World Legislative Act Number 20

# World Bench for Criminal Cases

Fully engrossed, with cross references to Assembly of States Parties version

Adopted at the 7th session of provisional World Parliament at Chennai, Tamil Nadu, India 28th December 2003.

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Deliberated and adopted in conformance with the *Constitution for the Federation of Earth* (*Earth Constitution*) and in consideration recognizing and integrating international and world law.

For reprints of this Statute, please go to http://www.worldproblems.net/english/legislation/wla_20_world_bench_criminal_cases.pdf

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For the Assembly of States Parties version of this Statute, please go to http://www.icc-cpi.int/library/about/officialjournal/Rome_Statute_English.pdf

For information on the Coalition for the International Criminal Court, go to http://www.iccnow.org .

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World Legislative Act Number 20

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Fully engrossed, with cross references to Assembly version

## PREAMBLE

Conscious that all peoples are united by common bonds, their cultures pieced together in a shared heritage, and concerned that this delicate mosaic might be shattered at any time;

Mindful that during this century millions of children, women and men have been victims of unimaginable atrocities that deeply shock the conscience of humanity;

Recognizing that such grave crimes threaten the peace, security and well-being of the world;

Affirming that the most serious crimes of concern to the world community as a whole must not go without legal response and that measures at the world federal level in conformance with the *Earth Constitution* shall ensure their effective prosecution;

Determined to put an end to impunity for the perpetrators of these crimes and thus to contribute to the prevention of such crimes;

Recalling that it is the duty of the Earth Federation to exercise its criminal jurisdiction over those in violation of world federal law;

Reaffirming the Purposes and Principles of the Earth Federation, and in particular that all citizens shall refrain from the threat or use of military force against one another or against the territorial integrity or political independence of any State member of the Earth Federation, or in any other manner inconsistent with the Purposes of the Earth Federation;

Emphasizing in this connection that nothing in this Statute shall be taken as authorizing any nation to intervene in an armed conflict or in the internal affairs of any other nation;

Determined to these ends and for the sake of present and future generations, to establish an independent permanent International and World Criminal Courts in relationship with the Earth Federation system, with jurisdiction over the most serious crimes of concern to the world community as a whole;

Emphasizing that the World Criminal Court established under this Statute is complementary to national criminal jurisdictions;

Resolved to guarantee lasting respect for and the enforcement of international and global justice;

The seventh session of the provisional World Parliament hereby adopts this Act to establish the World Bench for Criminal Cases.

(Corresponding codification for respective provisions of Assembly of States Parties version follows in green.)

## PART 1. ESTABLISHMENT OF THE COURT

### Article 1
### The Court

A World Bench for Criminal Cases ("the Court") is hereby established. The Court is a permanent institution and has the power to exercise jurisdiction over persons for the most serious crimes of world concern, as referred to in this Statute. The Court is complementary to national criminal jurisdictions. The provisions of this Statute govern the jurisdiction and functioning of the Court.

### Article 2
### Relationship of the Court with the United Nations

As the Court is an organ of federal world government in conformance with the *Earth Constitution*, and as the United Nations is an international body without the benefit and strength of any world federal structure, the United Nations is a subordinate body to the Court. Irrespective of any United Nations Charter provision to the contrary, all human beings in the United Nations System are accountable to the Court. All natural persons representing the General Assembly, the Security Council, the Secretariat, the Economic and Social Council and the International Court of Justice have no legal privilege or immunity at the world federal level of jurisdiction. United Nations Charter provisions to the contrary are illegal and void. Judges of the Court shall find attempts to use immunity clauses of the United Nations Charter for impunity as Contempt of Court (Class 3 Misdemeanor) or as Obstruction of Justice (Class 3 felony), in which case the Court shall hold a separate trial on this charge for the accused.

### Article 3
### Seat of the Court

3.1. The seat of the Court is The Hague in the Netherlands ("the host State").

3.2. The Court shall enter into a headquarters agreement with the host State, to be approved by the Assembly of States Parties and thereafter concluded by the President of the Court on the Court's behalf.

3.3. The Court may sit elsewhere, whenever the Court desires, as provided in this Statute.

### Article 4
### Legal status and powers of the Court

4.1. The Court has global legal personality. The Court also has such legal capacity as might be necessary for the exercise of Court functions and the fulfillment of Court purposes.

4.2. The Court may exercise Court functions and powers, as provided in this Statute, on the territory of any State Party and, by special agreement, on the territory of any other State.

4.3. The Court, the Prosecutor, State Parties and other persons shall refer to Article 102 of this Statute for use of terms of Power of the Court.

## PART 2. JURISDICTION, ADMISSIBILITY AND APPLICABLE LAW

### Article 5
### Crimes within the jurisdiction of the Court

5.1. The jurisdiction of the Court limits to the most serious crimes of concern to the world community as a whole. The Court has jurisdiction in accordance with this Statute with respect to the following crimes:

5.1.1. The crime of genocide (ASP-5.1.a.) ;

5.1.2. Crimes against humanity (ASP-5.1.b.);

5.1.3. War crimes (ASP-5.1.c.);

5.1.4. The crime of aggression (ASP-5.1.d.) ;

5.1.5. Environmental crimes;

5.1.6. World federal corruption;

5.1.7. Interference in world government.

5.2. The Court shall exercise jurisdiction over the crime of aggression once a provision is adopted in accordance with articles (121) and (123) defining the crime and setting out the conditions under which the Court shall exercise jurisdiction with respect to this crime. Such a provision shall be consistent with the relevant provisions of the *Earth Constitution*.

### Article 6
### Genocide

For the purpose of this Statute, "genocide" means any of the following acts committed with intent to destroy, in whole or in part, a national, ethnical, racial or religious group, as such:

6.1. Killing members of the group (ASP-6.a.) ;

6.2. Causing serious bodily or mental harm to members of the group (ASP-6.b.);

6.3. Deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part (ASP-6.c.);

6.4. Imposing measures intended to prevent births within the group (ASP-6.d.);

6.5. Forcibly transferring children of the group to another group (ASP-6.e.).

### Article 7
### Crimes against humanity

7.1. For the purpose of this Statute, "crime against humanity" means any of the following acts when committed as part of a widespread or systematic attack directed against any civilian population, with knowledge of the attack:

7.1.01. Murder (ASP-7.1.a.);

7.1.02. Extermination (ASP-7.1.b.);

7.1.03. Enslavement (ASP-7.1.c.);

7.1.04. Deportation or forcible transfer of population (ASP-7.1.d.);

7.1.05. Imprisonment or other severe deprivation of physical liberty in violation of fundamental rules of world law (ASP-7.1.e.);

7.1.06. Torture (ASP-7.1.f.);

7.1.07. Rape, sexual slavery, enforced prostitution, forced pregnancy, enforced sterilization, or any other form of sexual violence of comparable gravity (ASP-7.1.g.);

7.1.08. Persecution against any identifiable group or collectivity on political, racial, national, ethnic, cultural, religious, gender as defined in paragraph 3, or other grounds that are universally recognized as impermissible under world law, in connection with any act referred to in this paragraph or any crime within the jurisdiction of the Court (ASP-7.1.h.);

7.1.09. Enforced disappearance of persons (ASP-7.1.i.);

7.1.10. The crime of apartheid (ASP-7.1.j.);

7.1.11. Other inhumane acts of a similar character intentionally causing great suffering, or serious injury to body or to mental or physical health (ASP-7.1.k.).

7.2. For the purpose of paragraph 1:

7.2.1. "Attack directed against any civilian population" means a course of conduct involving the multiple commission of acts referred to in paragraph 1 against any civilian population, pursuant to or in furtherance of a State or organizational policy to commit such attack (ASP-7.2.a.);

7.2.2. "Extermination" includes the intentional infliction of conditions of life, *inter alia,* the deprivation of access to food and medicine, calculated to bring about the destruction of part of a population (ASP-7.2.b.);

7.2.3. "Enslavement" means the exercise of any or all of the powers attaching to the right of ownership over a person and includes the exercise

of such power in the course of trafficking in persons, in particular women and children (ASP-7.2.c.);

7.2.4. "Deportation or forcible transfer of population" means forced displacement of the persons concerned by expulsion or other coercive acts from the area in which they are lawfully present, without grounds permitted under international law (ASP-7.2.d.);

7.2.5. "Torture" means the intentional infliction of severe pain or suffering, whether physical or mental, upon a person in the custody or under the control of the accused; except that torture shall not include pain or suffering arising only from, inherent in or incidental to, lawful sanctions (ASP-7.2.e.);

7.2.6. "Forced pregnancy" means the unlawful confinement of a woman forcibly made pregnant, with the intent of affecting the ethnic composition of any population or carrying out other grave violations of international law. The Court must not interpret this definition to affect national laws relating to pregnancy (ASP-7.2.f.);

7.2.7. "Persecution" means the intentional and severe deprivation of fundamental rights contrary to international law by reason of the identity of the group or collectivity (ASP-7.2.g.);

7.2.8. "The crime of apartheid" means inhumane acts of a character similar to those referred to in paragraph 1, committed in the context of an institutionalized regime of systematic oppression and domination by one racial group over any other racial group or groups and committed with the intention of maintaining that regime (ASP-7.2.h.);

7.2.9. "Enforced disappearance of persons" means the arrest, detention or abduction of persons by, or with the authorization, support or acquiescence of, a State or a political organization, followed by a refusal to acknowledge that deprivation of freedom or to give information on the fate or whereabouts of those persons, with the intention of removing them from the protection of the law for a prolonged period of time (ASP-7.2.i.).

7.3. For this Statute, the term "gender" refers to the sexes, male and female, within the context of society, to also include with protection sexes that do not clearly fit solely one of these categories. The term "gender" does not indicate any meaning different from the above.

## Article 8
## War crimes

8.1. The Court has jurisdiction in respect of war crimes in particular when committed as part of a plan or policy or as part of a large-scale commission of war crimes.

8.2. For the purpose of this Statute, "war crimes" means:

8.2.1. Grave breaches of the Geneva Conventions of 12 August 1949, namely, any of the following acts against persons or property protected under the provisions of the relevant Geneva Convention (ASP-8.2.a.):

8.2.1.1. Willful killing (ASP-8.2.a.i.);

8.2.1.2. Torture or inhuman treatment, including biological experiments (ASP-8.2.a.ii.);

8.2.1.3. Willfully causing great suffering, or serious injury to body or health (ASP-8.2.a.iii.);

8.2.1.4. Extensive destruction and appropriation of property, not justified by military necessity and carried out unlawfully and wantonly (ASP-8.2.a.iv.);

8.2.1.5. Compelling a prisoner of war or other protected person to serve in the forces of a hostile Power (ASP-8.2.a.v.);

8.2.1.6. Wilfully depriving a prisoner of war or other protected person of the rights of fair and regular trial (ASP-8.2.a.vi.);

8.2.1.7. Unlawful deportation or transfer or unlawful confinement (ASP-8.2.a.vii.);

8.2.1.8. Taking of hostages (ASP-8.2.a.viii.).

8.2.2. Other serious violations of the laws and customs applicable in international armed conflict, within the established framework of international law, namely, any of the following acts (ASP-8.2.b):

8.2.2.01. Intentionally directing attacks against the civilian population as such or against individual civilians not taking direct part in hostilities (ASP-8.2.b.i.);

8.2.2.02. Intentionally directing attacks against civilian objects, that is, objects that are not military (ASP-8.2.b.ii.);

8.2.2.03. Intentionally directing attacks against personnel, installations, material, units or vehicles involved in a humanitarian assistance or law enforcement mission in accordance with the *Earth Constitution*, as long as they are entitled to the protection given to civilians or civilian objects under adopted world law of the Earth Federation (ASP-8.2.b.iii.);

8.2.2.04. Intentionally launching an attack in the knowledge that such attack will cause incidental loss of life or injury to civilians or damage to civilian objects or widespread, long-term and severe damage to the natural environment (ASP-8.2.b.iv.);

8.2.2.05. Attacking or bombarding, by whatever means, towns, villages,

dwellings or buildings which are undefended (ASP-8.2.b.v.);

8.2.2.06. Killing or wounding a combatant who, having laid down his arms or having no longer means of defence, has surrendered at discretion (ASP-8.2.b.vi.);

8.2.2.07. Making improper use of a flag of truce, of the flag or of the military insignia and uniform of the enemy or of police insignia of the Earth Federation, resulting in death or serious personal injury (ASP-8.2.b.vii.);

8.2.2.08. The transfer, directly or indirectly, by the Occupying Power of parts of its own civilian population into the territory it occupies, or the deportation or transfer of all or parts of the population of the occupied territory within or outside this territory, contrary to the Bill of Rights of the *Earth Constitution* (ASP-8.2.b.viii.);

8.2.2.09. Intentionally directing attacks against buildings dedicated to religion, education, art, science or charitable purposes, historic monuments, hospitals and places where the sick and wounded are collected (ASP-8.2.b.ix.);

8.2.2.10. Subjecting persons who are in the power of an adverse party to torture, to physical mutilation or to medical or scientific experiments of any kind that are neither justified by the medical, dental or hospital treatment of the person concerned nor carried out in his or her interest, and which cause death to or seriously endanger the health of such person or persons (ASP-8.2.b.x.);

8.2.2.11. Killing or wounding treacherously individuals belonging to the hostile nation or army (ASP-8.2.b.xi.);

8.2.2.12. Declaring that no quarter will be given (ASP-8.2.b.xii.);

8.2.2.13. Destroying or seizing the enemy's property unless the necessities of war imperatively demand the destruction or seizure (ASP-8.2.b.xiii.);

8.2.2.14. Declaring abolished, suspended or inadmissible in a court of law the rights and actions of the nationals of the hostile party, or of any world citizen (ASP-8.2.b.xiv.);

8.2.2.15. Compelling the nationals of the hostile party to take part in the operations of war directed against their own country, even if they were in the belligerent's service before the commencement of the war (ASP-8.2.b.xv.);

8.2.2.16. Pillaging a town or place, even when taken by assault (ASP-8.2.b.xvi.);

8.2.2.17. Employing poison or poisoned weapons (ASP-8.2.b.xvii.);

8.2.2.18. Employing asphyxiating, poisonous or other gases, and all analogous liquids, materials or devices (ASP-8.2.b.xviii.);

8.2.2.19. Employing bullets that expand or flatten easily in the human body, such as bullets with a hard envelope which does not entirely cover the core or is pierced with incisions (ASP-8.2.b.xix.);

8.2.2.20. Employing weapons, projectiles and material and methods of warfare that are of a nature to cause superfluous injury or unnecessary suffering or which are inherently indiscriminate in violation of the world law. An annex to this Statute and other world legislation provides comprehensive yet non-exhaustive lists of prohibited weapons, projectiles and material and methods of warfare (ASP-8.2.b.xx.);

8.2.2.21. Committing outrages upon personal dignity, in particular humiliating and degrading treatment (ASP-8.2.b.xxi.);

8.2.2.22. Committing rape, sexual slavery, enforced prostitution, forced pregnancy, as defined in article 7, paragraph 2.6 (2f), enforced sterilization, or any other form of sexual violence also constituting a grave breach of the Geneva Conventions (ASP-8.2.b.xxii.);

8.2.2.23. (Reserved by the People) (ASP-8.2.b.xxiii.)

8.2.2.24. Intentionally directing attacks against buildings, material, medical units and transport, and personnel using the distinctive emblems of the Geneva Conventions in conformity with international law (ASP-8.2.b.xxiv.);

8.2.2.25. Intentionally using starvation of civilians as a method of warfare by depriving them of objects indispensable to their survival, including wilfully impeding relief supplies as provided for under the Geneva Conventions (ASP-8.2.b.xxv.);

8.2.2.26. Conscripting or enlisting children under the age of eighteen years into national armed forces. Conscripting into paramilitary forces, or using children to participate actively in hostilities. This

paragraph does not criminalize children, nor criminalize children's right to self-protection, which is legal (ASP-8.2.b.xxvi.). (Crime of conscription is further defined in World Legislative Act #13.)

8.2.3. In the case of an armed conflict not of an international character, any of the following acts committed against persons taking no active part in the hostilities, including members of armed forces who have laid down their arms and those placed *hors de combat* by sickness, wounds, detention or any other cause (ASP-8.2.c.):

8.2.3.1. Violence to life and person, in particular murder of all kinds, mutilation, cruel treatment and torture (ASP-8.2.c.i.);

8.2.3.2. Committing outrages upon personal dignity, in particular humiliating and degrading treatment (ASP-8.2.c.ii.);

8.2.3.3. Taking of hostages (ASP-8.2.c.iii.);

8.2.3.4. The passing of sentences and the carrying out of executions without previous judgment pronounced by a regularly constituted court, affording all judicial guarantees which are generally recognized as indispensable (ASP-8.2.c.iv.).

8.2.4. Paragraph (8.2.3.) applies to all armed conflicts not of an international character and thus might not apply to situations of internal disturbances and tensions, such as riots, isolated and sporadic acts of violence or other acts of a similar nature. Internal cases are subject to legal review by the World Ombudsmus, the World Attorney General, and the World Courts, and may result in legal prosecutions in the World Court (ASP-8.2.d.).

8.2.5. Other serious violations of the laws and customs applicable in armed conflicts not of an international character, within the established framework of international law and world law, namely, any of the following acts (ASP-8.2.e.):

8.2.5.01. Intentionally directing attacks against the civilian population as such or against individual civilians not taking direct part in hostilities (ASP-8.2.e.i.);

8.2.5.02. Intentionally directing attacks against buildings, material, medical units and transport, and personnel using the distinctive emblems of the Earth Federation in conformity with world law (ASP-8.2.e.ii.);

8.2.5.03. Intentionally directing attacks against personnel, installations, material, units or vehicles involved in a humanitarian assistance or law enforcement mission in accordance with the *Earth Constitution*, as long as they are entitled to the protection given to civilians or civilian objects under world law (ASP-8.2.e.iii.);

8.2.5.04. Intentionally directing attacks against buildings dedicated to religion, education, art, science or charitable purposes, historic monuments, hospitals and places where the sick and wounded are collected (ASP-8.2.e.iv.);

8.2.5.05. Pillaging a town or place, even when taken by assault (ASP-8.2.e.v.);

8.2.5.06. Committing rape, sexual slavery, enforced prostitution, forced pregnancy, as defined in article 7, paragraph 2.6 (7.2.6.), enforced sterilization, and any other form of sexual violence (ASP-8.2.e.vi.);

8.2.5.07. Conscripting or enlisting children under the age of eighteen years into armed forces or groups or using them to participate actively in hostilities. However, this provision does not criminalize children nor criminalize the child's right to self-protection, which is legal (ASP-8.2.e.vii.) (Crime of conscription is further defined in World Legislative Act #13.);

8.2.5.08. Ordering the displacement of the civilian population for reasons related to the conflict, unless the security of the civilians involved or imperative military reasons so demand (ASP-8.2.e.viii.);

8.2.5.09. Killing or wounding treacherously a combatant adversary (ASP-8.2.e.ix.);

8.2.5.10. Declaring that no quarter will be given (ASP-8.2.e.x.);

8.2.5.11. Subjecting persons who are in the power of another party to the conflict to physical mutilation or to medical or scientific experiments of any kind which are neither justified by the medical, dental or hospital treatment of the person concerned nor carried out in his or her interest, and which cause death to or seriously endanger the health of such person or persons (ASP-8.2.e.xi.);

8.2.5.12. Destroying or seizing the property of an adversary unless such destruction or seizure be imperatively demanded by the necessities of the conflict (ASP-8.2.e.xii.);

8.2.6. Paragraph (8.2.5.) applies to armed conflicts not of an international character and thus might not apply to situations of internal disturbances and tensions, such as riots, isolated

and sporadic acts of violence or other acts of a similar nature. It applies to armed conflicts that take place in the territory of a State when there is protracted armed conflict between governmental authorities and organized armed groups or between such groups (ASP-8.2.f.).

