



Mechanism for International Criminal Tribunals

MICT/14

11 May 2015

Original:
English & French

Extraordinary Plenary Session
The Hague
The Netherlands
11 May 2015

CODE OF PROFESSIONAL CONDUCT
FOR THE JUDGES OF THE MECHANISM

(MICT/14)

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Preamble

The judges of the International Residual Mechanism for Criminal Tribunals (“Mechanism”);

Recalling that judges shall be persons of high moral character, impartiality, and integrity as required by Article 9(1) of the Statute of the Mechanism (“Statute”);

Noting the solemn declaration required by Rule 17 of the Rules of Procedure and Evidence of the Mechanism (“Rules”);

Recognizing that the independence and impartiality of judges is fundamental to ensuring public confidence in a fair and transparent international judicial process;

Recognizing that judges are members of a collegial body, with each judge pursuing the same objective of ensuring the achievement of international criminal justice;

Having regard to the United Nations Basic Principles on the Independence of the Judiciary (1985) and other international and national rules and standards relating to judicial conduct and the right to a fair trial;

Mindful that the Mechanism shall continue the material, territorial, temporal and personal jurisdiction of the International Criminal Tribunal for the former Yugoslavia and the International Criminal Tribunal for Rwanda;

Considering that the principles set forth in this Code shall contribute to judicial independence, impartiality and transparency of the judicial process and shall enhance the public confidence in the Mechanism;

Have agreed as follows:

Article 1. Adoption of the Code

This Code has been adopted by the judges pursuant to Rule 26 of the Rules and shall be read subject to the Statute and the Rules.

Article 2. Independence

1. In the exercise of their judicial functions, judges shall be independent of all external authority or influence.
2. Judges shall not engage in any activity which is likely to interfere with their judicial functions or to affect confidence in their independence.

Article 3. Impartiality

1. Judges shall be impartial and ensure the appearance of impartiality in the discharge of their judicial functions.
2. Judges shall avoid any conflict of interest as well as situations which might reasonably be perceived as giving rise to a conflict of interest.

Article 4. Integrity

1. Judges shall conduct themselves with probity and integrity in accordance with their judicial office, thereby enhancing public confidence in the judiciary.
2. Judges shall not directly or indirectly accept, offer, or provide any gift, advantage, privilege or reward that can reasonably be perceived as being intended to influence the performance of their judicial functions or the independence of their office.
3. Judges shall treat other judges and staff members with dignity and respect, and shall not engage in any form of discrimination, harassment, including sexual harassment, and abuse of authority.

Article 5. Confidentiality

Judges shall respect the confidentiality of consultations which relate to their judicial functions, the secrecy of deliberations, and the confidentiality of information acquired in the course of their duties, other than in public proceedings.

Article 6. Diligence

1. Judges shall give precedence to their judicial duties over all other activities.
2. Judges shall take reasonable steps to maintain and enhance their knowledge, skills and personal qualities necessary for judicial office.
3. Judges shall perform their judicial duties efficiently. These duties extend to the delivery of decisions fairly and with reasonable promptness.

Article 7. Conduct during proceedings

1. In conducting judicial proceedings, judges shall maintain order, act in accordance with commonly accepted decorum, remain attentive, patient, dignified, and courteous towards all participants and members of the public present and require them to act likewise.
2. Judges shall exercise vigilance in controlling the manner of questioning of witnesses, particularly when they are victims, in accordance with the Rules and give special attention to the right of participants to equal protection and benefit of the law.
3. Judges shall avoid conduct or comments which are racist, sexist or otherwise degrading and, to the extent possible, ensure that any person participating in the proceedings refrains from such comments or conduct.

Article 8. Public expression and association

1. Judges shall exercise their freedom of expression and association in a manner that is compatible with their office and that does not affect or appear to affect judicial independence or impartiality.
2. While judges are free to participate in public debate on matters pertaining to legal subjects, the judiciary or the administration of justice, they shall not comment on pending cases, shall ensure that nothing in their conduct evidences disrespect for the views of another judge or staff member, and shall avoid expressing views which may undermine the standing and integrity of the Mechanism.

Article 9. Other activities

Judges shall not engage in any activity that is incompatible with their judicial function or the efficient and timely functioning of the Mechanism, or that may affect or may reasonably appear to affect their independence or impartiality.

Article 10. Observance of the Code

1. Judges shall observe the principles embodied in this Code, which shall serve as guidelines on the essential ethical standards required of judges in the performance of their duties.
2. Nothing in this Code is intended in any way to limit or restrict the judicial independence of the judges.