

# CODE OF JUDICIAL ETHICS

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## Preamble

The judges of the International Criminal Court;

**Noting** the solemn undertaking required by article 45 of the Rome Statute of the International Criminal Court (the “Statute”) and rule 5 (1) (a) of the Rules of Procedure and Evidence (the “Rules”);

**Recalling** the principles concerning judicial independence, impartiality and proper conduct specified in the Statute and the Rules;

**Recognising** the need for guidelines of general application to contribute to judicial independence and impartiality and with a view to ensuring the legitimacy and effectiveness of the international judicial process;

**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;

**Mindful of** the international character of the Court and the special challenges facing the judges of the Court in the performance of their responsibilities;

**Have agreed** as follows:

## **Article 1**

### **Adoption of the Code**

This Code has been adopted by the judges pursuant to regulation 126 and shall be read subject to the Statute, the Rules and the Regulations of the Court.

## **Article 2**

### **Use of terms**

In this Code of Judicial Ethics the terms “Court”, “Statute”, “Rules” and “Regulations” shall have the meaning attached to them in the Regulations of the Court.

## **Article 3**

### **Judicial independence**

1. Judges shall uphold the independence of their office and the authority of the Court and shall conduct themselves accordingly in carrying out their judicial functions.
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 4**

### **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, or being placed in a situation which might reasonably be perceived as giving rise to a conflict of interest.

## **Article 5**

### **Integrity**

1. Judges shall conduct themselves with probity and integrity in accordance with their office, thereby enhancing public confidence in the judiciary.
2. Judges shall not directly or indirectly accept any gift, advantage, privilege or reward that can reasonably be perceived as being intended to influence the performance of their judicial functions.

## **Article 6**

### **Confidentiality**

Judges shall respect the confidentiality of consultations which relate to their judicial functions and the secrecy of deliberations.

## **Article 7**

### **Diligence**

1. Judges shall act diligently in the exercise of their duties and shall devote their professional activities to those duties.
2. Judges shall take reasonable steps to maintain and enhance the knowledge, skills and personal qualities necessary for judicial office.
3. Judges shall perform all judicial duties properly and expeditiously.
4. Judges shall deliver their decisions and any other rulings without undue delay.

## **Article 8**

### **Conduct during proceedings**

1. In conducting judicial proceedings, judges shall maintain order, act in accordance with commonly accepted decorum, remain patient 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 or victims in accordance with the Rules and give special attention to the right of participants to the proceedings 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 9**

### **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 and shall avoid expressing views which may undermine the standing and integrity of the Court.

## **Article 10**

### **Extra-judicial activity**

1. Judges shall not engage in any extra-judicial activity that is incompatible with their judicial function or the efficient and timely functioning of the Court, or that may affect or may reasonably appear to affect their independence or impartiality.
2. Judges shall not exercise any political function.

## **Article 11**

### **Observance of the Code**

1. The principles embodied in this Code shall serve as guidelines on the essential ethical standards required of judges in the performance of their duties. They are advisory in nature and have the object of assisting judges with respect to ethical and professional issues with which they are confronted.
2. Nothing in this Code is intended in any way to limit or restrict the judicial independence of the judges.