

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 to amend the Code of Judicial Ethics as follows¹:

1 This Code of Judicial Ethics was initially adopted by the judges on 9 March 2005. It was amended by the judges on 19 January 2021, with the amendments entering into force upon its publication on the ICC website on 27 January 2021.

Article 1

Adoption of the Code

1. 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.
2. The Code shall be reviewed regularly and amended, as necessary.

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 decide matters before them on the basis of facts and in accordance with the law, without regard to any restrictions, improper influences, inducements, pressures, threats or interferences, direct or indirect, from any quarter or for any reason.
3. 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, restraint and integrity in accordance with their office, thereby enhancing public confidence in the judiciary. In interactions with States Parties, civil society, the diplomatic community and other stakeholders, judges will act with care and consideration to ensure the propriety of their communications in such context.
2. Judges shall treat fellow judges, Parties and participants, staff members and others with dignity and respect. Judges shall not engage in any form of discrimination, harassment, including sexual harassment, and abuse of authority.
3. Judges shall act at all times towards one another in a spirit of collegiality and professionalism.

4. 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.
5. Judges' obligation to act with probity and integrity extends to all aspects of their office, including their participation in decision-making to elect their fellow judges to positions of administrative responsibility, including in the Presidency of the Court and as Presidents of Division. Judges shall vote independent of any external influence and shall not be motivated by personal interests while participating in such elections. Candidates shall refrain from any action that might, in the context of the election, be reasonably perceived as an inappropriate promise, gift, advantage, privilege or reward of a personal nature. Any permitted electoral campaigning shall be in accordance with the principles and standards of this Code and focussed on the candidate's professional experience and attributes which qualify her or him for the office sought and/or plans for her or his term of office. All limitations on electoral campaigning established in the Guidelines on the Procedure for the Election of the Presidency must be respected, any violation of which shall be a violation of this Code.

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

Loyalty

Judges shall comply with their duty of loyalty towards the Court.

Article 9

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 10

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, including academic publications, 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. In commenting on decisions or judgements of the Court, judges should show at all times judicial restraint and be mindful of the principles set out in this Code.

Article 11

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 12

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 apply to the judges at all times, and continue to apply to former judges where relevant, for instance in respecting the secrecy of deliberations or maintaining confidentiality.
2. Nothing in this Code is intended in any way to limit or restrict the judicial independence of the judges.