Prosecutors	10
Appendix I : European Uniform Guidelines for monitoring of judicial timeframes (EUGMONT)	14
Appendix II – Examples of synopsis	20
Appendix III: TIMELINE SHOWING THE DIFFERENT STAGES OF THE CRIMINAL PROCEDURE BEFORE AND DURING THE TRIAL	23

Introduction

All national court administrations, willing to apply such guidelines should undertake comparative analyses of these guidelines and the time management tools used by the courts in their jurisdictions, identify guidelines that are not implemented and develop efficient strategies on how to implement and improve them.

The time management guidelines of SATURN must be translated and made available to all courts, judicial administrations, ministries of justice, local and national lawyers associations, public prosecutors and crime units in the police, victims' organizations and other user organizations and enforcement agencies in all member States. Any authority, organisation or individual involved should be encouraged to implement these guidelines appropriately.

PART I: GUIDELINES FOR COURTS

I. General principles and guidelines

A. *Transparency and foreseeability*

1. The users of the justice system should be involved in the time management of judicial proceedings.
2. The users should be informed and, where appropriate, consulted regarding every relevant aspect that influences the length of proceedings.
3. The length of proceedings should be foreseeable as far as possible.
4. The general statistical and other data regarding the length of proceedings, in particular per types of cases, should be available to the general public.

B. *Optimum length*

1. The length of judicial proceedings should be appropriate.
2. It is particularly important and in the public interest that the length of judicial proceedings is not unreasonable. Cases should not be excessively long. They should, under some circumstances, also not be too short, if this would unduly impact the users' right of access to court.
3. The time management of judicial proceedings, if not determined by the behaviour of the users themselves, should be decided in an impartial and objective manner, avoiding significant differences with regard to timing of similar cases.
4. Particular attention should be given to the appropriateness of the total length of proceedings, from the initiation of the proceedings to the final satisfaction of the aims that the users wanted to obtain through **the** judicial process.

C. *Planning and collection of data*

1. The length of judicial proceedings should be planned, both at the general level (planning of average/mean duration of particular types of cases, or average/mean duration of process before certain types of courts), and at the level of concrete proceedings.

2. The users are entitled to be consulted in the time management of the judicial process and in setting the dates or estimating the timing of all future procedural steps.
3. The length of judicial proceedings should be monitored through an integral and well-defined system of collection of information. Such a system should be able to promptly provide both the detailed statistical data on the length of proceedings at the general level, and identify individual instances at the origin of excessive and unreasonable length.
4. **The court responsible for the case handling should record the steps at the trial stage. Where a case is appealed, the information available from the court file or record should be such that the appeal court should be able to ascertain that the total time use at the trial stage – also the time spent at the first instance court and on sending the case between courts – has been properly recorded. Lower courts that receive cases for retrial must do the same for all time spent at previous instances – whether on appeal or in the first instance.**
5. **The court file or record should clearly show the steps of:**
 - case arrival at the first instance court (courts should check that the recording of the pre- trial steps is complete)
 - trial preparation (several actions might happen during this step, ex : appointment of public defender, appointment of experts, setting the date of the main hearing, summons of witnesses, preparatory conferences and hearings)
 - beginning of the trial (first oral hearing on the merits)
 - further hearings for evidence (some States use only one main hearing)
 - end of the hearings
 - decision making at the first instance
 - announcement and delivery of the first instance decision
 - launching of legal remedies
 - preparation of appellate hearings
 - appellate hearings
 - decision making at the appeal instances
 - other stages and remedies (ex: reopening, constitutional review, retrial, etc)
 - sending of the final sentence to the execution authorities

(This list contains examples and should be adapted to the peculiarities of each jurisdiction.)

6. This information should be available to guide the work of prosecutors, court administrators, judges and the central authorities responsible for the administration of justice. In appropriate form, the information should also be made available to the users and the general public.
7. **Courts should use the “Towards European Timeframes for Judicial Proceedings Implementation guide” when setting suitable timeframes.**

D. Flexibility

1. The time management of the judicial process **should** be adjusted to the needs of the concrete proceedings, paying special attention to the needs of users.
2. The normative setting of time-limits by legislation or other general acts should be used cautiously, having regard to possible differences in concrete cases. If the time limits are set by the law, their observance and appropriateness should be continually monitored and evaluated.

3. If the law provides that particular types of cases should have priority or be decided urgently, this general rule **should** be interpreted in a reasonable way, in the light of the purpose for which the urgency or priority was provided for.

E. Committed collaboration of all stakeholders

1. Optimum and foreseeable length of proceedings¹ should be within the responsibility of all institutions and persons who participate in the design, regulation, planning and conduct of judicial proceedings, in particular by taking into account ethical rules.

2. In particular, the actions needed to ensure the implementation of the principles and guidelines contained in this document should be undertaken by legislators, policy makers and the authorities responsible for the administration of justice.

3. The central bodies responsible for the administration of justice have the duty to ensure that the means and conditions necessary for appropriate time management are available, and take action where appropriate. The bodies of court administration **should** assist in time management by collecting information and facilitating the organisation of judicial proceedings. The bodies that conduct the proceedings should actively engage in the planning and organisation of the proceedings.

