

[Statute of the World Court of Human Rights](#), was originally drafted by Lou Kutner, Attorney, original author of the Living Will. The Statute was originally adopted by the [World Judicial Commission](#) Convention of World Government, convened 12 June 1974, at Mulhouse, France. The Statute, as amended, was adopted as world statutory code, World Legislative Act Number 15 at 9:50 am Thai Time 27 March 2003, by the sixth session of the provisional World Parliament, convened in conformance with Article 19 of the *Earth Constitution*, Bangkok, Thailand.

World Legislative Act #15

Statute of the World Bench for Human Rights

Whereas the World Parliament is assigned the responsibility to approve, amend or reject the international laws developed prior to the advent of World Government, as well as to codify and integrate the system of world law and world legislation under the World Government,

And Whereas the Statute of the World Court of Human Rights is recognized as an excellent and essential world statute for comprising the Human Rights Bench in conformance with the *Earth Constitution*,

We, the delegates of the provisional World Parliament and acting on behalf of the people of the world community, unanimously

- 0.1. Establish the World Court of Human Rights;
- 0.2. Affirm our commitment to a global order under the Rule of Law, guaranteeing human rights and fundamental freedoms for all without distinction or discrimination;
- 0.3. Aver that humankind's human rights are interdependent and are not abstract concepts, and that public awareness of such rights is therefore a guarantee of their protection;
- 0.4. Recognize the obligation to create a world order in which humans neither have to kill nor be killed;
- 0.5. Declare that the World Court of Human Rights, premised on world due process of law and principles of natural justice, gives individuals and groups standing before a world tribunal;
- 0.6. Adopt. the Statute of the World Court of Human Rights;
- 0.7. And declare, that the World Court of Human Rights
 - 0.7.1. Implements the right to life;
 - 0.7.2. Affirms that concern for the security and freedom of the individual is greater than principles of jurisdiction derived from territorial sovereignty, nationality, and other technical concepts;
 - 0.7.3. Asserts that everyone has the right to liberty and the security of the person and the unity of the physical, spiritual and moral creation of the earth and the equality of all human beings to be free of oppression or repression;
 - 0.7.4. Condemns militarization;
 - 0.7.5. Establishes the remedy of World *Habeas Corpus*;

- 0.7.6. Assists regional and global formulae for implementing fundamental freedoms and human rights;
- 0.7.7. Recognizes that the dignity of the individual is in keeping with essential moral needs, and this dignity finds expression in human rights;
- 0.7.8. Limits the arbitrary powers of government;
- 0.7.9. Implements
 - 0.7.9.1. Freedom from arbitrary imprisonment, torture, physical or psychological abuses;
 - 0.7.9.2. The right of everyone to liberty of movement and freedom to choose one's residence;
 - 0.7.9.3. The right of everyone to leave any country freely, including one's own, and to enter any country freely;
 - 0.7.9.4. The right of everyone not to be expelled from the territory of the state of which one is a national nor be refused permission to enter that state;
 - 0.7.9.5. The prohibition of the collective removal of individuals from their current residence or domicile;
 - 0.7.9.6. The right to work;
 - 0.7.9.7. The right to an adequate standard of living;
 - 0.7.9.8. The right to health;
 - 0.7.9.9. The right to be presumed innocent;
 - 0.7.9.10. The right to reasonable bail;
 - 0.7.9.11. The right to a fair trial before an impartial tribunal;
 - 0.7.9.12. The right to counsel of one's choice;
 - 0.7.9.13. The right to defend one self through legal assistance of one's own choosing;
 - 0.7.9.14. The right to call, examine and cross-examine witnesses;
 - 0.7.9.15. The right to have the services of an interpreter;
 - 0.7.9.16. The right to education;
 - 0.7.9.17. The right to self-determination;
 - 0.7.9.18. Freedom from discrimination based on age, culture, disability, gender, language, race, religion and sexual orientation;
 - 0.7.9.19. The right to freedom of association;
 - 0.7.9.20. The right to take part in government.
 - 0.7.9.21. The right to a healthy and sustainable environment.

