

## They tweet too: Sketches of international courts' digital lives

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### 1. *Watch the medium*

We browse through them daily, either to download the judgment everyone talks about, find the piece of information we need to fix a footnote, or seek inspiration. Yet we do not see them. As we wade through their contents, we feel no need to stand back and watch the frame. Today, most of what we learn about the lives of international courts comes from those places – their websites and social media profiles. The International Criminal Court (ICC), the body with the highest number of digital outposts, is simultaneously on Facebook, Twitter, LinkedIn, Flickr, Tumblr, YouTube, and Instagram. Since 2019, the International Court of Justice (ICJ) has had its own smartphone app.<sup>1</sup> Courts landed on the Internet equipped with their austere modes of expression, but they also had to adjust to the oversimplification required by the ‘About’ genre and ponder the right banner picture. In short, courts had to get to grips with the new medium’s communication code.<sup>2</sup> Not our business, anyway.<sup>3</sup>

Our neglect of the medium would not have shocked McLuhan. ‘The “message” of any medium or technology’, he wrote, ‘is the change of scale or pace or pattern that it introduces into human affairs [and] it is only too typical that the “content” of any medium blinds us to the character

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<sup>1</sup> The app is excellent, if little used. It gets top rating on App Store based on just two reviews.

<sup>2</sup> G Cosenza, *Introduzione alla semiotica dei nuovi media* (2nd edn, Laterza 2014); D Crystal, *Language and the Internet* (2nd edn, CUP 2010); I Spezzini (ed), *Trailer, spot, clip, siti, banner. Le forme brevi della comunicazione audiovisiva* (Meltèmi 2002).

<sup>3</sup> We meet courts in what Zara Dinnen calls the ‘digital banal’. See Z Dinnen, *The Digital Banal: New Media and American Literature and Culture* (Columbia UP 2018).



of the medium.<sup>4</sup> This essay is an invitation to suspend our routines as consumers of content, lean back and watch the medium.

The Internet medium forced courts to make choices as to how to portray themselves on screens through images and short texts. Come Web 2.0 and they had to grapple with social media's rules and etiquettes about posting, liking, sharing, retweeting, following and being followed. Goffman would have seen website-making and social media performances as ways of presenting oneself in everyday life, with their minute strategies, behavioural idiosyncrasies and occasional missteps.<sup>5</sup> Similar considerations apply to courts as they enter a new field of social interaction.

Immersion in cyberspace set off the production of signs that, until not too long ago, courts could dispense with in their dealings with the outside world. Much of their online expression is at first blush a trivial reflection of their material existence: replicas of a court's emblem, pictures of the buildings housing them, portraits of judges, photographic and video documentation of court hearings, etc. For us, a court's immaterial prostheses remain fundamentally news outlets and readily accessible archives. However, such parading of courts on screens, though carefully scripted for reasons of institutional decorum, inevitably generates signs whose meanings transcend the intention to coldly portray the institution's life. Every shot of a building erects it as a symbol and suggests an interpretation. As we shall see, the ICJ and the Permanent Court of Arbitration (PCA) portray their common home in distinct ways.

The Internet has led international courts to tell their story and define their place in the world in new ways. Scholarly writings contain myriads of vignettes of the ICJ but the one posted on the Court's website is officially licensed, it is unsigned – a circumstance that adds to its objective flavour – and it is slightly more pop in style. The way in which courts narrate or depict themselves, or avoid doing so, is of course more revealing than informative. Screens are sites of simulacra and yet – as Baudrillard observed, quoting the Ecclesiastes – '[t]he simulacrum is never that which conceals the truth; the simulacrum is true.'<sup>6</sup> Interestingly, in the

<sup>4</sup> M McLuhan, *Understanding Media: The Extension of Man* (Routledge 1964) 8-9.

<sup>5</sup> E Goffman, *The Presentation of Self in Everyday Life* (Penguin 1969).

<sup>6</sup> J Baudrillard, 'Simulacra and Simulations', in J Baudrillard, *Selected Writings* (Stanford UP 1998) 166.



layered (and contested) etymology of the word 'screen', the aid to perception (*cernere*, ie to grasp/perceive) coexists with the mystery of the receptacle (*scrinium*).<sup>7</sup> According to Huhtamo, a pioneer of the niche science of screenology, the phantasmagoria of the late 18th century – the projection of scary images from behind a camouflaged screen – foreshadows our digital walls, performing, like those screens, 'the dual operation of hiding and revealing.'<sup>8</sup> The parallel is all the more fitting as courts, like everyone else, use their virtual implements as they 'manage a troubled relationship to reality',<sup>9</sup> and encrypt their demons in such use. The same goes for digital expression of lay publics about international courts. This little-known popular speech, mostly made up of individual elucubrations and ramblings, is as close as one may wish to get to Pasolini's experiment in *Comizi d'amore*, applied to international adjudication.<sup>10</sup> I therefore resolved to drop a probe into it.

While there is a wealth of literature on the socio-psychological effects of exposure to digital media, the digital life of institutions has largely escaped critical attention.<sup>11</sup> This essay enters the recess equipped with a

<sup>7</sup> G Avezzi, 'The Deep Time of the Screen, and its Forgotten Etymology' (2019) 11 *J of Aesthetics and Culture* 1, 8-10.

<sup>8</sup> G Huhtamo, 'Elements of Screenology: Toward an Archeology of the Screen' (2006) 6 *Navigationen – Zeitschrift für Medien und Kulturwissenschaften* 31, 36.

<sup>9</sup> See, by analogy, A Lemma, 'Psychoanalysis in Times of Technoculture: Some Reflections on the Fate of the Body in Virtual Space', 96 *Intl J of Psychoanalysis* (2015) 569.

<sup>10</sup> L Gradoni, 'Carlo Focarelli. International Law as Social Construct. The Struggle for Global Justice' (2014) 25 *Eur J Intl L* 605, 609.

<sup>11</sup> See, eg, SR Thomsen, JD Straubhaar, DM Bolyard, 'Ethnomethodology and the Study of the Online Communities: Exploring the Cyber Streets' (1998) 4 *Information Research* 1; J Suler, 'Identity Management in Cyberspace' (2002) 4 *J of Applied Psychoanalytic Studies* 455; SL Žižek, 'What Can Psychoanalysis Tell Us About Cyberspace' (2004) 91 *Psychoanalytic Rev* (2004) 801; J Suler, 'The Online Disinhibition Effect' (2004) 7 *Cyberpsychology & Behaviour* (2004) 321; A Barak, J Suler, 'Reflections on the Psychology and Social Science of Cyberspace' in A Barak (ed), *Psychological Aspects of Cyberspace: Theory, Research, Applications* (CUP 2008) 1; Y Ibrahim, *The Production of the 'Self' in the Digital Age* (Palgrave Macmillan 2018); I Moschini, 'Social Semiotics and Platform Studies: An Integrated Perspective for the Study of Social Media Platforms' (2018) 28 *Social Semiotics* (2018) 623. P Currat, 'La Cour pénale internationale: un exemple de e-Court' in SFDI, *Internet et le droit international. Actes du Colloque de Rouen* (Pedone 2014) 87 offers a unique example of analysis of an international court's website, but focuses almost exclusively on the digital medium's functionality as opposed to its expressive features. B Hess, W Voß, 'Wie die Justiz spricht', *Frankfurter Allgemeine Zeitung* (16 December 2021) 8, touch upon these aspects especially in relation to the

semiological lantern.<sup>12</sup> It proceeds tentatively, along the lines of what Goodrich calls a ‘sensuous apprehension’ of the law’s *obiter depicta*.<sup>13</sup> Its sections are no more than travelogue sketches. The journey was indeed a long one and included an extended stopover.

This study was originally prepared for a workshop on sociology of international adjudication convened at the Max Planck Institute Luxembourg for Procedural Law in November 2018, which I was eventually unable to attend. The circumstance that the draft lay in a drawer for about three years is on balance a happy one, because it made the difference between then and now visible. As I embarked on the rewriting process, I thought that nothing essential could have changed in so short a time span so that a simple work of updating awaited me. However, I soon realised that the overall picture had somewhat altered. Some digital ephemera had vanished, like the United Nations Federation that for some time occupied a patch on Facebook. But apart from that, real institutions had slightly changed their online behaviour, stepping out of a more unruly stage of their young digital lives. I therefore resolved to display the findings from 2018 alongside new discoveries, which are not only fewer in number but also less intriguing as courts have pulled their digital selves together a little. For instance, the Court of Justice of the European Union (CJEU) adopted a Twitter Usage Policy, according to which ‘[a]ccounts which are clearly malicious or which spam will no longer be followed,’ a sign that the Court’s wayward cyber-youth is behind it (but more on that later). The information is updated to 20 December 2021.

The concept of ‘court’ is used across the essay in a broad sense, inclusive of non-judicial institutions such as the PCA and the International Centre for Settlement of Investment Disputes (ICSID). Section 2 looks at some international courts as they write about themselves and their past. Section 3 collects some evidence on how websites architectures unwittingly reflect institutional realities.<sup>14</sup> Section 4 looks at the underground

groundbreaking role of the Bundesverfassungsgericht, which has been on Twitter since 2015. As we shall see, in 2015, at least twelve international courts were already there.