4. Framework agreements with lawyers regarding timeframes and deadlines **should be encouraged** in all jurisdictions, cooperation of lawyers **being** important for putting forward suitable calendars for each case.

II. Guidelines for legislators and policy makers

A. Resources

1. The judicial system needs to have sufficient resources to cope with its regular workload in due time. The resources **should** be distributed according to the needs and must be used efficiently.

2. There should be **specific** resources that can be utilised in case of unexpected changes in the workload or the inability of the system to process the cases promptly.

3. The decisions on the utilisation of resources for the functioning of the judiciary should be made in a way that stimulates effective time management. If it is necessary, it should be possible to reallocate the resources in a fast and effective way in order to avoid delays and backlogs.

B. Organisation

1. The judicial bodies should be organised in a way that encourages effective time management.

2. Within **this** organisation, the responsibility for time management or judicial processes **should** be clearly determined. There should be a unit that permanently analyses the length of proceedings with a view to identify trends, anticipate changes and prevent problems related to the length of proceedings.

¹ See the Framework Programme: "A new objective for judicial systems: the processing of each case within an optimum and foreseeable timeframe (CEPEJ(2004)19Rev2) and Length of court proceedings in the member States of the Council of Europe based on the case law of the European Court of Human Rights" (F. Calvez and N. Régis), updated in 2018 available on www.coe.int/cepej.

3. All organisational changes that affect the judiciary should be studied as regards the possible impact on the time management of judicial proceedings.

C. Substantive law

1. Legislation **should** be clear, simple, in plain language and not too difficult to implement. Changes in substantive law **should** be well prepared.

2. When enacting new legislation, the government should always study its impact on the volume of new cases and avoid rules and regulations that may generate backlogs and delays.

3. Both the users and the judicial bodies **should** be informed in advance about changes in legislation, so that they can implement them in a timely and efficient way.

D. Procedure

1. The rules of judicial procedures **should** enable **compliance with** optimum timeframes. Rules that unnecessarily delay the proceedings or provide for overly complex procedures **should** be eliminated or amended.

2. The rules of judicial procedure should take into account the applicable Recommendations of the Council of Europe, in particular the Recommendations:

- R(81)7 on measures facilitating access to justice,
- R(84)5 on the principle of civil procedure designed to improve the functioning of justice,
- R(86)12 concerning measures to prevent and reduce the excessive workload in the courts,
- R(87)18 concerning the simplification of criminal justice,
- R(95)5 concerning the introduction and improvement of the functioning of appeal systems and procedures in civil and commercial cases,
- R(95)12 on the management of criminal justice,
- R(2001)3 on the delivery of court and other legal services to the citizen through the use of new technologies.

3. In drafting or amending the procedural rules, due regard **should be had** to the opinion of those who will apply these procedures.

4. The procedure in the first instance should **promote expedition**, while at the same time affording to users their right to a fair and public hearing.

5. **Use of accelerated proceedings** should be encouraged, where appropriate.

6. In appropriate cases, the appeal options **may** be limited. In certain cases (e.g. small claims) the appeal may be excluded, or a leave to appeal may be requested. Manifestly ill-founded appeals may be declared inadmissible or rejected in a summary way.

7. The recourse to the highest instances **should** be limited to the cases that deserve their attention and review.

III. Guidelines for authorities responsible for administration of justice

A. *Division of labour*

1. The duty to contribute to appropriate time management is shared by all the authorities responsible for the administration of justice (courts, judges, administrators), and all persons involved professionally in the judicial proceedings (e.g. experts and lawyers), each within his competences.
2. All authorities responsible for the administration of justice **should** cooperate in the process of setting standards and targets. In the elaboration of these standards and targets the other stakeholders and the users of the justice system should also be consulted.

B. *Monitoring*

1. The timeframes of judicial proceedings **should be captured as caseflow data and be capable of scrutiny by means of a chart of caseflow** statistics. There should be sufficient information with respect to the length of particular types of cases and the length of the all stages of judicial proceedings.
2. It should be **ascertainable from the caseflow data and chart of statistics whether** the standards and targets for the specific types of cases and/or specific courts are being observed.
3. The body in charge of individual proceedings **should** monitor compliance with the time limits that are being set or agreed with the other participants in the proceedings.
4. The monitoring should be done in accordance with the European Uniform Guidelines for Monitoring of Judicial Timeframes – EUGMONT (see Appendix I).

C. *Intervention*

1. If departures from standards and targets for judicial timeframes are being observed or foreseen, prompt actions should be taken in order to remedy the causes of such departures.
2. Particular attention should be given to cases where **the overall duration of a case** is such that it may give rise to a finding of the violation of the human right to a trial within reasonable time.²
3. The monitoring should make sure that the periods of inactivity (waiting time) in the judicial proceeding are not excessively long, and wherever such extended periods exist, particular efforts **should** be made in order to **expedite** the proceedings and compensate for the delay³.

