

## 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)?

The national body in the Republic of Bulgaria, responsible for the appointing, promoting, demotion, transfer and release from office of judges, prosecutors, and investigating magistrates, is the Supreme Judicial Council (SJC). The legal basis, regulating its establishment, status, composition, election of its members, operation and organization, are the provisions of the Constitution of the Republic of Bulgaria and those of the Judiciary System Act.

In general, the SJC represents the judiciary, ensures and asserts its independence, determines the composition and organization of the work of the courts, the prosecution offices and the investigative bodies, and finances and technically assures their activity without interfering with the implementation.

The SJC is a permanent body, a legal person with a registered office in Sofia. It is represented by one of its elected members determined by a decision of the Plenary of the SJC.

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):

On 16.12.2015, the National Assembly adopted amendments to the Constitution of the Republic of Bulgaria in connection with the structure and the powers of the SJC. The amendments provide that the SJC shall exercise its powers through a Plenary, a Judges' College and a Prosecutors' College. In 2016 two packages of amendments to the Judicial System Act consistent with the amendments to the Constitution were promulgated. The aim is to ensure the status of the SJC as an independent and effective body guaranteeing transparent judicial appointments, and enjoying the confidence of the public and judges, prosecutors and investigating magistrates.

According to the Constitution of the Republic of Bulgaria, the SJC consists of 25 members. The President of the Supreme Court of Cassation, the President of the Supreme Administrative Court, and the Prosecutor General are ex officio members of the SJC, appointed and released by the President of the Republic on a proposal from the Plenary of the SJC for a single term of seven years. The other members of the SJC are elective and serve terms of five years. They cannot be re-elected immediately upon the expiry of the term. Their eligibility is limited to jurists of high professional standing and moral integrity who have practiced law for at least 15 years.

The Plenary consists of all members of the SJC. The Judges' College consists of 14 members. It includes the Presidents of the Supreme Court of Cassation and of the Supreme Administrative Court, six members elected directly by judges and six members elected by the National Assembly. The Prosecutors' College consists of 11 members and includes the Chief Prosecutor, four members elected directly by prosecutors, one member directly elected by the investigating magistrates and five members elected by the National Assembly.

The National Assembly elects eleven members of the SJC by a majority of two-thirds of the National MPs among judges, prosecutors, investigating magistrates, academic-degree-holding scholars in legal sciences, lawyers and other jurists of high professional standing and moral integrity, taking into account their professional qualification and specialisation. The elections take part not later than one month prior to the expiry of the term of office of the elective members.

Nominations of candidates for elective members of the SJC are made by the National MPs and are examined by a specialised standing committee of the National Assembly. Such nominations shall be accompanied by detailed written motives for the professional and moral qualities of the

candidates, including expressed opinions of professional, academic and other organizations; documents for completed higher education in the specialty "Law"; documents related to the requirements for incompatibility as well as documents on the legal traineeship and career development of the applicant.

The nominations, together with a detailed professional biography of the candidates and the documents above are published on the website of the National Assembly. The name and the motives of the National MP that issued the respective nomination are also published.

Each candidate submits to the committee a written concept on his or her future work as a member of the SJC as well as some declarations – for example a declaration disclosing his/her financial interests and the origin of the funds on which his/her property has been acquired. All concepts and declarations are published on the website of the National Assembly.

The hearing is scheduled and announced by the committee not later than one month prior to the scheduled hearing date. It is conducted at a public meeting of the committee and a full verbatim record of proceedings is drawn up and published on the website of the National Assembly.

The committee prepares a detailed and reasoned report on the professional standing and the moral integrity of the candidates, thereby moving the nominations for a debate and taking a vote at the National Assembly. The report includes an opinion on the performance of the candidate, prepared after his or her hearing by the committee, and a conclusion on:

- the minimum legal requirements to occupy the position;
- the existence of data that call into question the candidate's moral integrity, qualification, experience and professional standing;
- the specific background, qualities and motivation for the post concerned;
- the public reputation of the candidate and the public support for him or her.

The National Assembly elects eleven of the members of the SJC (each member separately), by a majority of two-thirds of the the National MPs.

The other eleven members of the SJC are elected directly by the relevant General Assembly (of judges, prosecutors, and investigating magistrates).

