

Index

- Abrahams, Sir Sidney, 271  
Abril Campoy, Juan Manuel, 210–211  
Abu Dhabi Global Market Court (ADGMC), 9–10, 81, 378  
accountability, of foreign judges, 1, 2, 18, 20–25  
    in Africa, 348, 367–368  
    community membership and, 24–25  
    through judicial appointment process, 21–22  
    judicial responsibility and, 24–25  
    in Mission to support the Fight against Corruption and Impunity in Honduras, 148–149  
    tenure and, 22–24  
Acquah, George Kingsley, 34  
activism, judicial, 26–27  
    in Africa, 354  
    in colonial-era mixed courts, 261–265  
    in Mixed Courts of Egypt, 263–264  
    of Constitutional Court of Kosovo, 119  
    in Federated States of Micronesia, 448  
ad hoc tribunals, foreign judges on, 237–238  
Adeline, Brassel, 188  
ADGMC. *See* Abu Dhabi Global Market Court  
Administrative Court, in Liechtenstein, 63–65, 70  
administrative law  
    in Liechtenstein, 57  
    in Macau, 89  
Admiralty law, 77  
Aerts, Joseph, 252  
Africa, courts in. *See also specific nations*  
    Commonwealth of Nations, 237–238  
    foreign judges in, 7–8  
    hybrid criminal courts in, 8  
    judicial activism in, 354  
    representativeness of judges in, 19  
Aguda, Akinola, 356  
Agyemang, Mabel, 12, 33–40, 398–399  
    Commercial Court in The Gambia, 39  
    in The Gambia, 35–38  
    motivations for being foreign judge, 33–35  
    professional growth for, 39  
AIFCC. *See* Astana International Financial Centre Court  
Alexander, Gilchrist, 277  
Alleeear, Vivekanand, 186–187  
Ally, Frank, 190–191, 197  
Almagro, Luis, 146  
Alvarez, José, 163  
Ammisah, Austin, 356  
Ancient Greece, foreign judges in, 90–91  
Anderson, Benedict, 268, 268  
Anderson, Sir John, 411  
Andorra, 5, 10, 18. *See also* Constitutional Court of Andorra  
    Constitution of Andorra (1993), 201, 204  
    canon of constitutionality, 206–207  
    *recurs d'empara*, 204–207  
    contemporary society in, 202–204  
    European Convention on Human Rights and, 203–204  
    European Court of Human Rights and, 201, 203–204, 214  
    historical background, 201–204  
    creation as principality, 201  
    international recognition of, 201–202, 213–214  
    rule of law in, 204  
    sovereignty of, 202–204  
    Universal Declaration of Human Rights and, 213–214  
Anguilla, 221. *See also* Eastern Caribbean Supreme Court  
Antigua and Barbuda, 221. *See also* Eastern Caribbean Supreme Court  
Antunes, Jose Maria, 132  
appointment process, for judges  
    in Brunei Darussalam, 419–420  
    for Caribbean Court of Justice, 223–224  
    in Commonwealth of Nations domestic courts to ad hoc tribunals, 237–238  
    for foreign judges, 234–238  
    for Constitutional Court of Andorra, 207–211  
    for Constitutional Court of Bosnia-Herzegovina, 21  
    for foreign judges, 107–108  
    for Constitutional Court of Kosovo, 21  
    for foreign judges, 107–108  
    for Eastern Caribbean Supreme Court, 223–224  
    by European Court of Human Rights, 21  
    in The Gambia, 396–399, 407  
    judicial accountability and independence influenced by, 21–22  
    in Kuwait, 375–376

- appointment process, for judges (cont.)  
     in Lesotho, 360–361  
     in Macau, 93  
     in Papua New Guinea, 429  
     in Qatar, 379  
     in Seychelles, 189–194  
     in Southern African region, 345, 350–354  
     in United Arab Emirates, 378
- Arabic language use, in MENA domestic courts, 389–390
- arbitration, in Hong Kong Court of Final Appeal, 53
- Ardant, Philippe, 208, 208
- Armitage, David, 242–243
- Asia, foreign judges in, 9
- Astana International Financial Centre Court (AIFCC), 9, 82
- Australia. *See also* Papua New Guinea  
     foreign judges funded by, 305, 308, 310–312  
     foreign judges recruited from, 8–9, 26, 273–280, 300, 305–306, 310–311  
     Regional Assistance Mission to Solomon Islands, 310–311
- Austria  
     civil law in, 57–58  
     Constitutional Court of, 66–68  
     Federal Constitutional Law, 68  
     tax laws in, 63  
     treaty with Liechtenstein, 63
- Azerraf, Alberto, 252
- Bahrain, domestic courts, 381–382  
     foreign judges in, 385–386
- Baldrich, Meritxell Tomàs, 212
- Barbados, 221. *See also* Caribbean Court of Justice; Eastern Caribbean Supreme Court
- Barrow, Adama, 393–394
- Barth, Sir Jacob, 278
- Basdevant, Jules, 265
- Basic Laws, People's Republic of China  
     Hong Kong, 42, 44, 52, 78, 292  
     Macau, 88–89, 100–101
- Basutoland Protectorate, 349
- Bechuanaland Protectorate, 349
- Beck, Emil, 62
- Beck, Wilhelm, 58–60
- Belize, 221. *See also* Caribbean Court of Justice; Eastern Caribbean Supreme Court  
     Constitution of, 339–340
- Bendrihem, Elias, 251
- Benjamin, Hayfron, 353
- Berchtold, Klaus, 64
- Berman, Bruce, 269
- Bermuda, 221. *See also* Caribbean Court of Justice
- bias, 16, 20  
     in Brunei, 419–420, 422  
     in Extraordinary Chambers in the Courts of Cambodia, 174  
     in hybrid international criminal tribunals and courts, 173–175  
     in International Criminal Court, 174–175  
     in International Criminal Tribunal for the former Yugoslavia, 174–175  
     in Southern African region, 362, 363
- Blanchard, Sir Peter, 309
- Blunk, Siegfried, 174
- Bosnia-Herzegovina. *See also* Constitutional Court of Bosnia-Herzegovina; International Criminal Tribunal for the former Yugoslavia  
     constitutional framework for, 104–107  
     under Dayton Agreement, 104  
     internationalised constitutions, 105  
     ethnic conflicts in, 105–106  
     European Convention on Human Rights, 13  
     parliamentary structure in, 106  
     Stabilisation and Association Agreement, 115  
     War Crimes Chamber in Bosnia and Herzegovina, 165–166
- Botswana, domestic courts in, 7, 346, 346, 349–350, 368  
     Court of Appeal, 350–351  
     foreign judges in, 359  
     as hybrid system, 356–357  
     Law Society and, 357–358  
     localisation of judges, 355–356  
     political context, 355–359  
     historic development of, 355
- Brand, David, 356
- Brennan, Sir Gerard, 46
- Brinton, Jasper Yeates, 370–371
- British Virgin Islands, 8, 13, 221. *See also* Eastern Caribbean Supreme Court
- Bruce-Lyle, Frederick, 230–231
- Brunei Darussalam, domestic courts in  
     analysis of, 425–426  
     bifurcation of, 410–411  
     colonialism and, 411–412  
     common law traditions in, 409–411  
     conceptual approach to, 409–411  
     Court of Appeal, 416  
     foreign judges in, 411–423  
         appointments of, 419–420  
         constitutional interpretation by, 417  
         historical development of, 411–412  
         Islamisation movement and, 413–423  
         judicial independence of, 418–419  
         judicial review by, 417  
         legal impact of, 415–416  
         re-appointments of, 419–420  
         removal of, 420–421  
         reputation of, 421–422  
         under Residency Agreement, 411  
         residency model for, 412–413  
         Resident's Court and, 412  
         retirement of, 419–420  
         Sultan's control of, 422–423  
         supervisory jurisdiction for, 417–418  
     Islamisation of, 413–425  
     Judicial Committee of the Privy Council and, 414, 422–423  
     Panel of International Judges, 409  
     separation of powers and, 412  
     Supreme Court, 409  
     Syariah courts, 410–411, 418–419, 423–425  
     judicial appointments in, 419–420