<sup>12</sup> Being loosely inspired by the work of Roland Barthes. R Barthes, *Mythologies* (Seuil 1957); R Barthes, *Writing Degree Zero and Elements of Semiology* (Vintage 2010). See also J Strurrock, *Structuralism* (Wiley 2003) 89-97.

<sup>13</sup> P Goodrich, *Imago Decidendi: On the Common Law of Images* (Brill 2017) 2.

<sup>14</sup> On semiotics of website architectures, see R Maggi, ‘Information Architecture and Blended Places’ (2018) 22 *ElC* 1.





world of unofficial or mock Facebook pages dedicated to international courts. Section 5 reports on courts engaging in networking and other symbolic practices on Twitter, which all in all remains their favourite social media.<sup>15</sup> I could have analysed courts' tweeting styles building on recent scholarly work on six cyber-active Nigerian Pentecostal churches.<sup>16</sup> If I refrained from doing so, it is because the courts' consistent sobriety of expression makes the resulting material humdrum. But I will tell about an interesting exception at the end.

## 2. *History-telling*

International courts had little opportunity to write about themselves; netiquette requires them to. Like any website owners, court must, under a minimum standard of cyber-sociability, introduce themselves. In videoclips uploaded on its YouTube channel, the ICJ bills itself as 'the world's highest international court' and even more dramatically (in French) as 'la plus haute instance judiciaire de l'ONU et du monde.' And yet the Court, from this lofty position, feels the need to specify that 'it is not a criminal court; it does not try individuals.' Sitting too high for the world to discern its basic features?

How the ICJ got up there is, judging by the 'History' section of its website, a long story: 'The creation of the Court represented the culmination of a long process of developing methods for the pacific settlement of international disputes, the origins of which can be traced back to classical times.' The Court's 'judicial method' is said to have grown out from mediation and arbitration, none of which – the website takes care to point out – is an exclusively Western institution: 'The former was known in ancient India and the Islamic world, whilst numerous examples of the latter can be found in ancient Greece, in China, among the Arabian

<sup>15</sup> Lately, two to three years after the beginning of this research, LinkedIn has become for some international courts the preferred social media but remains outside the scope of the present investigation. Several courts are on Twitter but not on LinkedIn. By contrast, the CJEU, the EFTA Court, the ICJ, ICSID, the PCA (but not the ICC) have more followers on LinkedIn than on Twitter.

<sup>16</sup> L Chimunya, C Awonuga, I Chiluwa, 'Lexical Trends in Facebook and Twitter Texts of Selected Nigerian Pentecostal Churches: A Stylistic Inquiry' (2018) 224 *Semiotica* 45.



tribes, in maritime customary law in medieval Europe, and in Papal practice.’ Under the heading ‘The Origins of Arbitration’, the narrative takes on a distinctly North-Atlantic hue. Arbitration’s ‘modern history’ is said to have gone through four stages, epitomized by the Jay Treaty, the *Alabama* arbitration (the text quietly passes over the 19<sup>th</sup> century Latin American arbitral practice), the creation of the PCA, and the establishment of the Permanent Court of International Justice (PCIJ). The ICJ avoids depicting its own creation as a further breakthrough. The PCIJ would have survived – the ICJ coolly argues – were it not for the fact that ‘there was a feeling in some quarters that [it] formed part of an older order, in which European States had dominated the political and legal affairs of the international community’, so that ‘the creation of a new court would make it easier for States outside Europe to play a more influential role.’ The webpage describes the handover in surprisingly minute detail for a quick account. Then the narrative suddenly ends with the filing of the complaint at the origin of the *Corfu Channel* case. Almost nothing is said about the 75-year history of the ICJ itself, as though international justice’s millennial history reached with its foundation some sort of endpoint. The ICJ prefers to keep quiet about the crises it went through, especially between the 1960s and the 1980s, and its enduring marginality as a global actor. *The ICJ – In the Service of Peace and Justice*, a new videoclip with which the Court celebrated its 75th anniversary, drops the motif of the world’s highest court to embrace a small-is-beautiful rhetoric with an anti-militarist tinge. In it, the Court’s Registrar points out that the money needed to finance three years of the Court’s functioning would buy a single fighter plane. ‘Just one!’, he insists, dismayed and proud.

The Permanent Court of Arbitration likewise appreciates the aura of prestige that comes with deep historical roots. However, its historical claims are not nearly as radical as those of the ICJ. Its self-edited pedigree goes no further back than the Jay Treaty. And it is every bit as West-centric, with the *Alabama* case standing out as the ‘pinnacle’ of arbitration’s history. A few years after the *Alabama* arbitration – the PCA reminds us – the Institut de Droit international devised a *Projet de règlement pour la procédure arbitrale internationale* (1875), after which (ie, by the century’s end) the PCA itself emerged ‘as the first global mechanism for the settlement of disputes between states.’ Almost nothing is said about what occurred afterwards. Not even the PCIJ and the ICJ get



a mention. The way the story ends is remarkable: 'Today the PCA provides services for the resolution of disputes involving various combinations of states, state entities, intergovernmental organizations, and private parties.' Why did the PCA's ghost writers omit the entire 20th century?

They likely wanted to remove from view the institution's long exile into irrelevance that preceded its contemporary success. Today, the PCA administers over 150 mixed arbitration proceedings (many of them investment-related), as well as five interstate cases. In the mid-1950s, the PCA Secretary-General, the Dutchman J.P.A. François, invited to speak about the PCA at the (literally next door) Hauge Academy of International Law, conceded somewhat apologetically that 'after the Second World War, it seemed that the Court had nothing left to do.'<sup>17</sup> At the same time, he prophetically remarked that 'one way of stimulating the Court's activity would perhaps be to advertise the possibility of bringing before it disputes between States and private persons, in particular those between States and large commercial companies.'<sup>18</sup> However, these hopes were bound to be frustrated in the short term. In the 1960s, a formidable competitor, ICSID, entered the market and it too struggled for over three decades. As a former ICJ President wrote not so long ago, the PCA 'is still in existence, though dormant. Today, its main task is confined to the nomination by its national groups [...] of candidates to the International Court of Justice.'<sup>19</sup> To get an impression of what happened since the PCA took up residence in the Peace Palace, one must turn to the ICJ's website, which spends a few words on its co-tenant's 'positive contribution to the development of international law', particularly through landmark rulings such as that in *Island of Palmas*. Oddly enough, the reader seeking further information is invited to turn to the PCA's website, where there is none. In order to gloss over its mortifying former self, the PCA refrained from chronicling its short-lived splendour as well

<sup>17</sup> JPA François, 'La Cour permanente d'arbitrage, son origine, sa jurisprudence, son avenir' (1955) 87 *Recueil des Cours de l'Académie de Droit International* 457, 538. Translations are mine.

<sup>18</sup> *ibid* 541.

<sup>19</sup> J Sette-Câmara, 'Methods of Obligatory Settlement of Disputes' in M Bedjaoui (ed), *International Law: Achievements and Prospects* (UNESCO 1991) 519, 527.



as the circumstances of its impressive comeback. Interestingly, in its official video clip, the voice-over deceptively alludes to an ultra-secular story of seamless improvement.<sup>20</sup>

As may have been noted, the PCA, a thriving institution both older and more dynamic than the ICJ, refrains from challenging the latter's claim to represent the climax of a historical process stretching back to antiquity. In the non-hierarchical world of international adjudication, the ICJ's reign over an imagined history sublimates its desire to be 'the world's highest international court.' The other courts seem to go along with this harmless narcissism. The self-portrait the International Tribunal for the Law of the Sea (ITLOS) confirms this. In 2018, the then poorly designed ITLOS website had the Tribunal's history begin as late as 1973, the year the UN Conference on the Law of the Sea commenced. And this, despite maritime arbitration's ancient roots, a past that ITLOS would be just as entitled to claim for itself as the ICJ. For the rest, the website offered a scanty, self-denying chronology, where one-line entries on the institution's 10th and 20th anniversary appeared as close as indentations on a prison wall.

The ITLOS website has since changed beyond recognition. The restyling made it beautiful. The storytelling remains dryly chronological, but the narrative has dramatically changed. The Tribunal's story now begins on 1 October 1996, the date of the first meeting of the judges. The timeline, which features all sorts of entries, including judgments and other rulings,

*The floating judges*



looks like an activity report in progress. Hard-working judges are the new narrative's leading characters. The website now hosts an arresting image of a standing plenary spread out (in compliance with the rules on social distancing) on a white staircase, making the judges look as if coming

<sup>20</sup> It goes like this: 'Today, more than one hundred years after its establishment, the PCA continues to modernize by expanding into new areas, thereby meeting the growing demand for international dispute resolution in an ever-changing world.'

from on high, floating in the ITLOS building's floodlit interior. The very detailed timeline neglects the conferences of state parties, which elect the judges, and yet it scrupulously records the dates of robes-only events like the election of the Tribunal's presidents.

