



## **Code of Judicial Ethics**

### **Preamble**

The Judges of the Extraordinary Chambers in the Courts of Cambodia;

**Considering** the Agreement between the United Nations and the Royal Government of Cambodia Concerning the Prosecution under Cambodian law of Crimes committed during the Period of Democratic Kampuchea, signed on 6 June 2003;

**Considering** the Law on the Establishment of the Extraordinary Chambers in the Courts of Cambodia with inclusion of the amendments as promulgated on 27 October 2004;

**Considering** the Cambodian Code of Ethics approved by the Supreme Council of Magistracy on 5 February 2007;

**Having regard** to the United Nations Basic Principles on the Independence of the Judiciary (1985);

**Considering** the hybrid character of the Extraordinary Chambers in the Courts of Cambodia and the need to adopt a code of ethics applying to both Cambodian and international judges, and incorporating both national and international norms;

**Have agreed** as follows:

### **Article 1. Judicial independence**

1. Judges shall uphold the independence of their office and the authority of the Extraordinary Chambers in the Courts of Cambodia (hereinafter referred to as ECCC) and shall conduct themselves accordingly in carrying out their judicial functions.
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 2. 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 3. Integrity**

(Amended on 5 September 2008)

1. Judges shall conduct themselves with probity and integrity in accordance with their 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.

### **Article 4. Confidentiality**

Judges shall respect the confidentiality of information obtained in the discharge of their judicial functions and the secrecy of deliberations.

### **Article 5. 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 without undue delay.

### **Article 6. 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 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 7. 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, 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 ECCC.

### **Article 8. 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 ECCC, or that may affect or may reasonably appear to affect their independence or impartiality.
2. Judges shall not exercise any political function.

### **Article 9. 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.
2. Nothing in this Code is intended in any way to limit or restrict the judicial independence of the judges.

*Adopted at the Plenary Session of the Extraordinary Chambers in the Courts of Cambodia on 31 January 2008, and amended at the Plenary Session of the Extraordinary Chambers in the Courts of Cambodia on 5 September 2008.*