**Supplementary Appendix:**

**Access and Public Justification Court Provisions**

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| **African Court of Human and Peoples’ Rights (ACtHPR )** | | | | | |
| Direct access | | No | | ACtHPR Protocol, Art. 5 + Art. 34(6) | |
| Indirect access | | Yes | | ACtHPR Protocol, Art. 5 + Art. 34(6) | |
| Third party access | | Yes | | ACtHPR Protocol Art. 26(2); see also ACtHPR Rules, Rule 45 | |
| Public observer access | | Yes | | ACtHPR Protocol, Art. 10(1) | |
| Delivered in public | | Yes | | ACtHPR Protocol, Art. 28(5); see also ACtHPR Rules, Rule 61(3) | |
| Published | | Yes | | ACtHPR Rules, Rule 65 | |
| Reasoned opinion | | Yes | | ACtHPR Protocol, Art. 28(6); see also ACtHPR Rules, Rule 63 | |
| Separate opinion | | Yes | | ACtHPR Protocol, Art. 28(7) | |
| **Sources:**  Protocol to the African Charter on Human and Peoples' Rights on the Establishment of an African Court on Human and People's Rights (entry into force 25 January 2004). OAU Doc. OAU/LEG/MIN/AFCHPR/PROT.1 rev.2 (‘ACtHPR Protocol’).  Rules of the Court, African Court of Human and Peoples’ Rights (entry into force 2 June 2010). Available at: http://en.african-court.org/index.php/basic-documents (‘ACtHPR Rules’). | | | | | |
| **Andean Community Tribunal of Justice (ATJ)** | | | | | |
| Direct access | | Yes | | ATJ Treaty, Art. 19; Cochabama Protocol, Art. 19 and 25 | |
| Indirect access | | Yes | | ATJ Treaty, Art. 28-31; Cochabama Protocol, Art. 32-36. | |
| Third party access | | Yes | | ATJ Statute, Art. 72 | |
| Public observer access | | Yes | | ATJ Statute, Art. 82 | |
| Delivered in public | | No | | ATJ Rules of 2004; these rules have no provision requiring delivery of judgments in public. Prior rules did have such a requirement, see ATJ Rules of 1983, Art. 57. | |
| Published | | Yes | | ATJ Treaty, Art. 43; ATJ Statute, Art. 94 | |
| Reasoned opinion | | Yes | | ATJ Statute, Art. 90 | |
| Separate opinion | | No | | ATJ Statute, Art. 90 | |
| **Sources:**  Treaty Creating the Court of the Justice of the Cartagena Agreement (adopted 28 May 1979). 1979. International Legal Materials, 18(5), pp.1203-1210. (‘ATJ Treaty’).  Protocol amending the Treaty Creating the Court of Justice of the Cartagena Agreement (adopted 28 May 1996). Available at: www.wipo.int/wipolex/en/profile.jsp?code=CAN. (‘Cochabama Protocol’).  Statute of the Court (adopted 28 June 2001), CAN Decision 500. Available at: www.tribunalandino.org.ec/sitetjca1/index.php. (‘ATJ Statute’).  Bylaws of the Andean Court of Justice (adopted 19 August 1983), CAN Decision 184. Available at: www.tribunalandino.org.ec/sitetjca1/index.php. (‘ATJ Rules of 1983’).  Reglemento Interno del Tribunal de Justicia de la Comunidad Andina (adopted 18 May 2004). Gaceta Oficial de Acuerdo de Cartagena, No. 1071. Available at: http://www.comunidadandina.org/Normativa.aspx (‘ATJ Rules of 2004’). | | | | | |
| **Benelux Court of Justice (BCJ)** | | | | | |
| Direct access | | No | | BCJ Treaty; no provision of the treaty confers the right of individual complaint. | |
| Indirect access | | Yes | | BCJ Treaty, Art. 6 | |
| Third party access | | No | | BCJ Treaty; no provision of treaty confers non-state actors’ right to intervene in supranational questions. | |
| Public observer access | | No | | Proceedings of the court are written, see BCJ Treaty, Art. 12(3). BCJ can however decide to hold oral and public hearings, see BCJ Treaty, Art. 12(3). Also, hearings are public when BCJ sits as administrative tribunal for personnel. | |
| Delivered in public | | Yes | | BCJ Treaty, Art. 12(6). | |
| Published | | Yes | | BCJ Rules, Art. 32. | |
| Reasoned opinion | | Yes | | BCJ Treaty, Art. 12(6). | |
| Separate opinion | | No | | Garoupa and Ginsburg 2015, p. 182. | |
| **Sources:**  Treaty concerning the establishment and the statute of a Benelux Court of Justice, adopted 31 March 1965; entry into force 1 January 1974. 924 UNTS 4.  Règlement de procedure (adopted 18 April 1988) Available at: www.courbeneluxhof.be/fr/basisdocumenten.asp . (‘BCJ Rules’).  Nuno Garoupa and Tom Ginsburg. 2015. Judicial Reputation: A Comparative Theory (Chicago: University of Chigaco Press). | | | | | |