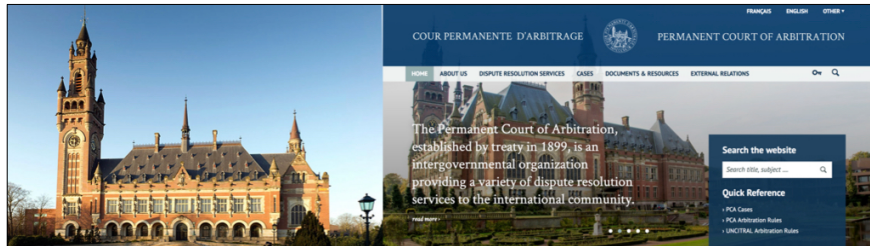
The International Criminal Court, by contrast, is extremely reticent about its own history. While the ICJ relishes the thought of an ancient origin, the ICC seems to think of its foundation as a new beginning, or it craves oblivion. The history of international criminal trial is no less eventful than that of interstate adjudication. On the ICC's website there is no trace of it. An earlier version of the 'About' section ended with a cursory historical profile which recorded only two developments: the adoption of the Rome Statute, and its entry into force. It remained silent on the Nuremberg or Tokyo trials, the failed attempts to set up a permanent criminal court in the interwar period and in the early 1950s, and the mushrooming of ad hoc tribunals after the Cold War. The narrative was artificially truncated regarding not only the pre-ICC era but also its own history. Not even the 2010 Kampala Review Conference featured in it. With its convoluted diplomatic compromises, the Review Conference dispelled the illusion that politics left the stage of international criminal justice after the Rome conference. But the ideal a criminal justice system unhampered by political interference remains a deep-seated component of the Court's identity and, as we shall see, it is also reflected in the website's architecture.

### 3. *Architectures*

The homepage of the Permanent Court of Arbitration's website is a welcoming lobby. Unencumbered by the usual informative clutter, it invites to act on it, to come inside. The vision is quiet but not still. In the wide picture frame, an exquisite shot of the Peace Palace gently fades into the next. One of them conforms to the iconic front-view standard, but it is less conventional than the one posted on the ICJ's homepage, where the building is so engulfed into the cloudless sky at sunset that the ground on which it stands is barely visible. Featuring architectural details and sideways views of the Palace and its surroundings, covered by a misty sky, the PCA's picture-show evokes the discomfort of The Hague's weather more than it induces a contemplative mood. Though inhabiting



the same building, the two courts live in markedly different digital homes. The ICJ's is an imposing cathedral whose portal shuts at dusk. The PCA's invites daytime passers-by to come indoors, for business, but also to take shelter from the drizzle.



The two Peace Palaces

In 2018, when I landed on the PCA website, the heading 'Our Services' popped out at me. Three years later I was a bit surprised to find out that it was no longer there. I then surmised that words like those

**Our Services**  
Read all about our services and how to bring a case to the Permanent Court of Arbitration.

could never have appeared on the ICJ's website. I also wondered what kind of taboos the PCA's digital house might have, and the controversial *South China Sea* arbitration came to my mind. After the completion of the arbitration, the ICJ

felt compelled to affix a homepage banner disclaiming authorship of the award. Someone commented on Facebook that the ruling was indeed not the work of the 'real international court of justice', but of a body that 'just rent[s] a few rooms there.'

Now, the clunky sign that the Peace Palace's landlord hung on its door to avoid being mistaken for its tenant could hardly make it into the PCA's stylish virtual lobby.

Although typically they are organs of an international organisation, international courts, like many domestic apex

*The South China Sea arbitration disclaimer and a comment thereon*





courts, have virtual mansions of their own (the WTO Appellate Body, an influential court until its recent debacle, is a notable exception). Most courts' websites are therefore like a pavilion standing next to the palace housing the organisation's political organs. The International Criminal Court does not fit this template: looking across the lawn from the ICC's pavilion, no palace is in sight. The political organs' digital premises do exist, but they spread into the pavilion's basement. The ICC's website unique architecture makes it an interesting location to investigate the symbolic echo of the troubled relationship between criminal justice and international politics.

The denomination 'International Criminal Court' simultaneously designates the Court in the narrow sense, ie the cluster of organs listed in Article 34 of the Rome Statute (the Presidency, the Court's Divisions, the Office of the Prosecutor, and the Registry) and the international organisation inclusive of its political organs, chiefly the Assembly of States Parties (ASP) referred to in Article 112 of the ICC Statute. This ambivalent terminology prefigures and enables the concealment of the community of states that supports the Court's functioning. In 2018, the website reflected the symbolic suppression of politics even more clearly. Today, some symptomatic architectural twists have disappeared, but the overall makeup remains the same. Back then, swiping the 'State Parties' button triggered a menu with a single item in it: not a link to the ASP's virtual premises but to the page of one of its subsidiary bodies, the Independent Oversight Mechanism. The gateway from the pavilion to the ASP's premises – which are vast – was designed in such a way as to make them barely detectable. It was hard to realise that the 'State Parties' button was not just a pop-up menu but a link in its own right. The glitch has since been

*The hidden gateway to the Assembly of State Parties*



fixed by turning the button into an item of the 'About' menu. However, clicking it does not lead to a page featuring a status of ratification, as one would expect, but to one captioned 'Assembly of State Parties', which scrolls down to an invitation to 'Visit the ASP website', as if the Assembly owned a separate one. The feature which most highlights the segregation of ASP from the judiciary is the circumstance that the



Assembly's virtual premises retained the original website's low definition and lousy design.

The ASP's marginalisation matches the peripheral position that the ICC Statute assigns it, a remote (if extensive) clause next to the final provisions. Replicating that arrangement with a vengeance, the ICC website crudely reflects its owner's repulsion for politics. The WTO website is its architectural opposite. In it, the role of politics is constantly underscored – no matter if trade diplomacy achieves little – while the organisation's permanent judicial body – its powerhouse before the US brought it to its knees – does not have its own website. The Appellate Body's page lurks in the 'Dispute Settlement' section of the vast 'Trade Topics' menu. By contrast, the ICC website shows in its best light a judicial apparatus that is not a model of effectiveness while confining the organisation's powerful political branch, with its multiple subsidiary bodies and hyperactive Bureau, to a shabby and easy-to-miss digital basement.

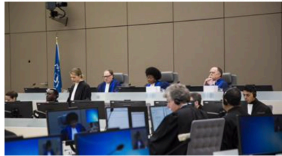







*An ICC courtroom*

The ICC website has yet another distinctive feature. While a certain archival quietness is common among court's digital premises, the ICC's are crowded, in the sense that images of people crop up at every corner. Especially black people; particularly if cast in the positive roles of victims or high-ranking officers. This feature was even more apparent in 2018, when the President of the Court and the Prosecutor were black. The explanation of the Court's subject-matter jurisdiction comes with a picture gallery portraying hopeless women and youths, all black. One easily stops reading. The 'About the Court' section opens with the shot of a hi-tech

courtroom taken from behind the Defence desk, where several black people are sitting (bear this in mind for a moment). Scrolling down a bit, one must resist the temptation to skip the 'Key Features' six-box section due to its seeming triviality: the symptom often shows up in the ordinary.

**Key features**

		
<p><b>Trials are fair</b></p> <p>ICC judges conduct judicial proceedings and ensure the fairness of proceedings.</p>	<p><b>The Prosecution is independent</b></p> <p>The Office of the Prosecutor is an independent organ of the Court. The Prosecutor conducts preliminary examinations, investigations and is the only one who can bring cases before the Court.</p>	<p><b>Defendants' rights are upheld</b></p> <p>Defendants are entitled to public, fair proceedings that they can follow in a language they fully understand, and <a href="#">more</a>.</p>
		
<p><b>Victims' voices are heard</b></p> <p>Victim's voices are heard in the Courtroom, as the Rome Statute grants victims unprecedented rights to <a href="#">participate in ICC proceedings</a>. <a href="#">Watch now</a>.</p>	<p><b>Participating victims and witnesses are protected</b></p> <p>The ICC has a victim and witness protection programme that uses both operational and procedural protective measures.</p>	<p><b>Outreach creates two-way dialogue</b></p> <p>The Court engages in two-way dialogue directly with communities that have suffered from crimes under its jurisdiction, so that they can communicate directly with the Court and gain a sense of ownership in the judicial process.</p>

*Black defendants, white attorneys*

In providing assurances of its fairness to defendants, victims, witnesses, and the public at large, the Court acts as if addressing a hostile audience. Black people feature in almost every box, including the pixelated one, a stylistic feature that announces the emergence of the symptom. Black people are everywhere, save for the box about defendants' rights. The very fact that most of the defendants before the ICC are black Africans explains why a black individual cannot appear as the typical defendant in the 'Key Features' section. Foregrounding non-black people in the role of scrupulous defence attorneys was the solution. But there is more. Peering far into the picture's background, one makes out a black man half-hidden behind a computer screen (of all things): a true *mise en abyme* of the symptom, and the authentic meaning of the 'Key Features' section.

## 4. Facebook folklore

In spring 2018, while hunting for exhibits on Facebook, I typed ‘Cour internationale de justice’ into the search bar. To my surprise, under that name I found an individual

profile, one you can befriend. My friend request remained unanswered. Cour – let’s call it thus – has been in a relationship since April 2011. It went to college in Monterrey, Mexico, and now lives in The Hague (of all places). It is a little impatient with its own procedural rules: ‘protocol’s great, but we need blood dudes!’ Cour used to issue broken dispatches from within the real Court, usually in Spanish: ‘tres de mis jueces están literal escribiendo en la barra como pericos, no tengo mesa.’ Judges – its judges – perched on the bar like parrots... *cela n’était pas la Cour*, that much was clear. But I still ignored how weird the ICJ’s image

*Official post ends up in a fake ICJ’s website*



could get in Facebook’s looking glass. One must know that international courts do not like Facebook. Few set up shop there, among them the ubiquitous ICC. The fact that the ICC’s followers on Twitter are almost three times as many as on Facebook (whose user base is about nine times larger) is a clear indication that, for international courts, the king of social media is not where it’s at. However, some courts landed on Facebook anyway, because social media folk placed them there in the form of unofficial or mock pages.