BY VIRTUE OF THE FOREGOING, The convention of world citizens of the world government solemnly declares: in order to more fully establish and implement the sanctity of human freedom and the security of the person, provide for the global sovereignty of the person and guarantee all human rights, adopt the principles of worldwide due process of law, the principles of natural justice, and the definitive legal remedy of the writ of world *habeas corpus*, hereby structures the World Court of Human Rights.

The provisional World Parliament hereby adopts this World Legislative Act establishing the World Court of Human Rights.

CHAPTER 1

ARTICLE 1 THE STRUCTURE

The World Court of Human Rights comprises the Bench for Human Rights as defined in Article 9, Section B1 of the *Earth Constitution*.

As defined in the *Earth Constitution*, Article IX, Section D., the World Parliament establishes a Collegium of World Judges, from 20 to 60 members, qualified for appointment to the highest judicial offices. The Collegium of World Judges elect a Presiding Council of World Judges, consisting of a Chief Justice and four Associate Chief Justices.

The Presiding Council shall assign all World Judges, including themselves, to the several benches of the World Court. The Presiding Council shall assign at least three of the World Judges to the Bench of the World Court of Human Rights.

The World Judges of the bench comprising the World Court of Human Rights shall elect annually a Presiding Judge. The Presiding Judge may serve as Chief Justice of the Presiding Council of World Judges.

The World Court of Human Rights may establish Regional Courts, subject to approval by the World Parliament.

If there are already Judges sitting on the bench of the World Court of Human Rights, and the Judges meet the constitutional and world legislative requirements of this Act, the sitting Judges may continue in their capacity for the duration of the Provisional Stage of World Government.

The High Court is presided over by the Chief Justice. The Regional Courts are to be presided over by Associate Chief Justices. Associate Justices are to be available to assist the Chief Justice in the total administration.

ARTICLE 2 REMEDIES

The Court is empowered to process petitions for the writ of World *Habeas Corpus* and other complaints or communications by and on behalf of individuals when their individual security or other human rights are violated without due process of law.

ARTICLE 3 THE JURISTS

The Regional Courts presided over by the Chief Justice is composed of a body of distinguished jurists of global stature and high moral character, who possess the

qualifications required for appointment to the highest judicial offices, or are Juris-Consults of recognized competence in World Law.

ARTICLE 4 JURISDICTION

4.1. The Chief Justice of the Court shall appoint a distinguished jurist from each of the Regions to this Statute to process all allegations of deprivations of human rights, and shall advise recommendations to the Chief Justice who shall communicate the judgment(s) to the accused or offending government.

4.2. The Chief Justice shall determine boundaries and jurisdiction for Associate Justices on each of the regional tribunals of equal competence and jurisdiction.

4.3. The Chief Justice shall define the boundaries of each of the regional circuits.

4.4. The Chief Justice shall distribute the jurists to each of the Regional Circuit Courts for functions of or acting as Associate Justices for examining each petition for the Writ of World Habeas Corpus for its legal sufficiency.

4.5. A person, for purposes of jurisdiction of the Court, may be regarded as a person living within the regional court's jurisdiction and in which one ordinarily exercises civil, cultural, economic, environmental political and social rights.

4.6. A stateless person is regarded as a person under global law.

ARTICLE 5 ASSOCIATE JUSTICES

From nominations of the World Parliament or Provisional World Parliament, the Presiding Judge of the World Court of Human Rights shall designate Associate Justices to preside the Regional Courts. The Associate Justices must have the same qualifications as World Judges. The Provisional World Parliament may direct the Presiding Judge to designate additional Associate Justices as necessary for the proper operation of the World Court of Human Rights.

The Presiding Judge may make these designations in consultation with legal faculties and schools of law, and sections of academies devoted to the study of world law.

ARTICLE 6 TENURE

6.1. Associate Justices of the Court are designated to be permanent members of the Circuit Tribunals and shall hold office for ten years.

6.2. Members of the Court shall continue to discharge their duties until their places have been filled. Though replaced, they shall finish any cases which they may have begun during the ten year term.

6.3. In the case of resignation of a Member of the Court, the resigning member shall address the resignation to the Chief Justice. This notification to the Chief Justice and confirmation by the Chief Justice makes the office vacant.

