

Cyprus

General Questions

1. There are no recent developments in Cyprus in respect of the independence of the judiciary.
2. The principle of judicial independence is maintained seriously in Cyprus and is secured by the Constitution of 1960. The independence of the judiciary in Cyprus is strongly reinforced by the secure tenure afforded to Judges.
3. According to section 10A of The Court of Justice Law of 1960, as has been amended by the Law 136/1991, it is permitted the formation of Association of Judges. There is only one Association of Judges and all the Judges of the District Courts and of the Special Courts are members.
4. The feeling of the general public is that the Judges in Cyprus are independent.
5. There are many occasions on which specific decisions of the Courts were criticized in the press but generally there is no serious criticism.
6. The share of the budget of the judiciary in the overall state budget is 0.4-0.5%.

Status

7. The Appointment of Judges. The President of the Supreme Court is appointed by the President of Cyprus from the ranks of the members of the Supreme Court. The Judges of the Supreme Court are appointed by the President of Cyprus from the ranks of the Presidents of the District

Courts or the Assize Courts or from the legal profession. The Judges of the subordinate courts are appointed by the Supreme Council of Judicature (which comprises of the Judges of the Supreme Court) from the ranks of lawyers in private or from members of the Attorney-General office provided that they have a minimum of six years of practice being persons of high moral standard.

8. The Supreme Council of Judicature comprises of the Judges of the Supreme Court and is responsible for the appointment, discipline and promotion of Judges.
9. (a) Yes. (b) Promotion is based on merit with due regard to seniority.
(c) No. (d) No.
10. See 9 above.
11. Not applicable.
12. The gross monthly salary of a newly appointed judge is €5.300.

Criminal Law

- 13-14-15. According to Article 113 of the Constitution of Cyprus the Attorney General of the Republic has power, exercisable at his discretion in the public interest, to institute, conduct, take over and continue or discontinue any proceedings for an offence against any person in the Republic. Such power may be exercised by him in person or by officers subordinate to him (The Legal Service of the Republic) acting under and in accordance with his instructions. The Attorney General is an independent officer under the Constitution and is appointed by the President of the Republic. The Legal Service of the Republic is separate from the Judiciary.

16. See above.
17. Not applicable.
18. The citizens are not involved in criminal justice.
19. There is a system of legal assistance for poor persons. If a person facing criminal prosecution cannot afford to appoint a defence lawyer, one is appointed by the Court and the legal fees are paid by the Republic. The accused can choose the lawyer.
20. No.
21. The maximum penalty is life imprisonment. The number of detainees is increasing gradually in the recent years.

Responsibility – Discipline

22. The Supreme Council of Judicature has disciplinary authority over Judges. There are specific regulations regarding the procedure. There is no appeal.
23. There are no written rules but these have evolved by tradition.

Cyprus Association of Judges

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