The General Assembly of Judges for the election of members of the SJC is convened jointly by the President of the Supreme Court of Cassation and the President of the Supreme Administrative Court. The General Assembly of Prosecutors and the one of Investigating Magistrates are convened by the Prosecutor General. Where the Assemblies fail to be convened, the Minister of Justice convenes a General Assembly within seven days from the expiry of the time limit and sets the date, venue and time for the conduct thereof. The convocation of the General Assemblies is promulgated in the State Gazette and published on the website of the Supreme Judicial Council.

The Plenary of the SJC adopts rules for the conduct of elections of members of the SJC by the judges, prosecutors and investigating magistrates, which is published on the website of the SJC and applies to all elections.

Candidates for elective members of the SJC representing the judges, prosecutors and investigating magistrates may be nominated by each judge, prosecutor or investigating magistrate not later than two months before the conduct of the election. The nominations shall be put forward in writing and shall be reasoned considering the personal accomplishments, professional standing and moral integrity of the candidate. Within 14 days from the publication of the nominations, the candidates submit in writing detailed curriculum vitae, their reasons and a concept on the activity of the SJC, as well as documentary proof of conformity to the requirements. Within the same time limit, the candidates shall submit a declaration related to incompatibility.

The Judges' College of the SJC pronounces on the admissibility of each nomination with regard to the required educational attainment, length of practicing law and submission of the envisaged documents regarding the judges candidates for members and the Prosecutors' College so pronounces regarding the prosecutors and investigating magistrates candidates. The decisions on the admissibility of nominations are appealable.

When the decisions on admissibility enter into effect, both Colleges compile lists stating the names and position occupied of all candidates admitted to entry in the elections. The Colleges compile as well lists of the sitting judges, prosecutors and investigating magistrates, which shall serve as rolls for voting.

The General Assemblies meet on two consecutive Saturdays. On the first Saturday an election commission and voting sections are elected and the candidates are heard. The General Assemblies meet if more than half of the judges, prosecutors or investigating magistrates included on the respective list are present. The election commission of judges consists of nine regular and five alternate members, the one of prosecutors consists of seven regular and four alternate members, and the election commission of investigating magistrates consists of five regular and three alternate members. The voting sections consist of three regular and two alternate members. One voting section shall be constituted for each five hundred judges, prosecutors and investigating magistrates and any remainders of less than five hundred persons shall be distributed evenly among the voting sections.

The candidates are heard in alphabetical order. Judges, prosecutors, investigating magistrates, non-profit legal entities designated for the pursuit of public benefit activities may address opinions on the candidates and questions to them to the respective College of the SJC.

After the hearing of the candidates, the election shall proceed on the following Saturday. The election is considered valid if more than one-half of the judges or, respectively, prosecutors or investigating magistrates have voted. The candidates who have gained more than one-half of the valid votes are considered elected.

There are some functions that are incompatible with the position of an elective member of the SJC. Such a member shall not:

- be a Member of Parliament, mayor or municipal councilor;
- occupy a post in other state or municipal authorities;
- exercise a commercial activity or be a partner, manager or participate in supervisory, management boards or boards of directors or in control bodies of commercial companies, cooperatives or juridical persons with non-profit-making enterprises, with the exception of those of professional associations of judges, prosecutors and investigators;
- receive remuneration for carrying out activity under a contract or while in a civil service relationship with a state or public organisation, a commercial company, cooperative, non-profit legal entity, a natural person or sole trader, except for scientific and teaching activities or for the exercise of copyrights, as well as for participation in international projects and projects financed by The European Union;
- perform a liberal profession or other paid professional activity;
- be a member of a political party or coalitions, in organizations with political objectives, to carry out political activity, as well as to belong to organizations or to carry out activities that affect its independence;
- be a member of trade unions outside the system of the judiciary;
- be convicted of a criminal offense, regardless of rehabilitation, and be released from criminal liability for a deliberate crime;
- be a spouse, a relative in a straight line, a collateral line up to the fourth degree or a marriage - up to third degree, or in a factual cohabitation with another member of the SJC, with the administrative head of the judicial authority or with the Minister of Justice ;
- be disciplinary duty-free member of the Supreme Judicial Council;
- be a person against whom a conflict of interests has been established with a decision entered into force less than one year before the election.

