

INTERNATIONAL MONETARY FUND ADMINISTRATIVE TRIBUNAL

Code of Judicial Conduct

(Adopted March 6, 2012; amended April 17, 2012; amended December 13, 2021.)

This Code of Judicial Conduct is intended to establish standards for the ethical conduct of the members (“Judges”) of the International Monetary Fund Administrative Tribunal (“Tribunal”). It is designed to provide guidance to Judges and to assist staff and management of the International Monetary Fund (“Fund”) to better understand and support the work of the Tribunal. In adopting this Code, the Tribunal has noted that the Fund has adopted, amongst other things, a Code of Conduct for Staff and a Code of Conduct for Members of the Executive Board. The provisions of this Code are subject to the Statute and Rules of Procedure of the Administrative Tribunal.

INDEPENDENCE¹

1. Judges shall act independently in the performance of their duties. They shall take all reasonable steps to ensure that no one interferes directly or indirectly with the work of the Tribunal.

IMPARTIALITY

1. Judges shall act at all times with impartiality and shall adjudicate matters without favor or bias.
2. Judges shall ensure that their conduct at all times maintains the confidence of all in the impartiality of the Tribunal and avoid situations that might give rise to the reasonable perception of favoritism or partiality.

¹ Article VIII of the Statute of the International Monetary Fund Administrative Tribunal (the “Statute”) provides: “The members of the Tribunal shall be completely independent in the exercise of their duties; they shall not receive any instructions or be subject to any constraint.” Article VII, Section 1.c. of the Statute provides: “The members shall have no prior or present employment relationship with the Fund” *See also* the consolidated Commentary on the Statute, which comprises the “Report of the Executive Board to the Board of Governors on the Establishment of an Administrative Tribunal for the International Monetary Fund” (1992) and the “Reports of the Executive Board to the Board of Governors on Amendments to the Statute of the Administrative Tribunal for the International Monetary Fund” (2009 and 2020).

3. Judges shall take care that any public expression of personal views or convictions does not compromise, or appear to compromise, the performance of judicial duties or the interests of the Tribunal.
4. A Judge who has an actual, potential or perceived conflict of interest in a case shall recuse himself or herself. In exercising the authority pursuant to Article VII, Section 4 of the Statute to designate panels to take decisions in a case, the President may take account of circumstances that, in the President's view, make a Judge's participation seem inappropriate, including circumstances the President considers would raise in the mind of a reasonable observer an actual, potential or perceived conflict of interest. The Tribunal shall provide a fair process for considering whether an actual, potential or perceived conflict of interest exists requiring recusal of a member of the Tribunal, in circumstances where the relevant member disputes that such a conflict of interest exists.²
5. Judges must not directly or indirectly negotiate or accept any remuneration, income, compensation, gift, advantage or privilege that can be reasonably perceived as a reward or likely to influence them in favor of a particular party.
6. A Judge shall not initiate, permit or consider ex parte communications concerning a pending matter.
7. Judges shall not use or lend the prestige of judicial office to advance the private interests of the Judge, a member of the Judge's family or anyone else.

INTEGRITY

1. Judges must be of high moral character and act honorably and in accordance with the principles set out in this Code.
2. Judges must uphold the law and shall ensure that they observe local laws so as not to be perceived as abusing the privileges and immunities conferred on the Fund and its officers.

PROPRIETY

1. Judges shall act tactfully and with reserve in a manner that is consistent with their status as Judges of the Tribunal.
2. Judges shall refrain from participating in any activity that is in conflict with the interests of the Tribunal or would damage the Tribunal's reputation.
3. Save in the discharge of the duties of judicial office, Judges must not comment publicly on the merits of any matter pending before the Tribunal.
4. Judges must observe the rule that deliberations of the Tribunal are confidential.³
5. Judges must respect and safeguard the confidentiality of information which is made known to them as a result of the performance of their official duties.

² See Rule V (Recusal) of the Tribunal's Rules of Procedure (amended 2021). See also Article VII, Section 3 of the Tribunal's Statute; and Commentary on the Statute, p. 29.

³ See Article XIII, Section 4 of the Tribunal's Statute which provides: "The deliberations of the Tribunal shall be confidential."

6. Judges should treat colleagues, Registry personnel and parties before the Tribunal with courtesy and respect, without harassment or physical or verbal abuse.
7. Judges are expected to act with tolerance, sensitivity, respect and impartiality towards all, and not treat anyone in a discriminatory manner.
8. When conducting oral hearings, Judges have a duty to act courteously to legal representatives, parties, witnesses, Registry personnel, judicial colleagues and others, and require all participating in the hearing similarly to act in a courteous manner.

COMPETENCE AND DILIGENCE

1. Judges must perform all assigned judicial duties diligently and dispose of judicial work promptly in a professional manner.
2. Judges must respect, and comply with, the reasonable administrative requests of the President of the Tribunal.
3. Judges should inform the President of the Tribunal should they suffer from an illness or other circumstances that might impair their ability to perform their judicial duties.
4. Judges must take reasonable steps to maintain the necessary level of professional competence and remain informed about developments in international administrative law.

Catherine M. O’Regan, President

Catherine M. O’Regan, President

Andrés Rigo Sureda, Judge

Andrés Rigo Sureda, Judge

Jan Paulsson, Judge

Edith Brown Weiss, Judge

Edith Brown Weiss, Judge

Nassib G. Ziadé, Judge

Francisco Orrego Vicuña, Judge

Deborah Thomas-Felix, Judge

_____/s/_____
Catherine M. O’Regan, President

_____/s/_____
Catherine M. O’Regan, President

_____/s/_____
Celia Goldman, Registrar

_____/s/_____
Celia Goldman, Registrar

Washington, D.C.

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Adopted March 6, 2012

Amended December 13, 2021

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