- Burgogue-Larsen, Laurence, 5, 19. *See also*  
 Constitutional Court of Andorra  
 judicial appointment of, 207–211
- Bussjäger, Peter, 64
- Byron, Sir Dennis, 6, 325, 327, 341
- CAA. *See* Constitutional Appointments Authority (Seychelles)
- Cambodia. *See* Extraordinary Chambers in the Courts of Cambodia
- Cândido de Pinho, José, 100
- Carcassonne, Guy, 200, 207, 208, 211
- Caribbean, foreign judges in. *See also* Caribbean;  
 Caribbean Court of Justice; Eastern Caribbean  
 Supreme Court; *specific nations*  
 Caribbean Community, 220–221  
 conceptual approach to, 219, 324–327  
 demographics for, 324–325  
 extraterritorial courts, 324–325  
 independence of, 333–336  
 institutionalisation of, 333–336  
 foreign courts as part of domestic judicial system  
 in, 229  
 foreign judging as concept, 327–329, 343–344  
 definitions in, 327, 328  
 diversity in, 327–329  
 relational elements of, 327–328  
 foreignness and, 327–328  
 geography of, 324–325  
 history of, 8, 325  
 Judicial Committee of the Privy Council and,  
 326–328, 330–331  
 jurisdiction of, 333–336  
 judicial independence in, 337  
 for extraterritorial courts, 333–336  
 judicial tenure on, 336–340  
 social distance from society and, 340–343
- Caribbean Community (CARICOM), 220–221. *See also*  
 Eastern Caribbean Supreme Court  
 diversity within, 220–221  
 Organisation of Eastern Caribbean States, 222  
 regionalism in, 220  
 Revised Treaty of Chaguaramas, 220–221  
 Treaty of Chaguaramas, 220
- Caribbean Council of Legal Education, 230
- Caribbean Court of Justice (CCJ), 5–8, 220–223, 330–337  
 Caribbean Council of Legal Education and, 230  
 establishment of, 221  
 as extraterritorial court, 324–325  
 independence of, 333–336  
 institutionalisation of, 333–336  
 foreign judges in, 223–232  
 appointment process for, 223–224  
 colonialism and, 225–227  
 composition and size of, 224  
 definition of, 224–225  
 disadvantages of, 228  
 impartiality of, 224–225  
 judicial benefits of, 227–228  
 judicial expectations of, 228–229  
 methodological approach to, 223–224  
 permanent judicial tenure for, 336–340  
 public perception of, 228–229  
 treatment of, 227–228
- Guyana in, 331–332  
 integration movement and, 221  
 Judicial Committee of the Privy Council, 6–8, 282  
 replaced by CCJ, 221, 227  
 judicial tenure on, 336–340  
 legitimacy of, 225–227  
 nationalism and, 222–223  
 regionalism of, 222–223  
 Revised Treaty of Chaguaramas and, 221
- CARICOM. *See* Caribbean Community
- Carpi, Cesare, 261–262
- Casey, Sir Maurice, 309
- Cassese, Antonio, 242
- Cassin, René, 266–267
- Castro, Xiomara, 157
- Catalano, Nicola, 266
- Caullet, Jean-Yves, 210, 211
- Cayman Islands, 221
- CCJ. *See* Caribbean Court of Justice
- Central African Republic, Special Criminal Court in,  
 8, 165–166
- Central American states. *See also* Comisión Internacional  
 Contra la Impunidad en Guatemala; Mission  
 to support the Fight against Corruption and  
 Impunity in Honduras; *specific nations*  
*Esquipulas* agreements, 151–153  
 framework treaties for, 151–152  
 international human rights instruments in, 153  
 Washington Treaties (1907/1923), 152
- Chad, Extraordinary African Chambers, 8
- Chamberlain, Joseph, 269–270
- Cheung, Andrew, 297
- Chikopa, Lovemore, 238
- China. *See also* People's Republic of China  
 colonial-era mixed courts in, 255–257  
 Mixed Court of the International Settlement of  
 Shanghai, 264
- Chinese International Commercial Court (CICC), 84, 85
- Chinese language use, in Hong Kong Court of Final  
 Appeal, 290–291
- Chong, Steven, 415
- CICC. *See* Chinese International Commercial Court
- CICIG. *See* Comisión Internacional Contra la  
 Impunidad en Guatemala
- citizenship, of foreign judges  
 foreignness and, 4–5  
 Hong Kong Court of Final Appeal and, 42  
 non-citizens and, 4  
 in Federated States of Micronesia, 447  
 state borders and, 4–5  
 transnational, 312–313
- citizenship laws  
 foreign judges and, 4  
 foreignness and, 4
- Civil and Commercial Court (Qatar), 9–10
- Civil Code  
 in East Timor, 132–134  
 in Egypt, 373

- civil law jurisdictions
  - Austria, 57–58
  - foreign judges in, 5
    - appointment of, 16–17
  - international commercial courts in, 85
  - Macau as, 9
  - Seychelles, 190
  - Singapore International Commercial Court and, 71, 77–78
- Collegio Garante della Costituzionalità delle Norme* (San Marino), 10
- Colombia, Special Jurisdiction for Peace, 10
- Colonial Administrative Service (British), 276–277
- Colonial Legal Service
  - appointment process for, 278–280
  - branches of, 270
  - conceptual approach to, 268–269
  - emergence of, 271
  - historical development of, 269–271
  - Indian Civil Service and, 269–270
  - Inns of Court and, 275–276
  - legal rankings in, 272–273
  - promotions in, 280–283
  - recruitment of colonial legal officers, 273–280
    - Administrative Service experience and, 276–277
    - incentives for, 277–278
    - policies for, 273, 273
    - pupillage in, 275–276
    - selection criteria in, 273–274
  - structure of, 272
  - Sudan Political Service and, 269–270
  - territorial jurisdiction of, 281
  - transfers in, 280–283
- colonial-era mixed courts
  - in China, 255–257
    - Mixed Court of the International Settlement of Shanghai, 264
  - establishment of, 258
  - European Convention on Human Rights and, 265–266
  - European Court of Human Rights and, 265–266
  - European Court of Justice and, 265–266
  - foreign judges on, 254–255
  - Institut de droit international*, 257–258
  - judicial activism in, 261–265
    - in Mixed Courts of Egypt, 263–264
  - jurisdiction of, 261
  - Mixed Benches of Ethiopia, 254
  - Mixed Commercial Court, 257, 264
  - Mixed Courts of Egypt, 253–254, 258–260
    - composition of, 259
    - judicial activism in, 263–264
    - legal provisions of, 259–260
    - Napoleonic system of administrative justice and, 260
  - Mixed Court of Lebanon, 254–255, 261, 264
  - Mixed Court of Syria, 254–255, 261, 264
  - Mixed Court of Tangier, 250–255, 260–261, 266, 267
    - constitutional approach in, 261–262
    - establishment of, 254–255
    - foreign judges on, 254–255
  - Montreux Convention and, 264–265
  - multilateral treaties and, 261
  - during Ottoman Empire, 255–257
  - in postwar era, 265–267
  - treaty-based rights in, 258–265
- colonialism
  - in Brunei Darussalam, 411–412
  - Caribbean Court of Justice and, 225–227
  - in East Timor
    - Indonesian involvement in, 127
    - Portugal's role in, 126–127
  - Eastern Caribbean Supreme Court and, 225–227
  - foreign judges as effect of, 14–15
  - historical context for foreign judges and, 7
  - Hong Kong Court of Final Appeal influenced by, 291
  - Judicial Committee of the Privy Council, 6–8, 282
    - in Brunei Darussalam, 414, 422–423
    - in Caribbean, 326–328, 330–331, 333–336
    - Caribbean Court of Justice as replacement for, 221, 227
    - Hong Kong Court of Final Appeal and, 45, 47
  - in Pacific region, 300, 317
  - in Papua New Guinea, 432–436
    - Australian role in, 432–434
    - British judicial initiatives and, 433–434
    - characteristics of colonial courts, 434–436
    - kiap* justice, 433–434
    - in lower courts, 434
    - in superior courts, 435–436
  - in Seychelles, 181
  - in Southern African region, 348–354
- Comisión Internacional Contra la Impunidad en Guatemala (CICIG), 140–141, 152–158
  - establishment of, 143–145
  - foreign judges and, 156–157
  - as international human rights instrument, 155
  - legal scope of, 144
  - tolerated shame concept and, 155–156
- Commercial Court in The Gambia, 39
- Commercial Lists, 77
- common law jurisdictions
  - Brunei Darussalam as, 409–411
  - Court of Final Appeal as influence on, 27
  - foreign judges in, 5
    - implementation of, 16–17
  - Hong Kong Court of Final Appeal and, 48
    - development of common law traditions, 27
  - in international commercial courts, 85
  - in Pacific region, 302, 305–306, 308–309, 311–313, 315
  - in Papua New Guinea, 430, 438–439, 441, 444–445
  - Seychelles, 181, 190
  - Singapore International Commercial Court and, 71, 77–78
- Commonwealth Fund for Technical Cooperation, 33–34, 236–237, 240–241, 311
- Commonwealth judges, 19–20, 35–40
  - in domestic courts in the Commonwealth, 233–241
  - motivations for, 33–35
  - in Pacific region, 300–305
- Commonwealth of Nations, domestic courts in
  - in Africa, 237–238
  - appointment of judges in, 234–238
  - to ad hoc tribunals, 237–238

- in commonwealth states, 235
  - in dependent/overseas territories, 235–236
  - for politically-sensitive cases, 237–238
- conceptual approach to, 233–234
- foreign judges in
  - advantages of, 238–241
  - appointment of, 234–238
  - challenges for, 238–241
  - independence of, 240
  - removal of domestic judges by, 238
  - tenure for, 239
- in Pacific region, 311
- Compact of Free Association (FSM), 449–450
- competence, of foreign judges, 15, 28
  - on Constitutional Court of Bosnia-Herzegovina, 109–110
  - on Constitutional Court of Kosovo, 109–110
- Constitution of 1921 (Liechtenstein), 60–61
- Constitution of Andorra (1993), 201, 204, 204
  - canon of constitutionality, 206–207
  - recurs d'empara*, 204–207
- Constitution of Belize, 339–340
- Constitution of the Federated States of Micronesia, 451–454
- Constitution of Fiji, 308
- Constitution of Samoa, 308
- Constitution of Seychelles (1993), 181–183
  - articles of, 185
  - judicial appointments under, 183–185
  - Supreme Court established under, 182–183
- Constitution of the Democratic Republic of East Timor, 131
- Constitution of the Principality of Liechtenstein, 28, 60
- Constitution of the Republic of South Africa, 234
- Constitution of the Republic of The Gambia, 35–36, 393, 403
  - governmental structure under, 394–395
  - judicial independence under, 395–396
  - separation of powers in, 394–395
- Constitution of Tunisia (2014), 387–388
- Constitutional Appointments Authority (CAA) (Seychelles), 183–185, 191–194, 199
- Constitutional Court, in Liechtenstein, 59–61, 64, 65
  - Austrian judges in, 69
  - Austrian model and, 65–66
  - 'differentiated principle of legality', 66
  - electoral laws and, 66
  - European Court of Human Rights and, 67–68
  - European law in, 68–69
  - evolution of interpretation of fundamental rights, 67–68
  - foreign judges as influence on, 65–69
  - impeachment against head of government and, 65–66
  - judicial influences on, 67–68
  - rule of law principles and, 66–67
  - same-sex marriage cases in, 68
- Constitutional Court of Andorra, 10, 200, 204–217
  - analysis of, 217–218
  - case law for, 214–215
  - composition and size of, 205
  - European Court of Human Rights and, 211–214, 217
  - foreign judges on, 209
  - academic training of, 213–215
  - culture as influence on, 212–213
  - diversity of, 212–213
  - gender of, 215–216
  - judicial appointment of, 207–211
  - judicial review of, 211–216
  - member profile of, 208–211
  - native language as influence on, 212–213
- French influences on, 209, 210
- jurisdiction of, 205
- political influence of, 216–217
- President of, 215–216
- public perception of, 216–217
- recurs d'empara* and, 205–206
- representativeness on, 215–216
- Spanish influences on, 206, 209, 210
- Constitutional Court of Austria, 66
- Constitutional Court of Bosnia-Herzegovina, 4, 5, 10
  - appointment of judges to, 21
    - foreign judges, 107–108
- conceptual approach to, 103–104
- democratisation promoted through, 118–119
- establishment of, 103
- ethnic conflict influenced by, 119
- European case law in, 115–117
- European Court of Human Rights and, 108, 112–113, 113–115
- foreign judges on, 108, 107–123
  - appointment of, 107–108
  - competence of, 109–110
  - competition of, 107–109
  - judicial panels for, 110
  - limitations on ethnic makeup of, 120–122
  - mission of, 110, 120–122
  - normative legitimacy of, 120–122
  - removal of, 109
  - review typologies for, 109–110
  - tenure of, 109
- historical context for, 103
- legal cultural conflicts and, 111–113
  - European legal standards and, 112
  - interpretation of legal standards, 112–113
  - legal reasoning traditions, 112–113
  - socialist legal culture context, 111
- legitimacy of, 117–122
  - normative, 118–122
  - sociological, 117–118
- neutrality of, 12
- public trust in, 117, 117
- relationship with political actors, 117–118
- rule of law in, 118–119
- working conditions for, 113–115
  - concurring decisions, 114–115
  - decision-making, 114
  - dissenting decisions, 114–115
- Constitutional Court of Kosovo
  - activism of, 119
  - conceptual approach to, 103–104
  - democratisation promoted through, 118–119
  - establishment of, 103
  - ethnic conflict influenced by, 119

