

PERMANENT PEOPLES' TRIBUNAL

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STATUTE

Preamble

Whereas peoples are ever more exposed to flagrant and systematic violations of their fundamental rights caused by military regimes, usually of a dictatorial nature, assuming power, and the ever greater influence of neo-colonialist groups and structures over vast areas of the world, and of political ideologies and practices which despise or disregard the requirements and the rights of peoples;

Whereas these violations or rules essential to the International community, particularly the crimes of apartheid, genocide, the imperialist and neo-colonialist exploitation of peoples and minorities, the systematic oppression of peoples and other human groups, are perpetrated while the international community is unable to prevent effectively such crimes and violations or put an end to them;

Whereas in particular the organs of the organized international community, when they have successfully elaborated principles and rules proclaiming the fundamental rights of peoples, have not been in a position to put these rules into practice, nor to ensure their effectiveness by the application of adequate sanctions or the formalities for reparation of damages inflicted, in particular through international mechanisms able to guarantee respect by governments and transnational companies or other colonial or neo-colonial groups;

Whereas it is equally necessary to analyze the economic, political and social causes of the crimes against peoples in relation to imperialism and neo-colonialism, as well as the consequences with regard to the violations of the rights of minorities and individuals;

Whereas until the progressive governments accept and set up international organisms, capable of bringing these phenomena to an end, it is up to enlightened political groups and advanced trade-unions, supported by world public opinion to create international structures to attract the attention of governments, political movements, trade-unions and world public opinion to the serious and systematic violations of the rights of peoples and, in connection with these violations, those of the rights of minorities and individuals, as well as to their economic, political and social causes.

The Lelio Basso International Foundation for the Rights and Liberation of Peoples decides to create a Permanent Peoples' Tribunal with the following **Statute**:

THE TRIBUNAL'S COMPETENCE AND FUNCTION

Article 1

The Tribunal's competence extends to serious and systematic violations of the rights of peoples, whether committed by States, by authorities other than States, or by private groups or organizations, also, if required, to the personal responsibility of their authors, according to the Nuremberg principles.

In particular, the Tribunal is competent to give judgements on any international crime, specifically on crimes against peace and humanity, any infringement of the fundamental rights of peoples and minorities, grave and systematic violations of the rights and freedoms of individuals, as stated in the legal sources indicated in Article 2.

The Tribunal is not competent to give judgements in cases of single violations of the rights of an individual, except when related to a violation of the law of peoples.

Article 2

The Tribunal's mission is to promote universal and effective respect for the fundamental rights of peoples by determining whether these rights have been violated, by examining the causes of such infringements, and by pointing out to world public opinion the authors or these violations.

The Tribunal applies the international principles of jus cogens as expression of the universal juridical conscience and in particular the Nuremberg principles, as well as the Convention for the prevention and repression of the crime of genocide; it adopts the Algiers Declaration on the fundamental rights of Peoples and applies the basic instruments of the United Nations, in particular the Universal Declaration and the International Covenants on Human Rights, the Declaration on Friendly Relations between States, the General Assembly resolutions on decolonization and the new international order, notably the Charter of the economic rights and duties of States.

The Tribunal also applies any other international, universal or regional instrument which aims at developing, making known and expanding the scope of texts which refer to the rights of peoples

Article 3

Any government, any international governmental or non-governmental organization, any national liberation movement, political group, trade-union or group of people can present an application to the Tribunal regarding the violation of a fundamental right, as proclaimed in the legal instruments indicated in article 2.

Article 4

The Tribunal can give advisory opinions on any question within its competence at the request of those same peoples and groups.

Article 5

The Presidency Committee of the Tribunal can proceed to investigate or study any international situation which leads to violations of the fundamental rights of peoples and minorities, or serious or systematic infringements of the rights and liberties of minorities and individuals.

Article 6

1. The Tribunal should be composed of not less than 30 or more than 75 members. Those are nominated by the Council of the International Foundation for the Rights and Liberation of Peoples.
2. The members of the Tribunal as well as the Secretary-General must be held in the highest consideration and have the qualifications required for the exercise of the highest legal functions, or else be eminent scholars, jurisconsults, political or religious personalities, of recognized integrity and competence.

Article 7

1. The members of the Tribunal are nominated for a period of three years. Their mandate can be renewed.
2. The members of the Tribunal can only be dismissed if they have ceased to fulfil one of the required conditions. The decision is taken by the Council of the Foundation with a majority of two thirds of the members present, on the advice of the members of the Tribunal. A decision to dismiss a member of the Tribunal can only be taken by a majority of two thirds of the members present or represented.
3. The members of the Tribunal elect a President and two vice-Presidents for three years, who constitute the Tribunal's Presidency Committee.