| **Central American Court of Justice (CACJ)** | | | | | |
| Direct access | | | Yes | CACJ Statute, Art. 22 | |
| Indirect access | | | Yes | CACJ Statute, Art. 22 | |
| Third party access | | | No | No provision confers non-state actors’ right to intervene. | |
| Public observer access | | | Yes | CACJ Rules, Art. 44. | |
| Delivered in public | | | No | No provision requires public hearings. | |
| Published | | | Yes | Tegucigalpa Protocol, Art. 10 | |
| Reasoned opinion | | | Yes | CACJ Statute, Art. 36 | |
| Separate opinion | | | Yes | CACJ Statute, Art. 36; CACJ Rules, Art. 24 | |
| **Sources:**  Convention on the Statute of the Central American Court of Justice (adopted 10 December 1992, entry into force 2 February 1994). 1821 UNTS 279. (‘CACJ Statute’).  Tegucigalpa Protocol to the Charter of the Organization of Central American States (adopted 12 December 1962, entry into force 23 July 1992). 1695 UNTS, 382. (‘Tegucigalpa Protocol’).  Ordenanza de Procedimientos de la Corte Centroamericana de Justicia (adopted January 1995). 2007. In Regimen Juridico, 2nd Ed. Managua: Central American Court of Justice, pp. 55-74. Available at: http://portal.ccj.org.ni/CCJ2/Default.aspx?tabid=102. (‘CACJ Rules’). | | | | | |
| **Caribbean Court of Justice (CCJ)** | | | | | |
| Direct access | | | Yes | Revised CARICOM Treaty Art. 211 and 222; CCJ Treaty Art. 12 + 24 | |
| Indirect access | | | Yes | Revised CARICOM Treaty Art. 211 and 214; CCJ Treaty Art. 14 | |
| Third party access | | | Yes | CCJ Treaty, Art. 28 | |
| Public observer access | | | Yes | CCJ Rules, Rule 3 (2)(1) | |
| Delivered in public | | | Yes | CCJ Rules, Rule 29(2)( 2) | |
| Published | | | Yes | CCJ Rules, Rule 29(6) | |
| Reasoned opinion | | | Yes | CCJ Rules, Rule 29(1) | |
| Separate opinion | | | No | CCJ Rules, Rule 3(4)(4) | |
| **Notes:** Coding is based on Original Jurisdiction.  **Sources:**  Agreement establishing the Caribbean Court of Justice (adopted 14 February 2001, entry into force 23 July 2002). 2255 U.N.T.S. 319. (‘CCJ Treaty’).  Revised Treaty of Chaguaramas establishing the Caribbean Community including the CARICOM Single Market and Economy (adopted 5 July 2001, entry into force 4 February 2002). 2259 U.N.T.S. 293. (‘Revised CARICOM Treaty’).  The Caribbean Court of Justice (Original Jurisdiction) Rules. 2006. Available at: www.caribbeancourtofjustice.org/wp-content/uploads/2011/06/FINAL-ORIG-INAL-RULES-AS-SIGNED-MARCH-24-O6.pdf (‘CCJ Rules’). | | | | | |
| **Central African Economic and Monetary Community Court of Justice (CEMAC CJ)** | | | | | |
| Direct access | | | Yes | Statute of CEMAC CJ, Art. 14 | |
| Indirect access | | | Yes | Statute of CEMAC CJ, Art. 17 | |
| Third party access | | | Yes | CEMAC CJ Rules, Art. 71 and 72 | |
| Public observer access | | | Yes | CEMAC CJ Rules, Art. 61 | |
| Delivered in public | | | Yes | CEMAC CJ Rules, Art. 61 | |
| Published | | | No | No provision requires publication of decisions | |
| Reasoned opinion | | | Yes | CEMAC CJ Rules, Art. 87 | |
| Separate opinion | | | No | CEMAC CJ Rules, Art. 69; See also Garoupa and Ginsburg 2015, p. 182. | |
| **Sources:**  Statut de la Chambre Judiciaire de la Cour de Justice (adopted 14 December 2000). Acte Additionnel N° 06/00/CEMAC-041-CCE-CJ-02. Available at: www.cemac.int/textes-officiels. (‘Statute of CEMAC CJ’).  Règles de procédure de la Chambre Judiciaire de la Cour de Justice (adopted 14 December 2000). Acte Additionnel N° 4/00/CEMAC-041-CCE-CJ-02. Available at: www.cemac.int/textes-officiels. (‘CEMAC CJ Rules’).  Nuno Garoupa and Tom Ginsburg. 2015. Judicial Reputation: A Comparative Theory (Chicago: University of Chigaco Press), p. 182. | | | | | |
| **Court of Justice of the European Union (CJEU)** | | | | | |
| Direct access | | | Yes | TEU post-Lisbon: Art. 263 (ex Art. 230 TEC); Art. 265 (ex Art. 232 TEC), among others. | |