Mock pages are sometimes mistaken for authentic ones. Even ministry officials fell into the trap: tagging did the trick. On 22 June 2018, the Permanent Mission of Japan to the

United Nations was about to congratulate via Facebook Professor Iwasawa on his election to the ICJ. A mission member typed 'International Court of Justice', words turned pale blue, and a mock page displaying the ICJ's official emblem was tagged. And what a crass fake it is, as we shall see in a moment. Something similar occurred in November 2021, as officials at the Australian Embassy in Brazil celebrated the election of Professor



*Mr Bright's profile photo*

Charlesworth. The Canadian Embassy in the Netherlands regularly falls into the web of the faux Court. The Armenian Embassy in Germany did as much while greeting a Court's ruling. The mock page even fooled the UN Web TV and the UN Publication Office while they were covering, respectively, an election to the ICJ and the launch of a book written by a former ICJ President. These official contents merge into the jumble of fantasies about international justice that a certain Sir-cuddle Bright Phedell<sup>21</sup> – a vaguely situationist character hailing from Ghana<sup>22</sup> – conjured up by setting up a page that, by usurping the ICJ's iconography, attracted more than 46,000 followers (including a few colleagues).

'Where is the Court please? Moon, Mars or Vinous?', somebody asked, writing on the page's boisterous Community section.<sup>23</sup> Mr Bright's ICJ is the unruly basement upon which 'the world's highest international court' perilously stands. Desperate voices arise from it begging the Court to investigate the crimes against humanity committed by Donald Trump, to prosecute '100 possible and probable agents of the former infamous Yugoslavian communistic secret service', to wake up to 'Israel medical drones [...] illicitly violating [...] the 1949 San Francisco United Nations agreement', to indemnify a German national for the alleged theft of his

<sup>21</sup> The name is a clear allusion to a practice about which there is an entry in the Urban Dictionary, at <[www.urbandictionary.com](http://www.urbandictionary.com)>.

<sup>22</sup> I infer authorship from the fact that the mock ICJ's page shares posts written by a single individual, who in turn writes under a false identity.

<sup>23</sup> 'Sic' disclaimers would have to be too many to file.

‘mathematic integration (thight integration) theorie’, to take action against Amazon India for selling an obscenely-shaped ashtray, to arraign Saudi Post on theft of some shipments, to clarify ‘why Cambodia is very scaring like this’, to investigate satellite espionage in Nigeria, to find President Erdogan’s lawsuit against Israel admissible, to look into the strange story of ‘mice using microchip’ to hijack a government agency, and to indict Volkswagen, allegedly ‘fountet in 1936 by Adolf Hitler because the Nazis tortured with violence Ferdinand Porsche.’ A community member urged the Court to sanction the Italian policemen who mistook him for René Rothschild and locked him up in a psychiatric hospital in Benevento. Another member addressed Mr Gautier directly: ‘Office of the Registrar, I am eagerly but calmly awaiting your humane livelihood sustainable development pursuits.’ A man who calls himself President of the World Association of Scholars (WAS) advertises a collection of the *World’s Global Conspiracy Case Judgments*, a volume of a larger opus entitled *Monumental Judgments of the World* (a set to which the ICJ’s rulings certainly belong). Another fellow sought instruction on how to ‘lay a charge against my country leaders.’ Although the ICJ clarified on YouTube that it is not a criminal court, calls for it to apply the death penalty keep pouring in, along with criticism for having ‘jailed’ Laurent Gbagbo (while ‘you guys never sued Sarkozy’) and for pushing Slobodan Praljak to commit suicide. The fact that Mr Bright has grown progressively indifferent to the ICJ (oh well!), whereas he regularly follows the activities of the ICC, may have encouraged the mix-up.



*WAS President*

Be that as it may, it is clear that the average Facebook user is unable to detect any anomaly in a court of law which extols the exploits of a man who has risen ‘from potato seller to CEO of a company in Douala’, poses

*Contacting the ICJ by private message*



as anti-Covid paladin (‘Let’s fight this together: ICJ stands with you’), and collects reports of cases



either addressing whole nations ('Pakistan, what is going on there?! Speak you us') or inviting followers to get in touch by private message, though with a professionalism befitting the institution whose name it nicked: 'Any correspondence must be submitted in one of the Court's two working languages: English or French.'

The 'International Court of Justice' installed on Facebook by a man of Turkish nationality – who styled himself as the 'indomitable' manager of the United Nations Federation – was harder to mistake for the real thing.<sup>24</sup> Today it is no more. Its creator had set up a whole system of pages devoted to non-existent international institutions, such as the International Security Council, the World Central Bank, the Universal Financial Federation, the World Science Organization, and, well, the ICJ, a name on which the manager settled after several rethinks: for a trimester, the ICJ existed as the World Jurisdiction Organization (WJO). One day, the ICJ/WJO went out of its way to state that 'Sovereignty unconditionally belongs to the Nation', stirring up a detailed (if unlearned) debate on the Court's jurisdiction in the *Territorial and maritime dispute* case.

One reason why it was easier to spot the ICJ/WJO's fakery is that its creator had devised a new (loosely fascistic) emblem for it, whereas Mr Bright was clever enough to capitalise on the reputation of the original brand. Others have done the same, but less successfully. A page bearing the official name and capped with a picture of the Peace Palace became a magnet for funny videos, especially of pets. While the ICJ/WJO fizzled out and cats and bulldogs took over other competitors, Mr Bright's ICJ garnered a following that exceeds that of the ICJ's unofficial page and is immensely larger than that of the corresponding ITLOS's page.

Unofficial pages are not unruly as mock ones. For a start, they openly declare lack of officialdom. Their milieu typically consists of interns, moot court participants, students and government officials in visit – people who had the opportunity to meet the institution offline. In those virtual venues, moods of joy, pride and gratitude prevail. Pages overflow with greetings, 'congrats', selfies, and gossip about the judges' unexpected humaneness: 'President Vladimir Vladimirovich Golitsyn *almost* smiled in my pictures and it was a big deal.'<sup>25</sup> They occasionally feature

<sup>24</sup> I apply the same inferential method as that described above (n 22).

<sup>25</sup> Emphasis added. Another visitor wrote: 'I like the Judges, they are very friendly, especially President Yanai, you have to hear him sing and tell jokes.'



giggling visitors approaching the flag lineup to pick up and unfurl their country's banner, people in formal attires and kudos for such ('Cute, u murder that outfit'), and emotional mother-and-son exchanges.<sup>26</sup> This mixture of excitement and light-handed content moderation has its drawbacks: a *mélange* of genres where semiofficial mourning a judge's passing away sits alongside shots of cocktail parties and moot court gung-hoism.<sup>27</sup>

### 5. *Birdwatching*

International courts spend much of their Web 2.0 lives tweeting. They started their Twitter accounts at different times, don banners belonging to disparate genres, pursue distinct networking strategies, and exhibit different communication styles – although in this respect, as already noted, a dull consistency has become prevalent. I included in the enquiry 18 institutions, ie all those which, to my knowledge, are on Twitter. These are the African Court on Human and Peoples' Rights (ACtHR), the Caribbean Court of Justice (CCJ), the CJEU, the EFTA Court, the East African Court of Justice (EACJ), the European Court of Human Rights (ECtHR), the Extraordinary Chambers in the Courts of Cambodia (ECCC), the Inter-American Court of Human Rights (IACtHR), the ICJ, ICSID, the ICC, the now defunct International Criminal Tribunal of the Former Yugoslavia (ICTY), ITLOS, the PCA, the Residual Special Court for Sierra Leone (RSCSL), the Tribunal Permanente de Revisión del Mercosur (TPR Mercosur), the Special Tribunal for Lebanon (STL), and the United Nations International Residual Mechanism for Criminal Tribunals (UNIRMCT). I sorted them into five categories (human rights courts, international criminal courts, courts of economic integration organizations, predominantly interstate fora, and arbitration institutions) for the sole purpose of spotting differences in behaviour correlated to institutional type. A different colour marks each category. I

<sup>26</sup> 'It was such a humbling experience to address the Judges of the ITLOS', writes a young barrister standing behind a laptop atop a podium. At that point his mother steps in: 'May the divine favor of God guide n be with you in any areal of your education in Jesus name.' 'Thanks mom.' 'You welcome my son.'

