

QUESTIONNAIRE

HOW CAN THE APPOINTMENT AND ASSESSMENT (QUALITATIVE AND QUANTITATIVE) OF JUDGES

BE MADE CONSISTENT WITH THE PRINCIPLE OF JUDICIAL INDEPENDENCE

We do not consider the question of the initial appointment of the "judge", because we want to discuss the question of appointment together with the question of assessment. We therefore deal with the appointment of judges to another position/function. The question of (first) appointment has already been discussed by the First Commission several times (*)

CYPRUS

1. Are there assessments on the occasion of the appointment (of a judge) to another position or function?

There is no formal assessment procedure. The work of each judge is continuously assessed by the Judicial Council (see 3 below). In our system a Judge cannot be assigned to another function (e.g. prosecutor) but he/she may be assigned to different judicial duties from time to time (eg. from criminal court to civil court and vice versa).

2. Are there assessments on other occasions?

See 1 above. Also when there is a vacancy at a higher judicial post the judges who are eligible are assessed to select the most suitable candidate.

3. Who is in charge of the assessments?

The Supreme Judicial Council, which comprises of the 13 Judges of the Supreme Court. This body is responsible for the appointment and promotion of judges to all the courts except the Supreme Court.

4. Please describe how an assessment is conducted?

The assessment is not a formal process. It is understood that the Supreme Judicial Council evaluate the performance of each judge from time to time. Because of the small number of judges in Cyprus, the Supreme Court Judges are well aware of the work of each judge.

5. Has this assessment a quantitative character (eg. number of cases undertaken; files completed)? Please describe. What figures are taken into consideration?

The number of cases completed by each judge is monitored on a monthly basis and is a factor taken into consideration. However more weight is attached to quality than quantity.

6. Has this assessment a qualitative character (eg. someone assesses how well the judge performs at various tasks)? Please describe. What aspects are taken into consideration?

See 5 above

7. Do the number and/or the outcome of the cases handled by the judge play any role in the assessment? Please explain.

See 5 above

8. Is the duration of a case dealt with by a judge an item which is considered in an assessment? In what way? Please, explain.

The time between the end of a trial and the delivery of the judgment is monitored and must not exceed 6 months for the main trial and 2 months for applications.

9. How are judges who sit in court assessed?

In Cyprus all judges sit in court.

10. What are the consequences of these assessments?

A judge who is assessed favourably may be promoted to a more senior post in preference to a judge with longer service.

11. Is there any connection between assessment and remuneration?

No, but if a judge is promoted to a higher post he receives higher remuneration.

12. Do you see any infringement on the independence by virtue of the assessment of judges in your country? Please, explain.

No, because the assessment is made by the Supreme Judicial Council, which consists of judges

13. What topic do you suggest for next meeting?

(*) See General Reports of the 1st Study Commission of the I.A.J. of 2001 (Madrid) and 1999 (Taipei).

