

# MEDEL

After the International Court of Justice of The Hague, competent to resolve matters of international law disputed by state governments, the international organisations set up successively:

- The Court of Justice of the European Communities
- The European Court of Human Rights
- The International Criminal Tribunal for former Yugoslavia
- The International Criminal Tribunal for Rwanda
- The International Criminal Court

Within the framework of its peace keeping missions, UN appointed international judges to sit in local courts in Kosovo then in Sierra - Leone. An identical process is under way in Bosnia-Herzegovina for organised crime cases and in the future for cases from ICTY.

Discussions are under way since several years between UN and Cambodia for the constitution of a court including international judges for the judgement of Khmers Rouges.

These permanent courts, these ad hoc courts or these international participation in national justices have a common point: the choice of the concerned judges is made by the national governments

The governments directly choose judges of the Court of Justice of the European Communities or the ECHR and choose also the candidates whom they propose to the election for ICTY, ICTR and the ICC. The international judges appointed by UN in national courts are proposed by the governments either selected by UN in an opaque way.

The Treaty establishing the European Union is dumb on the requirement of the independence of the Court of Justice, which is mentioned only for the Audit Office of the Union. The European Convention, which prepares a redefining of institutions with the aim of the extension of the Union, does not worry either the independence of the Court of Justice or the conditions of appointment of the judges.

However, independence of the international courts is widely related to conditions in which the judges who compose them are appointed.

It is in particular the case when the mandate of these judges is renewable, that risks to condition their image of independence toward the political organs which could be involved in procedures before these international courts.

MEDEL, who participated in the elaboration of the European Charter on Statute for Judges, adopted by the Council of Europe in July 1999, asks emphatically that the judges composing international jurisdictions, whatever is the nature of it, are appointed by the independent authority (High Council for the Judiciary or other independent body) in charge in every country of the selection and the appointment of judges.

Ignazio Juan Patrone, President of MEDEL  
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