D. *Use of new technologies*

1. The use of new technologies within courts should be encouraged in order to reduce timeframes of judicial proceedings, in particular for the case management and during the proceedings, in particular:

- telephone-conferences and video-conferences at different stages of the proceedings;

² Length of court proceedings in the member States of the Council of Europe based on the case law of the European Court of Human Rights" (F. Calvez and N. Régis), updated in 2018 available on www.coe.int/cepej.

³ The duty to pay special attention to the periods of inactivity that can be attributed to the courts and other State authorities also arises out of the case-law of the European Court of Human Rights in relation to Article 6 of the European Convention on Human Rights.

- electronic communication between the court and the parties and more generally for all
- relations between participants to the proceedings;
- consulting files at a distance;
- codification of offences.

E. Accountability

1. Everyone who, by **their** act or omission, causes delays and adversely affects the observance of set standards and targets in the time management should, **consistent with the principle of judicial independence**, be held accountable.
2. In addition to the **appropriate** accountability for ineffective time management, the **State** may be held **liable** for the consequences caused to the users by the unreasonable length of proceedings.

IV. Guidelines for court managers

A. Collection of information

1. Court managers should, **with the aid of caseflow data**, collect information on the most important steps in the judicial process. They should keep records regarding the duration between these steps. In respect to the steps monitored, due regard should be given to the Time management Checklist, Indicator Four⁴.
2. The information collected should be available to inform the work of court administrators, judges and the central authorities responsible for the administration of justice. In appropriate form, the information should also be made available to the parties and the general public.

B. Continuing analysis

1. All information collected should be continually analysed and used for the purposes of monitoring and the improvement of performance.
2. The collected information should be available for the purposes of statistical evaluation. Subject to the protection of privacy, the collected data should also be available to independent researchers and research institutions for the purposes of scientific analysis.
3. The reports on the results of analysis should be produced at regular intervals, at least once a year, with appropriate recommendations.

C. Established targets

1. In addition to the standards and targets set at the higher level (national, regional), there should be specific targets at the level of individual courts. The court managers should have sufficient authorities and autonomy to actively set or participate in setting of these targets.
2. The targets should clearly define the objectives and be achievable. They should be published and subject to periodical re-evaluation.
3. The targets may be used in the evaluation of the court performance. If they are not achieved, concrete steps and actions **should** be taken to remedy the situation.

⁴ Time management Checklist (CEPEJ(2005)12Rev).

D. Crisis management

1. In the situations where there is a significant departure from the targets set at the court level, there should be specific means available to address **rapidly and adequately** the cause of the problem.

V. Guidelines for judges

A. Active case management

1. The judge should have sufficient powers to manage the proceedings **actively**.
2. Subject to general rules, the judge should be authorised to set appropriate time limits and adjust time management to the general and specific targets as well as to the particulars of each individual case.
3. Standard electronic templates for the drafting of judicial decisions and judicial decision support software should be developed and used by judges and court staff.

B. Timing agreement with the parties and lawyers

1. In the time management of the process, due **consideration** should be given to the interests of the users. They have the right to be involved in the planning of the process at an early stage.
2. Where possible, the judge should attempt to reach agreement with all participants in the procedure regarding the procedural calendar. For this purpose, he should also be assisted by appropriate court personnel (clerks) and information technology.
3. The deviations from the agreed calendar should be minimal and restricted to justified cases. In principle, the extension of the set time limits should be possible only with the agreement of all parties, or if the interests of justice so require.

C. Co-operation and monitoring of other actors (experts, witnesses etc.)

1. All participants in the process have the duty to co-operate with the court in the observance of set targets and time limits.
2. In the process, the judge has the right to monitor the observance of time limits by all participants, in particular, **but not restricted to**, those invited or engaged by the court, such as witnesses or experts.

D. Suppression of procedural abuses

1. All attempts to willingly and knowingly delay proceedings should be discouraged.
2. There should be procedural sanctions for causing delay and vexatious behaviour. These sanctions can be applied either to the parties or their representatives.
3. If a member of a legal profession grossly abuses procedural rights or significantly delays the proceedings, it should be reported to the respective professional organisation for **such sanctions as may be appropriate**.

E. The reasoning of judgments

1. The reasoning of all judgments should be concise in form and limited to **those** issues requiring **to be addressed**. The purpose should be to explain the decision. Only questions relevant to the decision of the case should be taken into account.
2. It should be possible for judges, in appropriate cases, to give an oral judgement with a written decision.

PART II: GUIDELINES FOR PROSECUTORS

Introduction

This **part of** the guidelines is **directed to** prosecutors in the criminal procedure **and** covers primarily the preliminary phase of investigation, before the phase **following commencement of proceedings** in court (pre-trial stage), whatever the legal system of the country concerned.

Prosecutor is understood as the competent person for the preliminary stage of investigation of the criminal procedure.

Other guidelines, as stated in Part I of this document, apply *mutatis mutandis* to prosecutors:

A. Planning and collection of data

1. The length of criminal proceedings should be planned at the investigation stage, the prosecutorial stage and before the courts (planning of average/mean duration of particular types of cases, or average /mean duration of process before certain types of judicial bodies). Planning should take place both at the general level and at the level of individual cases in accordance with timeframes indicated in procedural law.
2. The users (suspects, victims, defenders) are entitled to be informed, and where possible, consulted in the time management of the judicial process and in setting the dates or estimating the timing of all future procedural steps from the beginning of the investigations.