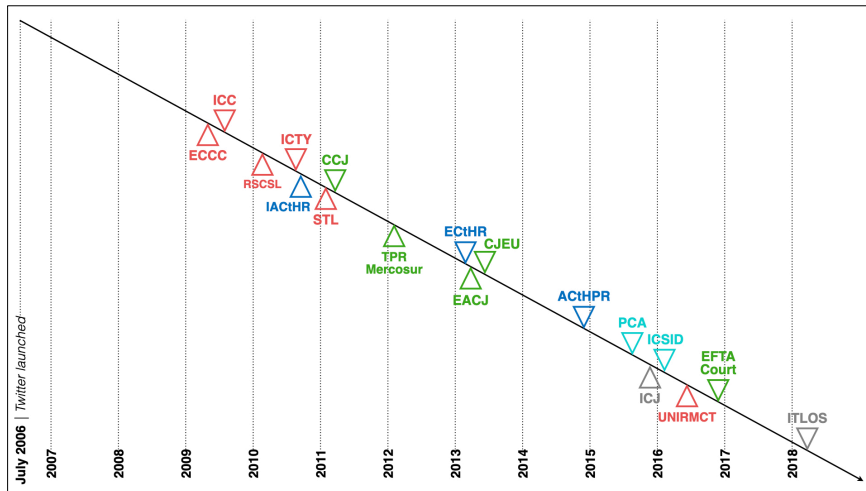
<sup>27</sup> 'Go Ruhania! It was an island, it is still an island and it will continue to be an island.' 'Yes, you can draw lines on the water, thanks to UNCLOS.'





occasionally brought domestic supreme or constitutional courts into the picture for comparative purposes.<sup>28</sup>

The diagram shows the different moments at which international courts landed on the Twitter's wire. International criminal courts formed a van-



*International court debuts on Twitter*

guard. The Inter-American Court of Human Rights was exceptionally reactive, both in absolute terms and within its class, whereas the traditional interstate fora have wavered for quite some time.

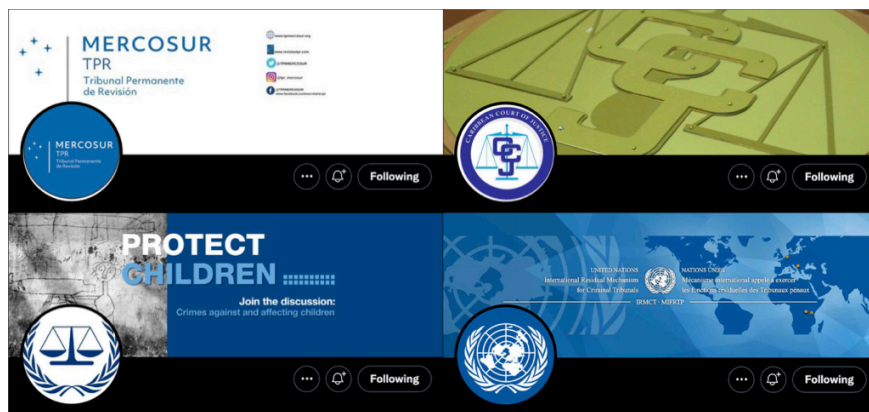
### 5.1. *The mirror banner*

As anybody else, courts appear on Twitter with a round profile picture embedded in the lower left corner of a rectangular banner. The institution's emblem typically occupies the circular spot. The banner, on the other hand, offers a surface upon which the institution can creatively represent itself.

<sup>28</sup> These are Brazil's Superior Tribunal de Justiça, Brazil (STJ Bra) and Supremo Tribunal Federal (STF Bra), France's Conseil d'État (Cons. d'État.) and Conseil constitutionnel (CC), the Corte constitucional colombiana (CCCol), Germany's Bundesverfassungsgericht (BverfG), the Indian Supreme Court (Indian SC), Mexico's Suprema Corte de Justicia de la Nación (SCJ Mex), the Supreme Court of Canada (SC Can), Spain's Tribunal Constitucional (TC Spain), the Tribunal constitucional del Perú (TC Perú), the Tribunal Supremo de Justicia de la Republica Bolivariana de Venezuela (TSJ Ven), the United Kingdom Supreme Court (UKSC), and the United States Supreme Court (USSC).

Since my initial rounds of birdwatching in 2018, I recorded several banner styles, one of which has since disappeared but is worth memorialising.

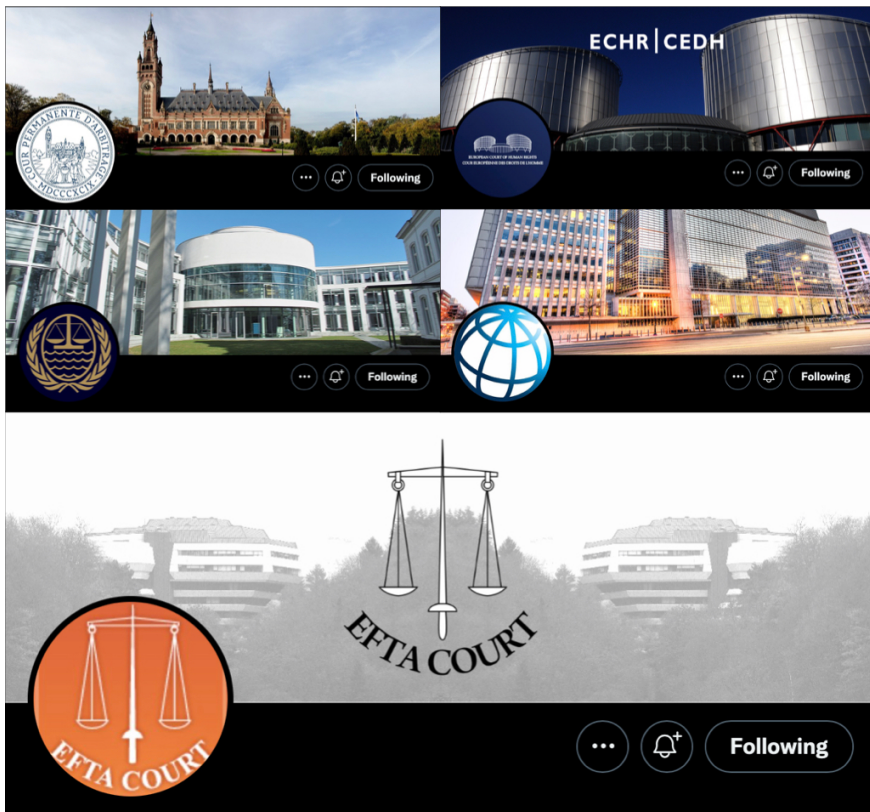
The most basic banner type is the omitted banner, a monochrome surface which betrays the uncertainty that often paralyses the act of self-portraiture.<sup>29</sup> Banners that replicate the emblem are either another manifestation of irresolution or an exhibition of the institution's insignia and authority. The Tribunal Permanente de Revisión del Mercosur arguably falls into the former subcategory. In 2018, the Tribunal opted for a faint depiction – as if drawn by a trembling hand – of Villa Aucinera in Asunción, the building housing it. By contrast, the Caribbean Court of Justice's emblem appears in the banner as a huge, slanted metallic plinth, which calls to mind effigies of film production companies or football teams. In 2018, as we shall see, the Court sported a spectacular photo of its judges.



Courts may make of their banner a billboard for advertising upcoming events or current initiatives. This is what a dynamic digital actor like the ICC usually does. The UNIRMCCT banner is one of a kind. It displays a large section of the world map to signal, by yellow pinholes on dark blue, the institution's scattered, crepuscular presence in the places once inhabited by the tribunals whose work it continues (The Hague, Arusha) and the *loci* of their jurisdiction (former Yugoslavia and Rwanda).

<sup>29</sup> This is still the case of African Court on Human and Peoples' Rights, the East African Court of Justice (EACJ), and the Residual Special Court for Sierra Leone (RSCSL). Since 2018, a few courts gave up such minimalism.

A fairly common practice consists of combining the court's emblem with a picture of the building housing the court. The PCA displays a miniature of the Peace Palace so delightfully iconic that it eclipses the emblem itself. In the case of the European Court of Human Rights, where a stylized picture of building is the emblem's main component, the banner replicates it in a photographic format emphasising the height of the twin cylindrical towers and their 'remoteness' against the backdrop of a cloudless sky. The ITLOS building is serenely enveloping, transparent, and sun-drenched like a monumental greenhouse. The nondescript ICSID building is set in an urban context at rush hour. The EFTA Court's inverted pyramid features twice in a portrait that recalls Rorschach inkblots, as if its owner felt the overwhelming presence of another Court, the one which hears cases on the other side of the Plateau de Kirchberg.



Most banners can be arranged along a continuum running from the outside – the building hosting the court – to the inside – the courtroom – and finally to the judges themselves. I define the latter ‘movement’ narrowly, as comprising representations of the judges devoid of symbolic architectural elements such as the (high) bench that segregates them from the rest of the courtroom. It is this type of banner that disappeared sometime between 2018 and 2021.



