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Integrity in International Justice

Morten Bergsmo and Viviane E. Dittrich (editors)



E-Offprint:

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Front cover: Sir Thomas More (1478-1535) painted by the German artist Hans Holbein the Younger (1497-1543) in the late 1520s. Sir Thomas More is discussed extensively in this book as a symbol of integrity in justice.

FOREWORD BY HANS CORELL

This book is the fruit of a remarkably interesting seminar on integrity in international justice, co-organised by the Centre for International Law Research and Policy and the International Nuremberg Principles Academy on 1-2 December 2018 in the Peace Palace in The Hague. In the seminar the participants delivered addresses that were to be developed in light of the discussions and published for the benefit of a wider audience. In the process of editing these contributions the editors received additional articles. This means that the book is now an impressive anthology that will serve as a helpful reference book for judges, prosecutors, defence counsel, registrars and other staff members of different kinds in international courts in the coming years.

The book will also be of great importance for international organisations in general. A question that often comes to my mind is: why is it so difficult to transfer wisdom from one generation to another? The book is an important source of inspiration to facilitate the spreading of knowledge from the past and from different religions and cultures. It contains valuable lessons from ancient Greece and the Roman Empire via Thomas More's focus on the need for continuous learning in integrity to contributions from individuals with personal experience from present day international courts and organisations. No doubt, the anthology will broaden the readers' perspectives.

The anthology also points to a central aspect in the process, namely the importance of leading by example. One thing that I never forget from the time when I served as a judge in my own country – see Chapter 5 on the Dag Hammarskjöld Legacy – is the seriousness with which the senior judges in the courts where I served carried out their daily duties. That taught me a lesson for life. It became a lodestar for me in all my future functions.

The book should also stimulate discussions that may lead to new or improved codes of conduct or rules on ethics and perhaps innovative mechanisms to ensure respect for the integrity standards. The analyses in Part IV will be of assistance here. And, hopefully, states will realise the great importance of giving appropriate weight to the integrity criterion

when filling positions in international courts. Another indispensable criterion here, especially with respect to criminal courts, is courtroom experience.

This brings to the forefront the methods of staff recruitment in general in international courts and other international organizations. The importance of identifying individuals with the right qualifications and competences cannot be stressed enough. Ultimately, this will influence the institutional integrity of the organization.

An additional advantage, resulting from the fact that the chapters of the book will be freely available on the web in digital form, is that it should be of great assistance in raising the awareness of the importance of integrity in the courts at the national level. Therefore, national judges' associations, prosecutors' associations and bar associations should be made aware of the book. This will also put them in a position to inform their members of the same and to draw particular attention to and disseminate chapters that are of special relevance to their profession and to their country. Another obvious addressee at the national level is academia.

The articles in the book also make clear the connexion between Sustainable Development Goal 16 on equal justice for all with its targets focusing on the need for the rule of law and anti-corruption and the need for implementing this goal also at the international level. In this context the responsibility that politicians have should be highlighted. Whether they serve in the executive or the legislative branch they should find guidance in the book.

Finally, all readers of the book will no doubt ask themselves what lessons they can learn from its contents and come to the conclusion that it may influence their understanding and provide guidance in their daily activities. Against this background the book should be a must-read in wide circles both at the national and international level.

Ambassador (ret.) Hans Corell
*Former Under-Secretary-General for Legal Affairs and
the Legal Counsel of the United Nations*

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Integrity in International Justice

Morten Bergsmo and Viviane E. Dittrich (editors)

This is the first book to comprehensively analyse integrity in international justice. Thirty-three chapters discuss in-depth the meaning of integrity, awareness and culture of integrity, the roles of international organizations and states as well as international courts in enhancing integrity, integrity as seen through the lens of cases, and the relationship between the principles of independence and integrity. The book considers integrity as a legally binding standard in international courts, while including perspectives from other disciplines such as philosophy, history, psychology and religion. It argues that respect for integrity among high officials and staff members is a prerequisite for international courts and other international organizations to fulfil their mandates.

The authors include the prominent judges Hans Corell, Richard J. Goldstone, Hanne Sophie Greve, Ivana Hrdličková, Erik Møse and David Re, and 37 other leading actors and experts in the field of international justice: Adedeji Adegunle, Jonathan Agar, Marina Aksenova, Antonio Angotti, Mohamed Badar, Morten Bergsmo, Vieri Biondi, Julija Bogoeva, Emiliano J. Buis, Andrew T. Cayley CMG QC, Dieneke T. de Vos, Viviane E. Dittrich, David Donat Cattin, Gunnar Ekeløve-Slydal, Polona Florijančič, Jan Fougner, Shannon Fyfe, Gregory S. Gordon, Alexander Heinze, Marta Hirsch-Ziembinska, Brigid Inder OBE, Karim A.A. Khan, Cyril Laucci, Adel Maged, Teresa McHenry, Suhail Mohammed, Salim A. Nakhjavani, Juan Carlos Botero Navia, Matthias Neuner, Shan Patel, Adrian M. Plevin, Basil Saen, Bettina Julia Spilker, Christopher Staker, Ann Marie Ursini, Melissa Verpile and William H. Wiley.

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