

## Enclosure VII

### **Code of professional conduct for the judges of the Tribunal, adopted on 6 July 2016**

#### **Preamble**

The judges of the International Criminal Tribunal for the former Yugoslavia (“Tribunal”);

*Recalling* that judges shall be persons of high moral character, impartiality, and integrity as required by Article 13 of the Statute of the Tribunal (“Statute”);

*Noting* the solemn declaration required by Rule 14 of the Rules of Procedure and Evidence of the Tribunal (“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;

*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 Tribunal;

Have agreed as follows:

#### **Article 1. Adoption of the Code**

This Code has been adopted by the judges pursuant to Rule 24 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.

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