B. Intervention

1. If departures from standards and targets for prosecutorial time frames are being observed or foreseen, prompt actions should be taken in order to remedy such departures.
2. **Particular attention should be given to the cases where total duration is such that it may give rise to a finding of a violation of the fundamental right to a trial within reasonable time. ECHR Articles 5 and 6 contain important time regulations in criminal cases that all member States should respect:**

- ECHR Article 5 contains the following “time regulations”⁵:
 - i) a person arrested shall be informed promptly in a language which he understands, of the reasons for his arrest and of any charge against him
 - ii) a person arrested shall be brought promptly before a judge or other officer authorised by law to exercise judicial power
 - iii) a person arrested shall be entitled to trial within a reasonable time or to release pending trial
 - iv) a person in custody shall have his detention reviewed at reasonable intervals
 - v) a person who is deprived of his liberty by arrest or detention shall be entitled to take proceedings by which the lawfulness of his or her detention shall be decided speedily by a court.

- ECHR article 6 contains the following three “time regulations”:
 1. a fair and public trial within reasonable time
 2. a person charged with an offence should be informed promptly in a language which he understands and in detail, of the nature and cause of the accusation against him
 3. a person charged with an offence should have adequate time for the preparation of his defence.

- 3. Judicial authorities should be aware of such “time regulations” and establish systems to monitor them.

- 4. Measuring of time use starts with the beginning of the pre-trial stage when a person is substantially affected by the investigation. Special attention should be paid to the use of arrest or custody, the opening of preliminary investigation against the accused or when they are formally charged with the offence by the police or prosecution. Counting ends when the final judgment is given by the court or the prosecution is otherwise terminated by the prosecutor or the court. Records that clearly show the dates relevant for measuring time use according to the reasonable time criterion should be part of the case file when the case arrives in court.

- 5. Special attention should be paid to priority cases such as cases in which the suspect is in custody or already serving prison sentence and police violence cases.

- 6. These records should clearly show the dates of:
 - the commitment of the offence
 - the arrest of the suspect
 - the use of pre-trial detention
 - the start of the investigations
 - the issuing of the indictment.

- 7. The monitoring should make sure that the periods of inactivity (waiting time) in the criminal proceedings are not excessively long, and wherever such periods exist, particular efforts **should** be made in order to speed up the proceeding and make up for the delay.

⁵ ECtHR caselaw also has added other time regulations, namely that if the person arrested not be released pending trial, a new review for release must take place after a certain elapse of time from the last review.

C. Collection of information

1. Prosecutors and managers **of the prosecution services** should collect information on the most important steps in the criminal proceeding – especially at the pre-trial stage. They should keep records regarding the duration between these steps. In respect to the steps monitored, due regard should be given to the Time management Checklist, Indicator Four.
2. **The authority responsible for the investigation and indictment according to domestic law (police, prosecution, investigating judge) should carry out the recording of the steps at the pre-trial stage. The prosecution should always check that the police recording is complete and accurate on time use before sending the case to the court.**
3. **A time line should be set up that includes the following steps (see Appendix 3):**
 - **commitment of the alleged offence**
 - **suspicion of the offence from reports or police intelligence**
 - **start of the investigation**
 - **suspect substantially affected by the investigation⁶**
 - **arrest of the suspect**
 - **pre-trial detention**
 - **indictment/final charge**
 - **sending the case to the court or termination by the prosecutor.**

D. Continuing analysis

1. All information collected should be continually analysed and used for the purposes of monitoring and the improvement of performance.
2. The reports on the results of these analyses should be produced at regular intervals, at least once a year, with appropriate recommendations.
3. **Electronic case management systems with alerts and alarms should be available to all judicial authorities involved in the time use control. All targets should be integrated into the time line and monitored by the case management system.**
4. **The case management systems should allow for efficient transfer of data on time use between the police, prosecution and the courts necessary for monitoring the time regulations for criminal cases in ECHR Articles 5 and 6. They should show the combined time use in the police, prosecution and the courts necessary for monitoring these time regulations. They should show the investigation. They should warn not only when the time limit is over, but should also include a system for safe minimum periods of durations and warnings when it is time to act to avoid exceeding this limit.**

E. Established targets

1. In addition to the standards and targets set at the higher level (national, regional), there should be specific targets at the level of individual prosecutor offices. Prosecutors and managers should have sufficient authority and autonomy to actively set or participate in setting of these targets.
2. The targets should be clearly defined and be achievable. They should be published and be subject to periodical re-evaluation.

⁶ The standard “substantially affected” is discretionary and should be interpreted from the case law of ECtHR by the responsible judicial authority.

3. The targets may be used in the evaluation of the performance of prosecutors. If they are not achieved, the concrete steps and actions **should** be taken to remedy the situation.

F. Crisis management

1. If departures from targets set by prosecutor offices are being observed or foreseen, prompt actions should be taken in order to remedy such departures.