*The ICJ's and CCJ's former banners, and a picture from the 1919 Paris Peace Conference (middle)*

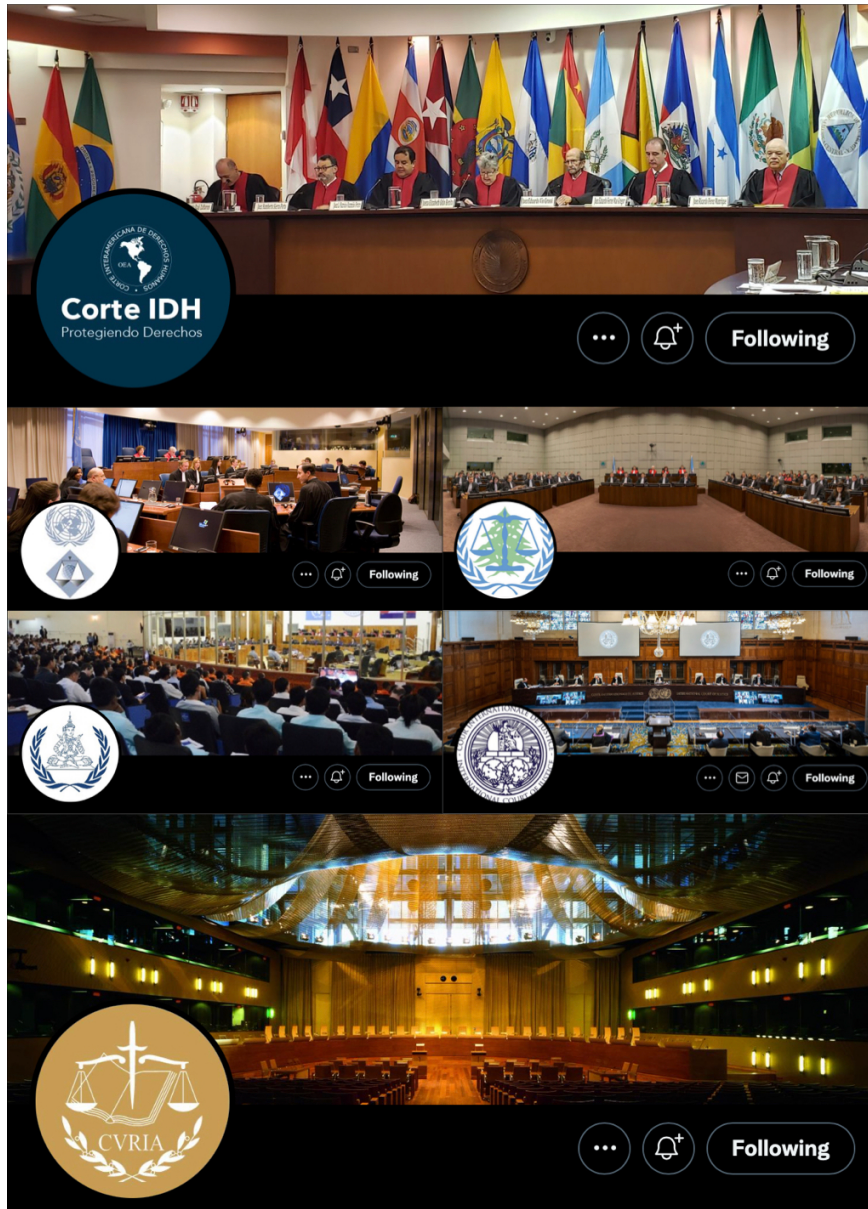
In the past, both the ICJ and the Caribbean Court of Justice briefly embraced it, albeit in markedly different styles. The unmediated encounter with the judges – but one should say ‘under-mediated’, since the court members would hardly show up without their robes – marks a moment of maximal ‘intimacy’ between the institution and its audience. However, intimacy does not

mean – nor does it require – authenticity. One could even say that in the case of courts, all visual allusions to proximity are by definition inauthentic. The banners of the ICJ and the Caribbean Court both portrayed the judges outside the courtroom, as if coming to meet a wider public. However, while the ICJ judges kept safely inside the Peace Palace and posed as in a commemorative shot taken at a diplomatic conference – say, the 1919 Paris Peace Conference – those of the CCJ appeared outside any building, in the empty space of a photographic set, and with the studied posture of sports stars or rock bands.

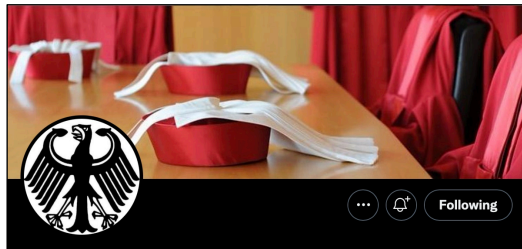
Banners may show the judges as leading characters in courtroom scenes, but this is rare. The Twitter account of the Inter-American Court of Human Rights currently offers the only illustration of such arrangement. In a setting recalling that of a university lecture hall, the justices appear on the bench with a wall of member states’ flags looming behind them and no audience in sight.



In other banners, judges appear too far in the background for them to be considered portrayed in, or instead of, the courtroom.



In the case of the International Criminal Tribunal for the Former Yugoslavia, judges are figurines in a trial scene devoid of drama. In the Special Tribunal for Lebanon's, they cluster in the eye of a highly distorted wide-angle shot. In that of the Extraordinary Chambers in the Courts of Cambodia, they are barely noticeable at the bottom of the bulletproof glass cage hosting the trials. Also the ICJ espoused the courtroom genre, with the judges sitting far from the proscenium. Finally, no courtroom looks as empty as that of the Court of Justice of the European Union. The picture topping its Twitter account is breathtaking: a chalice-shaped ceiling pours natural light over a bench where judges remain – like their individual opinions – invisible.



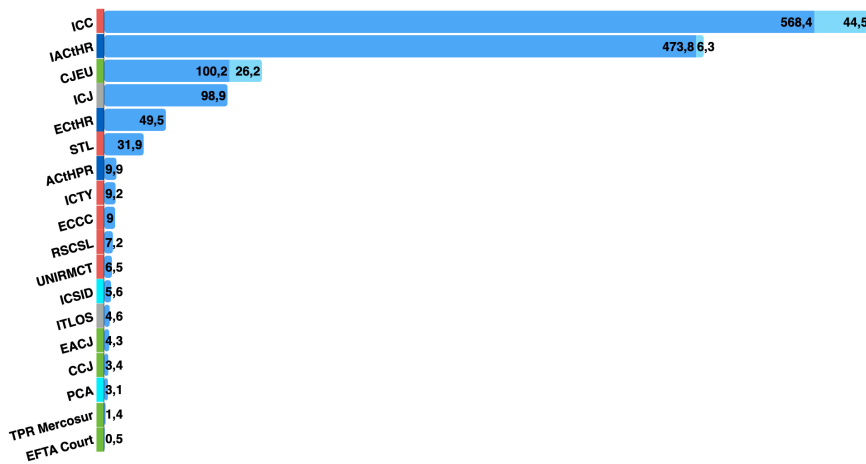
By way of comparison, the close-up shot of red ceremonial hats lying unworn at the Bundesverfassungsgericht suggest a different kind of absence, more intimate and tragic, less bafflingly baroque. The

juxtaposition is not arbitrary. As the CJEU recently tweeted to celebrate its 70th anniversary, '[i]t is thanks to the first Registrar and to his vivid memory that the origin of the gown of the members of the Court of Justice was revealed: the wine-colour of the German Federal Court; the cut of the gowns of the judges at the International Court of Justice in The Hague.'

### 5.2. *Networking*

Twitter accounts are nodes in a network. From the perspective of an account holder, the network appears split into two regions: the passive subnetwork, formed by the holder's followers, and the active subnetwork, comprising those followed by the holder. While ordinary people tend to develop networks that are either balanced or skewed towards the active side, the distinguishing mark of public figures, not to mention celebrities, is passive subnetwork's disproportionate size. Unsurprisingly, international courts network more like celebrities. Let Degree of Distinction (DoD) be defined as the ratio between the number of accounts followed and the number of followers (multiplied by  $10^6$  for the sake of readability): the lower the DoD, the higher the distinction.

Barak Obama, the most popular person on Twitter with over 130 million followers, has a DoD of 4,500. The International Criminal Court, by far the most wanted international court with over 600,000 followers, has a DoD of 2,250, ie, is twice as distinguished as the former American president. The ICJ, with a DoD of 730, is even more distinguished. This is because courts follow sparingly, whereas Obama follows hundreds of thousands. In that, courts act more like showbiz celebrities than politicians. In 2018, when I completed the original version of this paper, the frontrunner on Twitter was not Obama but Katy Perry who is now third but can claim an impressive DoD of 2 as she follows just over 200 accounts, including Oxford University's. Among her nearly 110 million followers there is also the International Criminal Court. Ms Perry was rude enough not to follow it back. Cristiano Ronaldo, ranked fifth with 97 million followers, is the DoD record-holder with a staggering 0.6, which he earned because, when it comes to following, he is more selective than even the ICJ. Finally, there is one court – the ECtHR – which seems to have a policy of not following anyone and whose DoD is as low as it can get.



*Chart 1 – Passive subnetworks (thousands)*

Chart 1 ranks international courts according to the size of their passive subnetworks. In some cases, the figure is composite because the institutions in question operate accounts in different languages with little overlap in terms of followers. The ICC and CJEU have two, in English and French, the former being in both cases the most followed. The IACtHR operates four –





in Spanish (by far the most popular), English, Portuguese and French (these three are for convenience grouped under a single figure). Compared to 2018, the followers of the two most popular courts have almost doubled. Those of the ICJ have quadrupled, whereas those of the ITLOS, a latecomer and former laggard, have quintupled. The ICTY, which has been inactive since November 2017, and the ECCC, an ad hoc institution which has been in existence for a long time and may be approaching closure, are the only courts to have lost followers, and not many.