- Constitutional Court of Kosovo (cont.)  
 European Convention on Human Rights and, 112  
 European Court of Human Rights and, 112–113  
 foreign judges on, 107–123  
   appointment of, 107–108  
   competence of, 109–110  
   competition of, 107–109  
   judicial panels for, 110  
   limited legitimacy of, 122  
   mission of, 110, 120–122  
   normative legitimacy of, 120–122  
   removal of, 109  
   review typologies for, 109–110  
   as sustainable and transitional solution, 120  
   tenure of, 109  
 under General Framework Agreement for Peace, 103  
 historical context for, 103  
 legal cultural conflicts and, 111–113  
   EU legal standards and, 112  
   interpretation of legal standards, 112–113  
   legal reasoning traditions, 112–113  
   socialist legal culture context, 111  
 legitimacy of, 117–122  
   normative, 118–122  
   sociological, 117–118  
 public trust in, 117  
 relationship with political actors, 117–118  
 rule of law in, 118–119  
 statehood and, 120  
 working conditions for, 113–115  
   concurring decisions, 114–115  
   decision-making, 114  
   dissenting decisions, 114–115
- Constitutional Court of Qatar, 380
- Constitutional Court of South Africa, 367–368
- constitutional courts. *See also specific courts*  
 composition of, 205
- constitutional law, in Macau, 89
- contract law, in Hong Kong Court of Final Appeal, 53
- Cook Islands, 8, 300
- corruption, political  
   in El Salvador, 141–142  
   in Guatemala, 141–142  
   in Honduras, 141–142, 144–145
- Court of Appeal  
   in Botswana, 350–351  
   in Brunei Darussalam, 416  
   in The Gambia, 405  
   in Kuwait, 374  
   in Lesotho, 346, 351, 360–362  
   in Seychelles, 189–194  
     foreign judges in, 186  
   in South Africa, 353–354
- Court of Cassation (Kuwait), 374
- Court of Final Appeal (Macau), 92–93, 98
- Court of First Instance (Macau), 92–94, 98
- Court of Second Instance (Macau), 92–94
- COVID-19 pandemic  
   borderless adjudication as result of, 29–30  
   Hong Kong Court of Final Appeal during, 49–50  
   international commercial courts and, 87
- criminal tribunals. *See* hybrid international criminal tribunals and courts; international criminal tribunals
- Davies, Geoffrey, 409
- Dawson, Sir Daryl, 46
- Dayton Agreement. *See* General Framework Agreement for Peace
- Declaration of Independence, in Kosovo, 104
- decolonisation, historical context for foreign judges and, 7, 29–30
- democracy  
   through Constitutional Court of Bosnia-Herzegovina, 118–119  
   through Constitutional Court of Kosovo, 118–119  
   in The Gambia, 393–394, 408  
     constitutionalism as element of, 394  
     transition to democracy, 392–393
- Democratic Republic of Congo, institution-building in, 11
- dependent territories, domestic courts in, 235–236
- deracialisation, of judiciary, in South Africa, 234, 354
- Derham, David, 434
- Dias Azedo, José, 99–100
- Díaz-Ambrona, Juan Antonio, 208, 210
- Dickinson, Laura, 168–169
- DIFCC. *See* Dubai International Financial Centre Court
- ‘differentiated principle of legality’, 66
- Dillon, John Douglas, 309
- Dingake, Oagile, 241, 355, 357, 357
- diversity, judicial, 2, 6, 8–9, 13, 19  
   in Andorra, 212–218  
   in Caribbean courts, 327–329  
   in Commonwealth nations, 77–78, 85–86  
   in Papua New Guinea, 432–434  
   on Singapore International Commercial Court, 75–76  
   in Southern Africa, 188
- Dixon, Rosalind, 335, 347
- Domah, Satyabhooshun, 190–191
- Dominica, Commonwealth of, 221. *See also* Caribbean Court of Justice; Eastern Caribbean Supreme Court
- domestic courts. *See also specific courts*  
 definition of, 6–7  
   foreign judges on, conceptual approach to, 1–2
- Donne, Sir Gavan, 309
- dual citizenship, for foreign judges, 5
- Dubai International Financial Centre Court (DIFCC), 9–10, 80–81, 377–378  
   establishment of, 81
- Duff, Antony, 171
- Dziedzic, Anna, 25, 234, 335, 429
- Eames, Geoffrey, 239
- East Timor, judiciary system in, 9  
   Civil Code in, 132–134  
   colonial history and  
     Indonesian involvement in, 127  
     Portugal’s role in, 126–127  
   conceptual approach to, 124–126



- Constitution of the Democratic Republic of East Timor, 131
- domestic courts in, 134–138
- establishment of, 126–130
- foreign judges in, 130–139
- in domestic courts, 134–138
- impartiality of, 134
- independence of, 134, 137–138
- recruitment of, 125–126
- from 2002–2006, 130–134
- from 2006–2014, 134–137
- from 2014–2019, 137–138
- United Nations Development Programme and, 133–134
- history wars in, 134
- legitimacy of, 126
- local Timorese judges in, 133–134
- methodological approach to, 124–125
- official languages of, 130–131, 133
- Penal Code in, 132–134
- political parties and, 134
- National Congress for Timorese Reconstruction, 134
- Revolutionary Front for an Independent East Timor, 134
- Portugal and, 131–133
- colonial history of, 126–127
- legal traditions influenced by, 132–133
- recruitment processes for
- for foreign judges, 125–126
- by United Nations Transitional Administration in East Timor, 128
- separation of powers in, 134–137
- Serious Crimes Panel, 129, 131
- Special Panels for Serious Crimes in East Timor, 165–166
- United Nations Development Programme and, 124, 132
- appointment of foreign judges by, 133–134
- United Nations Mission of Support to East Timor, 130
- United Nations Transitional Administration in East Timor and, 127–130
- international assistance through, 129–130
- legal structure of, 128
- recruitment of judicial personnel, 128
- rule of law traditions under, 127
- training by, 128–129, 138
- Eastern Caribbean Supreme Court, 6–7, 220–223
- Caribbean Council of Legal Education and, 230
- foreign judges in, 223–232
- appointment process for, 223–224
- colonialism and, 225–227
- definition of, 224–225
- disadvantages of, 228
- impartiality of, 224–225
- judicial benefits of, 227–228
- judicial expectations of, 228–229
- methodological approach to, 223–224
- public perception of, 228–229
- treatment of, 227–228
- jurisdiction of, 222, 325
- legitimacy of, 225–227
- nationalism and, 222–223
- regionalism of, 222–223
- Revised Treaty of Chaguaramas and, 222
- structural features of, 325
- Eboe-Osuji, Chile, 174
- ECC. *See* English Commercial Court
- ECCC. *See* Extraordinary Chambers in the Courts of Cambodia
- ECHR. *See* European Convention on Human Rights
- Economic Community of West African States (ECOWAS), 393–394
- ECtHR. *See* European Court of Human Rights
- Egypt. *See also* Middle East and North African region
- Civil Code in, 373
- foreign judges from, 385–386
- as judicial demotion, 386
- laws for, 385
- in United Arab Emirates, 385–386
- Mixed Courts of Egypt, 253–254, 258–260, 370–371
- composition of, 259
- judicial activism in, 263–264
- legal provisions of, 259–260
- Napoleonic system of administrative justice and, 260
- Ehrenzeller, Bernhard, 64
- Ehrhardt, Albert, 271
- Eichelbaum, Sir Thomas, 46
- El Salvador
- new constitution in, 150–151
- political corruption in, 141–142
- electoral laws, in Liechtenstein, 66
- English Commercial Court (ECC), 83
- domestic cases in, 83
- English language, use of
- in Hong Kong Court of Final Appeal, 47
- in Singapore International Commercial Court, 76
- Erne, Franz, 64
- Esparon, David, 188
- Esquipulas* agreements, 151–153
- Eswatini, Kingdom of, domestic courts in, 239, 346, 368.
- See also* Swaziland, domestic courts in
- Africanisation of, 367
- localisation of, 367
- political context for, 364–367
- Southern African Development Community and, 366
- Supreme Court, 351–352
- ethnic conflicts, in Bosnia-Herzegovina and Kosovo, 106–107
- EUMIC. *See* European Union Multilateral Investment Court
- Europe, foreign judges in. *See also specific nations*
- Constitutional Court of Bosnia-Herzegovina and, 108
- historical context for, 10
- European case law, in Constitutional Court of Bosnia-Herzegovina, 115–117
- European Commission, 115
- European Convention on Human Rights (ECHR), 13, 67
- Andorra and, 203–204
- colonial-era mixed courts and, 265–266

