

## Summary of an Act

### World Legislative Act #20

#### World Bench for Criminal Cases

Short title: **Criminal Case Court**

[Underlined sections added to original [International Criminal Court Statute](#) of the [Assembly of States Parties](#) during act adoption by the Provisional World Parliament, at Seventh Session at Chennai (Madras), India, December 2003]

Adopts Statute to establish World Bench for Criminal Cases.

### **PART 1. ESTABLISHMENT OF THE COURT**

**Article 1 (A-1)** Establishes World Bench for Criminal Cases (“the Court”) as permanent institution with power to exercise its jurisdiction over persons for most serious crimes of world concern, complementary to national criminal jurisdictions. **A-2** Establishes correct relationship of World Court to United Nations. **A-3** Establishes seats of World Court. **A-4** Defines Legal status and powers of World Court.

### **PART 2. JURISDICTION, ADMISSIBILITY AND APPLICABLE LAW**

**A-5** Lists Crimes within jurisdiction of World Court, extending from original *Rome Statute* to also include environmental crimes, world federal corruption and interference in world government.

**A-6, 7, 8** Defines world crimes: crime of genocide, crimes against humanity, war crimes, crime of aggression, environmental crimes, world federal corruption and interference in world government. Stipulates annex with list of weapons of mass destruction and prohibited methods of warfare.

**A-9** Outlines purpose of *Elements of Crimes*.

**A-10** Permits independent development of binding world law. **A-11** Declares immediate date of entry into force.

**A-12, 13** Defines jurisdiction of World Court.

**A-14, 15** Defines roles of World Attorneys General, Presidium and World Ombudsmus with respect to World Court.

**A-16** Prohibits Security Council representatives to deny or defer jurisdiction (class 3 felony).

**A-17,18,19** Defines issues of admissibility. Grants jurisdiction to World Court in

event of national judicial incapacity.

**A-20** Reconfirms human right of freedom from double jeopardy within World Court (*Ne bis in idem.*) Prohibits secret trials and binding mock trials (class 3 to 6 felony).

**A-21.** Cites applicable law.

### **PART 3. GENERAL PRINCIPLES OF CRIMINAL LAW**

**A-22** *Nullum crimen sine lege.* Reconfirms principle of no ex-post-facto prosecution.

**A-23** *Nulla poena sine lege.* Declares World Legislative criminal classification necessary for penal sentences.

**A-24** Reconfirms that criminal responsibility is not retroactive (*ratione personae*).

**A-25** Confirms that individuals are liable for crimes. Defines criminal responsibility.

**A-26** Excludes juvenile jurisdiction for Criminal Bench. Refers to world legislation for Juvenile Bench.

**A-27** Declares irrelevance of official capacity. Declares all officials fully liable to prosecution and sentencing. **A-28** Declares all commanders and other superiors fully liable to prosecution and sentencing. **A-29** Re-confirms crimes as not subject to any statute of limitations.

**A-30** Considers mental element.

**A-31** Defines grounds for excluding criminal responsibility based on mental disease or defect.

**A-32** Considers instance of mistake of fact or mistake of law.

**A-33** Considers exceptions regarding superior orders and prescription of law, with orders to commit genocide, crimes against humanity, war crimes or to otherwise violate world legislation manifestly unlawful.

### **PART 4. COMPOSITION AND ADMINISTRATION OF THE COURT**

**A-34** Establishes organs of World Court: Presidency (Presiding Council); Appeals Division, Trial Division, & Pre-Trial Division; Registry; Prosecutor (World Attorneys General)

**A-35** Defines service of judges.

**A-36** Defines qualifications, nomination and election of judges. **A-37** Defines procedure in event of judicial vacancies. **A-38** Defines Presidency with Chief Justice and Associate Chief Justices.

**A-39** Defines Chambers.

**A-40** Requires independence of judges.

**A-41** Defines conditions for excusing and disqualification of judges. **A-42** Defines & reconfirms Office of Prosecutor (World Attorney General) **A-43** Defines and establishes Registry and functions of Registrar. **A-44** Defines and establishes Staff for

Registry and World Attorneys General.