8.3. Nothing in paragraph (8.2.3.) and (8.2.5.) shall affect the responsibility of a Government to maintain or re-establish law and order in the State or to defend the unity and territorial integrity of the State, by all legitimate means.

## Article 9
## *Elements of Crimes*

9.1. *Elements of Crimes* shall assist the Court in the interpretation and application of articles 6, 7 and 8. The provisional World Parliament and World Parliament will deliberate the *Elements of Crimes*.

9.2. Amendments to the *Elements of Crimes* may be proposed by the following agents:

9.2.1. Members of the provisional World Parliament and World Parliament (ASP-9.2.a.);

9.2.2. The Criminal Bench World Court judges acting by an absolute majority (ASP-9.2.b.);

9.2.3. The Prosecutor (ASP-9.2.c.).

The provisional World Parliament and World Parliament may each adopt to amend the *Elements of Crimes* by simple majority vote in joint or separate session.

9.3. Agents may propose amendments to the *Elements of Crimes* consistent with World Statutes, and the *Earth Constitution*.

## Article 10

The Court must not interpret anything in this Part to limit or prejudice existing or developing rules of world law for purposes other than this Statute.

## Article 11
## Jurisdiction *ratione temporis*

11.1. The Court has jurisdiction only with respect to crimes committed after the entry into force of respective world statutes.

11.2. The revised Statute enters into force upon Statute adoption by the provisional World Parliament.

## Article 12
## Preconditions to the exercise of jurisdiction

12.1. A State which becomes a Party to the *Earth Constitution* thereby accepts the jurisdiction of the Court with respect to the crimes referred to in article 5. A State becomes a Party to this Statute by preliminary or final ratification of the *Earth Constitution*.

12.2. In the case of article 13, paragraph 1 (13.1.) or 3 (13.3.), the Court shall exercise jurisdiction if one or more of the following States are Parties to the *Earth Constitution* or have accepted the jurisdiction of the Court in accordance with paragraph 3:

12.2.1. The State on the territory of which the conduct in question occurred or, if the crime was committed on board a vessel or aircraft, the State of registration of that vessel or aircraft (ASP-12.2.a.);

12.2.2. The State of which the person accused of the crime is a national (ASP-12.2.b.).

12.3. If alleged crime(s) referred to in Article 5 occurred in Earth Federation territory, territorial waters or airspace, the Court shall exercise jurisdiction irrespective of the nationality of the accused or nationality of the carrier. Otherwise, if the acceptance of a State which is not a Party to the *Earth Constitution* is required under paragraph 2 (12.2), that State may, by declaration lodged with the Registrar, accept the exercise of jurisdiction by the Court with respect to the crime in question. The accepting State shall cooperate with the Court without any delay or exception in accordance with Part 9.

## Article 13
## Exercise of jurisdiction

The Court may exercise its jurisdiction with respect to a crime referred to in article (5) in accordance with the provisions of this Statute if:

13.1. The World Ombudsmus or a State Party in accordance with article (14) refers a situation in which one or more of such crimes appears to have been committed (ASP-13.a.);

13.2. The World Presidium refers to the Prosecutor a situation in which one or more of such crimes appears to have been committed (ASP-13.b.); or

13.3. The Prosecutor has initiated an investigation in respect of a world crime in accordance with article (15) (ASP-13.c.).

## Article 14
## Referral of a situation by World Ombudsmus or a State Party to the *Earth Constitution*

14.1. The World Ombudsmus or a State Party may refer to the Prosecutor a situation in which one or more crimes within the jurisdiction of the Court appear to have been committed requesting the Prosecutor to investigate the situation to determine whether to charge one or more specific persons with the commission of world crime.

14.2. The World Ombudsmus or State referring the situation shall provide any available supporting documentation. As far as possible, the World Ombudsmus or State shall specify the relevant circumstances in the referral .

## Article 15
## Prosecutor

15.1. The Prosecutor may initiate investigations *proprio motu* on the basis of information on crimes within the jurisdiction of the Court.

15.2. The Prosecutor shall analyse the seriousness of the information received. For this purpose, he or she may seek additional information from any agency of the Earth Federation, including integrating agencies of the United Nations, States Parties to the *Earth Constitution*, intergovernmental or non-governmental organizations, or other reliable sources that he or she deems appropriate. The Prosecutor may receive written or oral testimony at the seat of the Court.

15.3. If the Prosecutor concludes that there is a reasonable basis to proceed with an investigation, he or she shall submit to the Pre-Trial Chamber a notice of authorization of an investigation, together with any supporting material collected. Victims may make representations to the Pre-Trial Chamber, in accordance with the *Rules of Procedure and Evidence*.

15.4. If the Pre-Trial Chamber, upon examination of the notice and the supporting material, considers that there is a reasonable basis to proceed with an investigation, and that the case appears to fall within the jurisdiction of the Court, the Pre-Trial Chamber shall recognize and confirm the commencement of the investigation, without prejudice to subsequent determinations by the Court with regard to the jurisdiction and admissibility of a case.

15.5. The refusal of the Pre-Trial Chamber to confirm the investigation shall not preclude the presentation of a subsequent notice by the Prosecutor based on new facts or evidence regarding the same situation.

15.6. If, after the preliminary examination referred to in paragraphs 1 and 2, the Prosecutor concludes that the information provided does not constitute a reasonable basis for an investigation, he or she shall inform those who provided the information. This does not preclude the Prosecutor from considering further information submitted to him or her regarding the same situation in the light of new facts or evidence.

## Article 16
## Deferral of investigation or prosecution

16.1. The Security Council of the United Nations must neither deny nor attempt to deny any investigation or prosecution of the Court or Prosecutor. The World Presidium, or World Cabinet must neither deny nor attempt to deny any investigation or prosecution by any action, whether by a single member or jointly. Either the World Parliament or the World Ombudsmus may take up questions of spurious or frivolous prosecutions. The World Parliament may enact legislation to discourage spurious or frivolous prosecutions. The World Ombudsmus may initiate Court action to discourage spurious or frivolous prosecutions.

16.2. The World Court may find any attempt to defer investigation or prosecution, by any Security Council representative, or any attempt by a member of the World Presidium or World Cabinet, except for motions for legislation to discourage spurious or frivolous cases, to be Contempt of Court (Class 3 Misdemeanor). If the attempt to defer investigation or prosecution continues, the World Court may charge Obstruction of Justice (Class 3 felony). In the case charge of Obstruction or Justice, a separate trial must be held for the individual accused of Obstruction.

## Article 17
## Issues of admissibility

17.1. Having regard to paragraph 10 of the Preamble and article 1, the Court shall determine that a case is inadmissible where:

17.1.1. The case is being investigated or prosecuted by a State which has jurisdiction over the case, unless the State is unwilling or unable genuinely to carry out the investigation or prosecution (ASP-17.1.a.);

17.1.2. The case has been investigated by a State which has jurisdiction over the case and the State has decided not to prosecute the person concerned, unless the decision resulted from the unwillingness or inability of the State genuinely to prosecute (ASP-17.1.b.);

17.1.3. The person concerned has already been tried for the conduct which is the subject of the complaint, and a trial by the Court is not permitted under article 20, paragraph 3 (20.3) (ASP-17.1.c.);

17.1.4. The case is not of sufficient gravity to justify further action by the Court (ASP-17.1.d.).

17.2. In order to determine unwillingness in a particular case, the Court shall consider, having regard to the principles of due process recognized by world law, whether one or more of the following exist, as applicable:

17.2.1. The proceedings were or are being undertaken or the national decision was made for the purpose of shielding the person concerned from criminal responsibility for crimes within the jurisdiction of the Court referred to in article (5) (ASP-17.2.a.);

17.2.2. There has been an unjustified delay in the proceedings which in the circumstances is inconsistent with an intent to bring the person concerned to justice (ASP-17.2.b.);

17.2.3. The proceedings were not or are not being conducted independently or impartially, and they were or are being conducted in a manner which, in the circumstances, is inconsistent with an intent to bring the person concerned to justice (ASP-17.2.c.).

17.3. In order to determine inability in a particular case, the Court shall consider whether, due to a total or substantial collapse or unavailability of its national judicial system, the State is unable to obtain the accused or the necessary evidence and testimony or otherwise unable to carry out its proceedings. If the State is unable, the jurisdiction belongs to the World Court.

## Article 18
## Preliminary rulings regarding admissibility

18.1. When a situation has been referred to the Court pursuant to article (13.1.) and the Prosecutor has determined that there would be a reasonable basis to commence an investigation, or the Prosecutor initiates an investigation pursuant to articles (13.3.) and (15), the Prosecutor shall notify all States Parties to the *Earth Constitution* and those States which, taking into account the information available, would normally exercise jurisdiction over the crimes concerned. The Prosecutor may notify such States on a confidential basis and, where the Prosecutor believes it necessary to protect persons, prevent destruction of evidence or prevent the absconding of persons, may limit the scope of the information provided to States.

18.2. Within one month of receipt of that notification, a State may inform the Court that the respective State is investigating or has investigated the State nationals or others within State jurisdiction with respect to criminal acts which may constitute crimes referred to in article (5) and which relate to the information provided in the notification to States. At the request of that State, the Prosecutor shall defer to the State's investigation of those persons unless the Pre-Trial Chamber, on the application of the Prosecutor, decides to authorize the investigation.

18.3. The Prosecutor's deferral to a State's investigation shall be open to review by the Prosecutor six months after the date of deferral or at any time when there has been a significant change of circumstances based on the State's unwillingness or inability genuinely to carry out the investigation.

18.4. The State concerned or the Prosecutor may appeal to the Appeals Chamber against a ruling of the Pre-Trial Chamber, in accordance with article (82). The Appeals Chamber may hear the appeal on an expedited basis.

18.5. When the Prosecutor has deferred an investigation in accordance with paragraph (18.2), the Prosecutor may order that the State concerned periodically inform the Prosecutor of the progress of State investigations and any subsequent prosecutions. States shall respond to such orders without undue delay.

18.6. Pending a ruling by the Pre-Trial Chamber, or at any time when the Prosecutor has deferred an investigation under this article, the Prosecutor may, on an exceptional basis, seek authority from the Pre-Trial Chamber to pursue necessary investigative steps for the purpose of preserving evidence where there is a unique opportunity to obtain important evidence or there is a significant risk that evidence might not be subsequently available.

18.7. A State which has challenged a ruling of the Pre-Trial Chamber under this article may challenge the admissibility of a case under article (19) on the grounds of additional significant facts or significant change of circumstances.

## Article 19
## Challenges to the jurisdiction of the Court or the admissibility of a case

19.01. The Court shall satisfy itself that the Court has jurisdiction in any case brought before it. The Court may, on its own motion, determine the admissibility of a case in accordance with article (17).

19.02. Challenges to the admissibility of a case on the grounds referred to in article (17) or challenges to the jurisdiction of the Court may be made by:

19.02.1. An accused or a person for whom a warrant of arrest or a summons to appear has been issued under article (58) (ASP-19.2.a.);

19.02.2. A State which has jurisdiction over a case, on the ground that the State is investigating or prosecuting the case or has investigated or prosecuted (ASP-19.2.b.); or

19.02.3. A State from which acceptance of jurisdiction is required under article (12) (ASP-19.2.c.).

19.03. The Prosecutor may seek a ruling from the Court regarding a question of jurisdiction or admissibility. In proceedings with respect to jurisdiction or admissibility, those who have referred the situation under article (13), as well as victims, may also submit observations to the Court.

19.04. The admissibility of a case or the jurisdiction of the Court may be challenged only once by any person or State referred to in paragraph (19.2). The challenge shall take place prior to or at the commencement of the trial. In exceptional circumstances, the Court may grant leave for a challenge to be brought more than once or at a time later than the commencement of the trial. Challenges to the admissibility of a case, at the commencement of a trial, or subsequently with the leave of the Court, may be based only on article (17.1.3.).

19.05. A State referred to in paragraph (19.02.2) and (19.02.3) shall make a challenge at the earliest opportunity.

19.06. The defense shall refer challenges to the admissibility of a case or challenges to the jurisdiction of the Court to the Pre-Trial Chamber prior to the confirmation of the charges. After confirmation of the charges, the defense shall refer challenges to the Trial Chamber. Defense may appeal decisions with respect to jurisdiction or admissibility to the Appeals Chamber in accordance with article (82).

19.07. If a challenge is made by a State referred to in paragraph (19.2.2.) or (19.2.3.), the Prosecutor shall suspend the investigation until the Court makes a determination in accordance with article (17).

19.08.1. Pending a ruling on the challenge by the Court, the Prosecutor may seek authority from the Court, to pursue necessary investigative steps of the kind referred to in article 18, paragraph 6 (18.6.) (ASP-19.8.a.);

19.08.2. The Prosecutor may take a statement or testimony from a witness or complete the collection and

examination of evidence which had begun prior to the making of the challenge (ASP-19.8.b.); and

19.08.3. In cooperation with the Prosecutor, relevant States may prevent the absconding of persons for whom the Prosecutor has already issued a warrant of arrest under article (58) (ASP-19.8.c.).

19.09. The making of a challenge shall not affect the validity of any act performed by the Prosecutor or any order or warrant issued by the Court or Prosecutor prior to the making of the challenge.

19.10. If the Court has decided that a case is inadmissible under article (17), the Prosecutor may submit a request for a review of the decision when he or she presents new facts which negate the basis on which the case had previously been found inadmissible under article (17).

19.11. If the Prosecutor, having regard to the matters referred to in article (17), defers an investigation, the Prosecutor may order that the relevant State make available to the Prosecutor information on the proceedings. At the request of the State concerned, that information is confidential. If the Prosecutor thereafter decides to proceed with an investigation, he or she shall notify the State to which deferral of the proceedings has taken place.

## Article 20
## *Ne bis in idem*

20.1. Except as provided in this Statute, the Court must not try any person with respect to conduct which formed the basis of crimes for which the person has been convicted or acquitted by the Court.

20.2. No person shall be tried by another court for a crime referred to in article (5) for which that person has already been convicted or acquitted by the Court.

20.3. No person who has been tried by another court for conduct also proscribed under article (6), (7) or (8) shall be tried by the Court with respect to the same conduct unless the proceedings in the other court:

20.3.1. Were for the purpose of shielding the person concerned from criminal responsibility for crimes within the jurisdiction of the Court (ASP-20.3.a.); or

20.3.2. Otherwise were not conducted independently or impartially in accordance with the norms of due process recognized by world law and were conducted in a manner which, in the circumstances, was inconsistent with an intent to bring the person concerned to justice (ASP-20.3.b.).

20.4. Secret trials and binding mock trials (kangaroo courts, ad hoc criminal courts) are not admissible in the Earth Federation. [(*Elements* 8 (2) (a) (vi)) - Class 3 felony, or in cases of sentencing, [*Elements* 8 (2) (c) (iv)] - Class 6 felony) If the Court determines that a State has held a secret trial or binding mock trial that unjustly exonerates an individual, or to affect an unreasonably light sentence, that defeats the purpose of this Article, the Court and Prosecutor may prosecute those individuals who effected the secret or binding mock trial. This provision does not apply to public hearing tribunals in which sentencing is not deliberated.

## Article 21
## Applicable law

21.1. The Court shall apply the following:

21.1.1. In the first place, the *Constitution for the Federation of Earth* (*Earth Constitution*)

21.1.2. In the second place, this Statute, *Elements of Crimes*; *Rules of Procedure and Evidence*; and where appropriate, applicable principles and rules of world law, including the established principles of the world law of armed conflict, described in World Legislative Acts (WLA#1), (WLA#13) and other world legislative statutes (ASP-21.1.a.);

21.1.3. Failing that, general principles of law derived by the Court from national laws of legal systems of the world including, as appropriate, the national laws of States that would normally exercise jurisdiction over the crime, provided that those principles are not inconsistent with the *Earth Constitution*, this Statute, world law and world recognized norms and standards (ASP-21.1.b.).

21.2. The Court may apply principles and rules of law as interpreted in the Court's previous decisions, insofar as not inconsistent with the *Earth Constitution* and world legislation.

21.3. The Court shall apply and interpret law pursuant to this article consistent with recognized human rights of the *Earth Constitution*, and of the respective states members of the Earth Federation. The Court shall judge without any adverse distinction founded on grounds such as gender, age, race, colour, language, religion or belief, political or other opinion, national, ethnic or social origin, wealth, birth or other status.

# PART 3. GENERAL PRINCIPLES OF CRIMINAL LAW

## Article 22
## *Nullum crimen sine lege*

22.1. A person is not criminally responsible under this Statute unless the conduct in question constitutes, at the time it takes place, a crime within the jurisdiction of the Court.

22.2. The provisional World Parliament and World Parliament strictly construe definitions of world crime Definitions of world crime do not extend by analogy. In case of ambiguity, the Court shall interpret the definitions in favour of the person being investigated, prosecuted or convicted.

22.3. This article does not affect the characterization of any conduct as criminal under world law independently of this Statute.

## Article 23
## *Nulla poena sine lege*

The Court may sentence a person convicted by the Court only in accordance with this Statute, or other world legislation of the World Parliament.