- European Court of Human Rights (ECtHR), 10, 13
  - appointment of judges by, 21
  - colonial-era mixed courts and, 265–266
  - Constitutional Court of Andorra and, 201, 203–204, 211–214, 217
  - Constitutional Court of Bosnia-Herzegovina and, 108, 113–115
  - Constitutional Court of Kosovo and, 108, 113–115
  - Constitutional Court of Liechtenstein and, 67–68
- European Court of Justice, colonial-era mixed courts and, 265–266
- European law, Constitutional Court (Liechtenstein) and, 68–69
- European law traditions
  - Constitutional Court of Bosnia-Herzegovina and, 112
  - Constitutional Court of Kosovo and, 112
- European Union Multilateral Investment Court (EUMIC), 82–83, 85–87
- European Union-Singapore Investment Protection Agreement, 83
- expatriate judges, in Pacific regions, 316
- expertise, of foreign judges, 13
  - comparative benefits of, 13
- Extraordinary African Chambers (Chad), 8
- Extraordinary Chambers in the Courts of Cambodia (ECCC), 165–168
  - bias in, 174
  - jurisdiction for, 172
  - public perception of, 169–171
- extraterritorial courts, 324–325
  - independence of, 333–336
  - institutionalisation of, 333–336
- Federal Constitutional Court (Germany), 67–68
- Federated States of Micronesia (FSM), domestic courts
  - in, 8, 300
- Compact of Free Association and, 449–450
- Constitution of, 451–454
- constitutional framework for, 448, 458
  - amendments to Constitution, 453–454
  - cultural references in, 453, 453
  - local custom and tradition and, 459–461
  - reform proposals, 451–454
- cultural identity and, 456–459
- domestic judges in, discrimination against, 450
- federal structure of, 447
- foreign judges in
  - conceptual approach to, 447–448
  - cultural values of, 456–459
  - entrenchment of, 449–451
  - lack of cultural knowledge for, 452–453
  - national origin of, 449
  - negative public response to, 450–451
  - as non-citizens, 447
  - from U.S., 449–452
- judicial activism in, 448
- U.S. influence on
  - Constitution of FSM, 451–454
  - through cultural values, 456–459
  - de-Americanisation of, 449, 461–462
  - as foreign judges, 449–452
  - Micronesian jurisprudence in conflict with, 454–456
- Feldman, David, 5, 108, 121
- Féraud-Giraud, Louis-Joseph-Delphin, 263–264
- Fernando, Anthony, 186, 188
- Field, David Dudley, 257
- Fiji, 8, 239, 300
  - citizenship laws in, 4
  - Constitution of, 308
  - superior courts in, 303, 304
- Floissac, Sir Vincent, 231
- Fok, Joseph, 14
- Fombad, Charles, 350–351, 394
- Fong Man Chong, 100
- Ford, Anthony, 309
- foreign judges, in domestic courts. *See also specific courts; specific nations; specific topics*
  - accountability and independence of, 20–25
    - through appointment process, 21–22
    - community membership and, 24–25
    - judicial responsibility and, 24–25
    - tenure security and, 22–24
  - adjudication of disputes, 25–29
  - appointment of, 15–18
    - in civil law systems, 16–17
    - in common law systems, 16–17
    - jurisdiction size as factor in, 16
  - citizenship laws and, 4
  - in civil law jurisdictions, 5
    - implementation as result of, 16–17
  - colonialism and, 14–15
    - historical context for, 7
  - in common law jurisdictions, 5
    - implementation as result of, 16–17
  - competence of, 28
  - conceptual approach to, 1–2
  - cross-border interactions between, 6
  - debate over, 1
  - definition of, 3–6
    - as non-citizens, 4
    - by professional qualifications, 5
  - development of law and, 25–29
  - distance from domestic politics as factor for, 12
  - as dual citizens, 5
  - effectiveness of, 14–15
  - expertise of, 13
    - comparative benefits of, 13
  - foreignness as influential factor for, 2
  - future of, 29–30
  - historical context for, 7, 90–92
    - in African nations, 7–8
    - in Ancient Greece, 90–91
    - in Asian nations, 9
    - in Caribbean nations, 8
    - colonial influences in, 7
    - decolonisation in, 7, 29–30
    - in Europe, 10
    - in Latin America, 10
    - in Middle Ages, 91–92
    - in Middle East region, 9–10
    - in Pacific region, 8–9



- identity attributes of, 19–20
- for institution-building, 11–12
- international influences on, 17–18
  - rule of law assistance, 18
  - sovereignty issues and, 17–18
- judicial review by, 25–29
- jurisdictional comparisons in, 2
- legal implications of, 18–29
- legitimacy of, 14–15
  - normative, 18
  - sociological, 18
- methodological approach to, 1–3
- on mixed benches, 28–29
- motivations of, 15
- as naturalised citizens, 5
- rationale for, 11
- recruitment of, 3, 8–9
- remuneration, 11, 22, 33–36, 194, 315
- representativeness and, 19–20
  - in African courts, 19
  - for Commonwealth judges, 19–20
  - ‘international judges’ and, 19–20
- for reputation of courts, 13–14
- by type of legal system, 16–17
  - indirect rule systems, 17
  - in mixed systems, 16
- foreignness
  - in Caribbean courts, 327–328
  - citizenship and, 4–5
  - definition of, 3–4
  - globalisation as factor for, 5
  - judging influenced by, 2
  - regionalism as influence on, 6
- France, legal traditions in. *See also* Andorra
  - Constitutional Court of Andorra and, 209, 210
- Franz Josef II (Prince), 62
- French, Robert, 45
- FRETILIN. *See* Revolutionary Front for an Independent East Timor
- FSM. *See* Federated States of Micronesia
- fundamental rights
  - Constitutional Court in Liechtenstein and, 67–68
  - in Macau legal cases, 98–99
- Fur, Pierre Le, 251
- Furse, Ralph, 273–274
- The Gambia, domestic courts in
  - analysis of, 406–408
  - Commercial Court in The Gambia, 39
  - Commonwealth Fund for Technical Cooperation in, 33–34
  - conceptual approach to, 392–393
  - Constitution of the Republic of The Gambia, 35–36, 393, 403
  - governmental structure under, 394–395
  - judicial independence under, 395–396
  - separation of powers in, 394–395
- Court of Appeal, 405
- democracy and, 393–394, 408
  - constitutionalism as element of, 394
  - transition to, 392–393
- foreign judges in, 396
  - appointment of, 396–399, 407
  - under DFID/CS scheme, 397–398
  - judicial independence of, 35–37, 394–396
  - as mercenary judges, 401–402
  - from Nigeria, 401–402
  - renewal of, 400
  - termination of, 400
- judicial independence in, 399–402, 406–407
  - in Constitution of the Republic of The Gambia, 395–396
  - for foreign judges, 35–37, 394–396
- Judicial Service Commission and, 397, 406
- political context for, 393–394
- rule of law in, 394–396, 399–402
- systemic reform of, 402–406
  - Gambian Bar Association and, 403
  - through Gambianisation of judiciary, 402–403
- Gambia Bar Association, 403
- Gaudet, Michel, 266
- Gault, Sir Thomas, 46
- gender, of judges
  - on Constitutional Court of Andorra, 215–216
  - travelling judges, 313, 316, 321
- General Framework Agreement for Peace (Dayton Agreement), Constitutional Courts of Bosnia-Herzegovina/Kosovo under, 103
- General/Mixed Court, in Kuwait, 374
- Georges, Telford, 231, 241, 325, 328
- Germany
  - Basic Law in, 60
  - Federal Constitutional Court, 60, 67–68
  - foreign judges from, 432
- Gibbs, Sir Harry, 307
- Gleeson, Murray, 45
- Goldsborough, Edwin, 309
- Govinden, Rony, 186–187
- Grabherr, Elmar, 64
- Greece. *See* Ancient Greece
- Grenada, 221. *See also* Eastern Caribbean Supreme Court the Grenadines, 221. *See also* Eastern Caribbean Supreme Court
- Gschnitzer, Franz, 62, 69
- Guàrdia Canela, Josep Delfí, 210
- Guatemala. *See also* Comisión Internacional Contra la Impunidad en Guatemala
  - coup d'état* in, 150
  - new constitution in, 150–151
  - political corruption in, 141–142
- Gummow, William, 45
- Gusmão, Xanana, 134–137
- Guyana, Republic of, 220–221. *See also* Caribbean Court of Justice
  - Caribbean Court of Justice cases and, 331–332
  - colonial constitution of, 329
- habeas corpus cases, in Macau, 97–98
- Häberle, Peter, 62
- Hahl, Albert, 432
- Haiti, Institutional Strengthening for the Fight Against Corruption in Haiti, 157