G. Timing agreement with the parties and lawyers and coordination between involved authorities

1. Where possible, the prosecutors should attempt to involve all participants in the procedure regarding the procedural calendar. For this purpose, they should also be assisted by appropriate administration personnel (clerks and police) and information technology.

2. The deviations from the agreed calendar should be minimal and restricted to justified cases. In principle, the extension of the set time limits should be possible only with the agreement of all participants, or if the interests of justice so require.

APPENDIX I : EUROPEAN UNIFORM GUIDELINES FOR MONITORING OF JUDICIAL TIMEFRAMES (EUGMONT)

1. General data on courts and court proceedings

System of monitoring should have available and public information on the general design of the judicial system, with special attention to the information relevant for the time management of the proceedings. The information on the general level should include accurate information on:

- the number and types of courts and their jurisdiction;
- the number and types of proceedings in the courts;
- the proceedings designated as priority (urgent) cases;

The data on judicial system should be regularly updated, and be available at least on the annual level (start/end of the calendar year). The following data on the number of proceedings in the courts should be available:

- total number of proceedings pending at the beginning of the monitored period (e.g. calendar year);
- new proceedings (proceedings initiated within the monitored period, e.g. in the calendar year);
- resolved cases (proceedings finalised within the monitored period either through a decision on the merit, a withdrawal of the case, a friendly settlement, etc...);
- total number of proceedings pending at the end of the monitored period.

The data on the finalised proceedings can be split according to the way how the proceedings ended. At least, the cases that ended by a decision on the merits should be distinguishable from the cases that ended otherwise (withdrawal of the claim, settlement, rejection on formal grounds).

Example 1.

Courts of the State of XXX

	Court or branch of jurisdiction	Cases pending on 1.1.20XX	New cases initiated in 20XX	Resolved cases in 20XX	Cases pending on 31.12.20XX	Cases pending on 31.12.20XX > 2 years
1	Court(s) A					
2	Court(s) B					
3	Court(s) C					
	TOTAL					

N.B: "cases pending on 31.12.20XX" = "cases pending on 1.1.20XX" + "new cases initiated in 20XX" – "resolved cases in 20XX".

2. Information on types of cases

The information about the cases in the courts should be available both as the total, aggregate information, and as information divided according to the types of cases. For this purpose, some general and universal categories of cases should be utilised, such as division on civil, criminal and administrative cases.

Within the general categories, a more detailed types or groups of cases should be distinguished (e.g. labour cases; murder cases), and the same information should be available for the appropriate subtypes (e.g. employment dismissal cases within labour cases).

At this stage, each court can use its own case category. However, the following four categories are mandatory for each court: litigious divorce, dismissal, robbery and intentional homicide.

- *Litigious divorce cases*: i.e. the dissolution of a marriage contract between two persons, by the judgement of a court of a competent jurisdiction. The data should not include: divorce ruled by an agreement between the parties concerning the separation of the spouses and all its consequences (procedure of mutual consent, even if they are processed by the court) or ruled through an administrative procedure. If your country has a totally non-judicial procedure as regards divorce or if you cannot isolate data concerning adversarial divorces, please specify it and give the subsequent explanations. Furthermore, if there are in your country, as regards divorce, compulsory mediation procedures or reflecting times, or if the conciliation phase is excluded from the judicial proceeding, please specify it and give the subsequent explanations.
- *Employment dismissal cases*: cases concerning the termination of (an) employment (contract) at the initiative of the employer (working in the private sector). It does not include dismissals of public officials, following a disciplinary procedure for instance.
- *Robbery* concerns stealing from a person with force or threat of force. If possible, these figures should include: muggings (bag-snatching, armed theft, etc.) and exclude pick pocketing, extortion and blackmail (according to the definition of the European Sourcebook of Crime and Criminal Justice). The data should not include attempts.
- *Intentional homicide* is defined as the intentional killing of a person. Where possible the figures should include: assault leading to death, euthanasia, infanticide and *exclude* suicide assistance (according to the definition of the European Sourcebook of Crime and Criminal Justice). The data should not include attempts.
- For the purposes of further comparison with other European systems, the precise definition and scope of the other case type used by the court (especially the non-common categories) should be appended.

Example II
City Court of XXX

	Type of case	Cases pending on 1.1.20XX	New cases initiated in 20XX	Resolved cases in 20XX	Cases pending on 31.12.20XX	Cases pending on 31.12.20XX > 2 years
1	Civil cases					
1a	Litigious divorces					
1b	Dismissals					
...	...					
2	Administrative					
2a	...					
...						
3	Criminal cases					
3a	Intentional homicides					
3b	Robberies					
...	...					
	TOTAL					

3. Information on timeframes of proceedings

3a. Information on court-based timeframes of proceedings per duration periods and average/maximum timeframes

Every court should collect data regarding the timeframes of proceedings that are taking place in the court. **Pending and completed cases** within the period (e.g. calendar year) should be separately monitored, and the **data on their duration** should be split in the groups according to the periods of their duration, i.e. cases pending or completed **in: less than one month, 1-3 months, 4-5 months, 7 to 12 months, 1-2 years, 2-3 years, 3-5 years and more than 5 years**. In addition to the spread of cases according to periods of their duration, the **average and mean duration of the proceedings have to be calculated**, and **an indication of minimum and maximum timeframes should be given as well**. The time of processing should consider only the time that was needed to process the case **within the particular court**, i.e. the time between the moment when the case arrived to the court and the moment when the case exited the court (e.g. final decision, transfer to a higher court to be decided on appeal, etc.).