The position of the IACtHR, which is almost ten times more followed than its European counterpart, is symptomatic of a different social perception of international adjudication in Latin America. The existence of a Latin American anomaly is confirmed by other pieces of evidence. Firstly, the Spanish edition of *What is the International Court of Justice?*, the videoclip posted in 47 language versions on the ICJ's YouTube channel, was until recently by far the most viewed.

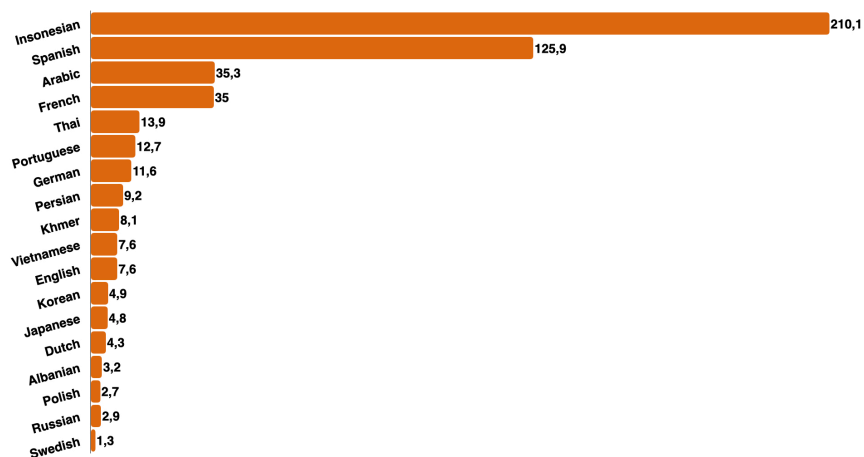
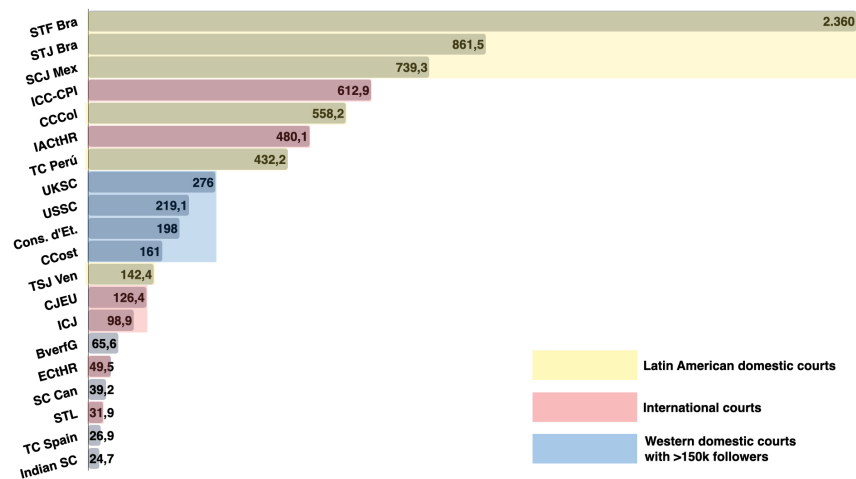


Chart 2 – Views of ICJ's videoclip per language version (thousands)

In 2018, with over 16,000 views, the Spanish version was watched four times as much as the French one – which ranked second – and was about 15 times as popular as the English one (as YouTube is banned in the People's Republic of China, the Chinese version can hardly make it to the top 20). Today, with over 125,000 views – an eight-fold increase – the Spanish edition comes second behind the Indonesian one, which experienced a meteoric rise from 859 to over 210,000 views. Meanwhile, as Chart 2 shows, the Arabic version has ousted the French from third place.



Secondly, the IACtHR's success on Twitter fits harmoniously into a Latin American context where apex courts generally enjoy a high degree of popularity. Chart 3 compares the international courts having more than 30,000 followers with the most popular domestic courts. The international champion – the ICC – outperforms all national competitors except for a Latin American trio comprising Mexico's Suprema Corte de Justicia de la Nación and Brazil's Superior Tribunal de Justiça and Supremo Tribunal Federal, with the latter majestically leading. Of the top seven courts, six are Latin American (if one includes the IACtHR). The Corte Constitucional Colombiana, ranking fifth, is twice as popular as the UK Supreme Court. The Tribunal Supremo de Justicia de la República Bolivariana de Venezuela, ranking thirteenth, has more followers than either the ICJ or the CJEU.

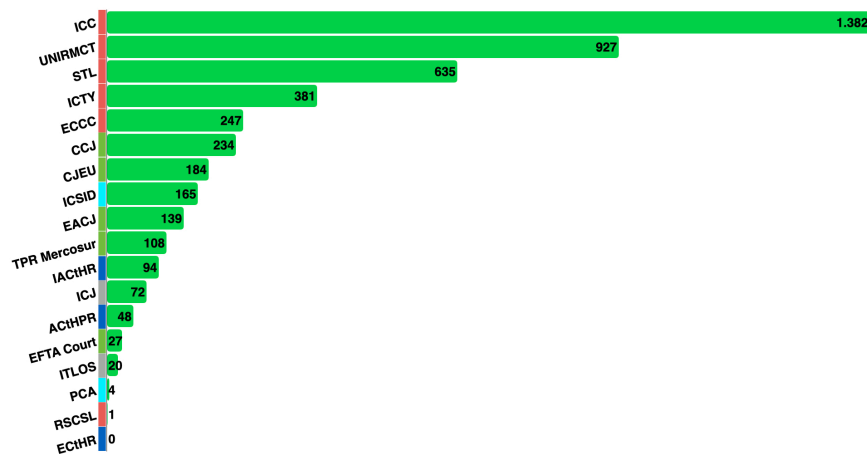


*Chart 3 – The Latin American anomaly (thousands)*

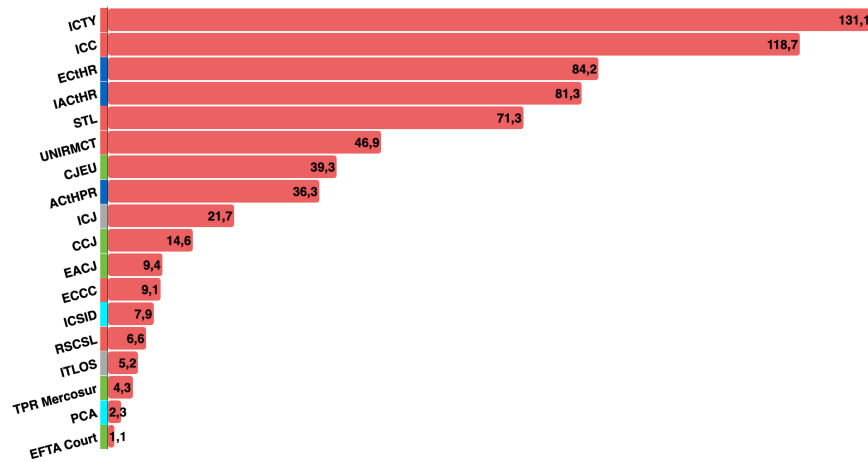
Chart 4 ranks the international courts according to the magnitude of their active subnetworks. Here more than anywhere else, the leading role of criminal courts is apparent and goes hand in hand with their superior



productivity, which Chart 5 measures in tweets per month, from debut on Twitter to the present day.



*Chart 4 – Active subnetworks*



*Chart 5 – Tweets per month*

Criminal courts stand out for their activism in other respects as well, particularly regarding policies of following.

Especially traditional interstate fora and human rights courts tend to keep their active subnetworks within strictly institutional bounds or even opt to have none. The ECtHR remained alone in doing so among interna-

tional courts. Some domestic apex courts, such as the Bundesverfassungsgericht, do likewise. ITLOS, which in 2018 was sticking to a no-following policy, now tracks a handful of accounts, over a third of which belong to other international courts. But there are exceptions. ICSID also follows individual scholars. Moreover, some active subnetworks, although 'institutional', are quite skewed and in unpredictable ways. The African Court of Human and Peoples' Rights, for example, does not follow courts in the same category and seems generally reluctant to connect with human rights institutions, including NGOs. However, it follows the International Monetary Fund and the World Bank and displays a marked pro-US attitude, tracking The White House, Donald Trump, Jeb Bush, Hillary Clinton, and, of all foreign delegations, the US Mission to the African Union.

Such peculiarities are probably due, at least in part, to the tastes of the officials in charge of Twitter, admittedly not the most important role in a registry and one that is likely entrusted to relatively junior officials. As already noted, the CJEU is the only court to have disclosed its Twitter Usage Policy. Among the sketchy instructions that the document offers, the one stipulating that the Court 'does not systematically follow the accounts of its followers' strikes as naïvely kind. Still, the CJEU follows a certain Grace, a young lady brandishing an axe (so the profile picture) who describes herself as 'widowed when Bob Muldoon was eaten by a velociraptor in 1993', Mr Muldoon being *Jurassic Park's* game warden.

This casual behaviour reaches its acme when it combines with the criminal courts' drive to connect with a large and diverse public. For instance, the ICC follows political leaders – eg, Jean-Claude Juncker, but not Donald Trump – high-ranking international civil servants, human rights NGOs, international law blogs, news corporations, famous entrepreneurs, all sorts of celebrities besides Ms Perry, and Western embassies in (mostly African) 'situation countries'. The ICTY, which posted its final tweet on 29 December 2017, showed a penchant for left-of-centre politicians (eg Bernie Sanders and Yanis Varoufakis) but was also drawn to leading investment banks like J.P. Morgan and Goldman Sachs. The ECCC, among the many vagaries of its Twitter praxis, follows a certain F2, 'a laboratory mouse involved in an elaborate scheme to take over the Earth.'

