**QUESTIONNAIRE**

**ANSWERS (2020)**

**-Association of Croatian Judges**

1. Please provide detailed information, including disaggregated data, on the number of judges that have been subject to disciplinary proceedings in the last ten years. How many of them were found guilty of a disciplinary misconduct? How many of them were removed from office?

**A: In last ten years 152 judges have been subjects to disciplinary proceedings before State Judicial Council.**

**In regard to decisions, measures and sanctions SJC pronounced 37 reprimands, 38 fines, 8 dismissals form the bench, 15suspended dismissals from the bench ( decision on suspension is not effective if judge does not commit another disciplinary offence in one or two years), and 16 acquittals. In 36 cases decision was suspension of the proceedings, and in 5 cases indictment was dismissed as ill founded.**

**( In Croatia there is app.1.700 judges of all instances)**

1. Has any judge belonging to your association been subjected to any form of sanctions that were not previously established by law or that were imposed through a procedure that did not meet the procedural requirements established by the law? If yes, please provide information on the case(s).

**A: No. In Croatian criminal legal system rule “Nullum crimen sine lege” is strictly observed and that rule applies to disciplinary proceedings as well because rules and principles of criminal procedure are applied in disciplinary proceedings against judges. All disciplinary offences are prescribed in Law on Judicial Council.**

1. Apart from disciplinary proceedings, are there any other measures that may be used to interfere with the capacity of a judge to adjudicate cases before him or her in full independence? Are you aware of any case in which a judge has been promoted, transferred to another court, forced to take a training course, a vacation or medical leave, or coerced or pressured in similar ways in order to abandon a case pending before him or her? If yes, please provide information on the case(s).

**A: No. Only deviation of the rule of natural judge can be applied if three are grounds for recusal of the judge. Reasons and situations when this can occur are also prescribed in the procedural rules. Such decision is delivered by the president of court upon the request of a judge or by the parties and can be challenged in the appeal process.**

1. What measures have been put in place in your country to enable judges to decide matters before them impartially and without any pressure or interference?
2. **By the constitution judges are independent and impartial and power to adjudicate is personal right and obligation of a judge. Judges are appointed for life, and all decision on the career of a judge as appointment, promotion, dismissal form the office are decided by independent body- High Judicial Council composed of 7 judges elected by their peers in free, secret and general elections, two professors of Faculties of Law also elected by their peers in the same manner as judges, and two members of the parliament elected in the State Parliament always one from position and one from opposition. SJC is also body regulated in the Constitution as independent judicial body. All HJC decision in regard to judges can be appealed to the Constitutional Court.**

For Association of Croatian Judges

 Duro Sessa

Honorary President