



Course Title	<b>Criminal Procedure</b>				
Course Code	<b>LAW413</b>				
Course Type	Compulsory				
Level	Undergraduate				
Year / Semester	4 <sup>th</sup> / G' (Fall)				
Teacher's Name	Dr Despoina Kyprianou/Andeas Paschalides/Dr Stavros Demetriou				
ECTS	6	Lectures / week	1	Laboratories / week	

<p>Course Purpose and Objectives</p>	<p>The aim of the Criminal Procedure is to define the guidelines that will be followed when trying a Criminal Case. Even though Criminal Procedure requires substantial revision in order to comply with article 6 of the European Convention for the Protection of Human Rights on ensuring fair trial within a reasonable time frame, Procedure in Cyprus has been improved following certain legislative interventions. It is now permissible that the witnesses offer their testimony in the form of a statement for the main examination before Courts; furthermore, it is obligatory for the Prosecution to make the evidence available to the Defence in the form of copies, testimonies, etc. directly after the defendant provides his responses to the charges. And this applies, in order to ensure principle of equality of arms. Despite all weaknesses of the provision and the need for its improvement to a quite significant extent, basically it abolishes the surprises the Prosecution was keeping aside for the Defence. The objective is not to sentence the plaintiff at all costs; therefore, and since the objective is to administer justice and to serve its interests, disclosure of the suggested evidence to the Defence is absolutely desirable, so that the latter may amend its response and admit the charges, if required. Criminal Procedure covers issues that pertain to individual rights, search of establishments, vehicles, residences, persons, as well as arrest, always in the light of the provisions of the Constitution and particularly Article 11, which has catalytic impacts on the enforcement of the Criminal Procedure established during the British rule. Provisions of article 17 of the Constitution, also lay down the right to secrecy of correspondence and communication and, even after the amendment, they guarantee individual rights of suspects at the stage of investigation of the case, and of defendants who are not held into custody. Respectively, the enforcement of provisions of the European Convention for the Protection of Human Rights, even with the minimum liberal provisions compared to the Constitution of the Republic of Cyprus, redefine the legal framework of Criminal Procedure. Of course, fields that pertain to interrogation and taking testimonies of suspects and plaintiffs that are still governed by the regime of Court Rules, need to be further improved, as does the complete lack of provisions for re-trial following the Appellate Court's judgment, even if the latter establishes a prima facie erroneous conclusion. The aim of the lectures is not only to provide typical knowledge around procedural provisions, but also to allow the comprehension of the</p>
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need for continuous improvement of the system with respect to this key sector of administering criminal justice. Further, it is the course's aim that adoption of the provisions in the light of the Constitution becomes a constant motivation for the students to ensure correct enforcement of the rules.

Learning Outcomes	<p>By the end of the series of lectures, it is expected that the students will:</p> <p>Obtain sufficient knowledge of the provisions of Criminal Procedure, from the stage of conducting an investigation to the final judgment of the Appellate Court.</p> <p>Be in the position to adapt provisions of Criminal Procedure to the new constitutional framework and the status of the protection of human rights.</p> <p>Have knowledge of the case law of the Supreme Court on various aspects of Criminal Procedure, and particularly when it comes to custody of plaintiffs while their trials are pending and under which circumstances the plaintiffs may be dismissed under conditions and guarantees.</p> <p>Adequately trained in the practical application of the Criminal Procedure rules, in order to be able to respond successfully to their obligations in their capacities as Attorneys when in the court room.</p> <p>Be able to handle the challenges that arise at all stages of a Criminal trial, whether before the Assize Court or the District Court.</p>		
Prerequisites	LAW115 General Criminal Law	Required	None

Course Content

One of the most significant chapters of Criminal Procedure is the one pertaining to issues of investigation and custody. The provisions of Criminal Procedure, Cap. 155 have been interpreted and applied in the light of the Constitutional Provisions and particularly of Article 11, as well as Articles 12, 13, 14, 15, 16 and 17. The Supreme Court has defined the preconditions the judge must meet when exercising his/ her discretionary power when deciding whether or not to issue a search or an arrest warrant. The law pertaining to this aspect of Criminal Procedure, which relates to individual freedom and rule of law in every well-governed state, was in essence re-written through the process of review of said warrants by the Supreme Court, which was exercising its powers pursuant to Article 155 of the Constitution to issue habeas corpus, mandamus, prohibition and certiorari warrants. The option to initiate criminal proceedings before the Assize Court or the District Court, drawing up and drafting the bill of indictment, inclusion of co-defendants and multiple charges, avoiding duplicity, the content of the details on the offence, the option of amendment of the bill of indictment - even by the Court itself - ex proprio motu, basically the abolishment of summary trial, promotion of the trial before the District or the Assize Court, indictment, the defendant's responses, the commencement of the procedure, the trial within a trial and the closure of the case of the Prosecution, will be the object of examination to adequate extent during the lectures. Suggestion on behalf of the Defence to dismiss the charges due to non-existence of a prima facie case, testimony of the defendant and his/her witnesses, basic rules for the rejection of evidence that was taken in breach of constitutional provisions, the closing speeches of the Defence and the Prosecution, the judgment of the Court and imposing a penalty or acquittal, will also be analysed, always in the light of the extensive case law of the Supreme Court. Particular emphasis will be laid to the absolute necessity to follow the formalities of the Criminal Procedure Rules, and the invalidity of the trial if said Rules are breached and the issue of abolishing or undermining the defendant's rights arises. Court rules and the acceptance or non-acceptance of the Defendant's confession are a separate chapter that will be examined within the framework of the need to improve the system. Subsequently, the deadline for the submission of an Appeal against the sentence and or the penalty and the powers of both the District and the Assize Courts as well as that of the Appellate Court will be

analysed, as will matters that pertain to the choice of the penalty, particularly in terms of the Court's power to impose prison sentence up to 3 years with suspension. The possibility of having "final judgments" be reviewed by the European Court of Human Rights will also constitute object of the lectures.

Teaching Methodology	Lecture: 20 hours Discussion: 12 hours
Bibliography	<ol style="list-style-type: none"> <li>1. Loizou and Pikis, Criminal Procedures in Cyprus</li> <li>2. Blackstone's, Criminal Practice,</li> <li>3. Pikis, Sentencing in Cyprus</li> <li>4. T. Eliades, The Law of Evidence</li> <li>5. L. Loukaides, The European Convention on Human Rights</li> <li>6. Criminal Litigation Practice and Procedure 2011/12 CLP D. Sharpley.</li> <li>7. Criminal Procedure, C. Hampton (1982)</li> <li>8. A practical approach to Criminal Procedure 3 Sprack (2012)</li> </ol>
Assessment	Exam(s): 60% Assignment(s): 30% Attendance / Participation: 10%
Language	Greek