

## Contents

|  |     |
|--|-----|
| Contributors   | xi  |
| Acknowledgements   | xiv |
| Preface<br><i>Huguette Labelle</i>   | xvi |
| Foreword<br><i>Kamal Hossain</i>   | xix |
| Executive summary: key judicial corruption problems<br><i>Transparency International</i>     | xxi |
| <br><b>Part one: Comparative analysis of judicial corruption</b>                             |     |
| <b>1 Introducing the problem</b>   |     |
| Corruption within the judiciary: causes and remedies<br><i>Mary Noel Pepys</i>               | 3   |
| How prevalent is bribery in the judicial sector?<br><i>Transparency International</i>        | 11  |
| <b>2 Independence, political interference and corruption</b>                                 |     |
| Judicial independence and corruption<br><i>Susan Rose-Ackerman</i>                           | 15  |
| Economic growth, certainty in the law and judicial independence<br><i>Stefan Voigt</i>       | 24  |
| Judicial elections in the United States: is corruption an issue?<br><i>Roy A. Schotland</i>  | 26  |
| Combating corruption and political influence in Russia's court system<br><i>Tom Blass</i>    | 31  |
| Corrupt judges and land rights in Zimbabwe<br><i>Gugulethu Moyo</i>                          | 35  |
| <b>3 Accountability and competence of judges</b>   |     |
| Judicial integrity: the accountability gap and the Bangalore Principles<br><i>Greg Mayne</i> | 40  |

vi **Contents**

---

|          |   |     |
|----------|---|-----|
|          | Corruption, accountability and the discipline of judges in Latin America<br><i>Emilio J. Cárdenas and Héctor M. Chayer</i>    | 44  |
|          | The professionalism of judges: education, salaries and career structure in Asia<br><i>Vincent Yang and Linda Ehrichs</i>      | 48  |
|          | Professional qualifications of the judiciary in Italy, France and Germany<br><i>Carlo Guarnieri</i>                           | 56  |
|          | The international dimensions of judicial accountability<br><i>Zora Ledergerber, Gretta Fenner and Mark Pieth</i>              | 62  |
| <b>4</b> | <b>The broader justice system</b>   |     |
|          | Judicial corruption and the broader justice system<br><i>Edgardo Buscaglia</i>  | 67  |
|          | Mexico: the traffickers' judges<br><i>Jorge Fernández Menéndez</i>  | 77  |
|          | Judicial corruption from the prosecution's perspective<br><i>Nicholas Cowdery AM QC</i>                                       | 79  |
|          | The investigating magistrate's loss of influence in France and the effects on the fight against corruption<br><i>Eva Joly</i> | 84  |
|          | Lesotho Highlands Water Project: corporate pressure on the prosecution and judiciary<br><i>Fiona Darroch</i>                  | 87  |
|          | Lawyers and corruption: a view from East and Southern Africa<br><i>Arnold Tsunga and Don Deya</i>                             | 92  |
| <b>5</b> | <b>Courts, culture and corruption</b>   |     |
|          | Judicial corruption in the context of legal culture<br><i>Marina Kurkchiyan</i>   | 99  |
|          | Culture and corruption in Italy<br><i>Gherardo Colombo</i>  | 107 |
|          | The media and judicial corruption<br><i>Geoffrey Robertson QC</i>   | 108 |
|          | Civil society's role in combating judicial corruption in Central America<br><i>Katya Salazar and Jacqueline de Gramont</i>    | 115 |
|          | Gender and corruption in the administration of justice<br><i>Celestine Nyamu-Musembi</i>                                      | 121 |

|   | Contents | vii |
|---|----------|-----|
| The 'other 90 per cent': how NGOs combat corruption in non-judicial justice systems<br><i>Stephen Golub</i> | 129      |     |
| <b>6 Lessons learned about fighting judicial corruption</b>   |          |     |
| Fighting judicial corruption: a comparative perspective from Latin America<br><i>Linn Hammergren</i>        | 138      |     |
| Sub-national reform efforts: the Lagos state experience<br><i>Oluyemi Osinbajo</i>                          | 146      |     |
| The rule of law and judicial corruption in China: half-way over the Great Wall<br><i>Keith Henderson</i>    | 151      |     |
| Assisting judicial reform: lessons from UNODC's experience<br><i>Fabrizio Sarrica and Oliver Stolpe</i>     | 159      |     |
| <br><b>Part two: Country reports on judicial corruption</b>   |          |     |
| <b>7 Country reports on judicial corruption</b>   |          |     |
| Introduction<br><i>Transparency International</i>   | 167      |     |
| Algeria's judiciary: from bad beginnings to an uncertain future<br><i>Fayçal Métaoui</i>                    | 171      |     |
| Azerbaijan's yawning gap between reforms on paper and in practice<br><i>Rena Safaraliev</i>                 | 175      |     |
| Bangladesh: justice in disarray<br><i>S. I. Laskar</i>  | 179      |     |
| Corruption in the judiciary of Cambodia<br><i>Samantha Ford and Theary C. Seng</i>                          | 183      |     |
| Chile's partial success<br><i>Davor Harasic</i>   | 187      |     |
| Increased transparency helps curb corruption in Costa Rica<br><i>Roxana Salazar and José Pablo Ramos</i>    | 190      |     |
| Croatia: still in transition<br><i>TI Croatia, Zagreb</i>   | 194      |     |
| Top-down control slows Czech judicial reform, despite EU impetus<br><i>Michal Štička</i>                    | 197      |     |