| Indirect access | | | Yes | TEU Post-Lisbon, Art. 267 (ex Art. 234 TEC) | |
| Third party access | | | Yes | Statute of the CJEU, Art 40. | |
| Public observer access | | | Yes | CJEU Statute, Art. 31. | |
| Delivered in public | | | Yes | CJEU Statute, Art. 37 | |
| Published | | | Yes | CJEU Rules, Art. 92 | |
| Reasoned opinion | | | Yes | CJEU Statute, Art. 36 | |
| Separate opinion | | | No | CJEU Rules, Art. 32; Garoupa and Ginsburg 2015, p. 182. | |
| **Sources:**  Consolidated Version of the Treaty on European Union, 2010 O.J. C 83/01 (‘TEU post-Lisbon’).  Protocol No 3 to the Treaty of European Union on the Statute of the Court of Justice of the European Union, Consolidated Version of the Treaty on European Union, 2010 O.J. C 83/01 (‘CJEU Statute’).  Rules of Procedure of the Court of Justice, 2012 O.J. L 265/1 (‘CJEU Rules’).  Nuno Garoupa and Tom Ginsburg. 2015. Judicial Reputation: A Comparative Theory (Chicago: University of Chicago Press). | | | | | |
| **Common Market for Eastern and Southern Africa Court of Justice (COMESA CJ)** | | | | | |
| Direct access | | | Yes | COMESA Treaty, Art. 26 | |
| Indirect access | | | Yes | COMESA, Art. 30 | |
| Third party access | | | Yes | COMESA Treaty, Art. 36 | |
| Public observer access | | | Yes | No provision requires hearings are public, but COMESA CJ Rules, Rule 49(2) implies that unless request is made by the parties, hearings are public. | |
| Delivered in public | | | Yes | COMESA Treaty, Art. 31.1; COMESA CJ Rules, Rule 57(1). | |
| Published | | | Yes | COMESA CJ Rules, Rule 61 | |
| Reasoned opinion | | | Yes | COMESA Treaty, Art. 31(1) | |
| Separate opinion | | | No | COMESA Treaty, Art. 31(2) | |
| **Notes:** Art. 27 of the COMESA Treaty gives personnel of community access for administrative review.  **Sources:**  Treaty establishing the Common Market for Eastern and Southern Africa (adopted 5 November 1993; entry into force 8 December 1994) 2314 UNTS 265. (‘COMESA Treaty’).  Rules of Court of the Court of Justice of the Common Market for Eastern and Southern African. 2006. Available at: https://web.archive.org/web/20131220114112/http://comesacourt.org/en/rules-of-the-court/. (‘COMESA CJ Rules’). | | | | | |
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| **East African Court of Justice (EACJ)** | | | | | |
| Direct access | | | Yes | EAC Treaty, Art. 30 | |
| Indirect access | | | Yes | EAC Treaty, Art. 34 | |
| Third party access | | | Yes | EAC Treaty, Art. 40 | |
| Public observer access | | | Yes | EACJ Rules, Rule 58(1) | |
| Delivered in public | | | Yes | EAC Treaty, Art. 35(1) | |
| Published | | | No | EACJ Rules, Rule 69\* | |
| Reasoned opinion | | | Yes | EAC Treaty, Art. 35(1) | |
| Separate opinion | | | Yes | EAC Treaty, Art. 35(2) | |
| **Note:** \* 2004 EACJ Rules, Rule 69 says the judgments “may be published,” and not that they must be published. More recent Rules say the same.  **Sources:**  Treaty for the establishment of the East African Community (adopted 30 November 30 1999, entry into force 7 July 2000) 2144 U.N.T.S. 255. (‘EAC Treaty’).  East African Court of Justice Rules of Procedure. Arusha, adopted November 2004. (‘EACJ Rules’).  East African Court of Justice Rules of Procedure. Arusha, adopted 27 March 2013. Available at: http://eacj.org/?page\_id=1271.  East African Court of Justice Rules of Procedure. Arusha, adopted 1 February 2010. Available at: http://eacj.org/?page\_id=491. | | | | | |
| **Economic Court of the Commonwealth of Independent States (ECCIS)** | | | | | |
| Direct access | | | No | ECCIS Statute, Art. 3 | |
| Indirect access | | | No | ECCIS Statute, Art. 3 | |
| Third party access | | | No | ECCIS Rules, Rule 39 | |
| Public observer access | | | Yes | ECCIS Rules, Rule 63; see also ECCIS Rules, Rule 45. | |
| Delivered in public | | | Yes | ECCIS Rules, Rule 151 and 45. | |
| Published | | | Yes | ECCIS Statute, Art. 16; ECCIS Rules, Rule 175 | |
| Reasoned opinion | | | Yes | ECCIS Rules, Rule 87 | |
| Separate opinion | | | No | ECCIS Rules, Rule 84 and 86\* | |