If possible, **the information on timeframes of proceedings for the completed cases should be distinguishable for the cases completed after a full examination of the case** (i.e. the cases that ended by a decision on the merits) **and the cases that were completed otherwise** (by withdrawal, settlement, lack of jurisdiction etc.).

Example III

City Court of XXX

Duration of cases resolved in 20XX (situation as per 31.12.20XX)												
		Number of resolved cases	< 1 month.	1-3 month	4-6 month	7-12 month	1-2 year	2-3 year	3-5 year	5 year>	Number of pending cases	Disposition time, in days
1	Civil cases											
1a	Litigious divorces											
1b	Dismissals											
...	...											
2	Administrative											
2a	...											
...												
3	Criminal cases											
3a	Intentional homicides											
3b	Robberies											
...	...											
	TOTAL OF CASES											

3b. Information on total duration of proceedings

It is particularly important that the cases in the court also can be distinguished **according to their total duration**. The total duration is the time between the initiation of the proceedings and the final disposal of the case (see the CEPEJ Time-management checklist and SATURN Guidelines). If possible, the time needed to enforce the decisions should also be appended to the information on total timeframes of proceedings.

The court has to know its own situation regarding the procedure lengths for the different types of cases (civil, administrative, and criminal) and, if possible, for the different case categories that are most representative of the court caseload (e.g. family, labour, contracts, torts etc.).

This diagnosis should be done for at least the last 3 (or even better 5) years to have a quite clear picture of the court caseload.

The example below deals with different case categorisation (civil cases, administrative and criminal cases, and then for specific case categories within these large groups).

Example IV

City Court of XXX

		<i>Duration of pending cases in 20XX (situation as per 31.12.20XX)</i>											
		Number of pending cases	< 1 month.	1-3 month	4-6 month	7-12 month	1-2 year	2-3 year	3-5 year	5 year>	Number of resolved cases	Disposition time, in days	
1	Civil cases												
1a	Litigious divorces												
1b	Dismissals												
...	...												
2	Administrative												
2a	...												
...													
3	Criminal cases												
3a	Intentional homicides												
3b	Robberies												
...	...												
	TOTAL OF CASES												

4. Monitoring of intermediate stages of proceedings and waiting time

The monitoring of timeframes should not be limited to the collection of data regarding total timeframes between the start and the end of the proceedings. Information on duration of intermediate stages of the proceedings should also be collected. At the minimum, the stages to be monitored should **include the duration of the preparatory stage of the proceedings** (e.g. time between the start of the proceedings and the first hearing on the merits), **the central stage** (e.g. from the first to the last hearing on the merits) **and the concluding stage of the trial** (e.g. from the last hearing to the delivery of the decision on the merits). **The data on duration of appeals proceedings, or duration of other legal remedies should also be available.** Special monitoring should be provided for the **periods of inactivity (waiting time).**

This statistics must be completed at the national level by the relevant body (Ministry of Justice, High Council for the Judiciary, etc.).

Example V

City Court of Danubia

	Type of case	Average duration of intermediate stages in the proceedings (situation as per 31.12.20XX)					
		Trial stage			Legal remedies		
		Preparation of the proceeding	Hearings	Judgment	Appeal	Special recourse	Other
1	Civil cases						
1a	Litigious divorces						
1b	Dismissals						
...	...						
2	Administrative						
2a	...						
...							
3	Criminal cases						
3a	Intentional homicides						
3b	Robberies						
...	...						
	TOTAL						

5. Analytical information and indicators

Based on the general data on courts, numbers of cases and their duration, as well as on the other relevant information on the courts and judicial system, further instruments may be used as indicators and benchmarks of performance in the courts⁷.

Inter alia, the following indices can be used to analyse and monitor the duration and other factors important for the understanding of timeframes in the court:

1. **Clearance rate (CR indicator):** Relationship between the new cases and completed cases within a period, in percentage.

$$\text{Clearance Rate (\%)} = \frac{\text{resolved cases}}{\text{incoming cases}} \times 100$$

Example: If in a calendar year 500 new cases were submitted to the court, and the court completed at the same time 550 cases, the CR is 110%. If the court would complete 400 cases, the CR would be 80%. A CR above 100 % means that the number of pending cases decreases.

⁷ See also document CEPEJ(2016)12, « Measuring the quality of justice », part 4.