- Handley, Kenneth, 309  
 Hanlon, David, 454  
 Harhoff, Frederick, 174–175  
 Hashim (Sultan), 411  
 Hau'ofa, Epeli, 317, 318  
 Hayton, David, 231  
 Hernandez, Orlando, 142, 144–145  
 Hill, Helen, 130  
 Hirschl, R., 347  
 HKCFA. *See* Hong Kong Court of Final Appeal  
 HKSAR. *See* Hong Kong Special Administrative Region  
 Hobbs, Harry, 6  
 Hodžić, Refik, 175–176  
 Honduras, 10. *See also* Mission to support the Fight against Corruption and Impunity in Honduras  
   exodus of citizens from, 142  
   governance crises in, 142  
   human rights abuses in, 141–142  
   institution-building in, 11  
   Inter-American Court of Human Rights and, 142  
   model cities in, 142–143  
   new constitution in, 150–151  
   political corruption in, 141–142, 144–145  
 Hong Kong Court of Final Appeal (HKCFA), 5, 9, 14  
   arbitration in, 53  
   under Basic Law, 42, 44, 52, 78, 292  
   citizenship and, 292  
   colonial influences on, 291  
   common law jurisdiction, 48  
   development of common law traditions, 27  
   conceptual approach to, 41–42  
   definitional terms in, 41–42  
   contract law in, 53  
   during COVID-19 pandemic, 49–50  
   English language use in, 47  
   establishment of, 284–285, 289  
   foreign judges on, 43–55  
   under Basic Law, 44  
   as benefit to host jurisdiction, 50–52  
   Chinese language requirements for, 290–291  
   citizenship considerations for, 42  
   conflicts of interest for, 294  
   constitutional basis for, 42–44  
   current and past judges, 45–47  
   diversity of, 298  
   divided patriotism of, 292–295  
   domestic criticisms of, 298–299  
   expertise of, 296–298  
   independence of, 48–49  
   judicial oaths for, 292–294  
   judicial status of, 44–45  
   jurisdictional basis for, 42–44  
   jurisprudential influences of, 53–55  
   lack of knowledge for, 285–291  
   limitation of, 28  
   practical issues with, 49–50  
   public interest in, 287  
   qualification requirements for, 43–44  
   reasons for invitation to, 47–49  
   retirement and removal of, 45  
   support systems for, 288–289  
   in Hong Kong Special Administrative Region, 42–44  
   human rights law in, 53  
   Judicial Committee of the Privy Council and, 45, 47  
   judicial structure of, 43  
   land law in, 53  
   National Security Law and, 290–292, 295  
   permanent judges on, 43  
   Singapore International Commercial Court and, 71–72, 78–80  
 Hong Kong Special Administrative Region of (HKSAR), 42–44  
   Admiralty law, 77  
   Basic Law in, 42, 44, 52, 78, 292  
   Commercial Lists, 77  
   population demographics for, 285  
 Hoti, Avdullah, 118–119  
 Howie, Craig, 356–357  
 Huber, Eugen, 62  
 human rights abuses  
   in Central American states, 153  
   *Comisión Internacional Contra la Impunidad en Guatemala* and, 155  
   in Honduras, 141–142  
   Mission to support the Fight against Corruption and Impunity in Honduras and, 155  
   in Papua New Guinea, 439–440  
 human rights law  
   in Hong Kong Court of Final Appeal, 53  
   in Macau, 89  
 hybrid court systems, 356–357  
 hybrid international criminal tribunals and courts. *See also specific tribunals*  
   in Africa, 8  
   challenges for, 172–176  
   audience, 175–176  
   bias, 173–175  
   recusal, 173–175  
   conceptual approach to, 159–160  
   emergence of, 164–166  
   as institutional mechanism, 168–171  
   International Criminal Court, 163–164  
   Rome Statute, 163–164  
   jurisdiction of, 171–172  
   justifications for, 166–172  
   legitimacy of, 169–170  
   public perceptions of, 169–171  
 ICC. *See* International Criminal Court  
 ICTR. *See* International Criminal Tribunal for Rwanda  
 ICTY. *See* International Criminal Tribunal for the Former Yugoslavia  
 identity, as judicial attribute, 19–20  
 impartiality, of foreign judges, 11, 12, 24–25  
   in Caribbean region, 341, 348  
   in East Timor, 134  
   international criminal justice and, 163, 164, 174  
   in Middle East and North African region, 371, 380, 391  
   in Pacific region, 301  
 impeachment. *See* removal of judges  
 Indian Civil Service, 269–270  
 indigenisation, 39

- in Federated States of Micronesia, 318–319, 321
- in The Gambia, 402, 407
- in Papua New Guinea, 26
- in Southern African region, 348–354
  - historical factors for, 349–350
- indirect rule systems, foreign judges and, 17
- Inns of Court, 275–276
- Institut de droit international*, 257–258
- Institutional Strengthening for the Fight Against Corruption in Haiti (RILCH), 157
- institution-building
  - in Democratic Republic of Congo, 11
  - foreign judges' role in, 11–12
  - in Honduras, 11
  - in Kosovo, 11
- Inter-American Court of Human Rights, 142
- Interim Independent Constitutional Dispute Resolution Court (Kenya), 8
- International Commerce Court (People's Republic of China), 9
- international commercial arbitration. *See also* international commercial courts
  - in Singapore, 9, 80
- International Commercial Court (Singapore), 9, 80
- international commercial courts. *See also* Singapore International Commercial Court
  - Abu Dhabi Global Market Court, 9–10, 81
  - Astana International Financial Centre Court, 9, 82
  - Chinese International Commercial Court, 84, 85
  - in civil law jurisdictions, 85
  - in common law jurisdictions, 85
  - COVID-19 pandemic and, 87
  - Dubai International Financial Centre Court, 80–81
    - establishment of, 81
  - English Commercial Court, 83
    - domestic cases in, 83
  - European Union Multilateral Investment Court, 82–83, 85–87
  - foreign judges on, 84–85
    - constitutional impediments to, 87
    - future role of, 86–87
  - globalisation of *lex mercatoria*, 87
  - Netherlands Commercial Court, 83–84
  - Paris Commercial Court, 83
  - Qatar International Court and Dispute Resolution Centre, 82
- International Court of Justice, 247–248
- International Covenant on Economic, Social and Cultural Rights, 460
- International Criminal Court (ICC), 163–164
  - bias in, 174–175
  - Rome Statute, 163–164
- international criminal law, 171
  - criticisms of, 176–177
- International Criminal Tribunal for Rwanda (ICTR), 127, 162–163, 231
  - establishment of, 165
- International Criminal Tribunal for the former Yugoslavia (ICTY), 127, 162–163
  - bias in, 174–175
  - establishment of, 165
- international criminal tribunals. *See also* hybrid international criminal tribunals and courts
  - after Cold War, 162
  - development of, 160–166
  - Leipzig War Crimes Trials, 161
  - Paris Peace Conference (1919), 160–161
  - after World War I, 161
  - after World War II, 161–162
    - International Military Tribunals for Nuremberg, 162
    - Tokyo Tribunals, 162
- 'international judges', 19–20
- International Military Tribunals for Nuremberg, 162
- International Zone of Tangier, 250–255
  - establishment of, 250–251
  - institutional infrastructure for, 253–254
- investigation tribunals, 238
- Islamisation, of domestic courts in Brunei Darussalam, 413–425
- Jackson, Vicki, 335, 347
- Jamaica, 221. *See also* Caribbean Court of Justice
- Jammeh, Yahya, 240, 392–394
- Jawara, Dawda Kairaba, 393
- Jeffries, Charles, 271, 282
- Jimenez, Juan, 146
- Johnson, Terence, 271
- Jordan, 385–387
- JSC. *See* Judicial Service Commission
- Juddoo, Nemaaduthsingh, 191
- judges. *See* foreign judges; *specific topics*
- judicial activism. *See* activism
- judicial career structure, 16–17
- Judicial Committee of the Privy Council (U.K.), 6–8, 237, 282
  - in Brunei domestic courts, 414, 422–423
  - Caribbean Court of Justice as replacement for, 221, 227
  - in Caribbean courts, 326–328, 330–331
    - jurisdiction of, 333–336
  - Hong Kong Court of Final Appeal and, 45, 47
- judicial independence, 20–25
  - in Brunei Darussalam, 418–419
  - on Caribbean Court of Justice, 333–336
  - in Caribbean courts, 337
  - in Caribbean region, 324–330, 333–340, 343–344
  - Commonwealth of Nations' courts, 240
  - community membership and, 24–25
  - in East Timor, 134, 137–138
  - in extraterritorial courts, 333–336
  - in Hong Kong Court of Final Appeal, 48–49
  - in host jurisdictions, 35–37
    - in The Gambia, 35–37
  - through judicial appointment process, 21–22
  - judicial responsibility and, 24–25
  - in Pacific region, 300–302, 308–309, 320, 321
  - tenure, 22–24
- judicial review, by foreign judges
  - in Brunei Darussalam, 417
  - on Constitutional Court of Andorra, 211–216
  - on Constitutional Court of Bosnia-Herzegovina, 109–110
  - in domestic courts, 25–29
  - in Papua New Guinea, 428, 434

Judicial Service Commission (JSC), in The Gambia, 397, 406  
 judiciary industry, 310  
 justice initiatives, host jurisdictions and, 37–38

Kahn, Paul, 25

Kasper-Ansermet, Laurent, 174

Kazakhstan, Astana International Financial Centre Court, 9, 82

Kenya, Interim Independent Constitutional Dispute Resolution Court, 8

Al-Khalifa, Hamad bin Isa (King), 381

Khama, Ian, 355–356

*kiap* justice, 433–434

Kidu, Buri, 430–431

King, Edward, 456, 458

Kingdom of Eswatini. *See* Eswatini

Kirby, Ian, 357–358, 364

Kiribati, 8, 300

superior court in, 303

Kirk-Greene, Anthony, 269

Kohlegger, Karl, 69

Kosovo. *See also* Constitutional Court of Kosovo;  
 International Criminal Tribunal for the former Yugoslavia