ARTICLE 7 REPLACEMENT

A Member of the Court designated to replace a member whose term office has not expired shall hold office for the remainder of his predecessor's term. A majority of the

Associate Justices on the respective bench may remove an Associate Justice for cause, subject to confirmation of a 2/3 absolute majority vote of the 3 Houses of World Parliament in Joint Session, in conformance with the *Earth Constitution* Article IX., Sec. D.8. In a vote of removal, the Chief Justice shall vote only in the event a tie vote among Associate Justices.

ARTICLE 8 INDEPENDENCE

9.1. No Member of the Court shall exercise any political or administrative function, or engage in any other occupation of a professional nature.

9.2. The entire Court governed by vote as specified in Article 7 shall settle any doubt on this point.

ARTICLE 9 INTEGRITY

9.1. No Member of the Court may act as agent, counsel, or advocate in any case.

9.2. No Member may participate in the decision of any case in which that Member has previously taken part as agent, counsel, or advocate for one of the parties, or as a Member of a national or international court, or of a commission of inquiry, or in any other capacity.

9.3. The Court shall settle any doubt on this point pursuant to Article 7.

ARTICLE 10 DISMISSAL

10.1. Pursuant to Article 7, no Member of the Court can be dismissed unless, in the majority opinion of the Members, that Member has ceased to fulfill the required conditions and competence of the office.

10.2. The Chief Justice shall make formal notification after vote thereof

10.3. Notification makes the place vacant.

ARTICLE 11 OATH

Every Member of the Court shall, before taking up the duties, make a solemn declaration in open Court: "I am a world citizen of the world government and will exercise my powers impartially and conscientiously. I affirm and promise to uphold the *Earth Constitution* and do my best to protect the human rights of all human beings to the best of my ability."

ARTICLE 12 REGISTRARS, - CLERKS, - CONSENT

The Chief Justice and Associate Justices shall appoint their Registrars and may provide for the appointment of such other officers as may be necessary to fulfill the duties of the Court. Each Circuit Tribunal shall appoint a Clerk to assist the Chief Justice. The Clerk must be a person learned in world law, who shall furnish information upon some matter of law in regards to which the Justice is doubtful or mistaken, or upon a matter of which the Court may take judicial cognizance. The Clerk must be a person not interested in any cases that will be affected by the

decision. The Associate Justice need not secure the consent of the parties involved or of counsel of record to appoint Registrars or Clerk.

ARTICLE 13 PRESIDING OFFICERS

The Chief Justice and the Associate Justices are the Presiding Officers of their respective Tribunals.

ARTICLE 14 COURT OF REVIEW

The Presiding Judge shall designate Associate Justices to accommodate all parties in interest.

This, however, shall not prevent the Court of Review from sitting and exercising its functions elsewhere whenever it so desires.

ARTICLE 15 PERMANENT SESSION

15.1. The Court shall remain permanently in session, including judicial vacations, the dates and duration of which the Chief Justice shall fix, provided, however, that the vacations of the Circuit Tribunals are not concurrent.

15.2. Individual(s) may petition for the writ of world habeas corpus or seek other relief from one of the other Judicial Circuit Tribunals if prevented from so doing before the Circuit Tribunal having jurisdiction over the disposition of the case because that Circuit is exercising its Judicial vacation.

15.3. Members of the Court are entitled to periodic leave, the dates and duration of which each Court shall recommend to the Chief Justice, having in mind the distance between the seat of the Court and the home of each Associate Justice. The Chief Justice shall appoint an interim Associate Justice.

15.4. Members of the Court are bound, unless they are on leave or prevented from attending by illness or other serious reasons duly explained to the Chief Justice, to hold themselves permanently available at the disposal of the Court.

ARTICLE 16 ALTERNATES

16.1. If, for some special reason, any members of the Court consider themselves unable to take part in the decision of a particular case, they shall so inform the Chief Justice to designate an Alternate Associate Justice.

16.2. If the Chief Justice considers that for some special reason one of the members of the Court should not sit in on a particular case the Chief Justice shall give that member notice accordingly and designate an interim replacement.

16.3. If in any such case the member of the Court and the Chief Justice disagree, the majority decision of the entire Court shall settle the matter.

ARTICLE 17 FULL COURT

The FULL Court shall sit in all judicial venues except when the Chief Justice expressly determines otherwise.