2. **Case Turnover ratio:** Relationship between the number of resolved cases and the number of unresolved cases at the end. This requires a calculation of the number of times during the year (or other observed period) that the standardized case types are turned over or resolved.

$$\text{Case Turnover Ratio} = \frac{\text{Number of Resolved Cases}}{\text{Number of Unresolved Cases at the End}}$$

3. **Disposition time (DT indicator):** it compares the number of resolved cases during the observed period and the number of unresolved cases at the end of the observed period. 365 is divided by the number of resolved cases divided by the number of unresolved cases at the end, so as to be able to express it in number of days. The ratio measures how quickly the judicial system (of the court) turns over received cases – that is, how long it takes for a type of cases to be resolved. This indicator provides further insight into how a judicial system manages its flow of cases.

$$\text{DispositionTime} = \frac{365}{\text{CaseTurnoverRatio}}$$

Other indicators (for information)

4. **Efficiency rate (ER indicator):** Relationship between the number of personnel used in a court in a year and the output of cases from the same court at the end of the year.

5. **Total backlog (TB indicator):** Cases remaining unresolved at the end of the period, defined as difference between the total number of pending cases at the beginning of the period, and the cases resolved within the same period. **Example:** If there were 1000 cases pending at the beginning of the calendar year, and the court terminated 750 cases during the calendar year, at the end of the calendar period there would be 250 cases that are calculated as total backlog.

6. **Backlog resolution (BR indicator):** The time needed to resolve the total backlog in months or days, calculated as the relationship between the number of cases and the clearance time. **Example:** If there are 100 cases considered as total backlog at the end of the period, and the court completed 200 cases in the same period, the BR indicator is 6 months or 180 days.

7. **Case per judge (CPJ indicator):** Number of cases of a particular type per judge in the given period. **Example:** If a court has 600 pending civil cases at the end of the calendar year and 4 judges that deal with them, the CPC is 150.

8. **Standard departure (SD indicator):** Departure from the set targets per type of case in the given period, in percentage or days. **Example:** If the target for completion of litigious divorce case in the first instance was set to be 200 days, and in the calendar year the average duration of such cases was 240 days, the SD indicator is 40 days or 20%.

APPENDIX II – EXAMPLES OF SYNOPSIS

Please note that Appendix II includes Excel sheets with mathematic formula which can be directly used by the courts from the electronic version of this document available on: www.coe.int/cepej, file "SATURN Centre".

To use the document as an Excel calculation sheet, please double click on the relevant table.

Number of cases per court – V2.0

Court or branch of courts	Cases			
	pending from the previous period	initiated during the period	resolved	pending at the end of the period
Court A	362	1027	1089	300
Court B	397	1131	1210	318
Court C	279	771	853	197
Court D	262	1072	1056	278
Court E	279	1085	1094	270
Court F	999	1014	1312	701
Court G	877	1086	1374	589
Court H	0	7	7	0
TOTAL	3455	7193	7995	2653

Number of cases per type – V2.0

Type of cases	Cases			
	pending from the previous period	initiated during the period	resolved	pending at the end of the period
1. Civil cases				
Litigious divorces	362	1027	1089	300
Dismissal cases	279	771	853	197
....	0	0	0	0
2. Administrative cases				
....	0	0	0	0
3. Criminal cases				
Robberies	279	1085	1094	270
Intentional homicides	877	1086	1374	589
....	0	0	0	0
TOTAL	1797	3969	4410	1356

Duration of cases V.2

Court or branch of court	Cases										Disposition time in days
	Distribution										
	Resolved cases	Cases pending at the end of the period	< 1 month	1-3 months	4-6 months	7-12 months	1-2 years	2-3 years	3-5 years	> 5 years	
1. Civil cases											
Litigious divorces	5456	1915	668	1675	1172	1137	781	23	0	0	128.11
Dismissal cases	1371	428	244	774	231	81	40	1	0	0	113.95
....	1	1	1	1	1	1	1	1	1	1	365.00
2. Administrative cases											
....	1	1	1	1	1	1	1	1	1	1	365.00
3. Criminal cases											
Robberies	1161	314	438	530	147	35	11	0	0	0	98.72
Intentional homicides	7	0	2	4	1	0	0	0	0	0	52.14
....	1	1	1	1	1	1	1	1	1	1	365.00
Total	7998	2660	1355	2986	1554	1256	835	27	3	3	121.39

