**ENGLISH**

**Questionnaire of the Special Rapporteur on the independence of judges and lawyers**

1. Please indicate whether there is a national body or mechanism in charge of selecting, appointing, promoting, transferring, suspending or removing judges in your country.

What is the exact denomination of this body or mechanism? What are the legal basis for its establishment (e.g. constitutional provisions; ordinary law or other)?

In our country, appointing judges, deciding on the immunity of judges, deciding on the tranfer of judges, conducting disciplinary proceedings and deciding on the disciplinary liability of judges, deciding on the prmotion and dismissal of judges, shall include the scope of the work of the State Judiciary Council, as a sovereign and independent body which ensures the sovereignity and independence of judicial power in the Republic of Croatia.

This body is established by the constitution and the law (Act on the State Judiciray Council).

2. Please provide information on the composition of the body or mechanism (number and qualifications of members), the procedure for the appointment of its members and the duration of their term of office. Please also provide information on the human and financial resources of this body or mechanism (e.g. number of employees and their qualifications; annual budget).

The Council has eleven members, consisting of seven judges (two judges of the Supreme Court of Republic of Croatia, two county court judges, two municipal court judges and one judge of the specialised court), two university professors of law and two members of Parliament, one of whom shall be from the opposition.

Members of the Council shall be elected to a term of 4 years, noting that no one may be a member of the Council more than twice.

A member of the Council shall be dismissed from office before the expiration of the term for which he/she was elected at his/her own request, if he/she has been convicted for criminal offence, if he/she has permanently lost the ability to perform his/her office. The decision on dismissing of a member of the Council shall be delivered by a majority of votes of all members of the Council. The decision on dismissing members of the Council from the ranks of members of Parliament and university professors shall be delivered by the body which elected or appointed them, whereas for the members of the Council from the ranks of judges the decision shall be delivered by the Council.

The elections for members of the Council from the ranks of judges shall be conducted by the Commision for the Election of Council Members, candidature committees and by electoral committees. Any judge may stand as candidate for member of the Council, except a judge who has had a disciplinary measure pronounced against him/her in the last four years.

Two members of the Council shall be appointed by the Croatian Parliament from among its members of Parliament.

Members of the Council from the ranks of university professors of law shall be elected by all the professors of law faculties in the Republic of Croatia, on the proposal of the faculty’s councils.

Professional, administrative and accounting activities for the Council shall be performed by a Secretariat headed by the secretary of the Council. Currently, there are 5 persons, except the secretary of the Council, employed in the Council.

The financial resources for the work and the activities of the Council are to be financed from the state budget. Criteria for determining financial resources are amounts based on historical and/or realised costs.

3. Please provide detailed information on the legislation and practice existing in your country in relation to:

(a) The selection and appointment of candidates for judicial offices and the criteria used for their selection and appointment (e.g. qualifications, integrity, ability and efficiency);

(b) Condition of service and security of tenure of judges;

(c) Promotion of judges;

(d) Transfer of judges;

(e) Disciplinary proceedings against judges.

What is the role played by the national organ or mechanism with regard to the issues referred to above?

For a first instance judge may be appointed Croatian citizen who completed the State School for Judicial Officials and who successfully passed the final examination. The selection of first instance judges shall be based on the final grades achieved by the candidates in the State School and the number of points achieved in the oral interview. To the oral interview shall access only candidates who satisfy at psychological testing on which they will be sent by the Council of the Judiciary. For the candidates with the highest number of points Council submits to the authorized security and intelligence agency a request for the implementation of a basic security checks.

For s second instance judge may be appointed Croatian citizen who works as a judicial official for a minimum of 8 years. A person who has worked for a minimum of 15 years as a judicial official, has been for the same number of years an attorney, public notary, university professor of law who has passed the judicial examination and has a minimum of 15 years of professional experience after passing the judicial examination, and a renowned lawyer who has passed the judicial examination and has a minimum of 20 years of professional experience, who has proven himself or herself through his or her professional work in a specific area of law, and through the publication of professional and research papers may be appointed judge of the Supreme Court of the Republic of Croatia. Candidates for the Supreme Court of Republic of Croatia who are not judicial officials shall be examined by the Council. The examination shall consist of one and more paper(s). For candidates who achieve the highest number of points (on the basis of the total score achieved in the evaluation of performance in judicial office/written paper and in an interview) Council submits to the authorized security and intelligence agency request for the implementation of basic security.

In the case where a court is abolished or restructured, the Council shall reassign judges to another court of the same instance, and without the consent of a judge. Also, a judge may be agree to be temporarily deployed to work in another court of the same instance for a period of two years which may be extended for a maximum of another two years. The decision on the reassignment of a judge to another court shall be made by the Council on the proposal of the president of the court to which the judge is being deployed, with previous opinion of the president of the court in which the judge has been performing his/her judicial office, and the opinion of the president of the Supreme Court. The Concil can publish a notice on its website on the need of filling vacant judicial positions by the permanent transfer of judges. After the deadline set by the Council for submission the application for permanent transfer, the Council shall determine the needs and condition of availability of judges positions and the number of recieved, resolved and unresolved cases in the courts on which the applicants perform their judicial office.

Against the decision on the reassignment judge may initiate an administrative dispute.

A judge shall be liable for the commission of disciplinary offences. Disciplinary offences shall be the careless performance of judicial office, performance of any service, tasks or activities incongruent with judicial office, causing of disruptions in the work of a court, diclosure of an official secret concerning the performance of judicial office, damaging of the reputation of the court or of judicial office in any other way, failure to submit a declaration of assets or the untruthful presentation of data in the declaration of assets.

The following disciplinary penalties may be imposed for disciplinary offences committed: a reprimend, a fine of up to one third of salary earned in the prvious month for a period of one to maximum twelve months and removal from office.

4. If the national organ or mechanism does not have a role to play in relation to any of these issues, please provide detailed information on legislation and procedure for:

(a) Judicial selection and appointment;

(b) Transfer and promotion of judges;

(c) Disciplinary proceedings against judges

**FRENCH**

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**SPANISH**

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