Except the Constitution the Judicial System Act (JSA) regulates the organisation and the principles of operation of the judicial system bodies and the interaction among them, as well as the interaction between the judicial authorities and the legislative and executive authorities.

The Plenary of the Council consists of all members of the SJC and its sessions are chaired by the Minister of Justice who does not attend there in a non-voting capacity. In the absence of the Minister of Justice, the Plenary is presided over by the member representing the SJC, the President

of the Supreme Court of Cassation, the President of the Supreme Administrative Court or by the Prosecutor General. The activity of the Plenum and the colleges are assisted by an administration.

The Plenary performs the following functions:

- accepts the draft budget of the judiciary;
- adopts a decision on termination the mandate of an elected member of the SJC;
- organizes the qualification of judges, prosecutors and investigators;  
and determine the settlements where territorial divisions with the respective district court and with the respective district prosecution office are to be opened;
- decides on organizational issues common to the judiciary:
  - = determine the number of judges, prosecutors and investigating magistrates at all courts, prosecution offices and investigation departments, taking into account the caseload level;
  - = determine the number, judicial districts and seats of the courts and prosecution offices, establish and close courts and prosecution offices, change the seat thereof;
  - = determine the staff size and the structure of the administration of the Supreme Judicial Council and of the National Institute of Justice;
  - = give opinions to the Council of Ministers and to the National Assembly on bills concerning the Judiciary;
- listens and accepts annual reports;
- manages the immovable property of the judiciary;
- establish and maintain an electronic public register of all its decisions and the reasoning thereto;
- makes a proposal to the President of the Republic for the appointment and dismissal of the President of the Supreme Court of Cassation, the President of the Supreme Administrative Court, and the Prosecutor General.

The Judges' College is chaired by the President of the Supreme Court of Cassation. The Prosecutors' College is chaired by the Chief Prosecutor. The Colleges in accordance with their professional orientation:

- appoint, promote, relocate and dismiss judges, prosecutors and investigating magistrates;;
- carry out periodic attestations to the judges, prosecutors, investigators and administrative heads of the bodies of the judiciary and address matters concerning the acquisition and restoration of tenure;
- impose disciplinary sanctions to lower and dismiss the judges, prosecutors, investigators and administrative heads in the bodies of the judiciary;
- determine the number, appoint and dismiss the administrative heads in the bodies of the judiciary;
- decide on the organization of the activities of the respective system of judicial bodies
- submit proposals to the Plenary for determining the number of judicial districts and the seats of the courts and the prosecution offices;
- submit proposals to the Plenary for determining the number of judges, prosecutors and investigating magistrates at all courts, prosecution offices and investigation departments;
- organise and carry out competitions for the positions of judges, prosecutors and investigating magistrates;
- propose to the Plenary opinions on bills within the scope of their competence;
- analyse and report annually the caseload level of the judicial authorities;
- once every six months, require and summarise information from the courts, the prosecuting magistracy and the National Investigation Service on the operation thereof;
- organise and coordinate the participation of judges, prosecutors and investigating magistrates in international legal cooperation;
- adopt rules of procedure thereof, which shall be published on the website of the Supreme Judicial Council;
- the Prosecutors' College elects and dismisses the Director of the National Investigation Service.

The Minister of Justice may attend the meetings of both Colleges by not taking part in the vote. Within his/her power is to:

- propose a draft budget for the judiciary and submit it to the SJC;
- make proposals for appointment, promotion, downgrading, relocation and dismissal of judges, prosecutors and investigating magistrates;
- participate in the organization of the qualification of judges, prosecutors and investigators.

The Colleges of the SJC keep and hold a personnel file on each judge, prosecutor and investigating magistrate. The personnel file contains documents related to the appointment and dismissal of a judge, prosecutor or investigating magistrate, to the professional development thereof, results of inspections prompted by alerts and complaints received, distinctions and awards by which the person has been incentivised and the sanctions imposed. The individual plan for professional development of a judge, prosecutor or investigating magistrate contains measures for specific training, for upgrading the professional competence and skills thereof and overcoming shortcomings.

