

# **Paris Declaration on the Effectiveness of International Criminal Justice**

**Paris – 16 October 2017**

**The representatives of international criminal courts and tribunals meeting at the French National School for the Judiciary in Paris on 16 October 2017,**

**Recalling** that victims of serious violations of human rights and humanitarian law have a right to obtain justice and redress in a timely manner for the harms suffered;

**Emphasizing** the paramount importance of safeguarding the rights of suspects and accused;

**Mindful** that, in compliance with their founding texts, specific procedures should be devised and practices developed to cater to the complexity of the crimes these courts and tribunals must adjudicate;

**Cognizant** that while international courts and tribunals must be provided with the necessary resources to fulfil their mandate, they must also be accountable;

**Stressing** that the expeditiousness of proceedings is an integral component of a fair trial and is at the heart of a good administration of justice;

**Declare** that the following recommendations are conducive to making the conduct of the proceedings before international criminal courts and tribunals more expeditious and effective:

## Preliminaries

1. Call upon each Judge, regardless of his or her legal system of origin, to apply the normative framework governing the court or tribunal of which he or she is a member;
2. Recall that, without prejudice to their respective responsibilities, there is a genuine interdependency between each organ of the court or tribunal, as well as between the Presidency and the Judges and Presiding Judges, which should be capitalized upon through dialogue in order to improve the expeditiousness and effectiveness of proceedings;
3. Ensure regular and ongoing communication between the Judges concerning professional practices, in a manner consistent with their independence;

## Predictability

4. Call upon Judges, upon assignment to a case, to thoroughly prepare and maintain in-depth knowledge of the circumstances of the case, including by developing of common and pertinent methods of familiarization with and analysis of the alleged facts and issues in dispute;
5. Ensure that each procedural phase of the proceedings serves its own purpose and avoids duplication to the extent possible;
6. Devise, at the earliest possible opportunity and in consultation with the Parties, a realistic work plan for the pre-trial, trial and appellate phases, taking into account the specific features of each case and which may be modified if necessary;

## Expediency

7. Encourage Presiding Judges, in addition to their purely judicial activities, to fulfil their managerial role in preparation of any hearing and in the conduct of proceedings;
8. Support the implementation of provisions entrusting the pre-trial and pre-appeal case management to a Single Judge, with the obligation for the latter to discuss with and report regularly to the other Judges composing the Chamber;
9. Encourage the Parties, and particularly the Prosecutor, to ensure that documents and supporting materials are disclosed or submitted in a manner that facilitates their consideration and analysis;

- 10.** Strive to reduce the duration of proceedings, in particular by setting deadlines for the disclosure of materials and the filing of written submissions;
- 11.** Strive to reduce the time spent on the final deliberations as well as the time spent writing judgments by setting indicative deadlines;
- 12.** Encourage Presiding Judges, Pre-Trial Judges and Pre-Appeal Judges to play an active role prior to the opening of the case and during the course of the proceedings, in close consultation with the Parties, to continuously determine the number of witnesses to be heard, the modalities of hearings, and the time required for the presentation of evidence;
- 13.** Encourage Pre-Trial Judges to determine all preliminary and interlocutory issues raised at that stage unless the issue is one which ought plainly to be left for determination by the Trial Chamber;
- 14.** Encourage, where appropriate, the use of procedures which allow for the presentation of witness evidence or portions of such evidence in written form, with the opportunity to examine and cross-examine the witness if required;
- 15.** Encourage the use of oral decisions to rule on applications, as appropriate;
- 16.** Encourage the development of professional practices whereby Chambers Legal Officers start drafting, on a provisional basis and at the earliest opportunity, those parts of a draft judgment which are unlikely to undergo significant changes;
- 17.** Consider more streamlined cross-examination procedures that are better suited to individual witnesses, consistent with the rights of the Parties;
- 18.** Promote the practice of provisional but continuing deliberations after the testimony of each witness, rather than postponing all deliberations until the final stage;
- 19.** Simplify the drafting of written decisions by referring to the arguments developed by the Parties in their written submissions without necessarily summarizing them in the body of the decision;
- 20.** Recommend to the Parties, wherever possible, to make use of procedures for recording points of agreements on matters of law, and fact and to favour the taking of judicial notice of facts of common knowledge;

- 21.** Continue reflecting upon the practice of totally or partially postponing to the deliberation stage the assessment of the admissibility of the evidence presented;
- 22.** Promote, in keeping with the respective responsibilities of those involved in the trial, a dignified and constructive atmosphere for the hearings;
- 23.** Develop technical tools tailored to the mandate of each court or tribunal that can facilitate and optimize the conduct of proceedings;
- 24.** Develop regularly updated databases of jurisprudence;
- 25.** Consider the use of innovative measures to allow for the gathering of evidence under judicial supervision at the pre-trial stage, including expanded use of provisions such as the unique investigative opportunities regime;