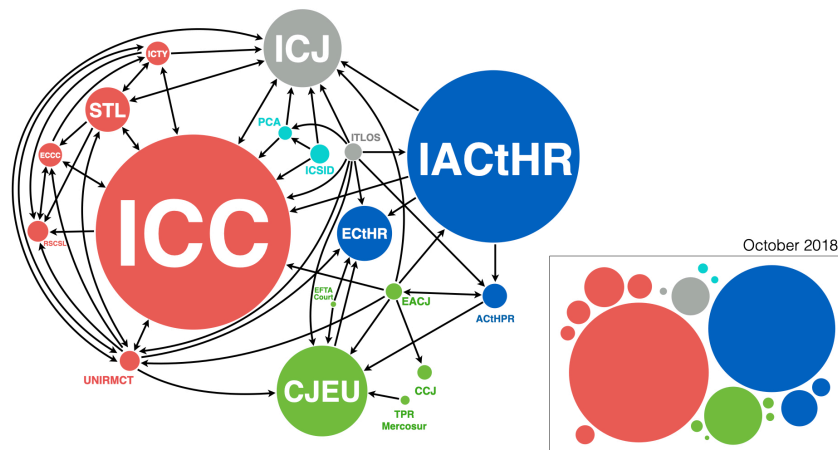
Easy-going attitudes may be on their way out. While all indicators of the courts' digital activity have been soaring over the last three years, the only one in (slight) decline is that of the size of the courts' active subnetworks.



This is a positive development. However marginal this communication outlet may still appear, it nevertheless contributes to shape the image of the international judiciary. Even if following someone on Twitter does not imply endorsement, to connect to certain people or institutions, and not to others, amounts to making a distinction which could be read as a sign of bias. This is even more so considering that the act of following is functionally unnecessary – courts have other ways of gathering information – and is therefore an essentially symbolic gesture.

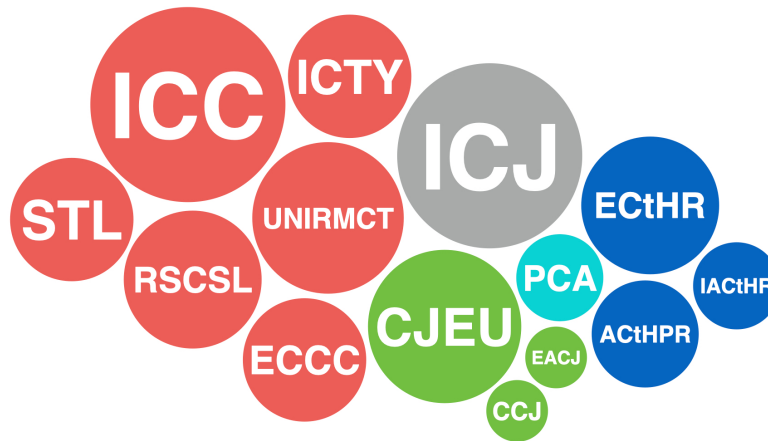
The unfolding of this symbolic dimension is particularly interesting regarding inter-court relations. The analysis of their social media interconnections may constitute a minor addition to the literature on courts' manifold interactions. On Twitter, courts follow one other, giving rise to a small but dense network, which has grown thicker over the last three years. I use two diagrams to represent some aspects of it.

The first diagram tracks passive and active links while highlighting the absolute network power of each court, ie the total number of its followers, expressed by each circle's area. The box at the bottom right gives an impression of the expansion of the court's passive subnetworks since 2018. Taken as a whole, they nearly doubled.



In the second diagram, areas represent relative network power, defined as the number of followers within the inter-court network. Apart from the ICC, whose area stays the same as it acts as the pivot between

the two datasets, the other circles expand or shrink to reflect greater or lesser influence within the inter-court network.



Since 2018, the ICJ has come very close to matching the ICC, because it won new followers (but this is also true of the competitor) and because the Caribbean Court of Justice and the Residual Special Court for Sierra Leone unfollowed the ICC, which in turn shed the ECtHR. The fact that the Inter-American Court of Human Rights enjoys great absolute network power, but it is not nearly as influential within the courts' small club, explains its considerable contraction from one diagram to the next. By contrast, the ICJ, the CJEU, the ECtHR, as well as the UNIRMCT, are more prominent among peers although much less popular than the IACtHR on Twitter at large.

### 5.3. *Semiotic gems*

As mentioned in the introduction, the institutional character of the courts' communication makes their Twitter feeds unworthy of detailed scrutiny. Let it be said in passing, though, that their growing fondness for the anniversary genre may yield interesting materials. As I write, the CJEU is going on a pyrotechnic tweet spree for its 70th birthday. That said, semiological gems do occur even amidst the dullest linguistic material. The best one concerns the relationship between courts and states.

The ICJ and the Caribbean Court of Justice are the unwitting sing-emitters. In reading these signs, one must keep in mind that while the ICJ operates on a front where encounters with great and medium powers are always possible, the Caribbean Court oversees a handful of island states most of which have a population of less than 400,000.

Since 2016, the ICJ consistently posted shots of nameplates of states involved in ongoing proceedings as they were about to enter the courtroom. The oldest photos (top of the picture) are awful, a circumstance which suggests spontaneity and openness to the symptom. Over time, the original instinct stiffened into a habit and the quality of the pictures improved considerably. It seems that the anonymous photographers even took pleasure in experimenting with new arrangements and framings. Why has the ICJ been obsessing over nameplates? Because, as the time of the encounter with the states approaches, the Court cannot help but express its desire *to put them in their place*. In 2018, the Court stopped doing this on Twitter, but continues to fetishise nameplates in its videoclips.

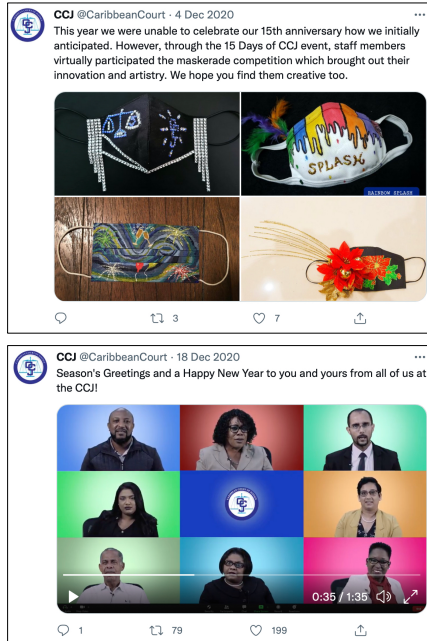
Now consider its Caribbean counterpart. In December 2020, the CCJ tweeted about the participation of staff members in an anti-Covid mask contest, rightly praising their ‘artistry’. Shortly afterwards, it ran a competition for the best ‘deconstructed pastelle’, a local dish. Finally, as the dreadful 2020 approached its end, the Court posted the videorecording of a mock Zoom meeting during which the judges deliver seasonal greetings while staging a slapstick.

No less amusing – but more significant for scholarly purposes – is the way the Court addresses member states. It regularly celebrates the





*Mask contest and Zoom slapstick*



anniversary of their independence, not in a lavish or solemn way, but playfully and even affectionately. Saint Kitts and Nevis is hailed as ‘the smallest independent nation in the Western Hemisphere’, Dominica as ‘home to the second-largest boiling lake in the world’, Trinidad and Tobago as ‘the birthplace of the steel pan’, and Saint Lucia as the state with the highest number of Nobel laureates per capita (one every 80,000 inhabitants, both dead). To the people of Saint Vincent and the Grenadines the Court wished ‘to get to enjoy your national dish of roasted breadfruit and jackfish.’

Nothing could be more unlike the repressed tension reflected in ICJ’s nameplate collection.

6. *Conclusion*

A few years ago, I embarked on a tour of international courts’ digital outposts with Barthes and McLuhan in my pocket. McLuhan and his co-author and designer-artist Quentin Fiore wrote that the ‘ground rules, pervasive structure, and overall patterns’ of media environments ‘elude easy perception’, and that ‘anti-environments, or counter-situations made by artists, provide means of direct attention and enable us to see and understand more clearly.’<sup>30</sup> This is what I tried to do with the modest means at my disposal. This essay sought to provide a counter-environment to the digital artefacts it inventories. The way it approaches them may have

<sup>30</sup> M McLuhan, Q Fiore, *The Medium is the Message* (Penguin 1967) 68. ‘Message’ isn’t a typo.



created a counter-situation, one in which the focus shifts from the digitally visible to the ‘new regime of visibility’<sup>31</sup> into which the international courts, like all of us, have been thrown.

The best I can hope for is that twenty years from now – when perhaps holograms will plead before courts dwelling also in the metaverse – these pages will feel like a collection of quaint images coming from a bygone world.

<sup>31</sup> M Carbone, AC Dalmaso and J Bodini, ‘Introduzione. Di cosa parliamo quando parliamo di poteri degli schermi’ in M Carbone *et al* (eds), *I poteri degli schermi* (Mimesis 2020) 13.