ARTICLE 18 JUDGMENT

A judgment given by any of the Circuit Tribunals is considered as rendered by the Court and is subject to review only by the Chief Justice and two designated Associate Justices.

ARTICLE 19 APPEALS

Appeals are permitted from decision of the Regional Tribunals when it appears:

19.1. that a decision of a Regional Tribunal may be inconsistent with the decision of the same rule of law by the High Court of Review or by one of the Regional Tribunals;

19.2. that a question of law and fact is without precedent;

19.3. that a Regional Tribunal may have wrongfully decided on question of law or fact or both;

19.4. that a Regional Court may have exceeded its jurisdiction;

19.5. that a Regional Tribunal may have deprived a person or group of persons of the right or privilege guaranteed by due process of law;

19.6. that a Regional Court may have a fundamental error resulting in a denial of justice.

ARTICLE 20 RULES

The Court may determine Rules of Procedure from time to time for carrying out Court functions.

ARTICLE 21 EMOLUMENTS

21.1. Each member of the Court shall receive an annual salary.

21.2. The Registrar and all other aides of the Court shall receive an annual salary.

21.3. The World Legislature sitting in legislative session shall determine salaries, allowances and other compensation.

21.4. Regulations made by the Court shall fit the conditions under which retirement pensions may be given to Members of the Court and the Registrars. The World Treasury shall reimburse legitimate travel expenses.

21.5) The above salaries, allowances, and other compensations are tax free.

ARTICLE 22 COURT EXPENSE

Each Tribunal shall bear the expense of each Regional Court.

CHAPTER 2

ARTICLE 23 COMPETENCE

Only individuals (natural persons) or groups of individuals may be parties in cases before the Court to seek redress for deprivation of any human right.

ARTICLE 24 ACCESS TO COURT

24.1. Person(s) detained or restrained in derogation of due process of law shall find original jurisdiction in the judicial circuit tribunal having jurisdiction over the place where the person(s) is restrained or deprived of any human right. States are charged with constructive notice of deprivations of human rights, committed within their political "boundaries."

24.2. Since human rights are innate and inalienable, independent of state limitations, the Court is open to aid individuals notwithstanding whether such state agrees to submit the cause to the Court for inquiry or disposition.

24.3. All nation-states are bound to abide by the proceedings and decisions of the Court.

24.4) When a state is a party to a case, the Court shall fix the amount which that state is to contribute towards the expense of the Court.

ARTICLE 25 WORLD BILL OF RIGHTS

Due process of law shall guarantee:

25. 1. Prompt, public trial before an unhampered, impartial, competent tribunal of any accused in violation of published law, or to release pending trial;

25. 2. The right of an accused to be presumed innocent and to be informed, in writing, in understandable language, in advance of detention or trial of the specific charge(s) made, and not be preventively held on suspicion;

25. 3. The right to be confronted with the accusing witnesses including the right of cross-examination;

25. 4. The right of compulsory process to obtain witnesses or discovery in advance of trial;

25. 5. The right to counsel of own choice;

25. 6. The right not to be compelled to give self-incriminating testimony or be bound by hearsay evidence;

25. 7. The right to have an interpreter;

25. 8. The right to communicate with local government or world government of world citizens and to have a representative of that government present at trial;

25. 9. The right not to be held if mentally incompetent or put to trial twice or double jeopardy for the same offense;

25.10. The right to be free from prosecution by virtue of any *ex post facto* law;

25.11. The right to be free from excessive bail;

25.12. The right to be free from any cruel or unusual punishment or discrimination;

25.13. The right to petition and be free from any unreasonable searches and seizures;

25.14. The right to equality, life, adequate standard of living, freedom of conscience and religion, language privacy, self-determination, education, culture, thought, work, travel, housing, speech, health, press and expression in any other form, to take part in

government, of association and assembly, individual or group petition.
25.15. The right to a healthy and sustainable environment.

ARTICLE 26 WORLD HABEAS CORPUS

The types of violations for which the writ of world *habeas corpus* shall apply include violations of those rights recognized in Article 25.

ARTICLE 27 Empowers sanctions. The conscience, integrity and moral force of World Law makes the orders of the Court effective. Further, the World Ombudsmus and the Enforcement Department of the Earth Federation are empowered to enforce the decisions of the Court.