## Governance

- 26.** Adopt codes of conduct for Judges, in line with international standards and drawing inspiration from national practices in this area;
- 27.** Establish suitable disciplinary mechanisms in order to ensure that adopted codes of conduct are respected and to guarantee impartiality, the appearance of impartiality and the dignity of the disciplinary process. As far as possible use investigative bodies which are external to the relevant court or tribunal and entrust decision making to a separate panel of the Assembly of the Judges of the court or tribunal. Consideration could be given to establishing an investigative and decision-making body common to all international criminal courts and tribunals;
- 28.** Encourage standardized collection of statistical data between international criminal courts and tribunals to identify possible common challenges and foster the dissemination of best practices;
- 29.** Reflect on the identification of indicators aimed at optimizing the work of international criminal courts and tribunals and making it more transparent, in order to benefit from qualitative information capable of enhancing procedures and practices;
- 30.** Ensure that audit teams are staffed with professionals who possess in-depth knowledge and expertise relating to the operation of the organs of international courts and tribunals and their work, and reflect upon the creation of a common international audit body;
- 31.** Promote the continuous education of Judges and Legal Officers, including through partnerships with national academies for the training of Judges.

The representatives of international criminal courts and tribunals:

*With Mr Bruno COTTE, Former President of the International Criminal Court's Trial Chamber (France), moderator*

1. Mr Carmel AGIUS, President of the International Criminal Tribunal for the former Yugoslavia (Malta)
2. Ms. Joyce ALUOCH, First Vice-President of the International Criminal Court (Kenya)
3. Lord Iain BONOMY, Former judge of the International Criminal Tribunal for the former Yugoslavia (Scotland)
4. Mr Chang Ho CHUNG, Judge of the International Criminal Court (Republic of Korea)
5. Ms. Silvia FERNANDEZ DE GURMENDI, President of the International Criminal Court (Argentina)
6. Ms. Ivana HRDLICKOVA, President of the Special Tribunal for Lebanon (Czech Republic)
7. Ms. Kuniko OZAKI, Second Vice-President of the International Criminal Court (Japan)
8. Mr Raoul Cano PANGALANGAN, Judge of the International Criminal Court (Philippines)
9. Mr Marc PERRIN DE BRICHAMBAUT, Judge of the International Criminal Court (France)
10. Ms. Michèle PICARD, Appointed to the Roster of International Judges for the Kosovo Specialist Chambers ; Former Judge at the International Criminal Tribunal for the former Yugoslavia (France)
11. Mr Bertram SCHMITT, Judge of the International Criminal Court (Germany)
12. Ms. Ekaterina TRENDAFILOVA, President of the Kosovo Specialist Chambers (Bulgaria)

In presence of:

13. Mr Olivier LEURENT, Director of the French National School for the Judiciary; Former Presiding judge of the *Cour d'Assises* (France)
14. Mr Gberdao Gustave KAM, Chargé de missions at the Ministry of Justice of Burkina Faso; President of the Extraordinary African Chambers (Burkina Faso)
15. Ms. Catherine MARCHI-UHEL, Head of the International, Impartial and Independent Mechanism for Syria; Former judge of the Pre-trial Chamber of the Extraordinary Chambers in the Courts of Cambodia (France)
16. Mr Larry D. JOHNSON, Former Chef de cabinet, Office of the President of the International Criminal Tribunal for the former Yugoslavia; Former United Nations

- Assistant-Secretary-General for Legal Affairs (Deputy Legal Counsel of the United Nations) (United States)
17. Ms. Ana PEYRO LLOPIS, Senior Legal Officer, Office of the Legal Counsel, United Nations Organization (Spain)
  18. Ms. Kim PROST, Chef de Cabinet, Office of the President of the International Criminal Court (Canada)
  19. Mr Nicolas GUILLOU, Chef de cabinet, Office of the President of the Special Tribunal for Lebanon (France)
  20. Mr Simon MEISENBERG, Chef de cabinet, Office of the President of the Kosovo Specialist Chambers (Germany)
  21. Ms. Ana Cristina RODRIGUEZ PINEDA, Chef de Cabinet, Office of the President of the International Criminal Tribunal for the former Yugoslavia (Guatemala)
  22. Ms. Amanda MOLESWORTH, Legal Officer and Deputy Chef de Cabinet, Office of the President – International Criminal Tribunal for the former Yugoslavia (Australia)
  23. Ms. Laetitia HUSSON, Legal Officer, Appeals Chamber, Office of the President Special Tribunal for Lebanon (France)
  24. Ms. Vera JONES, Associate Legal Officer - Office of the President - International Criminal Tribunal for the former Yugoslavia (Germany)
  25. Mr Adrian PLEVIN, Legal Officer, Appeals Chamber, Office of the President of the Special Tribunal for Lebanon (Australia)

*And*

26. Mr Elie RENARD, Deputy Director of the French National School for the Judiciary (France)
27. Mr Benoît CHAMOUARD, Assistant Director of the French National School for the Judiciary, Head of the International department (France)
28. Ms. Marie COMPERE, Chargé de mission, member of the judiciary, International department of the French National School for the Judiciary (France)
29. Ms. Estelle CROS, Training coordinator, International context of justice Division, French National School for the Judiciary (France)
30. Ms. Aurélie BELLON, Chargée de mission, International department, French National School for the Judiciary (France)
31. M. Joël HUBRECHT, Institut des Hautes Etudes sur la Justice (France)
32. Ms. Lara DANGUY DES DESERTS, Chargée de missions for international criminal justice, Office of the Director for Legal Affairs, Ministry of Europe and Foreign Affairs (France).