## Article 24
## Non-retroactivity *ratione personae*

24.1. No person is criminally responsible under this Statute for conduct prior to the entry into force of the Statute.

24.2. In the event of a change in the law applicable to a given case prior to a final judgment, the law more favourable to the person being investigated, prosecuted or convicted applies.

## Article 25
## Individual criminal responsibility

25.1. The Court has jurisdiction over natural persons pursuant to this Statute.

25.2. A person who commits a crime within the jurisdiction of the Court is individually responsible and liable for punishment in accordance with this Statute and world law.

25.3. In accordance with this Statute, a person is criminally responsible and liable for punishment for a crime within the jurisdiction of the Court if that person:

25.3.1. Commits a world crime, whether as an individual, jointly with another or through another person, regardless of whether that other person is criminally responsible (ASP-25.3.a.);

25.3.2. Orders, solicits or induces the commission of such a crime which in fact occurs or is attempted (ASP-25.3.b.);

25.3.3. For the purpose of facilitating the commission of such a crime, aids, abets or otherwise assists in its commission or its attempted commission, including providing the means for its commission (ASP-25.3.c.);

25.3.4. In any other way contributes to the commission or attempted commission of a world crime by a group of persons acting with a common purpose, if the contribution be intentional and either (ASP-25.3.d.):

25.3.4.1. Be made with the aim of furthering the criminal activity or criminal purpose of the group, where such activity or purpose involves the commission of a crime within the jurisdiction of the Court (ASP-25.3.d.i.); or

25.3.4.2. Be made in the knowledge of the intention of the group to commit the crime (ASP-25.3.d.ii.);

25.3.5. In respect of the crime of genocide, directly and publicly incites others to commit genocide (ASP-25.3.e.);

25.3.6. Attempts to commit such a crime by taking action that commences its execution by means of a substantial step, but the crime does not occur because of circumstances independent of the person's intentions. However, a person who abandons the effort to commit the crime or otherwise prevents the completion of the crime is not liable for punishment under this Statute for the attempt to commit that crime if that person completely and voluntarily gave up the criminal purpose (ASP-25.3.f.).

25.4. No provision in this Statute relating to individual criminal responsibility shall affect the responsibility of States under world law.

## Article 26
## Exclusion of jurisdiction over persons under eighteen

The World Bench for Criminal Cases has no jurisdiction over any person who was under the age of 18 at the time of the alleged commission of a crime. However, the provisional World Parliament has adopted world legislation for a World Bench for Juvenile Cases, based upon principles of the *Earth Constitution*, this Statute, international juvenile law and other world legislation. World legislation for the Juvenile Court establishes distinct court structures and procedures to care for juveniles and appropriately adjudicate juvenile cases. The provisional World Parliament or World Parliament will establish a separate distinct penalty classification for world crimes that is less severe than that of the penalties established for adults. (The Juvenile Court may prosecute persons who were under 18 but at least 14 years of age at the time of alleged commission of a crime, using the Juvenile penal code, WLA#28. There is no statute of limitations regarding world crime, WLA#19.)

## Article 27
## Irrelevance of official capacity

27.1. This Statute applies equally to all persons without any distinction based on official capacity. In particular, official capacity as a Head of State or Government, a member of a Government or parliament, an elected representative or a government official does not exempt a person from criminal responsibility under this Statute, nor does any government office, in and of itself, constitute a ground for reduction of sentence.

27.2. Immunities or special procedural rules which may attach to the official capacity of a person, whether under national, international or world law, shall not bar the Court from exercising its jurisdiction over such a person.

## Article 28
## Responsibility of commanders and other superiors

In addition to other grounds of criminal responsibility under this Statute for crimes within the jurisdiction of the Court, the following applies:

28.1. A military commander or person effectively acting as a military commander is criminally responsible for crimes within the jurisdiction of the Court committed by forces under his or her effective command and control, or effective authority and control, as a result of his or her failure to exercise control properly over such forces, where (ASP-28.a.):

28.1.1. That military commander or person either knew or, owing to the circumstances at the time, should have known that the forces were committing or about to commit world crimes (ASP-28.a.i.); and

28.1.2. That military commander or person failed to take all necessary and reasonable measures within his or her power to prevent or repress the commission of the crime(s) or to submit the matter to the competent authorities for investigation and prosecution (ASP-28.a.ii.).

28.2. With respect to superior and subordinate relationships not described in paragraph (28.1.), a superior is criminally responsible for crimes within the jurisdiction of the Court committed by subordinates under his or her effective authority and control, as a result of his or her failure to exercise control properly over such subordinates, where (ASP-28.b.):

28.2.1. The superior either knew, or consciously disregarded information which clearly indicated, that the subordinates were committing or about to commit world crimes (ASP-28.b.i.);

28.2.2. The crimes concerned activities that were within the effective responsibility and control of the superior (ASP-28.b.ii.); and

28.2.3. The superior failed to take all necessary and reasonable measures within his or her power to prevent or repress the commission of the world crime(s) or to submit the matter to the competent authorities for investigation and prosecution (ASP-28.b.iii.).

## Article 29
## Non-applicability of statute of limitations

The crimes within the jurisdiction of the Court are not subject to any statute of limitations.

## Article 30
## Mental element

30.1. Unless otherwise provided, a person is criminally responsible and liable for punishment for a crime within the jurisdiction of the Court only if the material elements are committed with intent and knowledge.

30.2. For the purposes of this article, a person has intent where:

30.2.1. In relation to conduct, that person means to engage in the conduct (ASP-30.2.a.);

30.2.2. In relation to a consequence, that person means to cause that consequence or is aware that the consequence will occur in the ordinary course of events (ASP-30.2.b.).

30.3. For the purposes of this article, "knowledge" means awareness that a circumstance exists or a consequence will occur in the ordinary course of events. The Court shall construe terms "know" and "knowingly" accordingly.

## Article 31
## Grounds for excluding criminal responsibility

31.1. In addition to other grounds for excluding criminal responsibility provided for in this Statute, a person is not criminally responsible if, at the time of that person's conduct:

31.1.1. The person suffers from a mental disease or defect that destroys that person's capacity to appreciate the unlawfulness or nature of his or her conduct, or capacity to control his or her conduct to conform to the requirements of law; However, in case of mental disease or defect, the Court may determine medical care that includes indefinite detention in a medical facility, as advised by licensed physicians of the Earth Federation (ASP-31.1.a.).

31.1.2. The person is in a state of intoxication that destroys that person's capacity to appreciate the unlawfulness or nature of his or her conduct, or capacity to control his or her conduct to conform to the requirements of law, unless the person has become voluntarily intoxicated under such circumstances that the person knew, or disregarded the risk, that, as a result of the intoxication, he or she was likely to engage in conduct constituting a crime within the jurisdiction of the Court (ASP-31.1.b.);

31.1.3. The person acts reasonably to defend himself or herself or another person or, in the case of war crimes, property which is essential for the survival of the person or another person or property which is essential for accomplishing a military mission, against an imminent and unlawful use of force in a manner proportionate to the degree of danger to the person or the other person or property protected. The fact that the person was involved in a defensive operation conducted by forces does not in itself constitute a ground for excluding criminal responsibility under this subparagraph; Military missions involving violations with weapons of mass destruction remain unlawful under World Legislative Act #1 (ASP-31.1.c.).

31.1.4. The conduct which is alleged to constitute a crime within the jurisdiction of the Court has been caused by duress resulting from a threat of imminent death or of continuing or

imminent serious bodily harm against that person or another person, and the person acts necessarily and reasonably to avoid this threat, provided that the person does not intend to cause a greater harm than the one sought to be avoided. Such a threat may either be (ASP-31.1.d.):

31.1.4.1. Made by other persons (ASP-31.1.d.i.); or

31.1.4.2. Constituted by other circumstances beyond that person's control (ASP-31.1.d.ii.).

31.2. The Court shall determine the applicability of the grounds for excluding criminal responsibility provided for in this Statute to the case before the Court.

31.3. At trial, the Court may consider a ground for excluding criminal responsibility other than those referred to in paragraph 1 of article 31 (31.1) where such a ground is derived from applicable law as set forth in article (21). The *Rules of Procedure and Evidence* shall provide procedures relating to the consideration of any grounds for exclusion.

## Article 32
## Mistake of fact or mistake of law

32.1. A mistake of fact is a ground for excluding criminal responsibility only if it negates the mental element required by the crime.

32.2. A mistake of law as to whether a particular type of conduct is a crime within the jurisdiction of the Court is not a ground for excluding criminal responsibility. A mistake of law might, however, be a ground for excluding criminal responsibility if the mistake negates the mental element required by the crime, or as provided for in article (33).

## Article 33
## Superior orders and prescription of law

33.1. The fact that a crime within the jurisdiction of the Court has been committed by a person pursuant to an order of a Government or of a superior, whether military or civilian, does not relieve that person of criminal responsibility unless:

33.1.1. The person was under a legal obligation to obey orders of the Government or the superior in question (ASP-33.1.a.); and

33.1.2. The person did not know that the order was unlawful (ASP-33.1.b.); and

33.1.3. The order was not manifestly unlawful (ASP-33.1.c.).

33.2. For the purposes of this article, orders to commit genocide , crimes against humanity, war crimes or to otherwise violate world legislation are manifestly unlawful.

# PART 4. COMPOSITION AND ADMINISTRATION OF THE COURT

## Article 34
## Organs of the Court

34.1. The Court composes of the following organs:

34.1.1. The Presidency (Presiding Council, that includes world judges for other world benches, as well) (ASP-34.a.);

34.1.2. An Appeals Division, a Trial Division and a Pre-Trial Division (ASP-34.b.);

34.1.3. (Reserved by the People) (ASP-34.c.)

34.1.4. The Registry (ASP-34.d.).

34.2. The Office of the Prosecutor comprises the World Attorney General Office of the Enforcement System, and functions in accordance with the *Earth Constitution* and World Legislation.

## Article 35
## Service of judges

35.1. Sources for all the Court judges shall elect judges as full-time members of the Court. and shall be available to serve on that basis from the commencement of their terms of office.

35.2. The judges composing the Court Presidency shall serve on a full-time basis as soon as they are elected.

35.3. On the basis of the workload of the Court and in consultation with Court members, the Court Presidency may, require remaining judges to serve on a full-time basis. Any such arrangement is without prejudice to the provisions of article (40).

35.4. Article (49) of this Statute defines the financial arrangements for judges not required to serve on a full-time basis.

## Article 36
## Qualifications, nomination and election of judges

36.01. Subject to the provisions of paragraph (36.2), there are 18 judges of the Court (World Supreme Court, Criminal Bench).

36.02.1. The Presidency, acting on behalf of the Court, may propose an increase in the number of judges specified in paragraph (36.1), indicating the reasons why this is considered necessary and appropriate. The Registrar shall promptly circulate any proposal for increase to all States Parties to the *Earth Constitution* and to the World Parliament (ASP-36.2.a.).

36.02.2. The Assembly of States Parties to the *Earth Constitution* to be convened in accordance with article (112), shall then further consider any proposal for increase in number of judges for amendment proposition at an

Assembly of States Parties meeting. The World Parliament will consider the proposal in separate session. The Assembly of States Parties proposal shall be forwarded to the World Parliament, if approved at the meeting by a vote of two thirds of the members of the Assembly of States Parties. The World Parliament may adopt the proposal by simple majority vote, and the decision shall enter into force at such time as decided by the World Parliament. The provisions of this Article do not limit the further assignment by World Parliament of world judges to the lower world courts, that is, the Regional World Courts and District World Courts. (ASP-36.2.b.)

36.02.3.1. Once a proposal for an increase in the number of judges has been adopted under subparagraph (36.02.2.), the election of the additional judges shall take place no later than at the next session of the World Parliament (ASP-36.2.c.i.);

36.02.3.2. Once the Assembly of States Parties, provisional World Parliament or World Parliament adopts and brings into effect an increase in the number of judges under subparagraphs (36.02.2.) and (36.02.3.1.), the matter is open to the Court Presidency at any time thereafter, if the workload of the Court justifies it, to propose a reduction in the number of judges, provided that the number of judges does not reduce below that specified in paragraph (36.1.). The procedure laid down in subparagraphs (36.02.1.) and (36.02.2.) are in effect for dealing with the proposal. With proposal is adoption, the number of judges progressively decreases as the terms of office of serving judges expire, until reaching the necessary number. (ASP-36.2.c.ii.)

36.03.1. Sources shall elect the judges from among persons of high moral character, impartiality and integrity who possess the qualifications required in their respective States for appointment to the highest judicial offices, and who affirm support for the *Earth Constitution*. (ASP-36.3.a.)

36.03.2. Every candidate for election to the Court shall have established competence in the following (ASP-36.3.b.):

36.03.2.1. In criminal law and procedure, and the necessary relevant experience, whether as judge, prosecutor, advocate or in other similar capacity, in criminal proceedings (ASP-36.3.b.i.); or

36.03.2.2. In relevant areas of world law such as adopted former international humanitarian law and the law of human rights, and extensive experience in a professional legal capacity which is of relevance to the judicial work of the Court (ASP-36.3.b.ii.);

36.03.3. Every candidate for election to the Court shall have an excellent knowledge of and be fluent in at least one of the working languages of the Court (ASP-36.3.c.).

36.04.1. The House of Counsellors may make nominations of candidates for election to the Court. Until the House of Counsellors forms, any State Party to the *Earth Constitution* may nominate candidates. States Party shall nominate by either of the following (ASP-36.4.a.):

36.04.1.1. By the procedure for the nomination of candidates for appointment to the highest judicial offices in the State in question (ASP-36.4.a.i.); or

36.04.1.2. By the procedure provided for the nomination of candidates for the International Court of Justice in the Statute of that Court, if that procedure is not in conflict with the *Earth Constitution* (ASP-36.4.a.i.).

At nomination, sources for nominations shall submit a statement in the necessary detail specifying how the candidate fulfils the requirements of paragraph (36.03.) (ASP-36.4.a.).

36.04.2. Until the House of Counsellors forms, each State Party to the *Earth Constitution* may put forward one candidate for any given election who need not necessarily be a national of that State Party but shall in any case affirm the *Earth Constitution* as an avowed World Citizen of the Earth Federation. (ASP-36.4.b.)

36.04.3. The Assembly of States Parties to the *Earth Constitution* may establish an Advisory Committee on nominations. In that event, the Assembly of States Parties shall establish the Committee's composition and mandate. (ASP-36.4.c.)

36.05. Until the House of Counsellors forms, for the purposes of the election, there are two lists of candidates:

List 1 containing the names of candidates with the qualifications specified in paragraph (36.03.2.1.) ; and

List 2 containing the names of candidates with the qualifications specified in paragraph (36.03.2.2.)

A candidate with sufficient qualifications for both lists may choose on which list to appear. At the first election to the Court, the Assembly of States Parties shall elect at least nine judges from list 1 and at least five judges from list 2. Until the House of Counsellors forms, the World Parliament shall organize subsequent elections to maintain the equivalent proportion on the Court of judges qualified on the two lists.

36.06.1. Secret ballot shall elect the judges with the universal plurality vote of the three Houses of the World Parliament in Joint Session, or by all Houses available , if the three Houses have not yet formed. Subject to the *Earth Constitution* and paragraph (36.07.), the persons elected to the Criminal Bench of the Court are the 18 candidates who obtain the highest number of votes and a plurality of the States Parties present and voting as Members of the House of Nations. (ASP-36.6.a.)

36.06.2. In the event that a sufficient number of judges is not elected on the first ballot, successive ballots shall continue in accordance with the procedures laid down in subparagraph (36.06.1.) until filling the remaining places. (ASP-36.6.b.)

36.07. The World Parliament shall elect an equal number of World Judges from each of ten World Electoral and Administrative Magna-Regions, if not immediately then by rotation, as per Article 9.4.2. of the *Earth Constitution*. No two judges may be nationals of the same State. A person who, for the purposes of membership of the Court, could be regarded as a national of more than one State is a national of the State in which that person ordinarily

exercises civil and political rights. Cantons, pradesh, states and provinces of continental federations may be States Parties. There is no requirement that continental federations be restricted to single judges.

36.08. The States Parties shall, in the selection of judges, take into account the need, within the membership of the Court, for the following (ASP-36.8.a.):

36.08.1.1. The representation of the principal legal systems of the world (ASP-36.8.a.i.);

36.08.1.2. Equitable geographical representation (ASP-36.8.a.ii.); and

36.08.1.3. A fair representation of female and male judges (ASP-36.8.a.iii).

36.08.2. States Parties shall also take into account the need to include judges with legal expertise on specific issues, including, but not limited to, violence against women or children (ASP-36.8.b.).

36.09.1. Subject to subparagraph (36.9.2.), judges of the Presiding Council (Presidency) hold office for a term of ten years and may serve two successive terms, but not two successive terms as Chief Justice. The World Parliament or Assembly of States Parties may elect judges at the District, Regional or Circuit World Court levels to serve successive terms without limit (ASP-36.9.a.).

36.09.2. At the first election, one third of the judges elected are selected by lot to serve for a term of three years; one third of the judges elected are selected by lot to serve for a term of six years; and the remainder serve for a term of ten years (ASP-36.9.b.).

36.09.3. A judge who is selected to serve for a term of three years under subparagraph (36.09.2) shall be eligible for re-election for a full term, twice. A Judge elected for a term of six years, for a full term once (ASP-36.9.c.).

36.10. Notwithstanding paragraph (36.9), a judge assigned to a Trial or Appeals Chamber in accordance with article (39) shall continue in office to complete any trial or appeal the hearing that has already commenced before that Chamber.

## Article 37
## Judicial vacancies

37.1. In the event of a vacancy, the World Parliament or Assembly of States Parties shall hold an election in accordance with article (36) to fill the vacancy.

37.2. A judge elected to fill a vacancy shall serve for the remainder of the predecessor's term and, if that period is six years or less, is eligible for re-election for a full term or two full terms under article (36).

## Article 38
## The Presidency

38.1. An absolute majority of the judges of the Collegium of World Judges shall elect the President (Chief Justice) and the four Vice-Presidents (Associate Chief Justices). Chief Justice and Associate Chief Justices shall each serve for a term of five years or until the end of their respective terms of office as judges, whichever expires earlier. Associate Chief Justices are eligible for serving two terms, but not two terms as Chief Justice.

38.2. The First Vice-President (First Associate Chief Justice) shall act in place of the President in the event that the President is unavailable or disqualified. The Second Vice-President shall act in place of the President in the event that both the President and the First Vice-President are unavailable or disqualified, and so forth.

