

## Rules of Procedure and Evidence\*

\* [**Explanatory note:** The *Rules of Procedure and Evidence* are an instrument for the application of the *World Legislative Act #20*, the *World Bench for Criminal Cases Statute*, to which the Rules are subordinate in all cases (The *World Bench for Criminal Cases Statute* is mostly and originally from the [Rome Statute of the International Criminal Court](#)). In elaborating the *Rules of Procedure and Evidence*, care was taken to avoid rephrasing and, to the extent possible, repeating the provisions of Act #20. Direct references to the Statute have been included in the Rules, where appropriate, to emphasize the relationship between the Rules and the Statute, as provided for in article 51, in particular, paragraphs 4 and 5 of the Statute. In all cases, the *Rules of Procedure and Evidence* should be read in conjunction with and subject to the provisions of the *World Bench for Criminal Cases Statute*. The [Rules of Procedure and Evidence](#) of the [International Criminal Court](#) version adopted by the [Assembly of States Parties](#) differs from the *Rules of Procedure and Evidence* version adopted by the provisional World Parliament **in only about 1 page of text** (4 pages including 3 pages of memorandum context) in about 107 total pages of rules, the largest single portion of which is nearly one page added as Chapter 13, providing for jury process, which was not in the original Assembly of States Parties version. The *Rules of Procedure and Evidence* do not affect the procedural rules for any national court or legal system for the purpose of national proceedings. The *Rules* are subdivided into 226 specific rules, which are not reflected in the codification below, but are reflected in the full version.]

### Summary of an Act

World Legislative Act #24

## Rules of Procedure and Evidence\*

Short title:

### Procedure and Evidence

#### **Chapter 1. Defines general provisions**

- 1.1. Refers to use of terms. Refers to Chief Justice as President. Refers to World Attorneys General as Prosecutor. Refers to Regional World Attorneys as Deputy Prosecutor.
- 1.2. Declares authentic texts.
- 1.3. Defines procedure for Rules amendments.

## **Chapter 2. Defines composition and administration of the Court**

- 2.1. Defines general provisions relating to the composition and administration of the Court.
- 2.2. Defines Office of Prosecutor
- 2.3. Defines the Registry
  - 2.3.1. Provides general provisions relating to the Registry
  - 2.3.2. Defines Victims and Witnesses Unit
  - 2.3.3. Defines counsel for the defence
- 2.4. Addresses situations that may affect the functioning of the Court
  - 2.4.1. Defines procedures for removal from office and disciplinary measures
  - 2.4.2. Defines procedure for excusing, disqualification, death and resignation of Judge,
  - 2.4.3. Permits replacements and alternate judges
  - 2.4.5. Directs and requires publication, languages and translation.

## **Chapter 3. Jurisdiction and admissibility**

- 3.1. Defines declarations and referrals relating to articles 11, 12, 13 and 14
- 3.2. Defines and requires initiation of investigations under article 15
- 3.3. Defines challenges and preliminary rulings under articles 17, 18 and 19.

## **Chapter 4. Defines provisions relating to various stages of the proceedings**

- 4.1. Defines procedures with evidence .
- 4.2. Defines rules for disclosure.
- 4.3. Defines victims and witnesses
  - 4.3.1. Defines general principle relating to victims
  - 4.3.2. Requires protection of victims and witnesses
  - 4.3.3. Permits participation of victims in the proceedings
- 4.4. Defines miscellaneous provisions.

## **Chapter 5. Investigation and prosecution**

- 5.1. Defines decision of the Prosecutor regarding the initiation of an investigation under article 53, paragraphs 1 and 2.
- 5.2. Defines procedure under article 53, paragraph 3
- 5.3. Defines rules for collection of evidence
- 5.4. Defines procedures in respect of restriction and deprivation of liberty
- 5.5. Defines proceedings with regard to the confirmation of charges under article 61.

## **Chapter 6. Defines trial procedure**

## **Chapter 7. Defines penalties**

## **Chapter 8. Provides for appeal and revision.**

8.1. Defines general provisions.

8.2. Defines procedure for appeals against convictions, acquittals, sentences and reparation orders.

8.3. Defines conditions and procedure for appeals against other decisions

8.4. Defines procedure for revision of conviction or sentence.

## **Chapter 9. Offences and misconduct against the Court**

Section 1. Defines offences against the administration of justice under article 70

Section 2. Defines misconduct before the Court under article 71

## **Chapter 10. Defines conditions for compensation to an arrested or convicted person**

## **Chapter 11. International cooperation and judicial assistance**

Section 1. Defines orders and requests for cooperation under article 87

Section 2. Defines surrender, transit and competing requests under articles 89 and 90.

Section 3. Defines rules for documents of arrest and surrender under articles 91 and 92

Section 4. Requires cooperation under article 93

Section 5. Requires cooperation under article 98

Section 6. Defines rule of speciality under article 101 .

## **Chapter 12. Defines Enforcement**

Section 1. Defines role of States in enforcement of sentences of imprisonment and change in designation of State of enforcement under articles 103 and 104.

Section 2. Defines enforcement, supervision and transfer under articles 105, 106 and 107

Section 3. Limits prosecution or punishment of other offences under article 108

Section 4. Defines enforcement of fines, forfeiture measures and reparation orders

Section 5. Permits measures under article 111 in event of escape.

## **Chapter 13. Permits Jury Process**

Nominates a Jury Development Commission, to begin with four members, but to extend to 10 members of World Parliament, to elaborate propositions for Criminal Bench to be tempered by benefit of regulated jury process. Directs Jury Development Commission to elaborate rules to integrate well regulated and just world jury system within context of Earth Federation and Rules of Procedure and Evidence. Directs World Jury Commission to report back to World Parliament with bill proposal for adjustment of *Rules of Procedure and Evidence* to accommodate jury process.

Requires simple majority approval of World Parliament for adoption of jury process provisions. Directs that jury process at world federal level is under jurisdiction of

World Ombudsmus. Separates funding of jury process from budget of World Attorneys General Office and from budget of Benches of World Judiciary, except in matters regarding facilities management and integration of various primary branches of world government. Exempts Assembly of States Parties and World Bench of Criminal Court from covering costs of jury process, except regarding facilities management (reasonable accommodation costs for juror participation and sequesters, which World Treasury shall reimburse). Exempts Assembly of States Parties and World Bench from costs for juror selection and juror compensation, which costs are part of budget of World Ombudsmus.

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*Procedures and Evidence* was adopted as World Legislative Act Number 24 at the Seventh Session of the Provisional World Parliament convened in conformance with the *Constitution for the Federation of Earth* in December 2003, at Chennai, Tamil Nadu, India.

Attested: Eugenia Almand, JD, Secretary  
Provisional World Parliament