| **Note:** \* A dissent can be given, but it cannot be made public even though it is part of official record of case.  **Sources:**  Soglashenie o statuse Economicheskogo Suda Sodruzhestva Nezavisimykh Gosudarstv (Agreement on the Statute of the Commonwealth of Independent States Economic Court) (signed 6 July 1992, entry into force 6 July 1992) (1992) 6 Sodruzhestvo 53. Available at: http://sudsng.org/download\_files/docs/soglashenie\_o\_statuse2.doc (‘ECCIS Statute’).  РЕГЛАМЕНТ Пленума Экономического Суда Содружества Независимых Государств (Rules of Procedure of the Economic Court of the Commonwealth of Independent States) (adopted 13 March 2009) Available at: http://sudsng.org/download\_files/statdocs/reglament\_plenum\_2010.pdf (‘ECCIS Rules’). | | | | | |
| **Economic Community of West African States Court of Justice (ECOWAS CJ)** | | | | | |
| Direct access | | | Yes | Supplementary Protocol of ECOWAS CJ, Art. 4 (c) and (d) | |
| Indirect access | | | Yes | Supplementary Protocol of ECOWAS CJ, Art. 4 (f) | |
| Third party access | | | No | ECOWAS CJ Protocol, Art. 21 | |
| Public observer access | | | Yes | Rules of the ECOWAS CJ, Art. 22(4) | |
| Delivered in public | | | Yes | ECOWAS CJ Protocol, Art. 19(2) | |
| Published | | | Yes | ECOWAS CJ Rules, Art. 65 | |
| Reasoned opinion | | | Yes | ECOWAS CJ Protocol, Art. 19(2) | |
| Separate opinion | | | No | ECOWAS CJ Protocol, Art. 19(3) | |
| **Sources:**  Protocol A/P.l/7/91 on the Community Court of Justice. Adopted 6 July 1991. Available at: www.courtecowas.org/site2012/index.php?option=com\_content&view=Art.&id=53&Itemid=9 (‘ECOWAS CJ Protocol’).  Supplementary Protocol A/SP.1/01/05 amending Protocol A/P.1/7/91 relating to the Community Court of Justice. Adopted 19 January 2005. Available at: www.courtecowas.org/site2012/index.php?option=com\_content&view=Art.&id=53&Itemid=9 (‘Supplementary Protocol of ECOWAS CJ’).  Rules of the Community Court of Justice of the Economic Community of West African States. 2002. Available at: www.courtecowas.org/site2012/index.php?option=com\_content&view=Art.&id=53&Itemid=9 (‘ECOWAS CJ Rules’). | | | | | |
| **European Court of Human Rights (ECtHR)** | | | | | |
| Direct access | | | Yes | ECHR, Art. 34. | |
| Indirect access | | | No | ECHR, Art. 32. | |
| Third party access | | | Yes | ECHR, Art. 36(2) | |
| Public observer access | | | Yes | ECHR, Art. 40.1 | |
| Delivered in public | | | No | ECtHR Rules 2009; ECtHR Rules 77\* | |
| Published | | | Yes | ECHR, Art. 44(39) | |
| Reasoned opinion | | | Yes | ECHR, Art. 45(1); ECtHR Rule 74 | |
| Separate opinion | | | Yes | ECHR, Art. 45.2 | |
| **Notes:** \*Rule 77 states that the judgments *may* be read in open court (emphasis added), not that they must be. Earlier rules stated judgments it must be read in open court.  **Sources:**  European Convention for the Protection of Human Rights and Fundamental Freedoms (4 November 1950; entry into force 3 September 1953) 213 UNTS 222 (‘ECHR’).  Rules of Court (adopted 29 June 2009; entry into force 1 July 2009). European Court of Human Rights. Available at: http://www.echr.coe.int/Documents/Library\_2009\_RoC\_ENG.pdf (‘ECtHR Rules’). | | | | | |
| **European Free Trade Agreement Court (EFTAC)** | | | | | |
| Direct access | | | Yes | ESA/Court Agreement, Art. 36 and 37 | |
| Indirect access | | | Yes | ESA/Court Agreement, Art. 34\* | |
| Third party access | | | Yes | EFTA Court Statute, Art. 36\*\* | |
| Public observer access | | | Yes | EFTA Court Statute, Art. 27 | |
| Delivered in public | | | Yes | EFTA Court Statute, Art. 33 | |
| Published | | | Yes | EFTA Court Rules, Art. | |
| Reasoned opinion | | | Yes | EFTA Court Statute, Art. 32 | |
| Separate opinion | | | No | EFTA Court Rules, Art. 23; see also McKenzie et al. 2010, p. 274. | |