38.3. The President (Chief Justice), together with the Associate Chief Justices, shall constitute the Presidency (Presiding Council), which is responsible for the following:

38.3.1. The proper administration of the Court, with the exception of the Office of the Prosecutor (ASP-38.3.a.); and

38.3.2. The other functions conferred upon the Presidency in accordance with this Statute (ASP-38.3.b.).

38.4. In discharging the Presidency responsibility under paragraph (38.3.1.), the Presidency shall coordinate with and seek the concurrence of the Prosecutor on all matters of mutual concern.

## Article 39
## Chambers

39.1. As soon as possible after the election of the judges, the Court shall organize itself into the divisions specified in article 34, paragraph 2 (34.2). The Appeals Division composes of the President (Chief Justice) and four other judges. The Trial Division composes of not less than six judges. The Pre-Trial Division composes of not less than six judges. The assignment of judges to divisions bases on the nature of the functions to be performed by each division and the qualifications and experience of the judges elected to the Court, so that each division contains an appropriate combination of expertise in criminal law and procedure and in world law, including international law adopted as world law by the World Parliament. The Trial and Pre-Trial Divisions composes predominantly of judges with criminal trial experience.

39.2.1. In each division, Chambers perform the judicial functions of the Court (ASP-39.2.a.).

39.2.2.1. The Appeals Chamber composes of all the judges of the Appeals Division (ASP-39.2.b.i.);

39.2.2.2. Three judges of the Trial Division perform the functions of the Trial Chamber (ASP-39.2.b.ii.);

39.2.2.3. Either three judges of the Pre-Trial Division or by a single judge of that division in accordance with this Statute and the *Rules of Procedure and Evidence*

shall perform the functions of the Pre-Trial Chamber (ASP-39.2.b.iii.).

39.2.3. Nothing in this paragraph precludes the simultaneous constitution of more than one Trial Chamber or Pre-Trial Chamber when the efficient management of the Court's workload so requires (ASP-39.2.c.).

39.3.1. Judges assigned to the Trial and Pre-Trial Divisions serve in those divisions for a period of three years, and thereafter until the completion of any case the hearing of which has already commenced in the division concerned (ASP-39.3.a.).

39.3.2. Judges assigned to the Appeals Division serve in that division for their entire term of office (ASP-39.3.b.).

39.4. Judges assigned to the Appeals Division shall serve only in that division. Nothing in this article, however, precludes the temporary attachment of judges from the Trial Division to the Pre-Trial Division or vice versa, if the Presidency considers that the efficient management of the Court's workload so requires, provided that a judge who has participated in the pre-trial phase of a case must not sit on the Trial Chamber hearing that case.

## Article 40
## Independence of the judges

40.1. The judges are independent in the performance of judicial functions.

40.2. Judges shall not engage in any activity which is likely to interfere with their judicial functions or to affect confidence in judicial independence.

40.3. Judges required to serve on a full-time basis at the seat of the Court shall not engage in any other occupation of a professional nature.

40.4. An absolute majority of the judges decide any question regarding the application of paragraphs (40.2) and (40.3). Where any question of paragraphs (40.2) and (40.3) concerns an individual judge, that judge must not take part in the decision.

## Article 41
## Excusing and disqualification of judges

41.1. The Presiding Council (Presidency) may, at the request of a judge, excuse that judge from the exercise of a function under this Statute, in accordance with the *Rules of Procedure and Evidence*.

41.2.1. A judge must not participate in any case in which his or her impartiality might reasonably be doubted on any ground. A judge disqualifies from a case in accordance with this paragraph if, *inter alia*, that judge has previously been involved in any capacity in that case before the Court or in a related criminal case at the national level involving the person being investigated or prosecuted. A judge also disqualifies on other grounds as the *Rules of Procedure and Evidence* may provide (ASP-41.2.a.).

41.2.2. The Prosecutor or the person being investigated or prosecuted may request the disqualification of a judge under this paragraph (ASP-41.2.b.).

41.2.3. An absolute majority of the judges decide any question as to the disqualification of a judge. The challenged judge is entitled to present his or her comments on the matter, but does not take part in the decision (ASP-41.2.c.).

## Article 42
## The Office of the Prosecutor (World Attorney General)

42.1. The Office of the Prosecutor shall act independently as a separate organ of the Earth Federation. The Office is responsible for receiving referrals and any substantiated information on crimes within the jurisdiction of the Court, for examining them and for conducting investigations and prosecutions before the Court. A member of the Office must not seek or act on instructions from any external source, and shall act in conformance to the *Earth Constitution* and world law at all times. The World Parliament does not issue any bill of attainder. However, legislative directive of the World Parliament is not an external source, and the Office of the Prosecutor is responsible to the World Parliament. Simple majority vote of the three Houses of the World Parliament in joint session may remove from office for cause any member of the Office of the Prosecutor and any Regional Prosecutor.

42.2. The Prosecutor heads the Office of World Attorneys General.. The Prosecutor has full authority over the management and administration of the Office, including the staff, facilities and other resources thereof. Four Deputy Prosecutors (Associate World Attorneys General) shall assist the Prosecutor. Deputy Prosecutors are entitled to carry out any of the acts required of the Prosecutor under this Statute. The Prosecutor and the Deputy Prosecutors shall be of different nationalities, from each of the five continental regions of Earth. They shall serve on a full-time basis. The position of Prosecutor shall rotate every two years among the five members of the Office. The five members of the Office decide the order of rotation.

42.3. Qualifications for the Prosecutor and the Deputy Prosecutors are to be persons of high moral character, be highly competent in and have extensive practical experience in the prosecution or trial of criminal cases. Additional qualification is to have an excellent knowledge of and be fluent in at least one of the working languages of the Court.

42.4. The World Parliament, in joint session, elects the Prosecutor and Deputy Prosecutors by secret ballot by a plurality vote, including plurality of the members of the Assembly of States Parties to the *Earth Constitution*. If the House of Counsellors is not yet formed, the Deputy Prosecutors are elected in the same way from a list of candidates provided by the Prosecutor. In this case, the Prosecutor shall nominate three candidates for each position of Deputy Prosecutor to be filled. Unless a shorter term is decided upon at the time of their election, the Prosecutor and the Deputy Prosecutors hold office for a term of ten years and are eligible for re-election to two consecutive terms. The candidates shall affirm support for the *Earth Constitution* prior to election by the World Parliament.

42.5. The Prosecutor and Deputy Prosecutors must not engage in any activity which is likely to interfere with his or her prosecutorial functions or to affect confidence in his or her independence. They must not engage in any other occupation of a professional nature.

42.6. The Presidency (Presiding Council) may excuse the Prosecutor or a Deputy Prosecutor, at his or her request, from acting in a particular case.

42.7. The Prosecutor and Deputy Prosecutors must not participate in any matter in which their impartiality might reasonably be doubted on any ground. They disqualify from a case in accordance with this paragraph if, *inter alia*, they have previously been involved in any capacity in that case before the Court or in a related criminal case at the national level involving the person being investigated or prosecuted.

42.8. The Appeals Chamber decides any question as to the disqualification of the Prosecutor or a Deputy Prosecutor from a case.

42.8.1. The person being investigated or prosecuted may at any time request the disqualification of the Prosecutor or a Deputy Prosecutor on the grounds set out in this article (ASP-42.8.a.);

42.8.2. The Prosecutor or the Deputy Prosecutor, as appropriate, may present his or her comments on the matter (ASP-42.8.b.)

42.9. The Prosecutor shall appoint advisers with legal expertise on specific issues, including, but not limited to, sexual and gender violence and violence against children.

## Article 43
## The Registry

43.1. The Registry is responsible for the non-judicial aspects of the administration and servicing of the Court, without prejudice to the functions and powers of the Prosecutor in accordance with article (42).

43.2. The Registrar heads the Registry. The Registrar is the principal administrative officer of the Court. The Registrar exercises his or her functions under the authority of the President of the Court (World Chief Justice).

43.3. Qualifications of the Registrar and the Deputy Registrar are to be persons of high moral character, be highly competent and have an excellent knowledge of and be fluent in at least one of the working languages of the Court.

43.4. The judges shall elect the Registrar by an absolute majority by secret ballot, taking into account any recommendation by the Assembly of States Parties, and the World Civil Service Administration, when formed. If the need arises and upon the recommendation of the Registrar, the judges shall elect, in the same manner, a Deputy Registrar.

43.5. The Registrar holds office for a term of five years, is eligible for re-election once and shall serve on a full-time basis. The Deputy Registrar holds office for a term of five years or shorter term as an absolute majority of the judges decide. Judges may elect a Deputy Registrar on the basis that the Deputy Registrar is called upon to serve as required.

43.6. The Registrar shall set up a Victims and Witnesses Unit within the Registry. This Unit shall provide, in consultation with the Office of the Prosecutor, protective measures and security arrangements, counselling and other appropriate assistance for witnesses, victims who appear before the Court, and others who are at risk on account of testimony given by witnesses. The Registrar shall include in the Unit staff with expertise in trauma, including trauma related to crimes of sexual violence.

## Article 44
## Staff

44.1. The Prosecutor and the Registrar shall appoint qualified staff as may be required to their respective offices. In the case of the Prosecutor, this includes the appointment of investigators. After the World Civil Service Administration lists are created, the Prosecutor and Registrar shall select appointments from the World Civil Service lists.

44.2. In the employment of staff, the Prosecutor and the Registrar shall ensure the highest standards of efficiency, competency and integrity, and shall regard, *mutatis mutandis*, the criteria set forth in article 36, paragraph 8 (36.8.).

44.3. The Registrar, with the agreement of the Presidency and the Prosecutor, shall propose Staff Regulations which include the terms and conditions upon which the staff of the Court are appointed, remunerated and dismissed. The World Parliament may require adjustment to the Staff Regulations.

44.4. The Court may, in exceptional circumstances, employ the expertise of gratis personnel offered by States Parties, intergovernmental organizations or non-governmental organizations to assist with the work of any of the organs of the Court. The Prosecutor may accept any such offer on behalf of the Office of the Prosecutor. Gratis personnel may employed in accordance with guidelines to be recommended by the Assembly of States Parties to the *Earth Constitution*, and subject to approval by the World Parliament.

## Article 45
## Solemn undertaking

Before taking up their respective duties under this Statute, the judges, the Prosecutor, the Deputy Prosecutors, the Regional World Attorneys, the Registrar and the Deputy Registrar shall each make a solemn undertaking in open court to exercise his or her respective functions impartially and conscientiously. This undertaking shall include affirmation to uphold the *Constitution for the Federation of Earth*.

## Article 46
## Removal from office

46.1. The Court shall remove from office a judge, the Prosecutor, a Deputy Prosecutor, a Regional World Attorney, the Registrar or the Deputy Registrar if a decision to this effect is made in accordance with paragraph (46.2), in cases:

46.1.1. If that person is found to have committed serious misconduct or a serious breach of his or her duties under this Statute, as provided for in the *Rules of Procedure and Evidence* (ASP-46.1.a.); or

46.1.2. If that persons unable to exercise the functions required by this Statute (ASP-46.1.b.).

46.2. The World Parliament in Joint Session by secret ballot may decide to the remove from office a judge, the Prosecutor, a Deputy Prosecutor or a Regional World Attorney under paragraph 1 of this Article 46 (46.1) . In the event that the World Parliament is not yet functioning, the Assembly of States Parties may decide the removal:

46.2.1. In the case of a judge, by an absolute two-thirds majority of the three Houses of World Parliament in Joint Session. The World Parliament will consider any recommendation adopted by a two-thirds majority of the other judges (ASP-46.2.a.);

46.2.2. In the case of the Prosecutor, a Deputy Prosecutor, or a Regional World Attorney by a simple majority of the World Parliament in Joint Session. The World Parliament will consider any recommendation by an absolute majority of the States Parties to the *Earth Constitution* (ASP-46.2.b. & 46.2.c.).

46.3. Decision of an absolute majority of the judges may remove the Registrar or Deputy Registrar from office.

46.4. A judge, Prosecutor, Deputy Prosecutor, Registrar or Deputy Registrar whose conduct or ability to exercise the functions of the office as required by this Statute is challenged under this article has full opportunity to present and receive evidence and to make submissions in accordance with the *Rules of Procedure and Evidence*. The person in question must not otherwise participate in the consideration of the matter.

## Article 47
## Disciplinary measures

A judge, Prosecutor, Deputy Prosecutor, Registrar or Deputy Registrar who commits misconduct of a less serious nature than that set out in article 46, paragraph 1, is subject to disciplinary measures, in accordance with the *Rules of Procedure and Evidence*.

## Article 48
## Privileges and immunities

48.1. The Court enjoys in the territory of each State Party privileges and immunities as are necessary for the fulfillment of its purposes. World Legislative Act #37 provides more comprehensive detail of *Agreement on World Federal Privileges and Immunities*. (ASP Version: *Agreement on Privileges and Immunities of the Court*.)

48.2. The judges, the Prosecutor, the Deputy Prosecutors and the Registrar, when engaged on or with respect to the business of the Court, enjoy privileges and immunities to protect their work from interference from lower jurisdictions, after the expiry of their terms of office, continue to be accorded immunity from legal process from lower jurisdictions in respect of words spoken or written and acts performed by them in their official capacity.

48.3. The Deputy Registrar, the office staff of the Prosecutor and the staff of the Registry enjoy the privileges and immunities and facilities necessary for the performance of their functions, in accordance with the agreement on the privileges and immunities.

48.4. National and international authorities shall accord to Counsel, experts, witnesses or any other person required to be present at the seat of the Court with the treatment as is necessary for the proper functioning of the Court, in accordance with the agreement on the privileges and immunities.

48.5. Agents to waive privileges and immunities are the following:

(48.5.1.) An absolute majority of the judges may waive privileges and immunities of a judge or the Prosecutor (ASP-48.5.a.);

(48.5.2.) The Presidency (Presiding Council) may waive privileges and immunities of the Registrar (ASP-48.5.b.);

(48.5.3.) The Prosecutor may waive privileges and immunities of the Deputy Prosecutors and staff of the Office of the Prosecutor (ASP-48.5.c.);

(48.5.4.) The Registrar may waive privileges and immunities of the Deputy Registrar and staff of the Registry (ASP-48.5.d.).

## Article 49
## Salaries, allowances and expenses

49.1. The World Parliament shall determine the salaries, allowances and expenses to be assigned to judges, the Prosecutor, the Deputy Prosecutors, the Registrar and the Deputy Registrar, as may be recommended by the Assembly of States Parties to the *Earth Constitution*. The World Civil Service administration shall recommend salaries, allowances and expenses in terms of Earth Hour credits and currency, to be adjusted as necessary and approved by the World Parliament. The Planetary Comptrollers Office of the World Financial Administration shall supervise the disbursement of funds from the World Treasury to judges, the Prosecutor, the Deputy Prosecutors, Regional World Attorneys, the Registrar, the Deputy Registrar, and to all employees of the judicial and enforcement systems. The Comptrollers Office must not reduce salaries and allowances during terms of office.

49.2. In the event that the Comptrollers Office is not yet operational and providing the full designated salary in Earth Credits, the Assembly of States Parties to the *Earth Constitution* may prorate the deficient funds and distribute the difference from their own account(s) in their own currencies or in Earth Hour credits and currency, if available to the State. The World Treasury shall reimburse to States Parties any funds thereby distributed and registered with the Comptrollers office, by installments to start 12 months after the beginning of the first operative stage of Earth Federation, and to be completed within a ten year schedule.

49.3. Upon declaration of the first operative stage of world government, in conformance with the *Earth Constitution*, the World Parliament may re-determine salaries, allowances and expenses, however without reduction during a term of office.

## Article 50
## Official and working languages

50.1. The official languages of the Court are Arabic, Chinese, English, French, Russian, Spanish and Esperanto. The Registrar shall publish judgments of the Court, as well as other decisions resolving fundamental issues before the Court, in the official languages. The Presidency (Presiding Council) shall, in accordance with the criteria established by the *Rules of Procedure and Evidence*, determine which decisions may be considered as resolving fundamental issues for the purposes of this paragraph.

50.2. The working languages of the Court are English and French. As soon as feasible, Chinese and Esperanto will also be working languages of the Court. The *Rules of Procedure and Evidence* determines the cases in which other official languages are working languages.

50.3. At the request of any party to a proceeding or a State allowed to intervene in a proceeding, the Court may authorize a language other than English, French, Chinese or Esperanto to be used by the party or State.

## Article 51
## *Rules of Procedure and Evidence*

51.1. The *Rules of Procedure and Evidence* shall enter into force upon adoption by a simple majority of the members of the provisional World Parliament.

51.2. Upon declaration of the first operative stage of world government in conformance with the *Earth Constitution,* the World Parliament may confirm or adjust the *Rules of Procedure and Evidence* by simple majority vote in joint session. After commencement of the 2nd operative stage of world government, a 2/3 majority vote in joint session is required for amendment to the rules.

Amendments to the *Rules of Procedure and Evidence* may be recommended by:

51.2.1. Any State Party to the *Earth Constitution* (ASP-51.2.a.);

51.2.2. The judges acting by an absolute majority (ASP-51.2.b.);

51.2.3. The Prosecutor, (ASP-51.2.c.) or

51.2.4. Any Member of the Provisional World Parliament or World Parliament.

51.3. After the adoption of the *Rules of Procedure and Evidence*, in urgent cases where the *Rules* do not provide for a specific situation before the Court, the judges may, by a two-thirds majority, draw up provisional Rules to be applied until adopted, amended or rejected at the next session of provisional World Parliament or World Parliament. Judges must not apply rules that conflict with this Statute.

51.4. The *Rules of Procedure and Evidence*, amendments thereto and any provisional Rule conform with this Statute. Amendments to the *Rules of Procedure and Evidence* as well as provisional Rules must not apply retroactively to the detriment of the person who is being investigated or prosecuted or who has been convicted.

51.5. In the event of conflict between the Statute and the *Rules of Procedure and Evidence*, the Statute prevails.

## Article 52
## Regulations of the Court

52.1. The judges shall, in accordance with this Statute and the *Rules of Procedure and Evidence*, adopt, by an absolute majority, the Regulations of the Court necessary for its routine functioning.

52.2. The Prosecutor and the Registrar shall be consulted in the elaboration of the Regulations and any amendments thereto.

52.3. The Regulations and any amendments thereto take effect upon adoption unless otherwise decided by the judges. Immediately upon adoption, the Court shall circulate the Regulations to States Parties and to the World Parliament for comments. If there are no objections from a simple majority of the World Parliament by the end of the next session after the adoption of Court regulations, the respective regulations remain in force, unless overruled by two thirds majority vote of the World Parliament in joint session.