Disposition time = $\frac{365}{(\text{nbr of resolved cases} / \text{nbr of unresolved cases})}$
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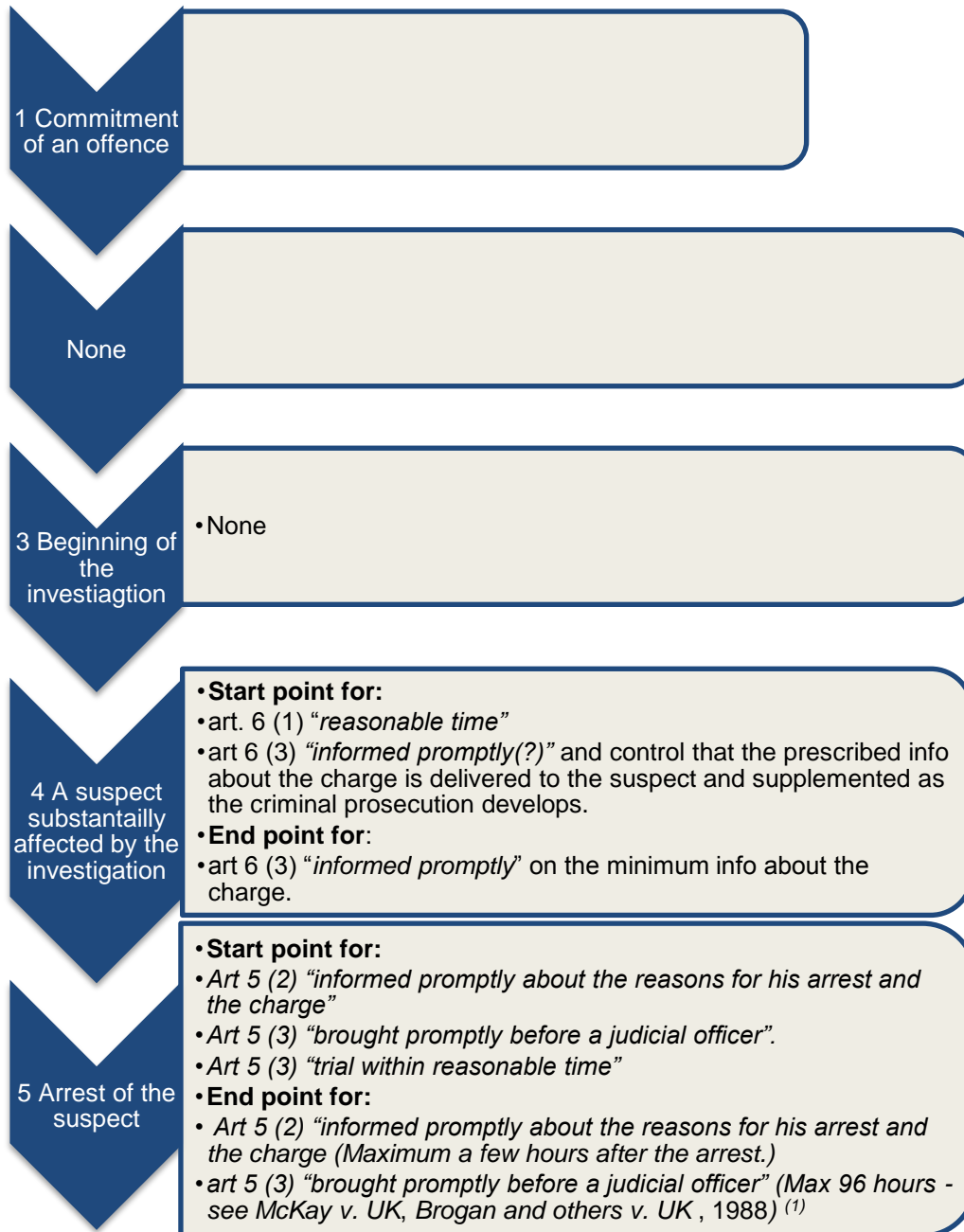
Average duration in the proceedings

Average duration of the intermediate stages in the proceedings						
Type of cases	Trial stage			Legal remedies		
	Preparation (nb days)	Hearings (nb days)	Judgement (nb days)	Appeal (nb weeks)	Special recourse (nb weeks)	Other (nb weeks)
1. Civil cases						
Litigious divorces	80	20	80	18	18	–
Dismissal cases	60	2	20	18	–	–
....						
2. Administrative cases						
....						
3. Criminal cases						
Robberies	150	30	70	20	15	–
Intentional homicides	120	20	60	20	12	–
....						

APPENDIX III: TIMELINE SHOWING THE DIFFERENT STAGES OF THE CRIMINAL PROCEDURE BEFORE AND DURING THE TRIAL

PRETRIAL STAGE - TIME MEASUREMENT POINTS IN ECHR ARTICLES 5 AND 6

Time line Primary responsible: Police and/or prosecution



(1) See also: "Any period in excess of four days is prima facie too long (*Oral and Atabay v. Turkey*, § 43; *McKay v. the United Kingdom* [GC], § 47; *Năstase-Silivestru v. Romania*, § 32). Shorter periods can also breach the promptness requirement if there are no special difficulties or exceptional circumstances preventing the authorities from bringing the arrested person before a judge sooner (*Gutsanovi v. Bulgaria*, §§ 154-59; *İpek and Others v. Turkey*, §§ 36-37; *Kandzhov v. Bulgaria*, § 66).

6 Pretrial detention of the suspect

- **Start point for:**
- art 5 (3) the first interval of "*a certain elapse of time*" Subsequent intervals start when a court decides continued detention.

7 Issuing of the indictment/final charge

- **Possible end point for:**
- art 5 (3) "*a certain elapse of time*"
- **End point for:**
- art 6 (3) "*informed promptly*" and in detail about the charge. Evidence collected after the indictment should be made available as soon as possible.
- art 6 (3): providing the accused with "*adequate time*" for preparation

8 Sending the case to court

- **Possible end point for:**
- art 5 (3) "*a certain elapse of time*"

TRIAL STAGE - TIME MEASUREMENT POINTS IN ECHR ARTICLE 5 AND 6

Time line. Primary responsible: Courts