| **Notes:** \* Decision through preliminary reference are advisory only.  \*\* This is the right to intervene, but it is limited to supporting the form of order sought by the parties.  **Sources:**  Agreement between the EFTA States on the establishment of a surveillance authority and a Court of Justice (1994) L 344/1 (‘ESA/Court Agreement’).  Protocol 5 to the ESA/Court Agreement on the Statute of the EFTA Court. Available at: http://www.eftacourt.int/the-court/procedure/statute/ (‘EFTA Court Statute’).  Rules of Procedure, adopted 4 January and 1 February 1994, amended 22 August 1996, 20 September 2007, and 10 November 2010. Available at: http://www.eftacourt.int/the-court/procedure/rules-of-procedure/ (‘EFTA Court Rules’).  Ruth Mackenzie, Cesare Romano, Philippe Sands, and Yuval Shany, *The Manual on International Courts and Tribunals* (Oxford: Oxford University Press, 2010). | | | | | |
| **Inter-American Court of Human Rights (IACtHR)** | | | | | |
| Direct access | | | No | American Convention on Human Rights, Art. 61. | |
| Indirect access | | | Yes | American Convention on Human Rights, Art. 61 and 62 | |
| Third party access | | | Yes | IACtHR Rules, Art. 44 | |
| Public observer access | | | Yes | Statute of the IACtHR, Art. 24.1. | |
| Delivered in public | | | Yes | Statute of the IACtHR, Art. 24 | |
| Published | | | Yes | Statute of the IACtHR, Art. 24; see also IACtHR Rules, Art. 32. | |
| Reasoned opinion | | | Yes | American Convention on Human Rights, Art. 66 | |
| Separate opinion | | | Yes | American Convention on Human Rights, Art. 66; see also IACtHR Rules, Art. 65 | |
| **Notes:** Coding is based on contentious cases.  **Sources:**  American Convention on Human Rights (adopted 22 November 1969, entry into force 18 July 1978) 1144 UNTS 123. (‘American Convention on Human Rights’).  Statute of the Inter-American Court on Human Rights OAS Res 448 (IX-0/79), OAS Official Records OEA/Ser P/IX.0.2/80, Vol. 1, pp. 98-108. (‘Statute of the IACtHR’).  Rules of Procedure of the Inter-American Court on Human Rights (as amended in 2009), Available at: www.corteidh.or.cr/index.php/en/about-us/reglamento/reglamento-vigente (‘IACtHR Rules’). | | | | | |
| **International Criminal Court ICC** | | | | | |
| Direct access | | | No | | Rome Statute, Art. 13, 14, and 15 |
| Indirect access | | | No | | Rome Statute, Art. 13, 14, and 15 |
| Third party access | | | Yes | | ICC Rules, Rule 103; see also Mackenzie et al. 2010, p. 175. |
| Public observer access | | | Yes | | Rome Statute, Art. 64(7) |
| Delivered in public | | | Yes | | Rome Statute, Art. 74 and 76 |
| Published | | | Yes | | Rome Statute, Art. 50; ICC Rules, Rule 40 |
| Reasoned opinion | | | Yes | | Rome Statute, Art. 74(5) |
| Separate opinion | | | Yes | | Rome Statute, Art. 74(5) |
| **Sources:**  Rome Statute of the International Criminal Court (17 July 1998, entry into force 1 July 2002), as amended on 30 November 1999, 8 May 2000, 17 January 2001, 16 January 2002, 2187 UNTS 90 (‘Rome Statute’).  Rules of Procedure and Evidence (ICC-ASP/1/3), adopted 9 September 2002, available at: https://www.icc-cpi.int/en\_menus/icc/legal%20texts%20and%20tools/Pages/legal%20tools.aspx (‘ICC Rules’). | | | | | |
| Ruth Mackenzie, Cesare Romano, Philippe Sands, and Yuval Shany, *The Manual on International Courts and Tribunals* (Oxford: Oxford University Press, 2010).  **International Court of Justice (ICJ)** | | | | | |
| Direct access | | | No | | ICJ Statute, Art. 34, 35 and 36 |
| Indirect access | | | No | | ICJ Statute, Art. 34, 35 and 36 |
| Third party access | | | No | | ICJ Statute, Art. 34.2, in conjunction with ICJ Rules, Art. 69(4); see Makenzie et al. 2010, p. 30. |
| Public observer access | | | Yes | | ICJ Statute, Art. 46 |
| Delivered in public | | | Yes | | ICJ Statute, Art. 58 |
| Published | | | Yes | | ICJ Rules, Art. 26 |
| Reasoned opinion | | | Yes | | ICJ Statute, Art. 56 |
| Separate opinion | | | Yes | | ICJ Statute, Art. 57 |
| **Notes:** Coding is based on compulsory jurisdiction, not advisory opinions.  **Sources:**  Statute of the International Court of Justice (adopted 26 June 1945, entry into force 24 October 1945) 3 Bevans 1179; 59 Stat 1055; TS No 993. (‘ICJ Statute’).  Rules of Court (adopted on 14 April 1978, entry into force on 1 July 1978), amended 2001 and 2005. Available at: http://www.icj-cij.org/documents/index.php?p1=4&p2=3&p3=0 (‘ICJ Rules).  Ruth Mackenzie, Cesare Romano, Philippe Sands, and Yuval Shany, *The Manual on International Courts and Tribunals* (Oxford: Oxford University Press, 2010). | | | | | |
