

1st Commission I.U.M.

Questionnaire.

Judgment on the conduct or behaviour of magistrates (judges and prosecuting magistrates) on an ethical, professional and criminal level.

1. What is meant by conduct or behaviour ?
private conduct ?
professional conduct ?
should both ways of conduct be considered ?
2. Are there any rules established by law ?
general rules ? (1)
specific rules ?
are there typical violations of law that go together with being a magistrate ?
3. Who judges the conduct of magistrates ?
is it a judge ? Which one ?
is it a prosecuting magistrate ? Which one ?
is it a government member (the administration) ?
is it the Head of State ?
4. Does a distinction have to be made between judges and prosecuting magistrates ?
If so, please explain.
5. What procedure is used ?
civil proceedings, criminal proceedings, any special rules ?
6. Do proceedings differ according to whether one is judging a magistrate's private or professional conduct ?
7. What sanctions other than criminal ones can a judge or prosecuting magistrate incur ?
8. When a judge or a prosecuting magistrate have violated the law, will the case be tried by normal legal proceedings or by special proceedings ?
In the case of special proceedings, please describe them ?
9. To conclude with, do all these different proceedings guarantee the independance of the magistrates in the discharge of their duties ?

(1) by general rule, is meant e.g. failing the duties of one's office, or reflect by one's conduct on the dignity of one's office.