

TOP JUDGES DISCUSS TERRORISM AND CORRUPTION

THE 11TH ANNUAL INTERNATIONAL JUDICIAL CONFERENCE

by Glen Fullmer



One hundred and thirty senior judges from supreme, constitutional and commercial courts from 70 countries convened in Washington, D.C., on May 21-23 for the 11th annual International Judicial Conference. The conference, sponsored by The Center for Democracy, the Furth Family Foundation and IFES, with the

cooperation of the Council of Europe, focused on the international judicial response to terrorism and corruption.

The annual event enables senior judges from around the world to share perspectives and solutions to the many common challenges they face. Several senior U.S. judges participated, including U.S. Supreme Court Justice Anthony Kennedy, who spoke on "Accountability and Transparency: The Struggle against Corruption in the Judiciary." Justice Sandra Day O'Connor hosted a reception at the Supreme Court on the final evening of the conference.

In opening remarks, conference Chairman Frederick Furth, who is also the chairman of the Furth Family Foundation, said, "When we met 12 years ago in Strasbourg to map out the conference, some 15 new republics were emerging from under Soviet rule, and we hoped that a collegium, an understanding, a sense of not being alone would develop."

Dr. Allen Weinstein, President of The Center for Democracy, noted that the conference had begun as a transatlantic conference but has become a global conference, reflecting the fact that we are living in "an historic moment."

"Not since 1940-45 has the world experienced another period of such intensive activity in setting the fundamental rules of international order," he said. "The key to success is to engage each other in direct dialogue."

In a panel on the judicial response to terrorism, U.S. Federal Judge Eugene Sullivan sparked a lively debate with his presentation on the military tribunals that President Bush has created by executive order to try non-U.S. citizens accused of terrorism. Several judges expressed concerns about the adherence to due process and the international

reach of these tribunals. Ultimately, said Judge Sullivan, the "test will be whether they are perceived to be administering justice."


In his presentation on fighting corruption in the judiciary, Justice Kennedy stressed the need for a well-defined judicial career with adequate salaries and clear procedures for training, appointing, promoting and disciplining judges. He also spoke of the importance of public and media access to court proceedings to ensure judicial accountability, leading to a lengthy dialogue on how courts in various countries handle media relations, including the presence of TV cameras in the court room and the pressure on judges to make public comments on politically sensitive cases.

The conference for the first time featured a sizeable representation of Latin American judges, including President Carlos Larios of the Supreme Court of Guatemala. President Larios spoke of the struggle against judicial corruption in his country, noting that fraud can be very subtle and sophisticated, and is rarely in the form of outright bribery. Factors include the fear of reprisals, complex mechanisms for making complaints, the lack of a well-defined judicial career and low salaries for judges, he said.



Many of these factors are addressed in *Guidance for Promoting Judicial Independence and Impartiality*, a handbook published jointly by IFES and USAID in 2002. Gail Lecce of USAID's Office of Democracy and Governance reviewed the

comprehensive approach outlined in this publication, which was compiled from detailed surveys of best practices around the world. A consensus seemed to emerge that the principles underlying judicial independence had been sufficiently defined and debated, and that now the challenge was to implement them.

"In the Philippines all of these values are already incorporated in our action plan for judicial reform," said Philippine Supreme Court Justice Hilario Davide after the presentation. "Especially in the Asia Pacific region, a follow-on and follow through is very necessary, not just on the principles, but now really on the dynamics of the program." 

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