# PART 5. INVESTIGATION AND PROSECUTION

## Article 53
## Initiation of an investigation

53.1. The Prosecutor shall, having evaluated the information made available to him or her, initiate an investigation unless he or she determines that there is no reasonable basis to proceed under this Statute. In deciding whether to initiate an investigation, the Prosecutor shall consider whether:

53.1.1. The information available to the Prosecutor provides a reasonable basis to believe that a crime within the jurisdiction of the Court has been or is being committed (ASP-53.1.a.);

53.1.2. The case is or would be admissible under article 17 (ASP-53.1.b.); and

53.1.3. Taking into account the gravity of the crime and the interests of victims, there are nonetheless substantial reasons to believe that an investigation would not serve the interests of justice (ASP-53.1.c.).

If the Prosecutor determines that there is no reasonable basis to proceed and his or her determination is based solely on subparagraph (53.1.3.) above, he or she shall inform the Pre-Trial Chamber.

53.2. The Prosecutor shall inform the Pre-Trial Chamber, the World Ombudsmus and the State making a referral under article (14), and the World Presidium in a case under article (13), paragraph 2 (13.2.), of Prosecutor conclusion and the reasons for the conclusion, if, upon investigation, the Prosecutor concludes that there is not a sufficient basis for a prosecution because of any of the following:

53.2.1. There is not a sufficient legal or factual basis to seek a warrant or summons under article (58) (ASP-53.2.a.);

53.2.2. The case is inadmissible under article (17) (ASP-53.2.b.); or

53.2.3.. A prosecution is not in the interests of justice, taking into account all the circumstances, including the gravity of the crime, the interests of victims of the alleged perpetrator, and his or her role in the alleged crime (ASP-53.2.c.);

53.3.1. At the request of the World Ombudsmus or State making a referral under article (14) or the World Presidium under article (13), paragraph 2 (13.2.), the Pre-Trial Chamber may review the Prosecutor's decision to not proceed under paragraph (53.1) or (53.2) and may request the Prosecutor to reconsider that decision (ASP-53.3.a.).

53.3.2. In addition, the Pre-Trial Chamber may initiate review of a decision of the Prosecutor not to proceed if the decision is based solely on paragraph (53.1.3) or (53.2.3). In such a case, the decision of the Prosecutor is effective only if confirmed by the Pre-Trial Chamber (ASP-53.3.b.).

53.4. The Prosecutor may, at any time, reconsider a decision whether to initiate an investigation or prosecution based on new facts or information.

53.5. The World Ombudsmus may initiate prosecution independently from the Prosecutor in cases regarding rights violations, or in cases regarding misfeasance or malfeasance at the Earth Federation level of jurisdiction.

## Article 54
## Duties and powers of the Prosecutor with respect to investigations

54.1. The Prosecutor shall do the following:

54.1.1. In order to establish the truth, extend the investigation to cover all facts and evidence relevant to an assessment of whether there is criminal responsibility under world law, and, in doing so, investigate incriminating and exonerating circumstances equally (ASP-54.1.a.);

54.1.2. Take appropriate measures to ensure the effective investigation and prosecution of crimes within the jurisdiction of the Court, and in doing so, respect the interests and personal circumstances of victims and witnesses, including age, gender as defined in article 7, paragraph 3, and health, and take into account the nature of the crime, in particular where it involves sexual violence, gender violence or violence against children (ASP-54.1.b.); and

54.1.3. Fully respect the rights of natural persons arising under this Statute (ASP-54.1.c.).

54.2. The Prosecutor may conduct investigations on the territory of a State:

54.2.1. In accordance with the provisions of World Legislative Act #14 particularly or other world legislation ;

54.2.2. In accordance with the provisions of Part 9 of this Statute (ASP-54.2.a.) ; or

54.2.3. As authorized by the Pre-Trial Chamber under article 57, paragraph 3.4 (57.3.4.) (ASP-54.2.b.).

54.3. The Prosecutor may do the following:

54.3.1. Collect and examine evidence (ASP-54.3.a.);

54.3.2. Summons or warrant the presence of persons and question persons being investigated, victims and witnesses, as well as transmit, issue and process supplemental summons or warrant authorizations from the Pre-Trial Chamber (ASP-54.3.b.);

54.3.3. Seek the cooperation of any State or intergovernmental organization or arrangement in accordance with the State or organization's respective competence and/or mandate (ASP-54.3.c.);

54.3.4. Enter into arrangements or agreements, not inconsistent with world law, as might be necessary to facilitate the cooperation of a State, intergovernmental organization or person (ASP-54.3.d.);

54.3.5. Agree not to disclose outside of the Court, at any stage of the proceedings, documents or information that the Prosecutor obtains on the condition of confidentiality and solely for the purpose of generating new evidence, unless the provider of the information consents (ASP-54.3.e.); and

54.3.6. Take necessary measures, or request that necessary measures be taken, to ensure the confidentiality of information, the protection of any person or the preservation of evidence (ASP-54.3.f.).

## Article 55
## Rights of persons during an investigation

55.1. In respect of an investigation under this Statute, a person has the following rights:

55.1.1. To refuse self-incrimination or the incrimination or another, and right to not confess guilt (ASP-55.1.a.);

55.1.2. To not be subjected to any form of coercion, duress or threat, to torture or to any other form of cruel, inhuman or degrading treatment or punishment (ASP-55.1.b.);

55.1.3. If questioned in a language other than a language the person fully understands and speaks, to the assistance of a competent interpreter and such translations as are necessary to meet the requirements of fairness, free of any cost (ASP-55.1.c.); and

55.1.4. To not be subjected to arbitrary arrest or detention, and to not be deprived of his or her

liberty except on grounds and in accordance with procedures as established in this Statute and world law (ASP-55.1.d.).

55.2. Where there are grounds to believe that a person has committed a crime within the jurisdiction of the Court and that person is about to be questioned either by the Prosecutor, or by national authorities pursuant to a Court order made under Part 9, that person also has the following rights which the Prosecutor or authorities shall inform to the person prior to being questioned:

55.2.1. To be informed, prior to being questioned, that there are grounds to believe that he or she has committed a crime within the jurisdiction of the Court (ASP-55.2.a.);

55.2.2. To remain silent, without such silence being a consideration in the determination of guilt or innocence (ASP-55.2.b.);

55.2.3. To have legal assistance of the person's choosing, or, if the person does not have legal assistance, to have legal assistance assigned to him or her, in any case where the interests of justice so require, and without payment by the person in any case if the person does not have sufficient means to pay for it (ASP-55.2.c.); and

55.2.4. To be questioned in the presence of counsel unless the person voluntarily waives right to counsel (ASP-55.2.d.).

## Article 56
## Role of the Pre-Trial Chamber in relation to a unique investigative opportunity

56.1.1. Where the Prosecutor considers an investigation to present a unique opportunity to take testimony or a statement from a witness or to examine, collect or test evidence, which might not be available subsequently for the purposes of a trial, the Prosecutor shall so inform the Pre-Trial Chamber (ASP-56.1.a.).

56.1.2. In that case, the Pre-Trial Chamber may, upon request of the Prosecutor, take measures to ensure the efficiency and integrity of the proceedings and, in particular, to protect the rights of the defence (ASP-56.1.b.).

56.1.3. Unless the Pre-Trial Chamber orders otherwise, the Prosecutor shall provide the relevant information to the person who has been arrested or who appeared in response to a summons or warrant in connection with the investigation referred to in subparagraph (56.1.1.), in order that he or she may be heard on the matter (ASP-56.1.c.).

56.2. The measures referred to in paragraph (56.1.2.) may include:

56.2.1. Making recommendations or orders regarding procedures to be followed (ASP-56.2.a.);

56.2.2. Directing that a record be made of the proceedings (ASP-56.2.b.);

56.2.3. Appointing an expert to assist (ASP-56.2.c.);

56.2.4. Authorizing counsel for a person who has been arrested, or appeared before the Court in response to a summons, to participate, or where there has not yet been such an arrest or appearance or counsel has not been designated, appointing another counsel to attend and represent the interests of the defence (ASP-56.2.d.);

56.2.5. Naming one of Pre-Trial Chamber member judges or, if necessary, another available judge of the Trial Division to observe and make recommendations or orders regarding the collection and preservation of evidence and the questioning of persons (ASP-56.2.e.);

56.2.6. Taking other action to collect or preserve evidence (ASP-56.2.f.).

56.3.1. Where the Prosecutor has not taken measures pursuant to this article but the Pre-Trial Chamber considers that measures are required to preserve evidence that it deems would be essential for the defence at trial, the Pre-Trial Chamber shall consult with the Prosecutor as to whether there is good reason for the Prosecutor's failure to order the measures. If upon consultation, the Pre-Trial Chamber concludes that the Prosecutor's failure to order measures is unjustified, the Pre-Trial Chamber may initiate measures (ASP-56.3.a.).

56.3.2. The Prosecutor may appeal decision of the Pre-Trial Chamber to act on its own initiative under this paragraph. The Appeals Chamber shall hear prosecutorial appeal on an expedited basis (ASP-56.3.b.).

56.4. At trial, Article 69 governs the admissibility of evidence preserved or collected for trial pursuant to this article, or the record thereof. The Trial Chamber determines the weight of this evidence.

## Article 57
## Functions and powers of the Pre-Trial Chamber

57.1. Unless otherwise provided in this Statute, the Pre-Trial Chamber shall exercise its functions in accordance with the provisions of this article.

57.2.1. A majority of Pre-Trial judges concur to decide Orders or rulings of the Pre-Trial Chamber issued under articles (15), (18), (19), (54.2), (61.7), and (72) (ASP-57.2.a.).

57.2.2. In all other cases, a single judge of the Pre-Trial Chamber may exercise the functions provided for in this Statute, unless otherwise provided for in the *Rules of Procedure and Evidence* or provided by a majority of the Pre-Trial Chamber (ASP-57.2.b.).

57.3. In addition to its other functions under this Statute, the Pre-Trial Chamber may do the following:

57.3.1. At the request of the Prosecutor, issue orders and warrants for an investigation (ASP-57.3.a.);

57.3.2. Upon the request of a person who has been arrested or has appeared pursuant to a summons under article (58), issue such orders,

including measures such as those described in article (56), or seek cooperation pursuant to Part 9 to assist the person in the preparation of defence (ASP-57.3.b.);

57.3.3. Where necessary, provide for the protection and privacy of victims and witnesses, the preservation of evidence, the protection of persons who have been arrested or appeared in response to a summons, and the protection of national security information (ASP-57.3.c.);

57.3.4. Whenever possible having regard to the views of the State concerned, authorize the Prosecutor to take specific investigative steps within the territory of a State Party without having secured the cooperation of that State under Part 9, if the Pre-Trial Chamber has determined in that case that the State is clearly unable to execute an order for cooperation due to the unavailability of any authority or any component of its judicial system competent to execute the order for cooperation under Part 9 (ASP-57.3.d.).

57.3.5. Where a warrant of arrest or a summons has been issued under article (58), and having due regard to the strength of the evidence and the rights of the parties concerned, as provided for in world law, seek the cooperation of States pursuant to article 93, paragraph 1.11 (93.1.11.), to take protective measures for forfeiture, in particular for the ultimate benefit of victims (ASP-57.3.e.).

## Article 58
## Order by the Pre-Trial Chamber of a warrant of arrest or a summons to appear

58.1. At any time after the initiation of an investigation, the Pre-Trial Chamber shall, on the report of the Prosecutor, order a warrant of arrest of a person if, having examined the application and the evidence or other information submitted by the Prosecutor, Pre-Trial Chamber is satisfied of the following:

58.1.1. There are reasonable grounds to believe that the person has committed a crime within the jurisdiction of the Court (ASP-58.1.a.); and

58.1.2. The arrest of the person appears necessary (ASP-58.1.b.):

58.1.2.1. To ensure the person's appearance at trial (ASP-58.1.b.i.),

58.1.2.2. To ensure that the person does not obstruct or endanger the investigation or the court proceedings (ASP-58.1.b.ii.); or

58.1.2.3. Where applicable, to prevent the person from continuing with the commission of that crime or a related crime which is within the jurisdiction of the Court and which arises out of the same circumstances (ASP-58.1.b.iii.).

58.2. The report of the Prosecutor shall contain:

58.2.1. Relevant identifying information and if available, the name of the person (ASP-58.2.a.);

58.2.2. A specific reference to the crimes within the jurisdiction of the Court which the person is alleged to have committed (ASP-58.2.b.);

58.2.3. A concise statement of the facts which are alleged to constitute those crimes (ASP-58.2.c.);

58.2.4. A summary of the evidence and any other information which establish reasonable grounds to believe that the person committed those crimes(ASP-58.2.d.); and

58.2.5. The reason why the Prosecutor believes that the arrest of the person is necessary (ASP-58.2.e.).

58.3. The warrant of arrest shall contain:

58.3.1. Relevant identifying information, and if available, the name of the person (ASP-58.3.a.);

58.3.2. A specific reference to the crimes within the jurisdiction of the Court for which the person's arrest is sought (ASP-58.3.b.); and

58.3.3. A concise statement of the facts which are alleged to constitute those crimes (ASP-58.3.c.).

58.4. The warrant of arrest shall remain in effect until otherwise ordered by the Court.

58.5. On the basis of the warrant of arrest, the Court may order the provisional arrest or the arrest and surrender of the person under Part 9.

58.6. The Prosecutor may consult with the Pre-Trial Chamber to amend the warrant of arrest by modifying or adding to the crimes specified therein. The Pre-Trial Chamber shall so amend the warrant if the Chamber is satisfied that there are reasonable grounds to believe that the person committed the modified or additional crimes.

58.7. As an alternative to seeking a warrant of arrest, the Prosecutor may consult with the Pre-Trial Chamber recommending that the Pre-Trial Chamber issue a summons for the person to appear. If the Pre-Trial Chamber is satisfied that there are reasonable grounds to believe that the person committed the crime alleged and that a summons is sufficient to ensure the person's appearance, Pre-Trial Chamber shall issue the summons, with or without conditions restricting liberty (other than detention) if provided for by national law, for the person to appear. The summons shall contain:

58.7.1. The name of the person and any other relevant identifying information (ASP-58.7.a.);

58.7.2. The specified date on which the person is to appear (ASP-58.7.b.);

58.7.3. A specific reference to the crimes within the jurisdiction of the Court which the person is alleged to have committed (ASP-58.7.c.); and

58.7.4. A concise statement of the facts which are alleged to constitute the crime (ASP-58.7.d.).

The Prosecutor or contracted process-server shall serve the summons on the person.

58.8. Arrest warrants and search warrants issue by the Prosecutor only (World Attorneys General or Regional World Attorneys). Court Chambers shall transmit Court warrant Orders to the Prosecutor for service as per *Earth Constitution* Article 10.3.4. Additionally, under some circumstances, such as when world police officers witness or strongly suspect with reasonable cause a world felony in progress, the Prosecutor may expedite and initiate issue of search and arrest warrants, as no Court Chamber authorization is required for the Prosecutor to issue search and arrest warrants under the *Earth Constitution*.

## Article 59
## Arrest proceedings in the custodial State during the provisional World Government and first operative stage of World Government in conformance with the *Earth Constitution*

59.1. A State Party which has received an order for provisional arrest or for arrest and surrender shall immediately take steps to arrest the person in question in accordance with the State's laws and the provisions of Part 9. The competent arresting and enforcement authority of that State shall immediately inform the arrested person of rights as per Article 55 of this Statute, and shall record that information process.

59.2. A State shall promptly bring a person arrested before the competent judicial authority in the custodial State which shall determine, in accordance with the law of that State, that:

59.2.1. The warrant applies to that person (ASP-59.2.a.);

59.2.2. The person has been arrested in accordance with the proper process (ASP-59.2.b.); and

59.2.3. The person's rights have been respected. (ASP-59.2.c.)

59.3. ( Reserved by the People.)

59.4. It is not open to the competent authority of the custodial State to consider whether the warrant of arrest was properly issued in accordance with article 58, paragraph 1.1 (58.1.1.) and 1.2 (58.1.2.).

59.5. The custodial state shall notify the Pre-Trial Chamber and the Prosecutor of any request for interim release. The custodial state may make recommendations to the Prosecutor. The competent authority in the custodial State shall prevent the escape of the person.

59.6. (Reserved by the People.)

59.7. The custodial state shall deliver the accused person to the Prosecutor and Court without delay.

## Article 60
## Initial proceedings before the Court

60.1. Upon the surrender of the accused to the Court, or the accused's appearance before the Court voluntarily or pursuant to a summons, the Pre-Trial Chamber shall satisfy itself that the accused has been informed of the crimes which he or she is alleged to have committed, and of his or her rights under this Statute, including the right to apply for interim release pending trial.

60.2. A person subject to a warrant of arrest may apply for interim release pending trial. If the Pre-Trial Chamber is satisfied that the conditions set forth in article (58), paragraph 1, are met, the Enforcement System shall continue to detain the accused. If Pre-Trial Chamber is not so satisfied, the Pre-Trial Chamber shall release the person, with or without conditions.

60.3. The Pre-Trial Chamber shall periodically review its ruling on the release or detention of the person, and may do so at any time on the request of the Prosecutor or the person. Upon such review, the Pre-Trial Chamber may modify the ruling as to detention, release or conditions of release, if the Pre-Trial Chamber is satisfied that changed circumstances so require.

60.4. The Pre-Trial Chamber shall ensure that a person is not detained for an unreasonable period prior to trial due to inexcusable delay by the Prosecutor. If inexcusable delay occurs, the Court shall consider releasing the person, with or without conditions.

60.5. If necessary, the Pre-Trial Chamber may order issue of a warrant of arrest to secure the presence of a person who has been released.

## Article 61
## Confirmation of the charges before trial

61.01. Subject to the provisions of paragraph (61.2), within a reasonable time after the person's surrender or voluntary appearance before the Court, the Pre-Trial Chamber shall hold a hearing to confirm the charges on which the Prosecutor intends to seek trial. The hearing shall be held in the presence of the Prosecutor and the person charged, as well as his or her counsel.

61.02. The Pre-Trial Chamber may, upon request of the Prosecutor or on Pre-Trial Chamber's own motion, hold a hearing in the absence of the person charged to confirm the charges on which the Prosecutor intends to seek trial when the person has done the following:

61.02.1. Waived right to be present (ASP-61.2.a.); or

61.02.2. Fled or cannot be found and all reasonable steps have been taken to secure his or her appearance before the Court and to inform the accused of the charges and that a hearing to confirm those charges will be held (ASP-61.2.b.).

