

**Recommendations of the Cyprus Bar for dealing
with Backlog in Cyprus**

A. (1) The Erotocritou Report June 2021 touches upon the issue of backlog in Cyprus at all levels. It is unacceptable that litigation in Cyprus will usually take six years for the Appeal and 4-7 for first instance cases. Justice delayed is justice denied.

We feel that there is need for more data in order to take a proper decisions. In this respect we would suggest that in the Task force to examine and supervise the matter experienced advocates nominated by the Bar Council should participate. Categorization of backlog cases essential and depending on the numbers appointment of an adequate number of judges to deal with them.

(2) We would in addition suggest:

There is need of specialization for the determination of first instance cases. This involves the

(a) Creation of specialized Divisions

District Courts

(Specialised Courts to be amalgamated with District Courts)

Proposed three divisions.

1. Family, Probate and Property Division.

2. Commercial, Companies – Bankruptcy, Labour

3. General Affairs and Torts

(3) Revision of the Scales of jurisdiction. Judges depending on their knowledge and experience can undertake the trial of cases under the direction of Supreme Court and Presidents provided they have a minimum judicial experience in civil cases of 5 years and the necessary academic and experience in the field.

(4) Revision of the criteria for new judicial appointments. Years of experience for new appointments for example. Ensure that appointees have Court experience in litigation and pass an examination.

4. Day in Day out hearings in all cases. Provided adequate time and notice is given to advocates. The practise of fixing pilot cases on a day in day out basis with one month's notice or sometimes less to be avoided. We have received numerous complaints of advocates.

5. Introduction of parts of Dyson rules in all cases not only backlog.

6. Referral to Arbitration or referral for expert reports.

7. Recorders. In this respect senior advocates with 10 years' experience to be appointed to deal with backlog cases. Retired judges and/or retired advocates may also be considered as candidates for dealing with backlog.
8. Target to be revised and scaled down to 3-4, years from 40% up to 2026.
9. Backlog Definition. Cases not determined within two years if not characterised as complicated must be dealt as backlog.
10. Introduction of "Master" for procedural pre-trial matters
11. More stenotypists – recording.
12. E-justice to cover hearings

13. Referral to Supreme Court for matters which affect a large number of cases for immediate pilot decisions.
14. Administrative support for judges and appointment of rapporteurs.
15. Training on case management. For example, one month prior to hearing agreed, bundle of trial documents, 3 weeks skeleton arguments, one week authorities list. Ensure that in all backlog cases matter is brought before the judge forthwith.

Observe uniformity.
16. Assize Court President + 2 District Judges with 5 years' experience, instead of one Senior District Judge and one District Judge.

17. Some hearings with the agreement of Counsel to be continued in the afternoons. More effort needed by judges and advocates.
18. Important to avoid new backlog.
19. Important to ensure the quality of judgments and not to be driven by a system that strives to get rid of cases to reduce numbers. Mutual respect of judges and advocates essential. Avoid bullying of advocates under the pressure of pilot schemes.
20. Judges school must be the objective for new entrants.

B. Appeals as per the three Bills which must be enacted without any further delay.

C. The District Court Barracks

The unfit for the purpose and outdated buildings in the Nicosia

District Court are not conducive to speedy trials.

Sir Garnet Wolseley

First High Commissioner 1878

Originally an English Girls School with class rooms – Three buildings

Old Courts in occupied Serai Sq. built 1904

New District Court of Nicosia transferred to the War Office and
renamed Wolseley Barracks

George Jeffrey Architect.

Pending construction of new Courts, 5-10 years project, immediate
steps necessary. We believe that new modern Courts will facilitate the
process of speedy justice.

1. Three additional buildings constructed Block of 3 old and 3 new:

(a) Connect them

(b) Refurbish them internally and externally

(c) Provide Wi-Fi and electricity for Advocates laptops

(d) Toilets for Advocates in each building

(e) Renew climate control.

2. Construct separate building for Court Registry for Civil cases in

Nicosia.

3. Family Court and Labour Court to be relocated near the existing

District Courts.

4. Increase parking facilities for advocates and users.

5. Security.

6. Cafeteria services.

7. Storage space for exhibits and registry files.

8. Needless to say, that some of the above are applicable also to other
Districts.

Dr. Christos Clerides

President Cyprus Bar

Nicosia 9.11.2021

