

## FIRST COMMISSION

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### 1. Concerning the legislator :

a) Does the judge has to rule according to the law ?

This means : according to the letter of the law or according to the objective carried on by the law.

b) May the judge rule ignoring the law (without taking the law into consideration) ?

This means : taking the society into consideration or taking into account what he considers right and fair.

c) Does the judge exercise any control on the constitutionality of the law (does the judge act upon the constitutionality of the law) ?

d) Does the judge act upon (does the judge exercise any control on) the conformity of the law to human rights and fundamental liberties ?



2. Concerning the executive (power) :

a) Is the judge completely independant towards (facing to) the Government ?

b) May the judge be resigned or transferd by the Government ?

c) May the Government bear on the judge (bring pressure on the judge) and how ?

d) May the judges be called up by a minister (may a minister call up a judge) in order to talk over a case or generally speaking over criminal policy ?

e) Are judges competent (do the judges have any competence) to judge a case where the responsibility of the State is implicated ?

3. a) May the judge be held responsible for his decisions towards the people ?

b) May the State be held responsible for the decisions of the judges ?

c) When the State is held responsible does he has a lawsuit against the judge (may he bring an action against the judge) ?