**A-45** Requires solemn undertaking by judges, attorneys, & registrars to affirm and uphold *Earth Constitution*.

**A-46** Defines conditions for removal from office of judges, prosecutors or registrars.

**A-47** Allows disciplinary measures for less serious misconduct.

**A-48** Defines privileges and immunities regarding World Court over national jurisdictions.

**A-49** Defines process for salaries, allowances and expenses.

**A-50** Establishes Arabic, Chinese, English, French, Russian and Spanish as official languages of Court. Establishes French and English as working languages.

**A-51** Declares role and conditions for Rules of Procedure and Evidence. **A-52** Grants Judges authority to adopt conditional Regulations of the Court.

## **PART 5. INVESTIGATION AND PROSECUTION**

**A-53** Defines conditions for initiation of investigation.

**A-54** Defines duties and powers of Prosecutor with respect to investigations.

**A-55** Re-confirms rights of persons during an investigation, including right to competent interpretation & right to own counsel.

**A-56** Defines role of Pre-Trial Chamber in relation to unique investigative opportunities.

**A-57** Defines functions and powers of the Pre-Trial Chamber.

**A-58** Defines issuance by Pre-Trial Chamber of warrants of arrest or summons to appear.

**A-59** Defines arrest proceedings in the custodial State during Provisional World Government and first operative stage of World Government.

**A-60** Defines initial proceedings before World Court.

**A-61** Requires confirmation of charges before trial.

## **PART 6. THE TRIAL**

**A-62** Establishes conditionally Court Seat as place of trial.

**A-63** Requires conditionally presence of accused in trial.

**A-64** Defines functions and powers of Trial Chamber.

**A-65** Prescribes proceedings on admission of guilt.

**A-66** Requires presumption of innocence until conviction.

**A-67** Defines and re-confirms rights of accused.

**A-68** Requires protection of victims and witnesses and their participation in proceedings.

**A-69** Defines procedure for submission of evidence.

- A-70** Defines offences against administration of justice.
- A-71** Permits Court sanctions for misconduct before World Court.
- A-72** Allows conditional protection of national security information only for world citizens and states Members of Earth Federation.
- A-73** Establishes procedure regarding third-party information or documents.
- A-74** Defines requirements for decision.
- A-75** Considers reparations to victims.
- A-76** Establishes procedure for sentencing.

## **PART 7. PENALTIES**

- A-77** Defines generally applicable penalties, in terms of imprisonment, fines and forfeiture of benefits derived from the crime. Refers to Criminal Code Penalty Classification (Penal Code).
- A-78** Defines guidelines for determination of sentence.
- A-79** Directs Assembly of States Parties to Establish Trust Fund for victims.
- A-80** Declares non-prejudice to national application of penalties and national laws.

## **PART 8. APPEAL AND REVISION**

- A-81** Defines grounds & procedure for appeal against decision of acquittal or conviction or against sentence.  
suspended during period allowed for appeal and for duration of appeal proceedings.
- A-82** Defines Appeal conditions. **A-83** Defines appeal powers & proceedings.
- A-84** Defines grounds for revision of conviction or sentence.
- A-85** Recognizes right to compensation to arrested or wrongly convicted person.

## **PART 9. INTERNATIONAL COOPERATION AND JUDICIAL ASSISTANCE**

- A-86** Declares general obligation to cooperate with Court.
- A-87** Establishes role of Court orders for cooperation with general provisions.
- A-88** Requires availability of procedures under national law. **A-89** Defines procedure for Surrender of persons to World Court.
- A-90** Declares World Court precedence in cases of requests competing to court orders.
- A-91** Defines contents of order for arrest and surrender.
- A-92** Defines orders for provisional arrest.
- A-93** Defines and prescribes other forms of cooperation.  
Prohibits World Court assistance to States attacking, Earth Federation or Earth

Federation member states.

**A-94** Permits conditionally postponement of execution of order in respect of ongoing investigation or prosecution.

**A-95** Permits conditionally postponement of execution of order in respect of admissibility challenge.

**A-96** Defines contents of order for other forms of assistance under article 93

**A-97** Requires States to consult with World Court in case of conflict, uncertainty or confusion.

**A-98** Prohibits refusal to cooperate on grounds of immunity (Class 3 felony).

**A-99** Clarifies requirement for execution of orders under articles 93 and 96.

**A-100** Requires cost accounting. Allocates installments of reimbursement in Earth Hour Credits of court costs to States Party to *Earth Constitution*.

