

**REVISITING THE ACQUITTAL OF 10 POLICEMEN:  
ISSUES OF JUDICIAL INDEPENDENCE, TRIAL BY  
MEDIA AND FAIR TRIAL IN CYPRUS**

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ABSTRACT

*In a recent judgment in the Efstathiou case, the Assize Court of Nicosia, Cyprus, acquitted ten Policemen charged with criminal offences related to alleged beating in 2005 of two Cypriot students. That verdict led to spontaneous reactions across the country, with people publicly protesting against and criticizing the judiciary. Among those that made scathing public comments were the Attorney-General of Cyprus and senior Cypriot lawyers. In its judgment, the court had suggested that media comments about the case unduly interfered with the fair trial of the case and amounted to contempt of court. On the whole, this case raises the issues of independence of the judiciary, trial by media and fair trial. There are two opposing views on the propriety or otherwise of the media coverage of the case as well as on whether, and if so, to what extent, the judiciary can be properly criticized. Essentially, this article seeks to consider the issues of judicial independence, trial by media and fair trial as well as the closely associated issue of contempt of court arising from the Efstathiou case and in relation to the common-law rooted Cypriot legal system. It argues that the right to fair trial is an inseparable part of a democratic society and that while the right to freedom of expression is a fundamental human right and undoubtedly the bulwark of a democratic society, it is not realizable without an independent judiciary which is equally indispensable in a democratic society. Hence, there is a great need to recognize the limits of the right to freedom of expression in order to sustain the independence of the judiciary and ensure the right to a fair trial.*

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