**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.**

The Judiciary System Act provides for an objective appraisal of the magistrates to ensure fair and transparent career development. Centralized appraisal is introduced through commissions for appraisal and competitions for the appraisal of judges, prosecutors and investigating magistrates to the respective SJC Colleges.

**(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):**

The procedures for appointment in the bodies of the judiciary, transfer and promotion are improved in 2016 with major amendments to the JSA.

Judges, prosecutors, investigating magistrates, administrative heads and deputy administrative heads, with the exception of the President of the Supreme Court of Cassation, the President of the Supreme Administrative Court, and the Prosecutor General, are appointed, promoted, demoted, transferred and dismissed by decision of the respective College of the SJC.

According to art. 162 JSA eligibility for appointment as a judge, a prosecutor and an investigating magistrate is limited to persons who are Bulgarian nationals and:

- hold a university degree in law;
- have undergone an internship and are licensed to practise law;
- possess the required moral integrity and professional standing complying with the Code of Ethical Conduct of Bulgarian Magistrates;
- have not been sentenced to deprivation of liberty for an intentional criminal offence, notwithstanding any subsequent rehabilitation;
- are not elective member of the Supreme Judicial Council who have been released from office on disciplinary grounds for damaging the prestige of the Judiciary;
- do not suffer from a mental illness.

The positions of judges, prosecutors and investigating magistrates are the following:

- a judge at the Supreme Court of Cassation, a judge at the Supreme Administrative Court, a prosecutor at the Supreme Prosecutor's Office of Cassation, a prosecutor at the Supreme Administrative Prosecutor's Office and an investigating magistrate at the National Investigation Service;

- a judge at an appellate court, a judge at the military appellate court, a judge at the appellate specialised criminal court, a prosecutor at an appellate prosecution office, a prosecutor at the

military appellate prosecution office, and a prosecutor at the appellate specialised criminal prosecution office;

- a judge at a regional court, a judge at an administrative court, a judge at a military court, a judge at the specialised criminal court, a prosecutor at a regional prosecution office, a prosecutor at a military regional prosecution office, a prosecutor at the specialised prosecution office, an investigating magistrate at a regional investigation department, and an investigating magistrate at the investigation department at the specialised prosecution office;

- a judge at a district court and a prosecutor at a district prosecution office;

- a junior judge, junior prosecutor and junior investigating magistrate.

For occupying a position in the judicial authorities, a centralised competition is held for:

- junior judges, junior prosecutors and junior investigating magistrates;

- initial appointment at a district, regional and administrative court and the respective prosecution offices.

The positions for junior judges, junior prosecutors and junior investigating magistrates shall be planned by the respective College of the Supreme Judicial Council on a proposal by the administrative heads of the judicial authorities for each succeeding calendar year. They are announced by promulgation in the State Gazette.

The SJC designates up to 10 per cent of the number of vacant positions in the court, the prosecution and the investigating authorities to be occupied by a competition for initial appointment. Any person who meets the requirements of Article 162 JSA may enter the competition for junior judges, junior prosecutors and junior investigating magistrates. Any person who meets these requirements and has the necessary service record required for the position for which the competition is announced may enter the competition for initial appointment.

In order to compete, the candidates submit to the administration of the SJC an application, accompanied by the following documents:

- a detailed curriculum vitae signed by the candidate;

- a notarised copy of the diploma of the award of a university degree in law;

- a notarised copy of a licence to practise law;

- a conviction status certificate;

- a medical certificate issued as a result of a conducted medical examination that the person does not suffer from a mental condition.

- a notarised copy of a document certifying the respective length of service for the position;

- at least two references from instructors in legal sciences, judges, prosecutors, investigating magistrates, lawyers or other jurists wherewith the internship for a licence to practise law took place and who are familiar with the moral integrity and professional standing of the candidate;

- a motivation letter.

The Commission on Appraisal and Competitions with the respective College checks the documents and admits all candidates who satisfy the conditions to entry into the competition. The decision of the respective College, whereby the candidate is denied entry into the competition, shall be reasoned and shall be appealable.