viii Contents

---

|  |     |
|--|-----|
| Egypt's judiciary flexes its muscles<br><i>Hossam Baghat</i>   | 201 |
| Georgia's accelerated anti-corruption reforms<br><i>Tamuna Karosanidze and Camrin Christensen</i>        | 205 |
| Computerised courts reduce delays in Ghana<br><i>Dominic Ayine, Mechthild Ruenger and Daniel Batidam</i> | 208 |
| Judicial corruption and the military legacy in Guatemala<br><i>Carlos Melgar Peña</i>                    | 211 |
| Indolence in India's judiciary<br><i>TI India, New Delhi</i>   | 214 |
| Israel's Supreme Court: still making up its own mind<br><i>Doron Navot</i>                               | 218 |
| 'Radical surgery' in Kenya's judiciary<br><i>TI Kenya, Nairobi</i>                                       | 221 |
| Judicial corruption and impunity in Mexico<br><i>Miguel Carbonell</i>                                    | 225 |
| Corruption within Mongolia's legal profession<br><i>TI Mongolia, Ulan Bator</i>                          | 228 |
| Royal power and judicial independence in Morocco<br><i>Transparency Maroc, Casablanca</i>                | 232 |
| Opportunity knocks for Nepal's flawed judiciary<br><i>Krishna Prasad Bhandar</i>                         | 236 |
| Separation of powers in Niger<br><i>Judge Djibo Abdoulaye</i>  | 239 |
| Pakistan: a tradition of judicial subservience<br><i>Jawaid A. Siddiqi</i>                               | 243 |
| War of attrition weakens Palestinian judiciary<br><i>AMAN</i>  | 248 |
| Control of judiciary ensures impunity for Panama's elite<br><i>Angélica Maytín Justiniani</i>            | 252 |
| Politics and nepotism plague Paraguay's courts<br><i>Transparencia Paraguay, Asunción</i>                | 255 |
| The Philippines: Towards significant judicial reform<br><i>Judge Dolores Español</i>                     | 258 |

|   | Contents   | ix |
|---|------------|----|
| Judicial reform in PNG in need of political will<br><i>TI Papua New Guinea, Port Moresby</i>  | 263        |    |
| Corruption and deficiencies in the Romanian justice system<br><i>Victor Alistar</i>   | 267        |    |
| Misappropriations mar South Africa's courts<br><i>Judith February</i>   | 270        |    |
| Corruption in Sri Lanka's judiciary<br><i>Kishali Pinto Jayawardana and J. C. Weliamuna</i>   | 275        |    |
| Judiciary in Turkey: rooting out corruption<br><i>TI Turkey, Istanbul</i>   | 278        |    |
| Refining accountability and transparency in UK judicial systems<br><i>Kyela Leakey</i>  | 282        |    |
| Zambian judiciary struggles to modernise<br><i>Davies Chikalanga, Goodwell Lungu and Ngoza Yezi</i>   | 287        |    |
| <br><b>Part three: Corruption research</b>  |            |    |
| <b>8 Introduction</b><br><i>Robin Hodess</i>  | <b>293</b> |    |
| <b>9 When are judges likely to be corrupt?</b><br><i>Stefan Voigt</i>   | <b>296</b> |    |
| <b>10 Bribes, punishment and judicial immunity</b><br><i>Ernesto Dal Bó, Pedro Dal Bó and Rafael Di Tella</i>                                 | <b>302</b> |    |
| <b>11 Informality, legal institutions and social norms</b><br><i>Åse Berit Grødeland</i>  | <b>306</b> |    |
| <b>12 Enforcement of anti-corruption laws: the need for performance monitoring</b><br><i>Tiernan Mennen, Eric Frye and Richard E. Messick</i> | <b>310</b> |    |
| <b>13 The Global Corruption Barometer 2006</b><br><i>Tom Lavers</i>   | <b>314</b> |    |
| <b>14 Measuring corruption: myths and realities</b><br><i>Daniel Kaufmann, Aart Kraay and Massimo Mastruzzi</i>                               | <b>318</b> |    |
| <b>15 Corruption Perceptions Index 2006</b><br><i>Johann Graf Lambsdorff</i>  | <b>324</b> |    |

|    |   |     |
|----|---|-----|
| x  | <b>Contents</b>   |     |
| 16 | <b>Bribe Payers Index 2006</b><br><i>Diane Mak</i>  | 331 |
| 17 | <b>International business attitudes to corruption</b><br><i>John Bray</i>   | 335 |
| 18 | <b>Business corruption: speak out or take part?</b><br><i>Tina Søreide</i>  | 338 |
| 19 | <b>Specific manifestations of corruption: comparing Brazil and Russia</b><br><i>Leon Zurawicki</i>                        | 342 |
| 20 | <b>Explaining patterns of corruption in the Russian regions</b><br><i>Phyllis Dininio and Robert Ortung</i>               | 346 |
| 21 | <b>Quantifying public procurement losses in the Czech Republic</b><br><i>David Ondráčka</i>                               | 349 |
| 22 | <b>Identifying reticent respondents in Romanian corruption surveys</b><br><i>Omar Azfar and Peter Murrell</i>             | 352 |
| 23 | <b>ANCORAGE-NET: sharing knowledge-based solutions to corruption control</b><br><i>Luís de Sousa and João Triães</i>      | 354 |
| 24 | <b>Auditing, accountability and anti-corruption: how relevant are autonomous audit agencies?</b><br><i>Carlos Santiso</i> | 358 |
|    | Index   | 363 |