CHAPTER 3

ARTICLE 28 SPECIAL COMPETENCE OF THE CHIEF JUSTICE

The Chief Justice of the Court shall permit appeals from decisions of the Circuit Tribunals when it appears to at least one-third of the Associate Justices of the Court:

- 28.1. that a decision of a Circuit Tribunal may be inconsistent with a prior decision of the same issue of law taken by the Court of Review; or by one of the Circuit Tribunals;
- 28.2. that a Circuit Tribunal may have erred in deciding a question of law or of fact equating a substantive denial of justice;
- 28.3. that a Regional or Circuit Court may have exceeded its jurisdiction;
- 28.4. that a Circuit Tribunal may have deprived a person of right or privilege guaranteed by world due process of law, defined as fair play consistent with civilized standards as set forth in Article 26.

CHAPTER 4

ARTICLE 29 VENUE

A party shall make any petition for the Writ of World *Habeas Corpus* to the Circuit Tribunal of the Court having jurisdiction over the place where the person is detained, imprisoned or deprived of any other human rights.

ARTICLE 30 ALLEGATIONS

The petition shall state in substance:

- 30.1. The person in whose behalf the Writ of World *Habeas Corpus* or other remedy is applied for, naming the place and all the jailers if they are known, or describing them if they are unknown;
- 30.2. The cause or pretense of the restraint or detention according to the best knowledge and belief of the petitioner;
- 30.3. That there had been an exhaustion of all reasonable available local remedies, or

that the case is an extraordinary one that empowers the Court to take original jurisdiction.

ARTICLE 31 PRIMA FACE RELIEF

Unless it appears from the petition itself, or from the documents thereto annexed, that the party can neither be discharged, admitted to bail or otherwise relieved, an Associate Justice may find, *prima facie*, that a petition is legally sufficient, and, upon so finding, is empowered to issue a show cause order upon the respondent state as to why the writ of world habeas corpus should not issue or the relief sought should not be granted.

ARTICLE 32 SHOW CAUSE

Under the Seal of the Court, the Court shall issue a show cause order and shall order the respondent to answer within ten days provided, however, that the Court may extend the period, if, in the opinion of the Court and in the interests of total justice more time is required as requested by the respondent state. Summary justice is the essence of the Court.

ARTICLE 33 RETURN TO SHOW CAUSE ORDER

The respondent state upon whom such order is served, or is charged with judicial knowledge thereof, shall, in its answer or return, plainly and unequivocally allege:

33.1. Whether the subject party is at the time of issue of the order, or was, and at what time prior or subsequent so the date of the order, under the control, restraint, or in custody of the respondent;

33.2. The due process cause of such imprisonment or restraint;

33.3. By what legal authority the subject party is held, and, if by some written warrant or writ of any kind, the respondent state shall produce and exhibit the original;

33.4. If party in custody or control restraint has been transferred or moved to another venue, the return shall explain with particularity to whom, at what time, for what cause and by virtue of what authority such transfer took place.

ARTICLE 34 MOTION TO DISMISS

If the respondent state moves to dismiss the petition for prima facie insufficiency, the petitioner may have reasonable time to challenge said motion to dismiss. The Court shall set a prompt hearing.

ARTICLE 35 FAILURE TO SHOW CAUSE

If the respondent state fails to show cause within the time so ordered, or if the Court finds that the cause shown is not a legally sufficient one, the Court is empowered, without further notice, to issue the writ of world habeas corpus and set an early date for hearing on the relief sought.

ARTICLE 36 SUBPOENAS

36.1. The Court is empowered to issue *subpoenas* and *subpoenas duces tecum* for witnesses to appear with relevant documents before the Court at the time and place where such World *Habeas Corpus* is returnable or other relief sought. It is the duty of the state official to whom the *subpoena* is directed to serve the same and make proper return of service to the Court.

36.2. Any person appointed for that purpose by the Court may serve the writ of world *habeas corpus*.

ARTICLE 37 SERVICE

The appointed server shall make service by leaving a copy of the writ or subpoena or complaint with the office of the chief executive officer of the respondent state, or with any other officials who have authority to act directly on the state's behalf, or who are directly answerable to the chief executive in the normal course of their official duties.