The respective College of the Supreme Judicial Council shall designate five-member competition commissions for the holding of the competitions for the positions announced at the district, regional and administrative courts and at the prosecution offices. The members of the competition commission shall comprise one representative of the Commission on Appraisal and Competitions with the respective chamber of the Supreme Judicial Council enjoying the status of a sitting judge, prosecutor or investigating magistrate, one academic-degree-holding scholar in legal sciences in the respective subject matter, as well as three members enjoying the status of a sitting judge, prosecutor or investigating magistrate.

The competition consists of a written and oral examination, which is graded on a six-point scale. The written examination is anonymous and consists in:

1. testing knowledge in the field of law chosen by the candidate by solving a legal problem;

2. testing knowledge of European Union law and in the field of human rights by a test.

Solely candidates who have received a score not lower than "very good 4.50" for the legal problem and the test are admitted to the oral examination. The oral examination consists in an interview with the candidate on questions of the respective fields of law, as well as on questions of the Code of Ethical Behaviour of Bulgarian Magistrates, according to a compendium published in advance. The competition commission displays the results of the oral examination at a place accessible to the general public in the building of the SJC and publishes the said results on the website. The ranking is limited to the candidates who have received a score not lower than "good 4.00" for the oral examination. The competition commission ranks the candidates in the competition according to their score as a sum total of the scores received for the written and the oral examination. In case of equal scores, the competition commission shall give preference to the candidate with a higher overall score from the State final certification examinations. Finally, the competition commission proposes to the respective College of the SJC to approve the candidates for junior judge, junior prosecutor and junior investigating magistrate. The respective College adopts by a decision the final list of approved candidates and that decision is transmitted to the National Institute of Justice for enrolment in the training under Article 249 JSA.

**(b) Condition of service and security of tenure of judges:**

According to the Constitution of the Republic of Bulgaria after completing five years in office as a judge, a prosecutor or an investigating magistrate and after appraisal, judges, prosecutors and investigating magistrates acquire tenure status by a decision of the Judges' College or, respectively, of the Prosecutors' College of the SJC. They may be released from office solely upon:

- attaining the age of 65 years;
- tendering resignation;
- entry into effect of a sentence whereby a penal sanction of deprivation of liberty has been imposed for an intentional offence;
- sustained actual inability to discharge the duties thereof for a period exceeding one year;
- for grave breach or systematic dereliction of the official duties, as well as actions damaging the prestige of the judiciary.

**(c) and (d) Promotion and transfer of judges:**

The administrative heads notify the respective College of the SJC of the positions which are expected to be vacated during the next succeeding year on or before 30 September of the previous year. The arrangements for holding the competitions are assisted by the administration of the respective College of the SJC.

Competitions for the superior judicial authorities are announced by a decision and are held before the announcement of competitions for the authorities of a lower degree. Promotion in position shall be moving to a position of a higher degree in a judicial authority of the same type. Transfer in position shall be moving to a position of an equal or lower degree of a judge at another court, of a prosecutor at another prosecution office, and of an investigating magistrate at another investigation department.

A judge shall move to the position of a prosecutor or investigating magistrate, a prosecutor shall move to the position of a judge or investigating magistrate, and an investigating magistrate shall move to the position of a judge or prosecutor by a competition for promotion or transfer, including, inter alia, testing of the knowledge to occupy the position concerned by means of a written examination according to a compendium.

The competition is held by five-member competition commissions designated according to the competition subject matter and elected by the respective College of the SJC. The members of the competition commission comprise one representative of the Commission on Appraisal and Competitions with the respective College of the SJC enjoying the status of a sitting judge, prosecutor or investigating magistrate and one academic-degree-holding scholar in legal sciences in

the respective subject matter, as well as three members enjoying the status of a sitting judge, prosecutor or investigating magistrate:

A candidate to occupy a position may be a judge, prosecutor or investigating magistrate with the required service record for the available position announced who has served for at least three years in the position occupied. The candidate submits his/her application and enclosed documents to the respective College of the SJC. The Commission on Appraisal and Competitions checks the documents and a list of all the candidates is announced on the website of the SJC, specifying the grounds for the candidates who do not fulfil the conditions.

The competition commission ranks the candidates for transfer or for promotion in position according to the results of the last appraisal and checks by the superior judicial authorities and by the Inspectorate with the SJC, the data of the personnel file thereof and an assessment of the cases and case files examined and disposed of, selected by the competition commission and presented by the candidates, on the basis of which an overall evaluation of the professional standing possessed by the candidates shall be made.

