

**The Burgh House Principles On The Independence Of  
The International Judiciary**

**The Study Group of the International Law Association on the Practice and Procedure of  
International Courts and Tribunals, in association with the Project on International Courts  
and Tribunals:**

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

to the United Nations

1.3 The court shall be free to determine the conditions for its internal administration, including staff recruitment policy, information systems and allocation of budgetary expenditure.

1.4 Deliberations of the court shall remain confidential.

**2. Nomination, election and appointment**

2.1 In accordance with the governing

## **5. Privileges and immunities**

5.1 Judges shall enjoy immunities equivalent to full diplomatic immunities, and in particular shall enjoy immunities from all claims arising from the exercise of their judicial function.

5.2 The court alone shall be competent to waive the immunity of judges; it should waive immunity in any case where, in its opinion, the immunity would impede the course of justice and can be waived without prejudice to the exercise of the judicial function.

5.3 Documents and papers of the court, judges and registry, in so far as they relate to the business of the court, shall be inviolable.

5.4 The state in which an international court has its seat shall take the necessary measures to protect the security of the judges and their families, and to protect them from adverse measures related to the exercise of their judicial function.

## **6. Budget**

States parties and

national or international court or other dispute settlement body which has considered the subject matter of the dispute.

9.2 Judges shall not serve in a case with the subject-matter of which they have had any other form of association that may affect or may reasonably appear to affect their independence or impartiality.

#### **10. Past links to a party**

Judges shall not sit in any case involving a party for whom they have served as agent, counsel, adviser, advocate or expert within the previous three years or such other period as the court may establish within its rules; or with whom they have had any other significant professional or personal link within the previous three years or such other period as the court may establish within its rules.

#### **11. Interest in the outcome of a case**

11.1 Judges shall not sit in any case in the outcome of which they hold any material personal, professional or financial interest.

11.2 Judges shall not sit in any case in the outcome of which other persons or entities closely related to them hold a material personal, professional or financial interest.

11.3 Judges must not accept any undisclosed payment from a party to the proceedings or any payment whatsoever on account of the judge's participation in the proceedings.

#### **12. Contacts with a party**

12.1 Judges shall exercise appropriate caution in their personal contacts with parties, agents, counsel, advocates, advisers and other persons and entities associated with a pending case. Any such contacts should be conducted in a manner that is compatible with their judicial function and that may not affect or reasonably appear to affect their independence and impartiality.

12.2 Judges shall discourage communications from parties, and except as provided by the rules of the court such communications shall be disclosed to the court and the other party.

#### **13. Post-service limitations**

13.1 Judges shall not seek or accept, while they are in office, any future employment, appointment or benefit, from a party to a case on which they sat or from any entity related to such a party, that may affect or may reasonably appear to affect their independence or impartiality.

13.2 Former judges shall not, except as permit.24 0 ,774 Q q 0.24 0 0 -0.24 18 7bcome

13.4 Former judges should exercise appropriate caution as regards the acceptance of any employment, appointment or benefit, in particular from a party to a case on which they sat or from any entity related to such a party

**14. Disclosure**

14.1 Judges shall

**International Law Association Study Group**

Rosalyn Higgins, Judge, International Court of Justice

Francis Jacobs, Advocate General, Court of Justice of the European Communities

Jonathan Mance, Lord Justice, Court of Appeal

Thomas Mensah, Judge, International Tribunal for the Law of the Sea

Eduardo Valencia-Ospina, Consultant, Frere Cholmeley Eversheds, former Registrar, International Court of Justice

Fausto Pocar, Judge, International Criminal Tribunal for the Former Yugoslavia

Nina Vajic, Judge, European Court of Human Rights

### **Observers**

Alfred H. Soons, Director of Studies, International Law Association; Professor of International Law, Netherlands Institute for the Law of the Sea, University of Utrecht

Ian Seiderman, International Commission of Jurists

### **Secretaries**

Ruth Mackenzie, Principal Research Fellow and Assistant Director, Centre for International Courts and Tribunals, Faculty of Laws, University College London

Yuval Shany, Senior Lecturer in Law, College of Management Academic Studies, Israel

### **Project on International Courts and Tribunals (PICT)**

Cesare Romano, Assistant Director

Jessica Almqvist, Research Fellow

Thordis Ingadottir, Associate

Noemi Byrd, Administrator (2001-2003)

Kate Barber, Administrator (2003-2004)

Nathan Miller, Furman Research Fellow, PICT (2001-2002)