In that case, counsel shall represent the accused where the Pre-Trial Chamber determines that to be in the interests of justice.

61.03. Within a reasonable time before the hearing, the Pre-Trial Chamber shall do the following:

61.03.1. Provide the accused with a copy of the document containing the charges on which the Prosecutor intends to bring the accused to trial (ASP-61.3.a.); and

61.03.2. Inform the accused of the evidence on which the Prosecutor intends to rely at the hearing (ASP-61.3.b.).

The Pre-Trial Chamber may issue orders regarding the disclosure of information for the purposes of the hearing.

61.04. Before the hearing, the Prosecutor may continue the investigation and may amend or withdraw any charges. The Prosecutor shall give the Pre-Trial Chamber reasonable notice before the hearing of any amendment to or withdrawal of charges. In case of a withdrawal of charges, the Prosecutor shall notify the Pre-Trial Chamber of the reasons for the withdrawal. The Pre-Trial Chamber shall give to the accused reasonable notice before the hearing of any amendment to or withdrawal of charges, including reasons for any withdrawal of charges.

61.05. At the hearing, the Prosecutor shall support each charge with sufficient evidence to establish substantial grounds to believe that the person committed the crime charged. The Prosecutor may rely on documentary or summary evidence and need not call the witnesses expected to testify at the trial.

61.06. At the hearing, the accused may do the following:

61.06.1. Object to the charges (ASP-61.6.a.);

61.06.2. Challenge the evidence presented by the Prosecutor (ASP-61.6.b.); and

61.06.3. Present evidence (ASP-61.6.c.).

61.07. The Pre-Trial Chamber shall, on the basis of the hearing, determine whether there is sufficient evidence to establish substantial grounds to believe that the accused committed each of the crimes charged. Based on Pre-Trial Chamber determination, the Pre-Trial Chamber shall do one or more of the following:

61.07.1. Confirm those charges in relation to which it has determined that there is sufficient evidence, and commit the accused to a Trial Chamber for trial on the charges as confirmed (ASP-61.7.a.);

61.07.2. Decline to confirm those charges in relation to which it has determined that there is insufficient evidence (ASP-61.7.b.);

61.07.3. Adjourn the hearing and order the Prosecutor to consider (ASP-61.7.c.):

61.07.3.1. Providing further evidence or conducting further investigation with respect to a particular charge (ASP-61.7.c.i.); or

61.07.3.2. Amending a charge because the evidence submitted appears to establish a different crime within the jurisdiction of the Court (ASP-61.7.c.ii.).

61.08. Where the Pre-Trial Chamber declines to confirm a charge, the Prosecutor may subsequently request a charge confirmation if the request is supported by additional evidence.

61.09. After the charges are confirmed and before the trial has begun, the Prosecutor may, with the permission of the Pre-Trial Chamber and after notice to the accused, amend the charges. If the Prosecutor seeks to add additional charges or to substitute more serious charges, the Pre-Trial Chamber shall schedule a hearing under this article to consider those charges. After commencement of the trial, the Prosecutor may, with the permission of the Trial Chamber, withdraw the charges.

61.10. Any warrant previously issued ceases to have effect with respect to any charges which have not been confirmed by the Pre-Trial Chamber or which have been withdrawn by the Prosecutor.

61.11. Once the charges have been confirmed in accordance with this article, the Presidency (Presiding Council) shall constitute a Trial Chamber that, subject to paragraph (61.9) and to article 64, paragraph 4 (64.4), is responsible for the conduct of subsequent proceedings and may exercise any function of the Pre-Trial Chamber that is relevant and capable of application in those proceedings.

## PART 6. THE TRIAL

### Article 62
### Place of trial

As district and regional World Courts establish, the place of the trial is the district or regional World Court that the Pre-Trial Chamber decides to be best in the interests of justice, considering factors such as reduction of disruption to lives of both the people and the defence, capacity of the World Court and fairness of trial. Otherwise, the place of the trial is the seat of the Court.

### Article 63
### Trial in the presence of the accused

63.1. The accused shall attend the trial.

63.2. If the accused, being present before the Court, continues to disrupt the trial, the Trial Chamber may remove the accused and shall make provision for him or her to observe the trial and instruct counsel from outside the courtroom, through the use of communications technology, if required. The Court may only take removal measures in exceptional circumstances after other reasonable alternatives have proved inadequate, and only for a duration as is strictly required to discourage disruption.

## Article 64
## Functions and powers of the Trial Chamber

64.01. The Trial Chamber shall exercise the functions and powers set out in this article in accordance with this Statute and the *Rules of Procedure and Evidence*.

64.02. The Trial Chamber shall ensure that a trial is fair and expeditious and is conducted with full respect for the rights of the accused and due regard for the protection of victims and witnesses.

64.03. Upon assignment of a case for trial in accordance with this Statute, the Trial Chamber assigned to deal with the case shall do the following:

64.03.1. Confer with the parties and adopt any necessary special procedures to facilitate the fair and expeditious conduct of the proceedings (ASP-64.3.a.);

64.03.2. Determine the language or languages to be used at trial (ASP-64.3.b.); and

64.03.3. Subject to any other relevant provisions of this Statute, provide for disclosure of documents or information not previously disclosed, sufficiently in advance of the commencement of the trial to enable adequate preparation for trial (ASP-64.3.c.).

64.04. The Trial Chamber may, if necessary for its effective and fair functioning, refer preliminary issues to the Pre-Trial Chamber or, if necessary, to another available judge of the Pre-Trial Division.

64.05. Upon notice to the parties, the Trial Chamber may, as appropriate, direct that there be *joinder* or *severance* in respect of charges against more than one accused.

64.06. In performing its functions prior to trial or during the course of a trial, the Trial Chamber may do any of the following:

64.06.1. Exercise any functions of the Pre-Trial Chamber referred to in article 61, paragraph 11 (61.11) (ASP-64.6.a.);

64.06.2. Require the attendance and testimony of witnesses and production of documents and other evidence by obtaining, if necessary, the assistance of States as provided in this Statute (ASP-64.6.b.);

64.06.3. Provide for the protection of confidential information (ASP-64.6.c.);

64.06.4. Order the production of evidence in addition to that already collected prior to the trial or presented during the trial by the parties (ASP-64.6.d.);

64.06.5. Provide for the protection of the accused, witnesses and victims (ASP-64.6.e.); and

64.06.6. Rule on any other relevant matters (ASP-64.6.f.).

64.07. The Court shall hold the trial in public. The Trial Chamber may, however, determine that special circumstances require that certain proceedings be in closed session for the purposes set forth in article 68, or to protect confidential or sensitive information to be given in evidence.

64.08.1. At the commencement of the trial, the Trial Chamber shall have read to the accused the charges previously confirmed by the Pre-Trial Chamber. The Trial Chamber shall satisfy itself that the accused understands the nature of the charges. The Trial Chamber shall afford the accused the opportunity to make an admission of guilt in accordance with article 65 or to plead not guilty. (ASP-64.8.a.)

64.08.2. At the trial, the presiding judge may give directions for the conduct of proceedings, including to ensure that the Court conduct trial in a fair and impartial manner. Subject to any directions of the presiding judge, the parties may submit evidence in accordance with the provisions of this Statute. (ASP-64.8.b.)

64.09. The Trial Chamber shall have, *inter alia*, the power on application of a party or on its own motion to:

64.9.1. Rule on the admissibility or relevance of evidence (ASP-64.9.a.); and

64.09.2. Take all necessary steps to maintain order in the course of a hearing (ASP-64.9.b.).

64.10. The Trial Chamber shall ensure that a complete record of the trial is made, which accurately reflects the proceedings, and that the Registrar maintains and preserves the record.

## Article 65
## Proceedings on an admission of guilt

65.1. Where the accused makes an admission of guilt pursuant to article 64, paragraph 8.1. (64.8.1.), the Trial Chamber shall determine the following:

65.1.1. Whether the accused understands the nature and consequences of the admission of guilt (ASP-65.1.a.);

65.1.2. Whether the admission is voluntarily made by the accused after sufficient consultation with defence counsel (ASP-65.1.b.); and

65.1.3. Whether the admission of guilt is supported by the facts of the case that are contained in the following (ASP-65.1.c.):

65.1.3.1. The charges brought by the Prosecutor and admitted by the accused (ASP-65.1.c.i.);

65.1.3.2. Any materials presented by the Prosecutor which supplement the charges and which the accused accepts (ASP-65.1.c.ii.); and

65.1.3.3. Any other evidence, such as the testimony of witnesses, presented by the Prosecutor or the accused (ASP-65.1.c.iii.).

65.2. Where the Trial Chamber is satisfied that the matters referred to in paragraph (65.1) are established, Trial Chamber shall consider the admission of guilt, together with any additional evidence presented, as establishing all the essential facts that are required to prove the crime to which the admission of guilt relates, and may convict the accused of that crime.

65.3. Where the Trial Chamber is not satisfied that the matters referred to in paragraph (65.1) are established, Trial Chamber shall consider the admission of guilt as not having been made, in which case Trial Chamber shall order that the trial continue under the ordinary trial procedures provided by this Statute and may remit the case to another Trial Chamber.

65.4. Where the Trial Chamber is of the opinion that a more complete presentation of the facts of the case is required in the interests of justice, in particular the interests of the victims, the Trial Chamber may do the following:

65.4.1. Request the Prosecutor to present additional evidence, including the testimony of witnesses (ASP-65.4.a.); or

65.4.2. Order that the trial continue under the ordinary trial procedures provided by this Statute, in which case Trial Chamber shall consider the admission of guilt as not having been made and may remit the case to another Trial Chamber (ASP-65.4.b.).

65.5. From any discussions between the Prosecutor and the defence regarding modification of the charges, the admission of guilt or the penalty to be imposed is not binding on the Court.

## Article 66
## Presumption of innocence

66.1. The Court shall presume everyone innocent until proved guilty before the Court in accordance with the applicable law.

66.2. The onus is on the Prosecutor to prove the guilt of the accused.

66.3. In order to convict the accused, the Court must be convinced of the guilt of the accused beyond reasonable doubt. By adoption of world legislation in upcoming sessions, the provisional World Parliament or World Parliament will decide further qualification for conviction in the case of jury trial.

## Article 67
## Rights of the accused

67.1. In the determination of any charge, the accused is entitled to a public hearing, having regard to the provisions of this Statute, to a fair hearing conducted impartially, and to the following minimum guarantees, in full equality:

67.1.1. To be informed promptly and in detail of the nature, cause and content of the charge, in a language which the accused fully understands and speaks (ASP-67.1.a.);

67.1.2. To have adequate time and facilities for the preparation of the defence and to communicate freely with counsel of the accused's choosing in confidence (ASP-67.1.b.);

67.1.3. To be tried without undue delay (ASP-67.1.c.);

67.1.4. Subject to article 63, paragraph 2 (63.2.), to be present at the trial, to conduct the defence in person or through legal assistance of the accused's choosing, to be informed, if the accused does not have legal assistance, of this right and to have legal assistance assigned by the Court in any case where the interests of justice so require, and without payment if the accused lacks sufficient means to pay for it (ASP-67.1.d.);

67.1.5. To examine, or have examined, the witnesses against him or her and to obtain the attendance and examination of witnesses on his or her behalf under the same conditions as witnesses against him or her. The accused is also entitled to raise defences and to present other evidence admissible under this Statute (ASP-67.1.e.);

67.1.6. To have, free of any cost, the assistance of a competent interpreter and translations to meet the requirements of fairness, if any of the proceedings of or documents presented to the Court are not in a language which the accused fully understands and speaks (ASP-67.1.f.);

67.1.7. Not to be compelled to testify or to confess guilt and to remain silent, without silence being a consideration in the determination of guilt or innocence (ASP-67.1.g.);

67.1.8. To make an unsworn oral or written statement in defence (ASP-67.1.h.); and

67.1.9. Not to have imposed on him or her any reversal of the burden of proof or any onus of rebuttal (ASP-67.1.i.).

67.2. In addition to any other disclosure provided for in this Statute, the Prosecutor shall, as soon as practicable, disclose to the defence evidence in the Prosecutor's possession or control which the accused believes shows or tends to show the innocence of the accused, or to mitigate the guilt of the accused, or which may affect the credibility of prosecution evidence. In case of doubt as to the application of this paragraph, the Court shall decide.

## Article 68
## Protection of the victims and witnesses and their participation in the proceedings

68.1. The Court shall take appropriate measures to protect the safety, physical and psychological well-being, dignity and privacy of victims and witnesses. In so doing, the Court shall have regard to all relevant factors, including age, gender as defined in article 7, paragraph 3 (7.3.), and

health, and the nature of the crime, in particular, but not limited to, where the crime involves sexual or gender violence or violence against children. The Prosecutor shall take such measures particularly during the investigation and prosecution of crimes of sexual or gender violence or violence against children. The Court must not take measures prejudicial to or inconsistent with the rights of the accused and a fair and impartial trial.

68.2. As an exception to the principle of public hearings provided for in article (67), the Chambers of the Court may, to protect victims and witnesses or an accused, conduct any part of the proceedings *in camera* or allow the presentation of evidence by electronic or other special means. In particular, the Court may implement special measures in the case of a victim of sexual violence or a child who is a victim or a witness, unless otherwise ordered by the Court, having regard to all the circumstances, particularly the views of the victim or witness.

68.3. Where the personal interests of the victims are affected, the Court shall permit their views and concerns to be presented and considered at stages of the proceedings determined to be appropriate by the Court and in a manner which is not prejudicial to or inconsistent with the rights of the accused and a fair and impartial trial. The legal representatives of the victims may present views and concerns where the Court considers the presentation appropriate, in accordance with the *Rules of Procedure and Evidence*.

68.4. The Victims and Witnesses Unit may advise the Prosecutor and the Court on appropriate protective measures, security arrangements, counselling and assistance as referred to in article 43, paragraph 6 (43.6.).

68.5. Where the disclosure of evidence or information pursuant to this Statute may lead to the grave endangerment of the security of a witness or his or her family, the Prosecutor may, for the purposes of any proceedings conducted prior to the commencement of the trial, withhold such evidence or information and instead submit a summary thereof. The Court shall exercise any special measures in a manner which is not prejudicial to or inconsistent with the rights of the accused and a fair and impartial trial.

68.6. A State may apply for necessary measures to be taken in respect of the protection of its servants or agents and the protection of confidential or sensitive information.

## Article 69
## Evidence

69.1. Before testifying, each witness shall, in accordance with the *Rules of Procedure and Evidence*, give an undertaking as to the truthfulness of the evidence to be given by that witness.

69.2. A witness at trial shall give testimony in person, except to the extent provided by the measures set forth in article (68) or in the *Rules of Procedure and Evidence*. The Court may also permit the giving of *viva voce* (oral) or recorded testimony of a witness by means of video or audio technology, as well as the introduction of documents or written transcripts, subject to this Statute and in accordance with the *Rules of Procedure and Evidence*. However, the Court must not take measures prejudicial to or inconsistent with the rights of the accused.

69.3. The parties may submit evidence relevant to the case, in accordance with article (64). Except for testimony, the Court has the authority to order the submission of all evidence that the Court considers necessary for the determination of the truth.

69.4. The Court may rule on the relevance or admissibility of any evidence, taking into account, *inter alia*, the probative value of the evidence and any prejudice that the evidence may cause to a fair trial or to a fair evaluation of the testimony of a witness, in accordance with the *Rules of Procedure and Evidence*.

69.5. The Court shall respect and observe privileges on confidentiality as provided for in the *Rules of Procedure and Evidence*.

69.6. The Court must not require proof of facts of common knowledge but may take judicial notice of them.

69.7. Evidence obtained by means of a violation of this Statute or internationally or world recognized human rights is not admissible if:

69.7.1. The violation casts substantial doubt on the reliability of the evidence; or

69.7.2. The admission of the evidence would be antithetical to and would seriously damage the integrity of the proceedings.

69.8. When deciding on the relevance or admissibility of evidence collected by a State, the Court must not rule on the application of the State's national law.

## Article 70
## Offences against the administration of justice

70.1. The Court has jurisdiction over the following offences against Court administration of justice when committed intentionally:

70.1.1. Giving false testimony when under an obligation pursuant to article 69, paragraph 1 (69.1), to tell the truth (ASP-70.1.a.);

70.1.2. Presenting evidence that the party knows is false or forged (ASP-70.1.b.);

70.1.3. Corruptly influencing a witness, obstructing or interfering with the attendance or testimony of a witness, retaliating against a witness for giving testimony or destroying, tampering with or interfering with the collection of evidence (ASP-70.1.c.);

70.1.4. Impeding, intimidating or corruptly influencing an official of the Court to force or persuade the official not to perform duties, or to perform duties improperly (ASP-70.1.d.);

70.1.5. Retaliating against an official of the Court on account of duties performed by that or another official (ASP-70.1.e.);

70.1.6. Soliciting or accepting a bribe as an official of the Court in connection with official duties (ASP-70.1.f.).

70.2. The principles and procedures governing the Court's exercise of jurisdiction over offences under this article are those provided for in the *Rules of Procedure and Evidence*. The domestic laws of the ordered State and the *Earth Constitution* govern conditions for providing international cooperation to the Court with respect to its proceedings under this article.

70.3.1. Each State Party shall extend its criminal laws to provide cooperative enforcement procedures if national enforcement authorities become aware of offences against the administration of justice referred to in this article, committed on its territory, or by one of its nationals (ASP-70.3.a.);

70.3.2. Upon Court order, whenever the Court deems proper, the State Party shall submit any case to competent authorities of appropriate jurisdiction for the purpose of prosecution. Those authorities shall treat world cases with diligence and devote sufficient resources to enable world cases to be conducted effectively (ASP-70.3.b.).

70.4. Each offence against the administration of justice, as defined in this Article (70), is a class 3 felony offence.

## Article 71
## Sanctions for misconduct before the Court

71.1. The Court may sanction persons present before the Court who commit misconduct, including disruption of Court proceedings or deliberate refusal to comply with Court directions, by administrative measures other than imprisonment, such as temporary or permanent removal from the courtroom, a fine or other similar measures provided for in the *Rules of Procedure and Evidence*.

71.2. The procedures governing the imposition of the measures set forth in paragraph (71.1) shall be those provided for in the *Rules of Procedure and Evidence*.