| **International Criminal Tribunal for Rwanda (ICTR)** | | | | | |
| Direct access | | | No | | ICTR Statute, Art. 15, 17 and 18 |
| Indirect access | | | No | | ICTR Statute, Art. 15, 17 and 18 |
| Third party access | | | Yes | | ICTR Rules, Rule 74 |
| Public observer access | | | Yes | | ICTR Statute, Art. 19(4); see also ICTR Rules, Rule 78 and 79 |
| Delivered in public | | | Yes | | ICTR Statute, Art. 22(2) |
| Published | | | No | | No provision requires publication of judgments. |
| Reasoned opinion | | | Yes | | ICTR Statute, Art. 22(2) |
| Separate opinion | | | Yes | | ICTR Statute, Art. 22(2) |
| **Sources:**  Statute of the International Criminal Tribunal for Rwanda (adopted 8 November 1994), UN DocS/Res955 (1994) last amended 16 December 2009 (‘ICTR Statute’).  International Criminal Tribunal for Rwanda, Rules of Procedure and Evidence, entry into force 29 June 1995, last amended 13 May 2015. Available at: http://unictr.unmict.org/sites/unictr.org/files/legal-library/150513-rpe-en-fr.pdf (‘ICTR Rules’). | | | | | |
| **International Criminal Tribunal of the former Yugoslavia (ICTY)** | | | | | |
| Direct access | No | | | | ICTY Statute, Art. 16, 18 and 19 |
| Indirect access | No | | | | ICTY Statute, Art. 16, 18 and 19 |
| Third party access | Yes | | | | ICTY Rules, Rule 74 |
| Public observer access | Yes | | | | Art. 20(4) of the Statute of the ICTY; see also ICTY Rules, Rule 78 and 79 |
| Delivered in public | Yes | | | | ICTY Statute, Art. 23(2) |
| Published | No | | | | ICTY Statute, Art. 23(2) |
| Reasoned opinion | Yes | | | | ICTY Statute, Art. 23(2) |
| Separate opinion | Yes | | | | ICTY Statute, Art. 23(2) |
| **Sources:**  Statute of the International Criminal Tribunal for the former Yugoslavia (adopted 25 May 1993), UN DocS/Res955 (1994) last amended 7 July 2009 (‘ICTY Statute’).  International Criminal Tribunal for the Former Yugoslavia, Rules of Procedure and Evidence IT/32/Rev. 50 (adopted 11 February 1994, last amended 8 July 2015). Available at: http://www.icty.org/en/documents/rules-procedure-evidence (‘ICTR Rules’). | | | | | |
| **International Tribunal for the Law of the Sea (ITLOS)** | | | | | |
| Direct access | Yes | | | | ITLOS Statute, Art. 20; UNCLOS, Art. 187\* |
| Indirect access | No | | | | ITLOS Statute, Art. 20 |
| Third party access | No | | | | ITLOS Rules, Rule 84\*\* |
| Public observer access | Yes | | | | ITLOS Statute, Art. 26(2) |
| Delivered in public | Yes | | | | ITLOS Statute, Art. 30(4) |
| Published | Yes | | | | ITLOS Rules, Art. 36(k) |
| Reasoned opinion | Yes | | | | ITLOS Statute, Art. 30(1) |
| Separate opinion | Yes | | | | ITLOS Statute, Art. 30(3) |
| **Notes:** \* Direct access applies only to the Sea Bed Chamber. \*\*Only state parties can intervene, and only intergovernmental organizations can submit amicus curiae briefs. See Mackenzie et al. 2010, p. 62-64.  **Sources:**  Statute of the International Tribunal for the Law of the Sea (Annex IV of UN Convention on the Law of the Sea) (adopted 10 December 1982, entry into force 16 November 1994). 1833 UNTS 3, (‘ITLOS Statute’).  United Nations Convention on the Law of the Sea (10 December 1982, entry into force 16 November 1994) 1833 UNTS 3 (‘UNCLOS’).  Rules of the Tribunal, adopted 17 March 2009. ITLOS/8. Available at: https://www.itlos.org/fileadmin/itlos/documents/basic\_texts/Itlos\_8\_E\_17\_03\_09.pdf (‘ITLOS Rules’). | | | | | |
| Ruth Mackenzie, Cesare Romano, Philippe Sands, and Yuval Shany, *The Manual on International Courts and Tribunals* (Oxford: Oxford University Press, 2010).  **Mercosur Permanent Review Tribunal (PRT)** | | | | | |
| Direct access | No | | | | Olivos Protocol, Art. 17 and 23(1)\* |
| Indirect access | Yes | | | | Olivos Protocol, Art. 39, 40, 41, and Art. 3\*\* |
