

INTERNATIONAL ASSOCIATION OF JUDGES

3^d Study Commission

Theme: The judge and the execution of punishment

O u t l i n e . o f Q u e s t i o n s

- I. On what authority does the execution of prison sentences and measures of rehabilitation and prevention involving deprivation of liberty depend ?
- II. For what sentences and measures ?
- III. Does the initiative and the control of prison sentences and measures fall within the competence of a jurisdictional penal authority (Court or Prosecuting Magistrate) or within that of an administrative penal authority ?
- IV. What are the modalities for applying the sanction (half-open or open institution, suspending and fractioning of the execution of the prison sentence, reduction of the sentence, conditional release, commutability of a penalty, short leave, pardon).?
- V. As the punishment and the measures should be adapted to the person concerned, what are the possibilities of application, if necessary after consulting an advisory body ?
- VI. Who is the person within the authority in charge, who actually decides on these modalities of application or modification or their cessation ?
- VII. Do there exist any means of appeal against these decisions, and if so, to which authority and by which procedure ? Contradictory or not ?
- VIII. Who may make use of these means of appeal (the delinquent, the Public Prosecutor, the victim) ?
- IX. May the delinquent or the victim be assisted by an attorney during this procedure ?
- X. Considering that 1983 marks the 35th anniversary of the Universal Declaration of Human Rights (10th December 1948) what guarantees are provided for the safeguard of Human Rights concerning the delinquent ?
- XI. Evaluation - and possibly criticism - of the existing system and suggestions for its improvement.