The competition commission draws up a memorandum ranking the candidates together with a reasoned opinion and transmits the results of the ranking together with the complete set of competition documents to the respective College of the SJC. The results of the ranking are announced on the website of the Supreme Judicial Council.

The Commission on Professional Ethics with the respective College of the SJC evaluates the moral integrity possessed by the three highest ranked candidates for each position and draws up an opinion on each candidate on the basis of the documents submitted by the candidate and the documents contained in the personnel file regarding the results of the inspections by the Inspectorate with the Supreme Judicial Council, the incentives and sanctions, the alerts of a breach of the professional ethics rules for judges, prosecutors and investigating magistrates.

The results of the ranking of the candidates together with the full set of competition documents and the opinion of the Commission on Professional Ethics with the respective College of the SJC are provided to the Commission on Appraisal and Competitions with the respective College of the SJC that lays before the respective College of the SJC a reasoned proposal for the promotion or transfer of the highest ranked candidates for the positions at the judicial authorities concerned. The respective College of the SJC adopts a decision on the promotion or transfer of a judge, prosecutor or investigating magistrate in the order of the ranking until the vacancies are filled.**(e) Disciplinary proceedings against judges.**

The changes in relation to disciplinary proceedings guarantee their actual adversary nature – the disciplinary proceedings against magistrates and their administrative heads are divided between the College of Judges and the College of Prosecutors.

According to the JSA a disciplinary sanction shall be imposed on a judge, a prosecutor and an investigating magistrate, on a member of the Supreme Judicial Council, on the administrative heads of the court, the prosecution office and the investigating magistracy and on the deputies thereof for the commission of a breach of discipline - a culpable failure to discharge official duties, as well as damaging the prestige of the Judiciary. The acts that constitute breaches of discipline are the following:

- any systematic failure to keep the deadlines provided for in the procedural laws;
- any act or omission that unjustifiably delays the proceedings;
- any act or omission, including a breach of the Code of Ethical Behaviour of Bulgarian Magistrates, which damages the prestige of the Judiciary;
- any failure to discharge other official duties.

The following disciplinary sanctions may be imposed on a judge, prosecutor, investigating magistrate, administrative head and deputy administrative head:

- reprimand;
- reduction of the basic labour remuneration by 10 to 20 per cent for a period of six months to one year;
- demotion in rank for a period of six months to one year;
- demotion in position for a period of six months to one year;



- release from office as an administrative head or deputy administrative head;
- release from office on disciplinary grounds.

The disciplinary sanction of release from office on disciplinary grounds shall be imposed for:

- a systematic failure to discharge, or another serious breach of, the official duties;
- actions damaging the prestige of the Judiciary.

Disciplinary proceedings shall be instituted by an order or, respectively, by a decision of the sanctioning authority within six months from the discovery, but not later than three years from the commission of the breach.

A disciplinary sanction shall be imposed by:

- the administrative head;
- the respective College of the SJC;
- the Plenary of the SJC.

The institution of disciplinary proceedings for the imposition of a disciplinary sanction on a judge, prosecutor and investigating magistrate, an administrative head and a deputy administrative head, may be proposed by:

1. the respective administrative head;
2. a superior administrative head;
3. the Inspectorate with the Supreme Judicial Council;
4. the Minister of Justice.

Before imposing a disciplinary sanction, the sanctioning authority shall hear the person held liable for a breach of discipline or shall accept the written explanations thereof. Otherwise, the court shall revoke the disciplinary sanction imposed without examining the case on the merits, unless the person has refused to give explanations or to be heard.

The disciplinary sanction is imposed by a reasoned order of the administrative head on a judge, prosecutor or investigating magistrate who is held liable for a breach of discipline.

The disciplining authority shall notify the respective College of the SJC of the sanction imposed. The latter, within one month from the receipt of the order, may confirm or revoke the sanction imposed. Where it determines that there are grounds for the replacement of the sanction imposed by a severer sanction, the respective College of the SJC shall institute disciplinary proceedings. Where there are no grounds for the imposition of a sanction, the said College shall return the case file to the administrative head. The decision of the respective College of the SJC is appealable.

**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**

N/A