## Article 72
## Protection of national security information

72.1. This article applies in any case during provisional world government or the first operative stage of world government in accordance with the *Earth Constitution*, where the disclosure of the information or documents of a State Member of the Earth Federation would, in the opinion of that State, prejudice its national security interests. Security cases include those falling within the scope of article 56, paragraphs 2 and 3 (56.2 & 56.3), article 61, paragraph 3 (61.3), article 64, paragraph 3 (64.3), article 67, paragraph 2 (67.2), article 68, paragraph 6 (68.6), article 87, paragraph 6 (87.6) and article (93), as well as cases arising at any other stage of the proceedings where security disclosure may be at issue. This article does not apply to states that are not at least preliminary ratifiers of the *Earth Constitution*. During the second operative stage of world government in accordance with the *Earth Constitution*, this article applies in any case where disclosure of the information or documents of a State Member of the Earth Federation would, in the opinion of the World Court, prejudice that State's national interests.

72.2. This article also applies when a person who has been ordered or requested to give information or evidence has refused to do so or has referred the matter to the State on the ground that disclosure would prejudice the national security interests of a State and the State concerned confirms the opinion that disclosure would prejudice national security interests.

72.3. Nothing in this article prejudices the requirements of confidentiality applicable under article 54, paragraph 3.5 and 3.6 (54.3.5. & 54.3.6.), or the application of article (73).

72.4. If a State learns that information or documents of the State are being, or are likely to be, disclosed at any stage of the proceedings, and the State is of the opinion that disclosure would prejudice its national security interests, that State has the right to intervene to resolve the issue in accordance with this article.

72.5. If, in the opinion of a State, disclosure of information would prejudice its national security interests, the State will take all reasonable steps, acting in conjunction with the Prosecutor, the defence or the Pre-Trial Chamber or Trial Chamber, as the case may be, to seek to resolve the matter by cooperative means. Steps may include:

72.5.1. Modification or clarification of the order (ASP-72.5.a.);

72.5.2. A determination by the Court regarding the relevance of the information or evidence sought, or a determination as to whether the evidence, though relevant, could be or has been obtained from a source other than the ordered State (ASP-72.5.b.);

72.5.3. Obtaining the information or evidence from a different source or in a different form (ASP-72.5.c.); or

72.5.4. Agreement on conditions under which the assistance could be provided including, among other things, providing summaries or redactions, limitations on disclosure, use of *in camera* or *ex parte* proceedings, or other protective measures permissible under the Statute and the *Rules of Procedure and Evidence* (ASP-72.5.d.).

72.6. Once all reasonable steps have been taken to resolve the matter through cooperative means, and if the State considers that there are no means or conditions under which the information or documents could be provided or disclosed without prejudice to its national security interests, the State shall so notify the Prosecutor or the Court of the specific reasons for its decision, unless a specific description of the reasons would itself necessarily result in such prejudice to the State's national security interests.

72.7. Thereafter, if the Court determines that the evidence is relevant and necessary for the establishment of the guilt or innocence of the accused, the Court may undertake the following actions:

72.7.1. Where disclosure of the information or document is sought pursuant to an order for cooperation under Part 9 or the circumstances described in paragraph 2, and the State has invoked the ground for refusal referred to in article 93, paragraph 4 (93.4), The Court may do the following (ASP-72.7.a.):

72.7.1.1. The Court may, before making any conclusion referred to in subparagraph (72.7.1.2). request further consultations to consider the State's representations, which may include, as appropriate, hearings *in camera* and *ex parte* (ASP-72.7.a.i.);

72.7.1.2. If the Court concludes that, by invoking the ground for refusal under article 93, paragraph 4 (93.4.) in the circumstances of the case, the ordered State is not acting in accordance with the State obligations under this Statute, the Court may refer the matter in accordance with article 87, paragraph 7 (87.7), specifying the reasons for the Court conclusion (ASP-72.7.a.ii.); and

72.7.1.3. The Court may make inference in the trial of the accused as to the existence or non-existence of a fact, as may be appropriate in the circumstances (ASP-72.7.a.iii.); or

72.7.2. In all other circumstances, the Court may do the following:

72.7.2.1. Order disclosure (ASP-72.7.b.i.); or

72.7.2.2. To the extent the Court does not order disclosure, make inference in the trial of the accused as to the existence or non-existence of a fact, as may be appropriate in the circumstances (ASP-72.7.b.ii.).

## Article 73
## Third-party information or documents

If the Court seeks a State Party to provide a document or information in State custody, possession or control, which was disclosed to the State Party in confidence by a State, intergovernmental organization or international organization, the Court shall also order the originator to disclose that document or information. If the originator is a State Party to the *Earth Constitution*, that State shall either consent to disclosure of the information or document or undertake to resolve the issue of disclosure with the Court, subject to the provisions of article (72). If the originator is not a State Party to the *Earth Constitution* and refuses to consent to disclosure, the Court may press charges of obstruction of justice to the administrator at the highest level of that State. Inability to provide the document or information because of a pre-existing obligation of confidentiality of the originator is not recognized to non-Members of the Earth Federation.

## Article 74
## Requirements for the decision

74.1. All the judges of the Trial Chamber shall attend in person at each stage of the trial and throughout the Trial Chamber deliberations. The Presidency (Presiding Council) may, on a case-by-case basis, designate, as available, one or more alternate judges to be present at each stage of the trial and to replace a member of the Trial Chamber if that member is unable to continue attending.

74.2. The Trial Chamber shall base decision on evaluation of the evidence and the entire proceedings. The decision must not exceed the facts and circumstances described in the charges and any amendments to the charges. The Court may base its decision only on evidence submitted and discussed in Court presence at the trial.

74.3. The judges shall attempt to achieve unanimity in their decision, failing which a majority of the judges decides.

74.4. The deliberations of the Trial Chamber shall remain secret.

74.5. The Trial Chamber shall write the decision and shall include a full and reasoned statement of the Trial Chamber's findings on the evidence and conclusions. The Trial Chamber shall issue one decision. When there is no unanimity, the Trial Chamber's decision shall contain the views of the majority and the minority. The Trial Chamber shall deliver the decision or a summary thereof in open court.

## Article 75
## Reparations to victims

75.1. The Court shall establish principles relating to reparations to, or in respect of, victims, including restitution, compensation and rehabilitation. On this basis, in its decision the Court may, either upon request or on its own motion in exceptional circumstances, determine the scope and extent of any damage, loss and injury to, or in respect of, victims and will state the principles on which the Court is acting.

75.2. The Court may order directly against a convicted person specifying appropriate reparations to, or in respect of, victims, including restitution, compensation and rehabilitation.

Where appropriate, the Court may order that the Trust Fund provided for in article (79) award for reparations.

75.3. Before making an order under this article, the Court may invite representations from or on behalf of the convicted person, victims, other interested persons or interested States. The Court shall take account of representations.

75.4. In exercising its power under this article, the Court may, after a person is convicted of a crime within the jurisdiction of the Court, determine whether, in order to give effect to an order which the Court may make under this article, to seek measures under article 93, paragraph 1 (93.1) is necessary.

75.5. A State Party shall give effect to a decision under this article as if the provisions of article (109) were applicable to this article.

75.6. The Court and parties must not interpret anything in this article as prejudicing the rights of victims under national or international law.

## Article 76
## Sentencing

76.1. In the event of a conviction, the Trial Chamber shall consider the appropriate sentence to be imposed and shall take into account the evidence presented and submissions made during the trial that are relevant to the sentence. The Court shall observe sentencing parameters of the World Penal Code (World Legislative Act #19.).

76.2. Except where article (65) applies and before the completion of the trial, the Trial Chamber may on its own motion and shall, at the request of the Prosecutor or the accused, hold a further hearing to hear any additional evidence or submissions relevant to the sentence, in accordance with the *Rules of Procedure and Evidence*.

76.3. Where paragraph (76.2.) applies, the Court shall hear any representations under article (75) during the further hearing referred to in paragraph (76.2) and, if necessary, during any additional hearing.

76.4. The Court shall pronounce sentence in public and, wherever possible, in the presence of the accused.

# PART 7. PENALTIES

## Article 77
## Applicable penalties

77.1. Subject to article (110), the Court may impose one of the following penalties on a person convicted of a crime referred to in article (5) of this Statute:

77.1.1. Imprisonment for a specified number of years, which may not exceed a maximum of 30 years (ASP-77.1.a.); or

77.1.2. A term of life imprisonment when justified by the extreme gravity of the crime and the individual circumstances of the convicted person (ASP-77.1.b.).

77.2. In addition to imprisonment, the Court may order the following:

77.2.1. A fine under the criteria provided for in the *Rules of Procedure and Evidence* (ASP-77.2.a.);

77.2.2. A forfeiture of proceeds, property and assets derived directly or indirectly from that crime, without prejudice to the rights of *bona fide* third parties (ASP-77.2.b.).

77.3. As a separate act of World Legislation, the World Parliament deliberates and adopts a criminal code penalty classification (Penal Code, World Legislative Act #19) in order to impartially differentiate between the severity of the variously defined world crimes, to serve as the legislative directive by which the Court can make fair and impartial sentencing decisions. Drafters and deliberators of world legislation shall list the penalty classification at the end of respective provisions or as the last section of any provision defining prohibited activities.

## Article 78
## Determination of the sentence

78.1. In determining the sentence, the Court shall, in accordance with the *Rules of Procedure and Evidence*, take into account factors such as the gravity of the crime and the individual circumstances of the convicted person.

78.2. In imposing a sentence of imprisonment, the Court shall deduct the time, if any, previously spent in detention in accordance with an order of the Court. The Court may deduct any time otherwise spent in detention in connection with conduct underlying the crime.

78.3. When a person has been convicted of more than one crime, the Court shall pronounce a sentence for each crime and a joint sentence specifying the total period of imprisonment. The Court shall declare this period to be no less than the highest individual sentence pronounced and shall not exceed 30 years imprisonment or a sentence of life imprisonment in conformity with article 77, paragraph 1.2 (77.1.2.).

## Article 79
## Trust Fund

79.1. The Assembly of States Parties and provisional World Parliament establishes a Trust Fund for the benefit of victims of crimes within the jurisdiction of the Court, and of the families of victims.

79.2. The Court may order transfer to the Trust Fund. of money and other property collected through fines or forfeiture.

79.3. The Assembly of States Parties and World Parliament shall determine criteria for management of the Trust Fund.

## Article 80
## Non-prejudice to national application of penalties and national laws

Nothing in this Part affects the application by States of penalties prescribed by their national law, nor the law of States which do not provide for penalties prescribed in this Part.

# PART 8. APPEAL AND REVISION

## Article 81
## Appeal against decision of acquittal or conviction or against sentence

81.1. A Prosecutor or convicted person may appeal decision under article (74) in accordance with the *Rules of Procedure and Evidence* as follows:

81.1.1 The Prosecutor may appeal on any of the following grounds (ASP-81.1.a.):

81.1.1.1. Procedural error (ASP-81.1.a.i.);

81.1.1.2. Error of fact (ASP-81.1.a.ii.); or

81.1.1.3. Error of law (ASP-81.1.a.iii.).

81.1.2. The convicted person, or the Prosecutor on the convict's behalf, may make an appeal on any of the following grounds (ASP-81.1.b.):

81.1.2.1. Procedural error (ASP-81.1.b.i.);

81.1.2.2. Error of fact (ASP-81.1.b.ii.);

81.1.2.3. Error of law (ASP-81.1.b.iii.); or

81.1.2.4. Any other ground that affects the fairness or reliability of the proceedings or decision (ASP-81.1.b.iv.).

81.2.1. The Prosecutor or the convicted person may appeal a sentence, in accordance with the *Rules of Procedure and Evidence*, on the ground of disproportion between the crime and the sentence (ASP-81.2.a.);

81.2.2. If on an appeal against sentence the Court considers that there are grounds on which the conviction might be set aside, wholly or in part, the Court may invite the Prosecutor and the convicted person to submit grounds under article 81, paragraph 1.1 or 1.2 (81.1.1. or 81.1.2.), and may render a decision on conviction in accordance with article 83 (ASP-81.2.b.);

81.2.3. The same procedure as paragraph (81.2.2.) applies when the Court, on an appeal against conviction only, considers that there are grounds to reduce the sentence under paragraph (81.2.1.) (ASP-81.2.c.).

81.3.1. Unless the Trial Chamber orders otherwise, a convicted person shall remain in custody pending an appeal. (ASP-81.3.a.)

81.3.2. When a convicted person's time in custody exceeds the sentence of imprisonment imposed, the Court shall order the convict's release , except that if the Prosecutor is also appealing, the release may be subject to the conditions under subparagraph (81.3.3.) below (ASP-81.3.b.);

81.3.3. In case of an acquittal, the Court and Prosecutor shall release the accused immediately, subject to the following (ASP-81.3.c.):

81.3.3.1. Under exceptional circumstances, and having regard, *inter alia*, to the concrete risk of flight, the seriousness of the offence charged and the probability of success on appeal, the Trial Chamber, at the request of the Prosecutor, may maintain the detention of the person pending appeal (ASP-81.3.c.i.);

81.3.3.2. The accused, the convicted person or the Prosecutor may appeal decision by the Trial Chamber under subparagraph (81.3.3.1.) in accordance with the *Rules of Procedure and Evidence* (ASP-81.3.c.ii.).

81.4. Subject to the provisions of paragraphs (81.3.1.) and (81.3.2.), the Court may suspend execution of the decision or sentence during the period allowed for appeal and for the duration of the appeal proceedings.

## Article 82
## Appeal against other decisions

82.1. Either party may appeal any of the following decisions in accordance with the *Rules of Procedure and Evidence*:

82.1.1. A decision with respect to jurisdiction or admissibility (ASP-82.1.a.);

82.1.2. A decision granting or denying release of the person being investigated or prosecuted (ASP-82.1.b.);

82.1.3. A decision of the Pre-Trial Chamber to act on its own initiative under article 56, paragraph 3 (56.3.) (ASP-82.1.c.);

82.1.4. A decision that involves an issue that would significantly affect the fair and expeditious conduct of the proceedings or the outcome of the trial, and for which, in the opinion of the Pre-Trial or Trial Chamber, an immediate resolution by the Appeals Chamber may materially advance the proceedings (ASP-82.1.d.).

82.2. With the leave of the Pre-Trial Chamber, the State concerned or the Prosecutor may appeal a decision of the Pre-Trial Chamber under article 57, paragraph 3.4. (57.3.4.), The Court shall hear the appeal on an expedited basis.

82.3. An appeal does not of itself have suspensive effect unless the Appeals Chamber so orders, upon request, in accordance with the *Rules of Procedure and Evidence*.

82.4. A legal representative of the victims, the convicted person or a *bona fide* owner of property adversely affected by an order under article (75) may appeal against the order for reparations, as provided in the *Rules of Procedure and Evidence*.

## Article 83
## Proceedings on appeal

83.1. For the purposes of proceedings under article (81) and this article, the Appeals Chamber has all the powers of the Trial Chamber.

83.2. If the Appeals Chamber finds that the proceedings appealed from were unfair in a way that affected the reliability of the decision or sentence, or that the decision or sentence appealed from was materially

affected by error of fact or law or procedural error, Appeals Chamber may do the following:

83.2.1. Reverse or amend the decision or sentence (ASP-83.2.a.); or

83.2.2. Order a new trial before a different Trial Chamber (ASP-83.2.b.).

For these purposes, the Appeals Chamber may remand a factual issue to the original Trial Chamber for Trial Chamber to determine the issue and to report back accordingly, or may itself call evidence to determine the issue. When only the convict, or the Prosecutor on that convict's behalf appeals the decision (or sentence), the decision cannot be amended to the convict's detriment.

83.3. If in an appeal against sentence the Appeals Chamber finds that the sentence is disproportionate to the crime, Appeals Chamber may vary the sentence in accordance with Part 7.

83.4. A majority of the judges determine the judgement of the Appeals Chamber. The judges shall deliver the decision in open court. The judges shall state the reasons on which judgement is based. When there is no unanimity, the judgement of the Appeals Chamber shall contain the views of the majority and the minority, but a judge may deliver a separate or dissenting opinion on a question of law.

83.5. The Appeals Chamber may deliver judgement in the absence of the person acquitted or convicted.

## Article 84
## Revision of conviction or sentence

84.1. The convicted person or, after death, spouses, children, parents or one person alive at the time of the accused's death who has been given express written instructions from the accused to bring a claim, or the Prosecutor on the person's behalf, may apply to the Appeals Chamber to revise the final judgement of conviction or sentence on the grounds that:

84.1.1. New evidence has been discovered that (ASP-84.1.a.):

84.1.1.1. Was not available at the time of trial, and such unavailability was not wholly or partially attributable to the party making application (ASP-84.1.a.i.); and

84.1.1.2. Is sufficiently important that had the evidence been proved at trial the evidence would have been likely to have resulted in a different verdict (ASP-84.1.a.ii.);

84.1.2. It has been newly discovered that decisive evidence, taken into account at trial and upon which the conviction depends, was false, forged or falsified (ASP-84.1.b.);

84.1.3. One or more of the judges who participated in conviction or confirmation of the charges has committed, in that case, an act of serious misconduct or serious breach of duty of sufficient gravity to justify the removal of that judge or those judges from office under article (46.) (ASP-84.1.c.).

84.2. The Appeals Chamber shall reject the application if Appeals Chamber considers the application to be unfounded. If Appeals Chamber determines that the application is meritorious, Appeals Chamber may do any of the following:

84.2.1. Reconvene the original Trial Chamber (ASP-84.2.a.);

84.2.2. Constitute a new Trial Chamber (ASP-84.2.b.); or

84.2.3. Retain jurisdiction over the matter (ASP-84.2.c.).

## Article 85
## Compensation to an arrested or convicted person

85.1. Anyone who has been the victim of unlawful arrest or detention has an enforceable right to compensation according to the criteria provided in the *Rules of Procedure and Evidence* (Chapter 10, Rules 173, 174 and 175).

85.2. When a person has by a final decision been convicted of a criminal offence, and when subsequently the conviction has been reversed on the ground that a new or newly discovered fact shows conclusively that there has been a miscarriage of justice, the Court shall compensate the person who has suffered punishment as a result of the conviction , unless the Prosecutor proves non-disclosure of the unknown fact in time is wholly or partly attributable to the person convicted in error.

85.3. If the Court finds conclusive facts showing that there has been a grave and manifest miscarriage of justice, the Court may in its discretion award compensation, according to the criteria provided in the *Rules of Procedure and Evidence* (Chapter 10, Rules 173, 174 and 175), to a person who has been released from detention following a final decision of acquittal or a termination of the proceedings for that reason.

