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### THE ADMINISTRATION OF JUSTICE

(a) The acts of the judiciary may, like those of the legislature, involve international responsibility, which is derived, according to the weight of authority, from the conception of the State as a single entity within the international community. Juridical relations created by acts attributed to the State are not altered by the fact that the individual agents who commit the acts may hold government positions classed under the municipal law as legislative, executive, or judicial; they all cover State functions and the particular organization and characteristics of each one are immaterial in the international sphere. This conclusion is embodied in the doctrine which holds that the binding force of court decisions and the competency of the court which has rendered same, are material questions only in the local jurisdiction.

The absolute averment to the effect that court decisions have no binding force in international circles does not appear to be legally sound. Such a view would be contrary to the fundamental principles of any international community based on mutual cooperation. It does not follow from this that judicial action has the same significance in the international as well as in the national jurisprudence. Of course, international jurisprudence has established that the proceedings of the local judiciary are under certain circumstances subject to revision in accordance with international law, and that this might entail responsibility. These proceedings are the ones in which the national courts undertake to apply principles of international law. Responsibility might arise either from erroneously applying the international law, or from restrictions imposed thereon by the national jurisprudence. The *Costa Rica Packet* is a leading case on this subject. In the case of the *Lotus*, among others, the question whether or not the proceedings of the national judiciary affected the international law was dealt with. In this case the Permanent Court did not deal directly with the proceedings of the Turkish courts. As regards the facts, however, the responsibility imputed to Turkey was derived from the exercise of the local judicial functions.

Notwithstanding the fact that responsibility arising out of the exercise of judicial functions may be unquestionable, the problems derived therefrom