



TÉLÉCOPIE • FACSIMILE TRANSMISSION

DATE: 12 December 2017

A/TO: All Permanent Missions and Observer Missions to the United Nations Office at Geneva

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DE/FROM: Beatriz Balbin
Chief
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A handwritten signature in black ink that reads "Beatriz Balbin". The signature is written in a cursive style and is underlined.

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OBJET/SUBJECT: Questionnaire from the Special Rapporteur on the independence of judges and lawyers,
Mr. Diego García-Sayán.

Mandate of the Special Rapporteur on the independence of judges and lawyers

REFERENCE:

12 December 2017

Excellency,

I have the honour to address you in my capacity as Special Rapporteur on the independence of judges and lawyers.

I would like to inform you that, pursuant to the mandate entrusted to me by the Human Rights Council in its resolution 35/11, I will devote my forthcoming report to the Council to the question of national judicial councils and/or other national organs or mechanisms in charge of selecting, appointing, promoting, transferring, suspending or removing judges.

The report will build on the annual report presented by former Special Rapporteur, Mr. Leandro Despouy in 2009 (A/HRC/11/41, paras. 23-34 and 52-72), and will take into account relevant provisions of the United Nations Basic Principles on the Independence of the Judiciary (in particular principles 10-13 and 17-20). It will be presented to the Human Rights Council in June 2018.

I would like to transmit the attached questionnaire in order to elicit information on relevant national experiences on this subject. The questionnaire is available in English, French and Spanish. You may answer in any of these languages. Submissions should be sent electronically and no later than 15 January 2018 to Mr. Stefano Sensi (email: ssensi@ohchr.org), copy to SRindependenceJL@ohchr.org, using the email title: "Submission to the report on national judicial councils". I would appreciate if responses could be limited to 5,000 words. Responses will be published on the website of the Office of the High Commissioner for Human Rights.

Please accept, Excellency, the assurances of my highest consideration.



Diego García-Sayán
Special Rapporteur on the independence of judges and lawyers



Questionnaire of the Special Rapporteur on the independence of judges and lawyers

1. Please indicate whether there is a national body or mechanism in charge of selecting, appointing, promoting, transferring, suspending or removing judges in your country. What is the exact denomination of this body or mechanism? What are the legal basis for its establishment (e.g. constitutional provisions; ordinary law or other)?

2. Please provide information on the composition of the body or mechanism (number and qualifications of members), the procedure for the appointment of its members and the duration of their term of office. Please also provide information on the human and financial resources of this body or mechanism (e.g. number of employees and their qualifications; annual budget).

3. Please provide detailed information on the legislation and practice existing in your country in relation to:

- (a) The selection and appointment of candidates for judicial offices and the criteria used for their selection and appointment (e.g. qualifications, integrity, ability and efficiency);
- (b) Condition of service and security of tenure of judges;
- (c) Promotion of judges;
- (d) Transfer of judges;
- (e) Disciplinary proceedings against judges.

What is the role played by the national organ or mechanism with regard to the issues referred to above?

4. If the national organ or mechanism does not have a role to play in relation to any of these issues, please provide detailed information on legislation and procedure for:

- (a) Judicial selection and appointment;
- (b) Transfer and promotion of judges;
- (c) Disciplinary proceedings against judges