

RELATIONS BETWEEN THE SUPREME COURT AND THE EXECUTIVE BRANCH

Questionnaire

Introduction : Short description of the constitutional framework

- 1) Are there any constitutional provisions regarding the Supreme Court?
- 2) Which bodies of the executive branch are in relation with the Supreme Court (ministries of justice, of home affairs, court service...)?

A - Budget of the Supreme Court

- 1) Is the Supreme Court financially independent?
- 2) Is the Judicial Council financially independent?
- 3) Is there a court service within or outside the Supreme Court or are Supreme Court judges in charge of the financial management?
- 4) Which body draws up the budget of the Supreme Court?
- 5) Who negotiates the budget of the supreme court and with whom?
- 6) Who presents it before in Parliament?
- 7) As may be, what are the relations between the president of the Supreme court and such a court service?
- 8) Who manages the budget and who authorizes expenditure within the Supreme Court (judge, clerk, administrator..)?
- 9) Is there a different budget framework for the judges salary, the judicial activity, the court building, the staff?

B - Appointment of judges at the Supreme Court

- 1) How are candidates to Supreme Court positions selected: which body is practically in charge of drawing up the list of candidates? is there a hearing? by whom?
- 2) Is the Supreme Court, especially its president, involved in the appointment process?
- 3) Which State bodies are involved in the appointment process of Supreme Court judges?
- 4) Can the appointment of a judge at the supreme court be appealed? By whom? To whom?

3/ Disciplinary proceedings against a Supreme Court judge

- 1) What are the ethics for a Supreme Court judge ?
- 2) Who can file a complaint against a Supreme Court judge? Before whom?
- 3) Which body launches the disciplinary inquiry?
- 4) Who are the persons in charge of the inquiry? What is their status?
- 5) Which body is in charge of examining the disciplinary cases and decides about the sanction?
- 6) Is the Executive Branch party to the disciplinary proceedings and involved in the decision against a Supreme Court judge?
- 7) Are the disciplinary proceedings against judges of lower courts different from those against a supreme court judge?