Article 8

1. The Presidency Committee nominates 11 judges for every session of the Tribunal relative to a case or group of cases, who will sit to judge the case or cases presented to the Tribunal.
2. The judges sitting for a specific session elect the session's President.

Article 9

When the Tribunal is overloaded, and only in urgent cases, the Presidency Committee can constitute one or more chambers, each consisting of seven judges, to examine particular groups of cases.

PROCEDURE

Article 10

1. A Secretariat will be set up for the Tribunal, to be administered by a Secretary-General and a Vice-Secretary-General, assisted by three Assistant Secretaries-General, nominated by the

Foundation Council, at the suggestion of the Tribunal. The members of the Secretariat must be people of recognized integrity and attested competence.

2. The Secretariat can request the opinion of any experts it chooses to call.

Article 11

In particular the General Secretariat carries out the following functions:

1. Registers all requests addressed to the Tribunal.
2. Reports to the Presidency Committee on any registered requests, in particular on the facts alleged in each request and the international instruments referred to.

Article 12

In view of the report made by the Secretariat and the elements which it has brought together, the Presidency Committee decides whether to file and dispose of the request or whether to submit it to the Tribunal. In this last case it nominates one or more reporters who need not necessarily be members of the Tribunal.

The reporter or reporters proceed, with the assistance of the Secretariat, to the documentation of the case, with the following tasks:

- to bring together all elements of proof for and against, summoning witnesses
- to be at the disposal of the Tribunal to facilitate the verification and evaluation of the authenticity and veracity of the facts and proofs
- to enlighten the Tribunal on the applicable legal norms.

Every decision to file and dispose a request is communicated to the members of the Tribunal who can, should any new element arise, ask that the case be reconsidered.

This faculty can only be exercised once.

Article 13

The Presidency Committee prepares each year an annual report for the Council of the Foundation in which it lists all the cases submitted to it, giving the reasons for which these have been declared admissible or not, or manifestly unfounded, or have been filed and disposed of.

Article 14

As soon as a request has been declared admissible the Presidency Committee tries to obtain the co-operation of the government, authority or private group being accused, and gives these ample possibility for submitting proofs and evidence.

Article 15

Any government, authority or private group which is being accused will be informed of the complaints or requests brought against it as soon as they have been declared admissible by the Presidency Committee, or a decision been made to bring an action against it. Participation will be possible at every stage of the proceedings. Even if there were a refusal to recognize the Tribunal's competence every relevant act of the trial will be duly communicated.

Article 16

The Presidency Committee can nominate either a member of the Tribunal or someone from outside to be a special reporter, in charge of bringing together any information, proof or documentary evidence which can be advanced in favour of the accused Party, if this Party has decided not to participate in the debate.

This special reporter will take part in the debates and, in an advisory capacity, in the deliberation concerning the case.

Article 17

1. If the Tribunal considers it will be useful to the cause of promoting respect for the fundamental rights of peoples, minorities and individuals it can put itself at the disposal of the interested parties with the aim of reaching an agreement on the question.
2. If the Tribunal is successful in obtaining a settlement acceptable to the interested parties, inspired by respect for the relevant international instruments, it should prepare a report giving a brief account of the facts and the solution adopted.

3. The Tribunal decides what action should follow the report, with the aim of promoting respect for the fundamental rights of peoples, minorities and individuals.

Article 18

The sessions of the Tribunal and the sittings of the Court are public. The deliberations of the Tribunal are held in the deliberation room. Members of the Tribunal nominated as reporters cannot participate in deliberations concerning the cases which they have investigated.

Article 19

The Tribunal is validly composed with a quorum of 7 members in the cases set out in Article 8, and of 5 members in those cases set out in Article 9.

The decisions and advisory opinions are given with an absolute majority of the members present. Should there be no majority, the vote of the President of the Session or of the Chamber will be decisive.

No member of the Tribunal can be represented, not even by another member of the Tribunal. In so far as the clauses set out in Article 7, paragraphs 2 and 3, and Article 10, paragraph 1, are concerned members of the Tribunal can be represented by another member. No member can hold more than one proxy.

Article 20

The Tribunal's judgements are definitive. These and the other decisions of the Tribunal will be communicated to the interested parties, to the Secretary-General of the United Nations, to other interested international organizations, to Governments and the press.

Article 21

The Tribunal will establish rules to determine its method of work and procedure.

Article 22

The seat of the Tribunal is in Rome. The Tribunal can sit and exercise its functions anywhere.

Article 23

Any proposal to modify the Statutes should be addressed to the Presidency Committee. If the proposal is made by ten members of the Tribunal it will be transmitted, with the approval of the Presidency Committee and after the Council of the International Foundation for the Rights and Liberation of Peoples has agreed to it, to all members of the Tribunal. Any modification of the Statutes is adopted by the majority of the members of the Tribunal.