

"Code of Organization of Courts and the status of the judiciary" 1756/1988

LAW 1756/1988 as amended by Law 4139/2013

Article 24

Independent judicial authority.

1. The Public Prosecutor's Office is a judicial authority independent of the courts and the executive branch.

2. It acts uniformly and indiscriminately and has as its mission its observance legality, protection of the citizen and observance of the rules of public order.

3. The local jurisdiction of the public prosecutor coincides with that of the court in which it operates.

4. The prosecutors are connected by a hierarchical relationship dependence. The head of all is the prosecutor of the Supreme Court. The prosecutor must execute their orders of his superiors. However, in the performance of his duties and expression of opinion acts impartially, obeying the law and in his consciousness.

**5. Have the right to place orders, general instructions and recommendations related to the performance of their duties:
"a. The prosecutor of the Supreme Court to all prosecutors officials of the country "**

Chapter B`

Duties, irreconcilable, obstacles.

Article 40.

Fundamental duties of the judicial officer.

1. The judicial officer owes faith and devotion to the homeland and in democracy. In the performance of his duties he is subject only in the Constitution and in the laws. He is obliged not to comply with provisions enacted upon the abolition of the Constitution.

2. The judicial officer must keep confidential about secrecy provided for by the provisions in force, as well as for facts or information he knows from the performance of duties or because of his capacity.

3. The judicial officer must reside in the city where he is the seat of the court in which it serves or in its suburb. Athens and Piraeus with their suburbs are considered in this respect as a city.

«4. The judicial officer may be removed from his seat on the days on which he has no official employment, as determined by the existing provisions, the internal service regulations, the acts of the bodies governing the courts and prosecutors'

offices and the general instructions issued. by the bodies of cases b`, c` and d` of paragraph 1 of article 19. ».

5. Strike, in any form, is prohibited for court officials.

6. They are forbidden to court officials of any kind events in favor of political parties.

7. The participation of a judicial officer in institutions or associations and generally to organizations having hidden purposes or activities or that impose secrecy on their members.

"Article 41"

Incompatible

1. Judicial officers are prohibited from providing any other paid services, as well as from practicing any profession.

2. Exceptionally, judicial officers are allowed to be elected members of the Academy of Athens or of the teaching staff of higher education institutions, as well as to participate in councils or committees, which exercise responsibilities of a disciplinary, control or judicial nature and in their drafting committees, if the specifically provided by law. The judicial officer who will participate is nominated by the judge or the prosecutor or the three-member council that directs the civil or administrative court or the prosecutor's office, at the request of the Minister of Justice. The judicial officer shall chair such councils or committees, unless a minister, deputy minister or secretary general of the ministry is also present. Especially in the drafting committees, a judicial officer may not participate as a member in the person of whom one of the obstacles of cases a`, b` and c` of par. 6 of article 15 is present. An official with the rank of Chairman or Vice-Chairman of the Supreme Court or equivalent, as a Chairman of the committee may be appointed a member who does not have the judicial capacity.

3. The assignment of administrative duties to judicial officers is prohibited. Duties related to the training of judicial officers are considered judicial. Arbitration by judicial officers is allowed only in the framework of their official duties.

4. The participation of judicial officials in the Government is prohibited.

5. The participation of judicial or prosecutorial officials in the implementation of programs and actions aimed at the development, promotion and improvement of e-justice, constitutes a judicial work, which is provided in the framework of their official duties. The selection of the judicial or prosecutorial officer who participates in working groups for the implementation of the above programs and actions, is made by an act of the body that directs the court or the prosecutor's office, in whose organization or which the actions to be implemented and in which the selected official serves. "

Article 42.

Locality barriers.

1. The presidents of appellants, appellants of criminal - political and administrative courts, prosecutors and appellate prosecutors are not allowed to serve in the city where the court or prosecutor's office is located and they or their spouses were born or were permanent established during the last decade before their appointment for at least three years or was or still is

settled they or their spouses.

2. The presidents of first instance courts, first instance judges and assistants of the first instance court civil - criminal and administrative courts, prosecutors, prosecutors and prosecutors, as well as justices of the peace and criminal judges are not allowed to serve in courts or prosecutors, in the district of which they or their spouses were born or have been permanently settled for the last decade prior to their appointment for at least three years or were or they or their spouses are still settled. For justices of the peace and magistrates these obstacles apply to the whole the district of the court of first instance to which the magistrates' court belongs or criminal court.

"Exceptionally, for the presidents of first instance, first instance and regular administrative courts, only its impediment applies of the previous paragraph in the case of the Administrative Courts of First Instance of Ioannina and Kozani ".

3. The service of a judicial officer in a court or public prosecutor, in whose district he was appointed as a lawyer, ten years after his appointment as a judge official.

4. "The provisions of the preceding paragraphs shall exclude: judicial officers serving in the courts of the cities of Athens, Piraeus, Thessaloniki, Patras, Larissa, Volos, Heraklion, Rhodes, Chania and Ioannina ".

**5. The service of a judicial officer in a court or prosecutor in whose district he is appointed as a lawyer spouse or relative up to the second degree.
"This obstacle does not apply to the courts of the cities of Athens, Piraeus and Thessaloniki."**