| Third party access | No | | | | No provision confers nonstate actors the right to intervene.\*\*\* |
| Public observer access | No | | | | No explicit rule, but Olivos Protocol, Art. 46 affirms closed nature of proceedings. |
| Delivered in public | No | | | | No explicit rule. Olivos Protocol, Art. 46 makes all documentation confidential. |
| Published | Yes | | | | Regulation of the Olivos Protocol, Art. 40 |
| Reasoned opinion | Yes | | | | Olivos Protocol, Art. 25 |
| Separate opinion | No | | | | Olivos Protocol, Art. 25 |
| **Notes:** \* Only parties to a dispute before an ad hoc panel can refer a case to the PRT. Only state parties can file dispute (Olivos Protocol, Art. 6). \*\*Indirect access is a review not to the PRT but a “group of experts”. Also, national courts can request advisory opinion, but they are not binding. \*\*\*Only state parties can intervene, see Mackenzie et al. 2010, p. 310.  **Sources:**  Olivos Protocol for the Settlement of Disputes in Mercosur (adopted on 18 February 2002; entry into force 1 January 2004), 2251 UNTS 288 (‘Olivos Protocol’).  Reglamento del Protocolo de Olivos para la solución de controversias en el MERCOSUR, Decisión CMC Nº 37/03 (adopted 15 December 2003). In Recopilción Normativa: Solución de controversias en el MERCOSUR (Montevideo: Secretaría del Mercosur, 2007), pp: 27-43. Available at: www.mercosur.int/innovaportal/file/680/1/solucion\_de\_controversias\_final\_-\_02-01-2012.pdf (‘Regulations of the Olivos Protocol’).  Ruth Mackenzie, Cesare Romano, Philippe Sands, and Yuval Shany, *The Manual on International Courts and Tribunals* (Oxford: Oxford University Press, 2010). | | | | | |
| **OHADA Common Court of Justice and Arbitration (CCJA)** | | | | | |
| Direct access | Yes | | | | OHADA Treaty, Art. 15 |
| Indirect access |  | | | | OHADA Treaty, Art. 15 |
| Third party access | Yes | | | | OHADA CCJA Rules, Art. 45 |
| Public observer access | Yes | | | | OHADA Treaty, Art 19 |
| Delivered in public | Yes | | | | OHADA CCJA Rules, Art. 40 |
| Published | Yes | | | | OHADA CCJA Rules, Art. 42 |
| Reasoned opinion | Yes | | | | OHADA CCJA Rules, Art. 39 |
| Separate opinion | No | | | | OHADA CCJA Rules, Art. 22(4) |
| **Notes:** Coding is based on the Common Court of Justice function, not arbitration. Coding took into account the 2008 OHADA Treaty Revisions to the OHADA Treaty; however none of the articles referenced were revised.  **Sources:**  Treaty on the Harmonisation of Business Law in Africa (adopted 17 October 1993). Available at: www.ohada.com/traite/10/treaty-on-the-harmonisation-of-business-law-in-africa.html (‘OHADA Treaty’)  Treaty related to the Revisions to the Treaty on the Harmonisation of Business Law in Africa (adopted 17 October 2008). Available at: http://www.ohada.com/traite.html (‘OHADA Treaty Revisions’)  Rules of Procedure of the Common Court of Justice and Arbitration (adopted 18 April 1996). Official Journal No. 4 of 1 November 1997. Available at: www.ohada.com/reglements/670/rules-of-procedure-of-the-joint-court-of-justice-and-arbitration.html (‘OHADA CCJA Rules’) | | | | | |
| **Southern African Development Community Tribunal (SADC T)** | | | | | |
| Direct access | Yes | | | | SADC Tribunal Protocol, Art. 18 |
| Indirect access | Yes | | | | SADC Tribunal Protocol, Art. 16 |
| Third party access | Yes | | | | SADC Tribunal Protocol, Art. 30 |
| Public observer access | Yes | | | | SADC Tribunal Rules, Rule 45 |
| Delivered in public | Yes | | | | SADC Tribunal Protocol, Art. 24; see also SADC Tribunal Rules, Rule 57 |
| Published | Yes | | | | SADC Tribunal Rules, Rule 15 |
| Reasoned opinion | Yes | | | | SADC Tribunal Protocol, Art 24 |
| Separate opinion | Yes | | | | SADC Tribunal Rules, Rule 58\* |