Comprehensive Settlement Proposal for, 104

constitutional framework for, 104–107

constitution-making, 104

internationalisation of constitutions, 105

Declaration of Independence, 104

ethnic conflicts in, 106–107

institution-building in, 11

UN Interim Administration Mission in Kosovo, 167

Koutonin, Mawuna, 316

Kühn, Zdeněk, 111

Kühne, Joseph, 64

Kurti, Albin, 118–119

Kuwait, domestic courts in, 374–376

Court of Appeal, 374

Court of Cassation, 374

foreign judges in, 375–376

appointment of, 375–376

from Egypt, 385–386

non-citizen, 4

General/Mixed Court, 374

Specialised Courts, 374

labour laws, in Liechtenstein, 57

Lai, Jimmy, 291

Lam, Johnson, 297

Lambourne, David, 319–320

land law, in Hong Kong Court of Final Appeal, 53

language use, in judicial systems. *See also* English language

Arabic language in MENA domestic courts, 389–390

in Constitutional Court of Andorra, 212–213

in East Timor, 130–131, 133

in Hong Kong Court of Final Appeal, 290–291

Latin America, foreign judges in. *See also specific nations*  
 historical context for, 10

Laubreaux, Daniel Urrutia, 146

Law, Peter, 239

Leadership Tribunal, in Papua New Guinea, 428, 440

Lebanon

Mixed Court of Lebanon, 254–255

Special Tribunal for Lebanon, 9–10, 165–166

apprehended bias in, 173

recusal issues in, 173

legal education, 5, 302, 327–328, 349–350, 384–385, 429

legal reasoning

in Andorra, 211, 213

in Constitutional Court of Bosnia-Herzegovina/  
 Kosovo, 112–113

in Federated States of Micronesia, 459

in Papua New Guinea, 441–443

legitimacy, of foreign judges, 14–15

on Caribbean Court of Justice, 225–227

in Constitutional Court of Bosnia-Herzegovina,

117–122

normative legitimacy, 118–122

sociological legitimacy, 117–118

in East Timor, 126

on Eastern Caribbean Supreme Court, 225–227

on hybrid international criminal tribunals and courts,  
 169–170

normative, 18

sociological, 18

in Southern African region, 345–346

Leipzig War Crimes Trials, 161

Lemonde, Marcel, 174

Lesotho, domestic courts in, 237–238, 346, 349–350, 368

Court of Appeal, 346, 351, 360–362

foreign judges in, 360–361

appointment of, 360–361

manipulation of, 362

removal of, 361

political context for, 359–364

Southern African Development Community and,  
 363–364

Leung, Priscilla, 294

Levers, Priya, 342–343

Lewis, Sir Allen, 230–231

*lex mercatoria*, globalisation of, 87

Li Kwok-Nang, Andrew, 45, 47, 51, 289–290, 299

Liechtenstein, 18. *See also* Constitutional Court

administrative law in, 57

Constitution of, 28, 60

court system in, 62–64

Administrative Court, 63–65, 70

ordinary courts, 63, 69–70

public prosecution in, 63

structure of, 63

European Convention on Human Rights and, 67

foreign judges in, 62–70

in Administrative Court, 70

Austrian model influenced by, 65–66

as legal tradition, 61–62

in ordinary courts, 69–70

received laws influenced by, 65

judicial system in, development of, 58–62

under Constitution of 1921, 60–61

sovereign independence as influence on, 58–60

- labour laws in, 57
- Landtag in, 60–61
- legal order in, 56–58
  - Austrian civil law as influence on, 57–58
  - foreign judges as influence on, 65–70
  - historical background of, 56–57
  - as hybrid system, 57–58
  - tax laws, 56–57
- National Socialists in, 66
- property laws in, 57
- sovereign independence for, 57
  - judicial system after, 58–60
- Switzerland and, 56
- tax laws
  - in legal order, 56–57
  - treaty with Austria, 63
- Lilongwe Principles, in Seychelles, 188
- Locke, John, 394–395
- Luchaire, François, 208
  
- Ma, Geoffrey, 289–290, 296
- Macau, Special Administrative Region of
  - administrative law in, 89
  - Basic Law, 88–89, 100–101
  - civil law system in, 9
  - constitutional law in, 89
  - foreign judges in, 92–101
    - appointment of, 93
    - declining numbers of, 94–96
    - dissenting opinions by, 97
    - exclusion from national security cases, 96–97
    - fundamental rights cases, 98–99
    - habeas corpus* cases, 97–98
    - proportion of, 94–96
  - human rights law in, 89
  - judicial systems in, 89
    - collaboration in, 101
    - Court of Final Appeal, 92–93, 98
    - Court of First Instance, 92–94, 98
    - Court of Second Instance, 92–94
    - laws in force concept, 89
  - ‘One Country, Two Systems’ principle, 88–90
    - Chinese legal systems and, 93–94
- MACCIH. *See* Mission to support the Fight against Corruption and Impunity in Honduras
- MacGregor, Francis, 186
- Mächler, August, 64
- Magistrates’ Court (Seychelles), 183
- al-Maktoum, Mohammed Bin Rashid (Sheikh), 377
- Manoury, Paul, 259
- Marshall Islands, 8, 300
  - citizenship laws in, 4
- Martens, Friedrich, 263
- Martić, Milan, 174
- Mason, Sir Anthony, 46, 51–53, 97, 289. *See also* Hong Kong Court of Final Appeal
  - majority rulings, 295
- Masuku, Thomas, 366
- Matadeen, Kheshoe Parsad, 191
- Mauritius, 7
- Maus, Didier, 207, 208
  
- McHugh, Michael, 46
- McLachlin, Beverley, 45, 49
- MENA region. *See* Middle East and North Africa region
- Menon, Sundaresh, 72
- mercenary judges, 401–402
- Merón, Theodor, 174–175
- methodological nationalism, 2
  - nation-states and, 2
- Michelson, Charles, 251
- Micronesia. *See* Federated States of Micronesia
- Middle Ages, foreign judges during, 91–92
- Middle East and North Africa (MENA) region, domestic courts in. *See also* Bahrain; Kuwait; Qatar; United Arab Emirates; *specific nations*
  - analysis of, 390–391
  - Arab Spring and, 390
  - civil law traditions in, 372–373
  - common law traditions in, 372–373
  - conceptual approaches to, 369–370
  - Constitutional Courts, 389
  - in contemporary courts, 374–382
  - domestic judges in, 384–385
  - in exporting states, 382, 383
  - foreign judges in, 9–10, 370–382
    - colonial influences on, 370–371
    - historical context for, 9–10
    - independence of, 387–388
    - in mixed courts, 370–371
    - pan-Arabism movement and, 372–373
    - recruitment of, 383–385, 390–391
    - as rentier judges, 390–391
    - skills and knowledge gaps filled by, 383–385
    - utilitarianism of, 372–373
  - geographical boundaries of, 369
  - in importing states, 382, 383
  - independence of, 387–388
  - lack of organic legal traditions and, 388
  - language issues in, 388–390
    - Arabic language use, 389–390
  - political economy of law in, 382–388
  - separation of church and state in, 373
  - Western influences on, 373
- Millhouse, Robin, 309
- Mission to support the Fight against Corruption and Impunity in Honduras (MACCIH), 140–158
  - constitutionality of, 146–147
  - Constitutive Agreement, 145–149
  - establishment of, 143–145
  - foreign judges and, 142–143, 147–149
    - accountability of, 148–149
    - communication by, 148
    - judicial aesthetics, 148
    - recruitment of, 156–157
  - as institutional organisation, 145–147
  - as international human rights instrument, 155
  - under international treaties, 149–152
  - justification of interventions by, 149–152
  - mandate, 145–147
  - Organization of American States and, 144–146
  - sovereignty of, 149–157
  - tolerated shame concept and, 155–156

- Mitchell, Dame Roma, 307  
 Mitterrand, François, 201, 211  
 mixed benches. *See also* colonial-era mixed courts  
   foreign judges on, 28–29  
 Mixed Benches of Ethiopia, 254  
 Mixed Commercial Court, 257, 264  
 Mixed Courts of Egypt, 253–254, 258–260, 370–371  
   composition of, 259  
   judicial activism in, 263–264  
   legal provisions of, 259–260  
   Napoleonic system of administrative justice  
     and, 260  
 Mixed Court of Lebanon, 254–255, 261, 264  
 Mixed Court of the Shanghai International  
   Settlement, 257  
 Mixed Court of Syria, 254–255, 261, 264  
 Mixed Court of Tangier, 250–255, 260–261, 266, 267  
   constitutional approach in, 261–262  
   establishment of, 254–255  
   foreign judges on, 254–255  
 Mixed Court of the International Settlement of  
   Shanghai, 264  
 mixed courts. *See* colonial-era mixed courts; Mixed  
   Court of Tangier  
 Mixed Courts of Egypt, 253–254  
 Mladić, Ratko, 174  
 mobility, of foreign judges, 301–302  
   hierarchies of, 316–318, 322  
   impediments on, 319–321  
 mobility studies, of foreign judges, 313–319, 321–322  
 model cities, in Honduras, 142–143  
 Modinos, Polys, 266–267  
 Mollas i Battlari, Isidre, 210  
 Monaco, 10  
 Monnerville, Gaston, 208  
 Montreux Convention, 264–265  
 Montserrat, 221. *See also* Eastern Caribbean Supreme  
   Court  
 Moore, Stanley, 231  
 Morocco  
   International Zone of Tangier, 250–255  
     establishment of, 250–251  
     institutional infrastructure for, 253–254  
   Mixed Court of Tangier, 250–255, 260–261, 266, 267  
     constitutional approach in, 261–262  
     establishment of, 254–255  
     foreign judges on, 254–255  
 Morrison, Dennis, 339  
 Mosito, Kananelo, 361  
 motivations, of foreign judges, 15, 33–35  
   personal growth, 34  
   remuneration and, 34  
   as test of judicial commitment, 34–35  
 Mottley, Elliott, 339–340  
 Muria, Sir John, 309, 318–319  
 Murray, Hubert, 434  
 Namibia  
   citizenship laws in, 4  
   foreign judges in, 4, 7, 346  
 Napoleonic system, of administrative justice, 260  
 Narokobi, Bernard, 439  
 National Congress for Timorese Reconstruction, 134  
 national security issues, in Macau, 96–97  
 National Security Law (Hong Kong), 290–292, 295  
 National Socialists, in Liechtenstein, 66  
 nationalism  
   in Caribbean Community, 222–223  
   methodological, 2  
 nation-states  
   borders of, 4–5  
   citizenship and, 4–5  
   methodological nationalism and, 2  
 naturalised citizens, foreign judges as, 5  
 Naudí, Meritxell Palmitjavila, 216  
 Nauru, 8, 300  
   superior court in, 303  
 NCC. *See* Netherlands Commercial Court  
 Nelson, Ivo, 135  
 Netherlands Commercial Court (NCC), 83–84  
 New Zealand, judicial traditions in  
   conceptual approach to, 242–243  
   domestic judges in, 247–248  
   domestic law influenced by, 246  
   globalisation as influence on, 247–248  
   Indigenous law and legal systems, 244  
   international law and, 246  
 Newton, Sir Isaac, 92  
 Nicaragua, 150–151  
 Nigeria, foreign judges from, 401–402  
 Niue, 300  
 non-citizens, foreign judges as, 4  
   in Federated States of Micronesia, 447  
 Nonggor, John, 441  
 non-permanent judges. *See* Hong Kong Court of Final  
   Appeal  
 normative legitimacy, of foreign judges, 18  
 Nuremberg Trials. *See* International Military Tribunals  
   for Nuremberg  
 OAS. *See* Organization of American States  
 Ochs, Sarah, 169  
 Odoki, Benjamin, 366  
 Oliveira, João Gil, 100  
 ‘One Country, Two Systems’ principle, 88–90  
   Chinese legal systems and, 93–94  
 Organization of American States (OAS), 144–146  
 Orie, Alphons, 174  
 Oswald, Wilhelm, 64  
 Ottoman Empire, colonial-era mixed courts in,  
   255–257  
 overseas territories, domestic courts in, 235–236  
 Pacific region  
   Commonwealth judges in, 300–305  
   historical context for, 8–9  
   mobility and movement in, 302  
 Pacific region, foreign judges in. *See also* travelling  
   judges; *specific nations*  
   colonial frameworks for, 300, 317  
   in Commonwealth nations, 311  
   conceptual approach to, 300–302