ARTICLE 38 PRODUCTION OF BODY

At the time of making the return, the respondent state shall disclose the person's[s'] actual or constructive custody, according to the command of the writ.

ARTICLE 39 INFIRMITY OF PETITIONER

If the petitioner, or subject party, has a medical condition and paramedics cannot medically bring the petitioner, or subject party, without danger to the place appointed for the return of the writ, the respondent state shall declare that fact in the return, and if it be proved to the satisfaction of the Court, the Court may proceed to hearing or make such other order in the case as law and justice require.

ARTICLE 40 CUSTODY

If the Court reasonably believes by the petition that any one is illegally held in custody or restraint, and that there is good reason to believe that such person will be taken out of the jurisdiction of the Circuit Court to which petition was made, or will suffer some injury before compliance with the writ can be enforced, the Court may cause the executive office of the respondent state to deliver the subject party into the Court's direct or supervisory custody and be held harmless.

ARTICLE 41 NO DELAY

Upon the respondent's return or answer, the Court shall, without delay, proceed to examine the cause of the imprisonment or restraint, but the examination may be adjourned from time to time as circumstances and substantive justice requires.

ARTICLE 42 DEFENSE TO RETURN

The party imprisoned or restrained may traverse any of the material facts set forth in the respondent's return or answer, and may allege any other facts that may be material

in the case, which traverse must be on affirmation or oath; and the Court shall proceed to summary hearing on its established rules of procedure consistent with due process of law.

ARTICLE 43 HEARINGS

The presiding Justice or if presiding Justice is unable to preside, an Alternate Justice designated by the Chief Justice shall control the hearings.

ARTICLE 44 PUBLIC HEARINGS

The hearing in Court must be public.

ARTICLE 45 MINUTES

45.1. The Registrar or Registrar's Assistant shall make Minutes of each hearing. The Registrar or Assistant appointed for the Circuit Tribunals who attends the hearing shall sign the Minutes, affirming their validity; Court minutes are a permanent record. The Court shall make all Minutes publicly available.

45.2. The Court Reporter or Rapporteur. shall authenticate minutes by oath.

ARTICLE 46 FLEXIBILITY OF PROCEDURE

The Court shall make orders for the conduct of each case, The Court shall decide the form and time in which each of the parties must conclude their presentation of evidence and arguments and make all arrangements connected with the presenting or taking of evidence, including deposition form, if necessary.

ARTICLE 47 FINALITY

The Court will not consider invidious assumptions or conjectures but will base its judgment on the integrity and independence of appropriate, competent, material, relevant and ascertainable fact. The Court will rely on the principle of judicial reconciliation in determining culpability. If an accused state fails to appear in an inquiry or hearing then the Court will hear evidence under appropriate safeguards and communicate with the accused state for its reply or rebuttal. If declination persists then the Court shall proceed exparte. All unchallenged or unrebutted evidence is pro confesso and final.

ARTICLE 48 REVIEW OF ACT

The Commission for Legislative Review shall review the functions of the Presiding Judge of this Statute to help determine the original intent of the World Judicial Commission, which drafted most of this legislative Act. This is primarily to help determine which functions are best held by the Presiding Judge of the World Court of Human Rights and which functions are best held by the Chief Justice, if these two

posts happen to be filled by different judges instead of the same judge. The Provisional World Parliament respects the original intent of the World Judicial Commission regarding this question, and shall retain the original intent unless contrary to provisions of the *Earth Constitution*, Article IX. The Commission for Legislative Review shall present the review of this Act for further consideration by the Seventh Session of the Provisional World Parliament.

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Statute of the World Bench for Human Rights Cases was adopted as world statutory code, World Legislative Act Number 15, 9:50 am Thai Time 27 March 2003, by the sixth session of the provisional World Parliament, at Bangkok, Thailand, convened in conformance with Article 19 of the *Earth Constitution*.

[Statute of the World Court of Human Rights](#), was originally drafted by Lou Kutner, Attorney, original author of the Living Will. The Statute was originally adopted by the [World Judicial Commission](#) Convention of World Government, convened 12 June 1974, at Mulhouse, France.

Attested by Eugenia Almand, Secretary
Provisional World Parliament