

INTERNATIONAL ASSOCIATION OF JUDGES (UIM)

2nd Study Commission

Athens Congress- October 9th to 13th 1994

Subject : Proceedings before the courts in relation to the reduction of delays

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1) In your country, what is the average duration of a civil suit between the introduction and final judgment ?

a) in the first instance ;

b) in the case of exercise of rights to appeal (recourse) ;

c) does your system favour or not the exercise of rights to appeal (recourse)?

2) In your country is the duration of civil suits considered as excessive ? If affirmative, what do you think to be the principal causes (summarized indications) ?

In which measure does this situation affect the relations on the one hand between the judiciary system and those subject to trial and on the other hand the relations between the judiciary power and the other powers of the state ?

3) In your judicial system does there exist restrictive rules which oblige the parties or the judge to finish a trial within a determined or defined delay ?

If affirmative, what are the sanctions in case of non-observation ?

4) a) In your judicial system, to whose responsibility falls the direction of civil suits ?

b) Which are the procedural means that your system places at the disposition of the parties or the judge either to accelerate the proceedings or to avoid abuse ?

Examine in particular, the powers of the judge as to :

* The possibility to fix delays for completion of such and such an act of procedure and the sanctions in case of non-observation

* The appreciation of the opportunity of investigative measures and the supervision of their fulfillment (e.g. in case of evaluations or reports by experts)

* allocation of damages or sentencing to costs in case of abuse

Is it possible to modify the object of the claim during the proceedings or to introduce counterclaims ?

5) Does your judicial system foresee special and accelerated proceedings in civil matters (e.g. special courts of law, simplified procedures, judicial or non-judicial arbitration) ?

Are they of a nature to contribute to overcome judicial backlog ?

6) Which are the measures the concerned authorities, i.e. the political authorities and the courts, have taken or intend to take in order to effect an acceleration of proceedings? Are they satisfactory ?

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