

# REPUBLIC OF CYPRUS

## I. Highlighting of dysfunctions within a court<sup>1</sup>

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

***The Supreme Court of Cyprus, which under the Constitution is also the Supreme Council of Judicature is entrusted with the task of ensuring that the work of the District Courts as well as of the Supreme Court is carried out in an efficient manner and the determination of civil disputes is effected without delay and reserved judgements are delivered as expeditiously as possible.***

a. If yes,

i. what are the alert mechanisms ?

***(i) (a) Rules made by the Supreme Court under the power vested in it by Article 163(3) of the Constitution.***

***(b) Practice Directions issued to District Courts.***

***(c) Maintaining and auditing monthly statistics showing the progress of pending actions.***

***(d) by remarks made to judges in the Judgements of the Supreme Court on appeal of a case.***

ii. who has the initiative of alert ?

***The Presidents of the District Courts who with the assistance of the District Registrars of Courts, follow up the progress of cases and report monthly to the Supreme Court.***

iii. who is the addressee of the alert ?

***The Presidents of the District Court who report to the Supreme Court who is the final 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 ?

## II. Methods of investigation and analysis of dysfunctions

2. Which are the methods used to check these dysfunctions ?  
(audit, evaluation, on location visit, etc..)

***(i) The Supreme Court collects information of the number of cases***

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

*pending, the period they have been pending and in cases where the hearing has been concluded the date when the judgement was reserved and when such judgement will be delivered. By a provision in the Supreme Court Rules of Court:*

- (a) a judgement on an interlocutory matter should be delivered the soonest possible and in any event should not remain pending for more than two months.*
- (b) A reserved judgement after the hearing of the action should be delivered the soonest possible and not later than 6 months from the day it was reserved.*

*In the latter case it is provided by the Rules that:*

- (a) If a judgement is not delivered within 6 months, either litigant may apply to the Supreme Court for remedy.*
- (b) If the Judgement is not delivered within 9 months and no party moves the Court for remedy, the Supreme Court on its own motion may fix the case before it to examine the reasons of the delay and may order:*

- (a) Retrial of the case.*

- (b) The delivery of the judgement within a fixed time.*

- (c) Issue any other order deemed necessary in the circumstances of the case.*

*This procedure is also available in cases pending before a Judge of the Supreme Court.*

*This measure proved very effective and in a number of cases of delay which were brought before the Supreme Court the judgements were either delivered before the date they were fixed before the Supreme Court or there were instances where a judge, finding himself unable to comply, choosing the solution of submitting his resignation from office.*

*Irrespective of the provisions in the Rules, the Supreme Court has given directions to the District Courts that for the purpose of avoiding delays judgements should be delivered as early as possible within reasonable time and not to wait for months, something to which the judges started complying with the effect that the judgements are delivered as early as possible.*

- (ii) It evaluates the contents of the monthly statistics submitted to it.*

- (iii) By visits of the President and Judges of the Supreme Court*

***to the District Courts for inspecting locally the Courts and discussing problems of administration of the Courts in the District level with the Presidents of the District Courts and the Registrars.***

3. Once a dysfunction has been detected, what methods of analysis are used ?

***As already mentioned, the Supreme Court investigates and takes measures to resolve the desfunctioning of the 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 structure is centralised and is an internal matter of the Supreme Court.***

5. Under what authority is it placed?

***The Supreme Court is responsible for the functioning of the judicial system.***

6. How is this structure set up ? Who appoints its members ?

***The judges of the supreme Court who also are members of the Supreme Council of Judicative are appointed by the President of the Republic to serve till they complete the age of 68.***

***It has been the practice so far that the President before making an appointment, receives recommendation of the Supreme Court. Selection is made from the highest ranking judges of the District Court, seniority and efficiency being the criteria. Judges of the District Court are appointed by the Supreme Council of Judicature from practicing lawyers with an experience at the bar for at least 6 years and their promotion to Senior Judges and Presidents is within the power of the Supreme Council of Judicature.***

7. What is its jurisdiction?

***See answer to question 6.***

### **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 ?

***See answer to question 2.***

9. Who is the addressee of the conclusions of the structure of investigation and analysis ?

***The Supreme Court.***

10. What means are available for the structure in order to find a remedy to the dysfunction ?

***See answer to question 2.***

11. If the investigation structure does not monitor the implementation of the recommendations, which structure is entrusted with their implementation?

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#### **V. Efficiency of mechanisms**

12. Is the functioning of this structure evaluated ?

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13. What improvements could be made ?

***The Supreme Court Rules should be improved as to minimise delays which lead to desfunctioning of the Courts.***

***The Supreme Court is at present reconsidering the Rules with the object of making them more effective.***

***Report submitted by the delegate of the Republic of Cyprus in the CEPEJ***