**A-101** Requires specialty of charges. **A-102** Defines terms

**(102.1)** “Surrender” means delivering up of person by State to World Court, pursuant to this Statute.

**(102.2)** “Extradition” means delivering up of person by one State to another as provided by treaty, convention or national legislation.

**(102.3)** “Request” means petition from one State to another, or from one state to World Court.

**(102.4)** “Order” means binding directive from World Court.**(102.5)** “Consultation” means a two-way communication other than a written report.

## **PART 10. ENFORCEMENT**

**A-103** Defines role of States and Earth Federation in enforcement of sentences of imprisonment.

**A-104** Permits World Court change in designation of State of enforcement.

**A-105** Requires enforcement of sentence, subject to World Court. **A-106** Defines supervision of enforcement of sentences and conditions of imprisonment.

**A-107** Defines conditions for transfer of person upon completion of sentence.

**A-108** Limits conditionally prosecution or punishment of other offences.

**A-109** Requires enforcement of fines and forfeiture measures. Requires fines to be in Earth Hour credits or Earth Hour currency.

**A-110** Permits review by World Court concerning reduction of sentence.

**A-111** Permits response to escape.

## **PART 11. ASSEMBLY OF STATES PARTIES**

**A-112** Defines functions & powers of Assembly of States Parties in relation to *Earth*

Constitution. Permits State Party to pay financial contribution in terms of Earth Hour credits.

## **PART 12. FINANCING**

**A-113** Establishes financial regulations for Assembly of States Parties.

**A-114** Requires payment of expenses in standard unit of Earth Hour Credit or .

**A-115** Permits conditionally revenues of other types.

**A-116** Permits voluntary contributions. Declares voluntary contributions conditionally eligible for reimbursement (Earth Constitution, Article 17., Section F.)

**A-117** Directs assessment of contributions to be determined in Earth Hour Credits.

**A-118** Requires independent annual audit.

## **PART 13. FINAL CLAUSES**

**A-119** Defines conditions for settlement of disputes concerning judicial functions, to include primarily World Court, but also Assembly of States Parties, World Parliament, World Ombudsmus or International Bench, when formed.

**A-120** Prohibits national state reservations or international reservations to this Statute.

**A-121** Defines process for amendments to the Statute.

**A-122** Defines process for amendments to provisions of institutional nature.

**A-123** Defines procedure for review of World Court Statute within seven years of entry into force. **A-124** Under reservation by Provisional World Parliament.

(Repeals/Strikes seven year allowance to renege & deny compulsory jurisdiction of World Court. Strikes original Article 124 provision as unconstitutional.)

**A-125** Defines conditions for signature, ratification, acceptance, approval or accession. Prohibits direct national signature or approval of revised Statute for World Bench of Criminal Court. Recommends simultaneous accession to Earth Constitution by minimum of approximately two dozen national governments, World Parliament of which can confirm, amend or strike down this Statute, in joint session, or severally.

**A-126** Declares immediate entry into force for operations of World Bench of Criminal Court, binding upon individuals and States Parties, upon adoption by Provisional World Parliament. Declares Court itself bound by this Statute upon deposit of 25th instrument of national ratification of Earth Constitution, or by equivalent conditions defined in Earth Constitution, Article 17, Section C-1.

**A-127** Under reservation by Provisional World Parliament. (Repeals/Strikes original allowance for withdrawal from Statute. Strikes original Article 127 provision as unconstitutional.)

**A-128** Requires deposit of authentic texts, as soon as feasible, with Presidium of Earth Federation.

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The World Bench for Criminal Cases was adopted as World Legislative Act Number 20 at the Seventh Session of the Provisional World Parliament convened in conformance with the *Constitution for the Federation of Earth* on 27 December 2003, at Chennai, Tamil Nadu, India.

Attested: Eugenia Almand, JD, Secretary  
Provisional World Parliament