- demographics for, 313–319
  - demand and supply of judges, 314–316
  - nationality of judges, 314
- intra-regional movement of, 318–319
- judiciary industry and, 310
- jurisdictions for, 302–305
- mobility of, 301–302
  - hierarchies of, 316–318, 322
  - impediments on, 319–321
- in mobility studies, 313–319, 321–322
- modalities of travel, 305–313
  - for arrival, 305–309
  - length of stay, 305–309
  - for local judges, 307–308
  - as migration, 312–313, 315–316
  - movement patterns and, 309–312
  - for resident foreign judges, 305–306
  - return mechanisms and, 305–309
  - for short-term appointments, 308–309
  - temporariness and, 308–309
  - for visiting foreign judges, 306–308
- nationality of, 314
- in superior courts, 302–305
  - numbers and proportions of foreign judges, 305
- Palau, 8, 300
- Panel of International Judges, in Brunei Darussalam, 409
- Papua New Guinea, domestic courts in, 8, 300, 428
  - analysis of, 445–446
  - citizenship laws in, 4
  - colonial influences on, 432–436
    - Australian role in, 432–434
    - British judicial initiatives and, 433–434
    - characteristics of colonial courts, 434–436
    - kiap* justice, 433–434
    - in lower courts, 434
    - in superior courts, 435–436
  - constitutional framework for, 427, 439–440, 445
- District Court, 428
- domestic judges in, 427
- foreign judges in
  - appointment of, 429
  - conceptual approach to, 427–428
  - expansive powers of, 437
  - from Germany, 432
  - under home-grown Constitution, 436–440
  - human rights protections by, 439–440
  - judicial interpretation by, 437–438
  - legalistic approach to, 427
  - liberalisation of, 437
  - localisation, 430–431
  - recruitment of, 431
  - responsiveness of, 440–445
  - sourcing of, 429–430
- Leadership Tribunal, 428, 440
- Supreme Court, 428, 437–438
- Village Court, 428
- Paris Commercial Court, 83
- Paris Peace Conference (1919), 160–161
- Pascuet, Roser Suñé, 216
- Pasha, Nubar, 371
- Paulsen, Owen, 305
- Peer, Josef, 59–60
- Penal Code, in East Timor, 132–134
- People's Republic of China (PRC). *See also* Hong Kong; Macau
  - Chinese International Commercial Court, 84, 85
  - in Hong Kong, 42, 44, 52
  - International Commerce Court, 9
  - Judges Law, 84
  - in Macau, 88–89, 100–101
  - National Security Law, 290–292, 295
  - Nationality Law, 292
  - 'One Country, Two Systems' principle, Macau under, 88–90, 93–94
  - Promulgation of National Law in, 78
  - Special Administrative Regions, 9
- Perera, Andrew Ranjan, 186–187, 194
- Perišić, Momčilo, 175–176
- Permanent Court of Arbitration, 247
- permanent judges, on Hong Kong Court of Final Appeal, 43
- Pescatore, Pierre, 267
- Peterkin, Sir Neville, 230–231
- Pilotti, Massimo, 266
- Pi-Sunyer, Carles Viver, 208–210
- political corruption. *See* corruption
- Portugal
  - East Timor and, 124–139
    - colonial history of, 126–127
    - legal traditions in, 132–133
  - foreign judges recruited from, 7, 9, 94, 99
- PRC. *See* People's Republic of China
- property laws, in Liechtenstein, 57
- pupillage, in Colonial Legal Service, 275–276
- Qatar, domestic courts in, 378–381
  - Civil and Commercial Court, 9–10
  - Constitutional Court of Qatar, 380
  - foreign judges in
    - appointment of, 379
    - non-citizen, 4
    - recruitment of, 378–379
    - tenure for, 379–380
- Qatar International Court and Dispute Resolution Centre (QICDRC), 82, 380–381
- Quinn, James Aiden O'Brien, 185
- Rajah, V. K., 72
- Ramesh, Kannan, 409, 415
- Ramodibedi, Michael, 190
- recruitment, of foreign judges, 3
  - in East Timor, 125–126
    - for foreign judges, 125–126
    - by United Nations Transitional Administration in East Timor, 128
  - for Mission to support the Fight against Corruption and Impunity in Honduras, 156–157
  - in Papua New Guinea, 431
  - in Qatar, 378–379
- recurs d'empara*, in Andorra
  - Constitution of Andorra, 204–207
  - Constitutional Court of Andorra, 205–206

- recusal of judges
  - in hybrid international criminal tribunals and courts, 173–175
  - in Special Tribunal for Lebanon, 173
- Regional Assistance Mission to Solomon Islands, 310–311
- removal of judges
  - in Brunei Darussalam, 420–421
  - in Caribbean region, 325, 327, 338, 341
  - in Commonwealth of Nations' courts, 238
  - from Constitutional Court of Bosnia-Herzegovina, 109
  - from Constitutional Court of Kosovo, 109
  - in East Timor, 126
  - in The Gambia, 400
  - from Hong Kong Court of Final Appeal, 45
  - in Lesotho, 361
  - in Pacific region, 320, 321
  - in United Arab Emirates, 378
- representativeness, 19–20
  - in African courts, 19
  - for Commonwealth judges, 19–20
  - on Constitutional Court of Andorra, 215–216
  - 'international judges' and, 19–20
- reputation, of domestic courts, foreign judges and, 13–14
- Residency Agreement, in Brunei Darussalam, 411
- residency model, in Brunei, 412–413
- Resident's Court, in Brunei, 412
- retirement, of judges
  - in Brunei Darussalam, 419–420
  - from Hong Kong Court of Final Appeal, 45
- Revised Treaty of Chaguaramas, 220–222
- Revolutionary Front for an Independent East Timor (FRETILIN), 134
- Richardson, Sir Ivor, 46
- RILCH. *See* Institutional Strengthening for the Fight Against Corruption in Haiti
- Robert, Louis, 90, 91
- Roberts, Denys, 415, 419–421
- Roberts, John, 230–231
- Robotham, Sir Lascellas, 230–231
- Rome Statute, 163–164
- rule of law assistance, 18
- rule of law principles
  - in Andorra, 204
  - in Constitutional Court of Bosnia-Herzegovina, 118–119
  - in Constitutional Court of Kosovo, 118–119
  - in The Gambia, 394–396, 399–402
  - in Liechtenstein, 66–67
- Rules of Court Orders, in SICC, 74
- Russell, Sir Alison, 271
- Rwanda. *See* International Criminal Tribunal for Rwanda
- Sacirbey, Muhamed, 163
- SADC. *See* Southern African Development Community
- Saied, Mohammed, 409–410
- Saifuddin III, Omar Ali (Sultan), 418
- Saint Kitts and Nevis, 221, 331. *See also* Eastern Caribbean Supreme Court
- Saint Lucia, 220–221, 230–231. *See also* Eastern Caribbean Supreme Court
- Saint Vincent, 221. *See also* Eastern Caribbean Supreme Court
- Sakora, Bernard, 438–439
- Salika, Gibbs, 431
- same-sex marriage cases, in Liechtenstein, 68
- Samoa, 8
  - Constitution of, 308
  - New Zealand judges in, 244–245
  - superior court in, 303
- San Marino, 10
- al-Sanhūrī, 'Abd al-Razzāq, 373
- Sauzier, André, 185, 196–197
- Schäffer, Heinz, 64
- Schofield, Derek, 342
- Schreiner, Bill, 356
- Schwander, Vital, 62
- Scott, Michael Dishington, 309
- SCSL. *See* Special Court for Sierra Leone
- Serious Crimes Panel, in East Timor, 129, 131
- Šešelj, Vojislav, 174
- Sey, Mary, 309, 398
- Seychelles, 7
  - citizenship laws in, 4
  - colonialism in, 181
  - common law traditions in, 181, 190
  - Constitution of Seychelles (1993), 181–183
    - articles of, 185, 185
    - judicial appointments under, 183–185
    - Supreme Court established under, 182–183
  - Court of Appeal, 189–194
    - foreign judges in, 186
- courts in
  - constitutional establishment of, 182–183
  - Magistrates Court, 183
  - Supreme Court, 182–183, 186, 187
- foreign judges in, 187–198
  - appointment of, 189–194
  - in Court of Appeal, 186
  - as impartial mediators, 196–198
  - as innovators, 196–198
  - naturalised, 194–196
  - public perceptions of, 198
  - on Supreme Court, 187
  - tenure limits for, 24
- under French civil law, 190
- judicial officers in, 183–188
  - appointment of, 183–185
  - Constitutional Appointments Authority and, 183–185, 191–194, 199
- Lilongwe Principles, 188
- Southern African Chief Justices Forum, 188, 188
- SICC. *See* Singapore International Commercial Court
- Sierra Leone. *See* Special Court for Sierra Leone
- Singapore
  - amendments to Constitution, 73
  - common law traditions in, 71
  - European Union-Singapore Investment Protection Agreement, 83
  - Supreme Court of Judicature Act, 73–74
- Singapore International Commercial Court (SICC), 9
  - as civil law court, 71, 77–78