| **Note: \***While the protocol and rules do not explicitly allow for separate opinions, this rule distinguishes majority decision from “every written opinion.” Also, during its operation written separate opinions were attached to the decision of the court.  **Sources:**  Protocol on Tribunal in the Southern African Development Community (adopted 7 August 2000). Available at: www.sadc.int/about-sadc/overview/sa-protocols/. (‘SADC Tribunal Protocol’).  Rules of Procedure of the Southern African Development Community Tribunal (adopted 7 August 2000). Available at: www.sadc.int/about-sadc/overview/sa-protocols/ (‘SADC Tribunal Rules’). | | | | | |
| **West African Economic and Monetary Union Court of Justice (WAEMU CJ)** | | | | | |
| Direct access | Yes | | | | Protocol No. 1, Art. 8.\* |
| Indirect access | Yes | | | | Protocol No. 1, Art. 12 |
| Third party access | Yes | | | | Statute of the WAEMU CJ, Art. 45; see also WAEMU CJ Rules, Art. 79. |
| Public observer access | Yes | | | | Protocol No. 1, Art. 3. See also Statute of WAEMU CJ, Art. 36. |
| Delivered in public | Yes | | | | Statute of WAEMU CJ, Art. 42 |
| Published | Yes | | | | Protocol No. 1, Art. 20 |
| Reasoned opinion | Yes | | | | WAEMU CJ Rules, Art. 55 |
| Separate opinion | No | | | | WAEMU CJ Rules, Art. 19; see also Garoupa and Ginsburg 2015, p. 182. |
| **Notes:** \*Direct access only concerns the ability of individuals to initiate review of community acts (this excludes their ability to initiate litigation on review of state application of community law).  **Sources:**  Treaty on the West African Economic and Monetary Union (WAEMU) adopted 10 January 1994; entry into 1 August 1994. Available at: http://www.uemoa.int/Documents/TraitReviseUEMOA.pdf (‘WAEMU Treaty’).  Protocole Additionnel No. 1 relatif aux Organes de contrôle de l'UEMOA. Available at: http://www.uemoa.int/Pages/Actes/NewPages/Protocole\_additionnel\_I.aspx (‘Protocol No. 1’)  Acte additionnel n°10/96 du 10 mai 1996 de la Conférence des Chefs d'État et de Gouvernement portant Statuts de la Cour de Justice de l'UEMOA. In *Cour de justice textes fondamentaux et jurisprudence* (Paris : Agence intergouvernementale de la francophonie : GIRAF) (‘Statute of the WAEMU CJ’)  Règlement n° 1/96/CM portant Règlement des procédures de la Cour de Justice de l'UEMOA. Available at: http://www.uemoa.int/Pages/ACTES/ConseildesMinistres.aspx (‘WAEMU CJ Rules’).  Nuno Garoupa and Tom Ginsburg. 2015. Judicial Reputation: A Comparative Theory (Chicago: University of Chigaco Press), p. 182. | | | | | |
| **World Trade Organization Appellate Body (WTO AB)** | | | | | |
| Direct access | No | | | | DSU, Art. 17(4) |
| Indirect access | No | | | | DSU, Art. 17(4) |
| Third party access | Yes | | | | DSU, Art. 17(9), see also *US – Shrimp* and *US — Lead and Bismuth II* |
| Public observer access | No | | | | DSU, Art. 17(10).\* |
| Delivered in public | No | | | | No provision requires public delivery of reports; however, DSU refers to the circulation of finalized report to WTO members for adoption by DSB. |
| Published | No | | | | No provision requires publication of reports. DSU refers to the circulation of finalized report to WTO members for adoption by DSB. In practice, however, all reports are publically available. |
| Reasoned opinion | No | | | | No provisions requires reports be reasoned; in practice reports are reasoned. |
| Separate opinion | Yes | | | | DSU, Art. 17(11). Dissents can be issued, but must remain anonymous. |
| **Notes:** Coding is based on Appellate Body, as it is the permanent organ of the DSM.  \* If both parties agree, the AB hearings can be made open to the public. This first occurred in 2005 in *US/Canada-Continued Suspension*.  **Sources:**  Marrakesh Agreement Establishing the World Trade Organization) (adopted 15 April 1994; entry into force 1 January 1995). 1867-1869 UNTS (1994). (‘DSU’).  Understanding on Rules and Procedures Governing the Settlement of Disputes (Annex 2 to the Agreement Establishing the World Trade Organization), (adopted 15 April 1994; entry into force 1 January 1995). 1867-1869 UNTS. (‘DSU’).    Working Procedures for Appellate Review, 16 August 2010. WT/AB/WP/6.  Rules of conduct for the understanding on rules and procedures governing the settlement of disputes. 11 December 1996. WT/DSB/RC/1. | | | | | |