

HELLENIC REPUBLIC

GREEK NATIONAL COMMISSION FOR HUMAN RIGHTS

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Contribution to the questionnaire from the Special Rapporteur on the independence of judges and lawyers

1. The selection of judges and public prosecutors is made via entrance examinations to the National School of Judges (NSJ), which is located in Thessaloniki, Greece. Judges are trained at the NSJ and are formally appointed upon successfully passing the exit NSJ exams, according to their final ranking. The training of Judges is provided in the Greek Constitution (art. 88). Magistrates are appointed upon successfully passing separate, special examinations. Promotions, assignments to posts, transfers, detachments, and transfers to another branch of magistrates is effected by presidential decree, issued (by branch of justice -civil and criminal courts, Council of State, Court of Auditors, administrative courts) after prior decision by the supreme judicial council to which the plenaries of the respective Highest Courts of Greece refer to with regard to such matters. All of the above judicial institutions are provided in the Greek Constitution; they consist exclusively of magistrates and operate in accordance with the law.
2. The NSJ is administered by the Director General, who is either Vice-President of the Supreme Court or Vice-President of the Council of State, and is alternately appointed by the respective judicial councils of the Supreme Court and the Council of State. The administrative council of the NSJ decides on the latter's general operation plan and consists of the Director General; the Presidents of the Highest Courts of Greece; other judges; lawyers; and representatives of the NSJ's students. The Director General's term of office lasts 3 years. The Highest Judicial Council consists mainly of highest-rank judges as well as other high-rank judges with consultative participation. All of the latter are appointed after draw for a two years' term. The operating costs of the above institutions are entered in the budget of the Ministry of Justice. The Highest Judicial Councils are of pluralistic composition. They consist of 11-15 judges.
3. A) Criteria for the selection of judicial officials (judges and public prosecutors) are both their competence and their morals. Precondition for the recruitment of judicial officials is their competence, as evidenced in diagnostic procedures.
B) A series of concrete guarantees of judicial independence are to be found in the Greek Constitution and the Greek laws, encompassing both the personal and functional independence of judicial authorities.
C) The competent organ deciding promotions of judges and public prosecutors according to the latter's training and qualitative and quantitative performance in their judicial functions is the highest judicial council and, at second instance, the plenaries of the highest Greek courts. The Council of Ministers decides the promotions to the positions of President and Vice-President of the Highest Courts.

D) Transfers and detachments of judicial officers are decided by the above-mentioned judicial organs. Normally, the will of the interested judge or public prosecutor is taken into consideration.

E) Disciplinary authority over judges and public prosecutors is exercised by the President or Public Prosecutor of the Court of Appeal, the Head of Inspection, the President of the relevant highest court and the Minister of Justice. The disciplinary councils deciding disciplinary actions against a judge or a public prosecutor consist, exclusively, of judicial officers appointed after draw at the level of the Court of Appeal or other highest court. The competent organ deciding the dismissal, on disciplinary grounds, of a judicial officer, is solely the plenary of the relevant highest court.