- as common law court, 71, 77–78
- English language use in, 76
- establishment of, 71
- foreign judges on, 72–80
  - diversity as result of, 75–76
  - nationality of, 76–78
- functions and purpose of, 72–73
- Hong Kong Court of Final Appeal, 71–72, 78–80
- international commercial arbitration in, 80
- jurisdiction of, 73–75
- methodological approach to, 71–72
- Rules of Court Orders, 74
- transfer cases in, 74–75
- UNCITRAL Model Law and, 79
- Slaughter, Anne-Marie, 6
- socialist legal culture, 111
- sociological legitimacy, of foreign judges, 18
- Solomon Islands, 8–9, 300
  - Regional Assistance Mission to Solomon Islands, 310–311
  - superior court in, 303
- Somare, Sir Michael, 430, 440
- Somers, Sir Edward, 46
- South Africa
  - Constitution of the Republic of South Africa, 234
  - Constitutional Court, 367–368
  - Court of Appeal, 353–354
  - deracialisation of judiciary in, 234, 354
  - foreign judges in, 352
- Southern African Chief Justices Forum, 188, 188
- South African Law Society, 366
- Southern African Development Community (SADC)
  - in Eswatini, 366
  - in Lesotho, 363–364
- Southern African region, domestic courts in
  - bias in, 362, 363
  - colonial history as influence on, 348–354
  - conceptual approach to, 345–348
  - cross-border influences in, 352–354
  - delayed indigenisation in, 348–354
    - historical factors for, 349–350
  - foreign judges in
    - appointment of, 345, 350–354
    - country of origin for, 352
    - judicialisation of politics and, 347, 347
    - legitimacy of, 345–346
    - manipulation of, 345
    - from South Africa, 352
  - structure of, 350–352
- sovereignty
  - of Andorra, 202–204
  - of foreign judges, 17–18
  - for Liechtenstein, 57
    - judicial system after, 58–60
  - of Mission to support the Fight against Corruption and Impunity in Honduras, 149–157
- Spain, legal traditions in. *See also* Andorra
  - Constitutional Court of Andorra influenced by, 206, 209, 210
- Special Administrative Regions (People's Republic of China), 9
- Special Court for Sierra Leone (SCSL), 8, 165–166, 168–169
  - jurisdiction for, 172
  - public perception of, 169–171
- Special Criminal Court (Central African Republic), 8, 165–166
- Special Jurisdiction for Peace (Colombia), 10
- Special Panels for Serious Crimes in East Timor, 165–166
- Special Tribunal for Lebanon, 9–10, 165–166
  - apprehended bias in, 173
  - recusal issues in, 173
- Specialised Courts, Kuwait, 374
- Spigelman, James, 46
- Sri Lanka, 7
- Stabilisation and Association Agreement, between Bosnia-Herzegovina and European Union, 115
- Struycken, Arnold, 266–267
- Subra de Bieusses, Pierre, 208, 210
- Sudan Political Service, 269–270
- Supreme Court of Brunei Darussalam, 409
- Supreme Court of Eswatini, 351–352
- Supreme Court of Monaco, 10
- Supreme Court of Papua New Guinea, 428, 437–438
- Swaziland, domestic courts in, 349–350. *See also* Eswatini, Kingdom of, domestic courts in
  - Constitution of Swaziland, 352
- Switzerland
  - Federal Court, 67–68
  - Liechtenstein legal order influenced by, 56
- Syariah Courts, in Brunei Darussalam, 410–411, 418–419, 423–425
  - judicial appointments in, 419–420
- Tamanaha, Brian, 454–455, 461
- Tau, Tebogo, 357
- tax laws
  - in Austria, 63
  - in Liechtenstein, 56–57
    - treaty with Austria, 63
- Tebbutt, Patrick, 350–351, 356–357
- tenure, of foreign judges
  - accountability and independence influenced by, 22–24
  - in Caribbean courts, 336–340
  - in Commonwealth of Nations' courts, 239
  - on Constitutional Court of Bosnia-Herzegovina, 109
  - on Constitutional Court of Kosovo, 109
  - fixed term appointments, 190–191, 305, 338, 339, 358, 403, 419
  - in The Gambia, 400, 405
  - in Middle East and North African region, 379–380, 386
  - in Pacific region, 306–307, 322
  - in Qatar, 379–380
  - in Seychelles, 24
  - in Southern Africa region, 346, 351, 356, 361, 362, 367–368
- Thürer, Daniel, 64, 69
- Tokyo Tribunals, 162
- tolerated shame, as concept, in Central America, 155–156
- Tonga, 8–9, 300
  - superior court in, 303
- Torrens, Shannon Maree, 174

- transnational citizenship, 312–313
- travelling judges
- definition of, 300–301
  - as expatriate judges, 316
  - gender and, 313, 316, 321
  - methodological approach to, 302–305
  - modalities of travel for, 306–307, 305–313
- Treaty of Chaguaramas, 220. *See also* Revised Treaty of Chaguaramas
- Trias, Pere Vilanova, 209
- tribunals. *See* hybrid international criminal tribunals and courts; international criminal tribunals
- Trinidad and Tobago, 221, 232, 330, 331. *See also* Caribbean Court of Justice
- Tunisia, 387–388
- Turks and Caicos, 221, 340. *See also* Caribbean Court of Justice
- Tuvalu, 8–9, 300
- superior court in, 303
- Twomey, Mathilda, 238
- UAE. *See* United Arab Emirates
- Uganda, 7
- U.K. *See* United Kingdom
- UN. *See* United Nations
- UN Interim Administration Mission in Kosovo (UNMIK), 167
- UNCITRAL Model Law, 79
- UNDP. *See* United Nations
- Ungerank, Wilhelm, 63
- United Arab Emirates (UAE), domestic courts in
- Abu Dhabi Global Market Court, 9–10, 81, 378
  - Dubai International Financial Centre Court, 9–10, 80–81, 377–378
  - establishments in, 81
  - establishment of, 376–377
  - foreign judges in
    - appointment of, 378
    - from Egypt, 385–386
    - non-citizen, 4
    - removal of, 378
- United Kingdom (U.K.). *See also* colonialism
- English Commercial Court, 83
  - domestic cases in, 83
  - foreign judges recruited from, 8–9
  - Judicial Committee of the Privy Council, 6–8, 282
  - in Brunei Darussalam domestic courts, 414, 422–423
  - Caribbean Court of Justice as replacement for, 221, 227
  - in Caribbean courts, 326–328, 330–331, 333–336
  - Hong Kong Court of Final Appeal and, 45, 47
- United Nations (UN)
- Development Programme, 124, 132
  - appointment of foreign judges by, 133–134
  - Interim Administration Mission in Kosovo, 167
  - Mission of Support to East Timor, 130, 130
  - Transitional Administration in East Timor, 127–130
  - international assistance through, 129–130
  - legal structure of, 128
  - recruitment of judicial personnel, 128
  - rule of law traditions under, 127
  - training by, 128–129, 138
- United States (U.S.)
- Federated States of Micronesia domestic courts
  - influenced by
    - Constitution of FSM and, 451–454
    - de-Americanisation of, 449, 461–462
    - through U.S. cultural values, 456–459
    - U.S. judges in, 449–452
    - U.S. jurisprudence in conflict with, 454–456  - foreign judges recruited from, 8–9
- Universal Declaration of Human Rights, Andorra and, 213–214
- UNMIK. *See* UN Interim Administration Mission in Kosovo; United Nations
- UNMISSET. *See* United Nations
- UNTAET. *See* United Nations
- U.S. *See* United States
- Vallender, Klaus, 64
- Vanuatu, 8–9, 12, 300
- superior court in, 303
- Velasquez, Ivan, 144
- Village Court, in Papua New Guinea, 428
- Villeda, Marco Antonio, 140–141, 145–157
- War Crimes Chamber in Bosnia and Herzegovina, 165–166
- Ward, Sir Gordon, 309, 310
- Washington Treaties (1907/1923), 152
- Wildhaber, Luzius, 64
- Wildman, Hugh, 340–341
- Wilhelm II (Kaiser), 161
- Winter, Gerard, 306
- Wolf, Louis de, 251
- Wood, Frank, 185, 197
- Wooding, Hugh, 329
- World War I, international criminal tribunals after, 161
- World War II, international criminal tribunals after, 161–162
- International Military Tribunals for Nuremberg, 162
  - Tokyo Tribunals, 162
- Wowo, Joseph, 401
- Wylie, Norman, 356
- Ximenes, Claudio, 132
- Yamase, Dennis, 454–455
- Yip, Man, 76–78
- Young, Harold, 335
- Young, Simon, 325
- al-Zaabi, Mohammed bin Saqr, 391