# PART 9. INTERNATIONAL COOPERATION AND JUDICIAL ASSISTANCE

## Article 86
## General obligation to cooperate

States Parties shall, in accordance with the provisions of this Statute, cooperate fully with the Court in its investigation and prosecution of crimes within the jurisdiction of the Court.

## Article 87
## Court orders for cooperation: general provisions

87.1.1. The Court has the authority to order States Parties to the *Earth Constitution* for cooperation. The Court

may transmit court orders through the Prosecutor, through diplomatic channel or any other appropriate secure channel the Court designates (ASP-87.1.a.).

In accordance with the *Rules of Procedure and Evidence,* Each State Party may request subsequent changes to the designation, which may remain in effect until the second operative stage of Earth Federation commences.

87.1.2. Upon integration of the International Criminal Police Organization (INTERPOL) into the Investigative Department of the Enforcement System, the Court may transmit orders through INTERPOL. If appropriate, without prejudice to the provisions of subparagraph (87.1.1.), the Court may also transmit orders through any appropriate regional organization (ASP-87.1.b.).

87.2. The Court shall use an official language of the ordered State or one of the working languages of the Court, in accordance with the choice made by that State upon ratification, for any order for cooperation and any documents supporting the order The State may change the State's choice in accordance with the *Rules of Procedure and Evidence*.

87.3. The ordered State shall keep confidential an order for cooperation and any documents supporting the order, except to the extent that the disclosure is necessary for execution of the order.

87.4. In relation to any order for assistance presented under this Part, the Court may take such measures, including measures related to the protection of information, as might be necessary to ensure the safety or physical or psychological well-being of any victims, potential witnesses and their families. The Court may order that any information that is made available under this Part be provided and handled in a manner that protects the safety and physical or psychological well-being of any victims, potential witnesses and their families.

87.5.1. The Court may order any State not party to the *Earth Constitution* to provide assistance under this Part on the basis of an *ad hoc* arrangement, an agreement with such State or any other appropriate basis (ASP-87.5.a.).

87.5.2. Where a State not party to this Statute, which has entered into an *ad hoc* arrangement or an agreement with the Court, fails to cooperate with orders pursuant to any arrangement or agreement, the Court may so inform the World Parliament, the Prosecutor (World Attorneys General) the World Ombudsmus, the Assembly of States Parties or, may otherwise publicize the failure (ASP-87.5.b.).

87.6. The Court may order any intergovernmental organization to provide information or documents. The Court may also order other forms of cooperation and assistance which that are in accordance with the Court competence or mandate.

87.7. Where a State Party to the *Earth Constitution* fails to comply with an order to cooperate with the Court contrary to the provisions of this Statute, thereby preventing the Court from exercising its functions and powers under this Statute, the Court may make a finding to that effect and refer the matter to the World Parliament, the Prosecutor (World Attorneys General), the World Ombudsmus, the Assembly of States Parties or, may otherwise publicize the failure.

## Article 88
## Availability of procedures under national law

States Parties shall ensure that there are procedures available under their national law for all of the forms of cooperation which are specified under this Part.

## Article 89
## Surrender of persons to the Court

89.1. The Court may transmit an order for the arrest and surrender of a person, together with the material supporting the order outlined in article (91), to any State on the territory of which that person may be found and may order the cooperation of that State in the arrest and surrender of such a person. States Parties shall, in accordance with the provisions of this Part and the procedure under their national law, comply with orders for arrest and surrender.

89.2. Where the person sought for surrender brings a challenge before a national court on the basis of the principle of *ne bis in idem* as provided in article (20), the ordered State shall immediately consult with the Court to determine if there has been a relevant ruling on admissibility. If the case is admissible, the ordered State shall proceed with the execution of the order. If an admissibility ruling is pending, the ordered State may postpone the execution of the order for surrender of the person until the Court makes a determination on admissibility.

89.3.1. A State Party shall authorize, in accordance with its national procedural law, transportation through its territory of a person being surrendered to the Court by another State, except where transit through that State would impede or delay the surrender (ASP-89.3.a.).

89.3.2. The Court shall transmit any order in accordance with article 87. The order for transit shall contain the following (ASP-89.3.b.):

89.3.2.1. A description of the person being transported (ASP-89.3.b.i.);

89.3.2.2. A brief statement of the facts of the case and their legal characterization (ASP-89.3.b.ii.); and

89.3.2.3. The warrant for arrest and surrender (ASP-89.3.b.iii.);

89.3.3. Prosecutorial agents (world police officers) or the competent authorities of the State shall detain in custody any person being transported during the period of transit (ASP-89.3.c.);

89.3.4. No authorization is required if the person is transported by air and no landing is scheduled on the territory of the transit State (ASP-89.3.d.);

89.3.5. If an unscheduled landing occurs on the territory of the transit State, that State may request transit order from the Court as provided for in subparagraph (89.3.2.).

For the Prosecutorial agent, the transit State shall provide cooperative detention of the person being transported until the forward flight resumes, or, if not immediately resuming, until the order for transit is received and the transit is effected, provided that State detention for purposes of this subparagraph must not extend beyond 96 hours from the unscheduled landing unless the transit State receives Court order within that time (ASP-89.3.e.).

89.4. If a person sought is being proceeded against or is serving a sentence in the ordered State for a crime different from that for which surrender to the Court is sought, the ordered State, after initiating action to comply with the order, shall consult with the Court.

## Article 90
## Competing requests

90.1. A State Party which receives an order from the Court for the surrender of a person under article 89 shall, if the State Party also receives a request from any other State for the extradition of the same person for the same conduct which forms the basis of the crime for which the Court seeks the person's surrender, notify the Court and the requesting State of that fact.

90.2. Where the requesting State is a State Party, the requested State shall give priority to the order from the Court if:

90.2.1. The Court has, pursuant to article (18) or (19), made a determination that the case in respect of which surrender is sought is admissible and that determination takes into account the investigation or prosecution conducted by the requesting State in respect of its request for extradition (ASP-90.2.a.); or

90.2.2. The Court makes the determination described in subparagraph (90.2.1.) pursuant to the ordered State's notification under paragraph (90.1.) (ASP-90.2.b.).

90.3. Where a determination under paragraph (90.2.1). has not been made, the ordered State may, at its discretion, pending the determination of the Court under paragraph (90.2.2.) proceed to deal with the request for extradition from the requesting State but must not extradite the person until the Court determines that the case is inadmissible. The Court shall determine on an expedited basis.

90.4. If the requesting State is a State not Party to the *Earth Constitution*, the ordered State shall give priority to the order for surrender from the Court.

90.5. Where a case under paragraph (90.4) has not been determined to be admissible by the World Court, the ordered State may, at its discretion, proceed to deal with the request for extradition from the requesting State, but must not extradite the person until the Court determines that the case is inadmissible. The Court shall determine on an expedited basis.

90.6. In cases where paragraph (90.4) applies except that the ordered State is under an existing international obligation to extradite the person to the requesting State not Party to this Statute, the ordered State shall surrender the person to the World Court, along with notice of the international obligation. In sending notice, the ordered State shall include all the relevant factors, including but not limited to the following:

90.6.1. The respective dates of the requests (ASP-90.6.a.);

90.6.2. The interests of the requesting State including, where relevant, whether the crime was committed in its territory and the nationality of the victims and of the person sought (ASP-90.6.b.); and

90.6.3. The possibility of subsequent surrender between the Court and the requesting State (ASP-90.6.c.).

90.7. Where a State Party which receives an order from the Court for the surrender of a person also receives a request from any State for the extradition of the same person for conduct other than that which constitutes the crime for which the Court seeks the person's surrender:

90.7.1. The ordered and requested State shall, if not under an existing international obligation to extradite the person to the requesting State, give priority to the order from the Court (ASP-90.7.a.);

90.7.2. The ordered and requested State shall, if under an existing international obligation to extradite the person to the requesting State, determine whether to surrender the person to the Court or to extradite the person to the requesting State. In making decision, the requested State shall consider all the relevant factors, including but not limited to those set out in paragraph (90.6), but shall give special consideration to the relative nature and gravity of the conduct in question (ASP-90.7.b.).

The World Court may waive the existing international obligation and arrange case subsequent surrender of the accused from the World Court to the requesting State.

90.8. Where pursuant to a notification under this article, the Court has determined a case to be inadmissible, and subsequently extradition to the requesting State is refused, the ordered and requested State shall notify the Court of this decision.

## Article 91
## Contents of order for arrest and surrender

91.1. The Court shall write any order for arrest and surrender. An order may be made by any medium capable of delivering a written record, provided that the Prosecutor shall issue the order through the channel provided for in article 87, paragraph 1.1. (87.1.1.).

91.2. In the case of an order for the arrest and surrender of a person under article (58), the Prosecutor shall include the following:

91.2.1. Information describing the person sought, sufficient to identify the person, and

information as to that person's probable location (ASP-91.2.a.);

91.2.2. A copy of the warrant of arrest (ASP-91.2.b.); and

91.2.3. Documents, statements or information necessary to meet the requirements, as described in any other articles of this Part 9 of this Statute, for the surrender process in the ordered State.. Requirements are not more burdensome than those applicable to requests for extradition pursuant to treaties or arrangements between the ordered State and other States and are, if possible, less burdensome, taking into account the distinct nature of the Court (ASP-91.2.c.).

91.3. In the case of an order for the arrest and surrender of a person already convicted, the order shall contain or append the following:

91.3.1. A copy of any warrant of arrest for that person (ASP-91.3.a.);

91.3.2. A copy of the judgement of conviction (ASP-91.3.b.);

91.3.3. Information to demonstrate that the person sought is the one referred to in the judgement of conviction (ASP-91.3.c.); and

91.3.4. If the person sought has been sentenced, a copy of the sentence imposed and, in the case of a sentence for imprisonment, a statement of any time already served and the time remaining to be served (ASP-91.3.d.).

91.4. Upon the order of the Court, a State Party shall consult with the Court, either generally or with respect to a specific matter, regarding any requirements under its national law that might apply under paragraph (91.2.3.) . During the consultations, the State Party shall advise the Court of the specific requirements of its national law.

## Article 92
## Provisional arrest

92.1. In urgent cases, the Court may order the provisional arrest of the person sought, pending presentation of the order for surrender and the documents supporting the order as specified in article (91).

92.2. The Court shall transmit the order for provisional arrest and the Prosecutor shall issue the warrant for provisional arrest by any medium capable of delivering a written record. For provisional arrest warrant, the Court and Prosecutor shall include the following:

92.2.1. Information describing the person sought, sufficient to identify the person, and information as to that person's probable location (ASP-92.2.a.);

92.2.2. A concise statement of the crimes for which the person's arrest is sought and of the facts which are alleged to constitute those crimes, including, where possible, the date and location of the crime (ASP-92.2.b.);

92.2.3. A statement identifying the document as warrant of provisional arrest or a judgement of conviction against the person sought (ASP-92.2.c.); and

92.2.4. A statement that an order for surrender of the person sought will follow (ASP-92.2.d.).

92.3. The ordered state may release from custody a person who is provisionally arrested if the ordered State has not received the order for surrender and the documents supporting the order as specified in article (91) within the time limits specified in the *Rules of Procedure and Evidence*. However, the person may consent to surrender before the expiration of this period if permitted by the law of the ordered State. In such a case, the ordered State shall proceed to surrender the person to the Court as soon as possible.

92.4. The fact that the person sought has been released from custody pursuant to paragraph (92.3) does not prejudice the subsequent arrest and surrender of that person if the order for surrender and the documents supporting the order are delivered at a later date.

## Article 93
## Other forms of cooperation

93.01. States Parties shall, in accordance with the provisions of this Part and under procedures of national law, comply with orders by the Court to provide the following assistance in relation to investigations or prosecutions:

93.01.01. The identification and whereabouts of persons or the location of items (ASP-93.1.a.);

93.01.02. The taking of evidence, including testimony under oath, and the production of evidence, including expert opinions and reports necessary to the Court (ASP-93.1.b.);

93.01.03. The questioning of any person being investigated or prosecuted (ASP-93.1.c.);

93.01.04. The service of documents, including judicial documents (ASP-93.1.d.);

93.01.05. Facilitating the voluntary appearance of persons as witnesses or experts before the Court (ASP-93.1.e.);

93.01.06. The temporary transfer of persons as provided in paragraph (93.07.) (ASP-93.1.f.);

93.01.07. The examination of places or sites, including the exhumation and examination of grave sites (ASP-93.1.g.);

93.01.08. The execution of searches and seizures (ASP-93.1.h.);

93.01.09 The provision of records and documents, including official records and documents (ASP-93.1.i.);

93.01.10 The protection of victims and witnesses and the preservation of evidence (ASP-93.1.j.);

93.01.11. The identification, tracing and freezing or seizure of proceeds, property and assets and instrumentalities of crimes for the purpose of eventual forfeiture, without prejudice to the rights of bona fide third parties (ASP-93.1.k.); and

93.01.12. Any other type of assistance which is not prohibited by the law of the ordered State, with a view to facilitating the investigation and prosecution of crimes within the jurisdiction of the Court (ASP-93.1.l.).

93.02. The Court has the authority to provide an assurance to a witness or an expert appearing before the Court that he or she will not be prosecuted, detained or subjected to any restriction of personal freedom by the Court in respect of any act or omission that preceded the departure of that person from the ordered State.

93.03. Where execution of a particular measure of assistance detailed in an order presented under paragraph (93.01.), is prohibited in the ordered State on the basis of an existing fundamental legal principle of general application, the ordered State shall promptly consult with the Court to try to resolve the matter. In the consultations, the Court shall consider whether the assistance can be rendered in another manner or subject to conditions. If after consultations the matter cannot be resolved, the Court may modify the order, at the Court's pleasure.

93.04. In accordance with article (72), during provisional world government and the first operative stage of world government, a State Party to the *Earth Constitution* may deny an order for assistance, in whole or in part, only if the order concerns the production of any documents or disclosure of evidence which relates to its national security.

93.05. Before denying an order for assistance under paragraph (93.01.12.), the ordered State shall consider whether the assistance can be provided subject to specified conditions, or whether the assistance can be provided at a later date or in an alternative manner, provided that if the Court or the Prosecutor accepts the assistance subject to conditions, the Court or the Prosecutor shall abide by the conditions.

93.06. If an order for assistance is denied, the ordered State Party shall promptly inform the Court or the Prosecutor of the reasons for denial.

93.07.1. The Court may order the temporary transfer of a person in custody for purposes of identification or for obtaining testimony or other assistance (ASP-93.7.a.).

93.07.1.1. (Reserved by the People.) (ASP-93.7.a.i.)

93.07.1.2. (Reserved by the People.) (ASP-93.7.a.ii.)

93.07.2. The person being transferred shall remain in custody. When the purposes of the transfer have been fulfilled, the Court shall return the person without delay to the ordered State (ASP-93.7.b.).

93.08.1. The Court shall ensure the confidentiality of documents and information, except as required for the investigation and proceedings described in the order. (ASP-93.8.a.)

93.08.2. The ordered State may, when necessary, transmit documents or information to the Prosecutor on a confidential basis. The Prosecutor may then use them solely for the purpose of generating new evidence (ASP-93.8.b.).

93.08.3. The ordered State may, on its own motion or at the order of the Prosecutor, subsequently consent to the disclosure of confidential documents or information. The disclosed documents may then be used as evidence pursuant to the provisions of Parts 5 and 6 of this Statute and in accordance with the *Rules of Procedure and Evidence*. (ASP-93.8.c.)

93.09.1.1. In the event that a State Party receives competing order and request, other than for surrender or extradition, from the Court and from another State pursuant to an international obligation, the State Party shall endeavour, in consultation with the Court and the other State, to meet both requests, if necessary by postponing or attaching conditions to the competing State request (ASP-93.9.a.i.).

93.09.1.2. Failing ability to meet conditions of subparagraph (93.09.1.1.), the Court shall resolve competing order and requests in accordance with the principles established in article (90) (ASP-93.9.a.ii.).

93.09.2. Where, however, the order from the Court concerns information, property or persons that are subject to the control of a third State or an international organization by virtue of an international agreement, the ordered States shall so inform the Court and the Court shall direct Court order to the third State or international organization. (ASP-93.9.b.)

93.10.1 During the stage of provisional world government and the first operative stage of world government, the World Court may, upon request, cooperate with and provide assistance to a State Party conducting an investigation into or trial in respect of conduct that constitutes a crime within the jurisdiction of the World Court or that constitutes a serious crime under the national law of the requesting State. (ASP-93.10.a.)

93.10.2.1. The assistance provided under subparagraph (93.10.1.) may include the following (ASP-93.10.b.i.):

93.10.2.1.1. The transmission of statements, documents or other types of evidence obtained in the course of an investigation or a trial conducted by the Court (ASP-93.10.b.i.a.); and

93.10.2.1.2. The questioning of any person detained by order of the Court (ASP-93.10.b.i.b.);

93.10.2.2. In the case of assistance under subparagraph (93.10.2.1.1.) (ASP-93.10.b.ii.):

93.10.2.2.1. (Reserved by the People) (ASP-93.10.b.ii.a.);

93.10.2.2.2. If the statements, documents or other types of evidence have been provided by a witness or expert, transmission is subject to the provisions of article (68) (ASP-93.10.b.ii.b.).

93.10.3. The Court may, under the conditions set out in this paragraph, conditionally grant a request for assistance under this paragraph from a State which is not a Party to the *Earth Constitution*. The World Court must not grant assistance to any State, the administration of which is attacking, ideologically or otherwise, the Earth Federation or the Earth Federation member states (ASP-93.10.c.).

## Article 94
## Postponement of execution of an order in respect of ongoing investigation or prosecution

94.1. If the immediate execution of an order would interfere with an ongoing investigation or prosecution of a case different from that to which the order relates, the ordered State may request to postpone the execution of the order for a period of time agreed upon with the Court. However, the Court must not grant postponement longer than is necessary to complete the relevant investigation or prosecution in the ordered State. Before making a decision to postpone, the Court and the ordered State shall consider whether the assistance may be immediately provided subject to certain conditions.

94.2. If a decision to postpone is taken pursuant to paragraph 94.1, the Prosecutor may, however, seek measures to preserve evidence, pursuant to article 93, paragraph 10 (93.10.) .

## Article 95
## Postponement of execution of an order in respect of an admissibility challenge

If there is an admissibility challenge under consideration by the Court pursuant to article 18 or 19, the ordered State may postpone the execution of an order under this Part pending a determination by the Court, unless the Court has specifically ordered that the Prosecutor may pursue the collection of such evidence pursuant to article 18 or 19.

## Article 96
## Contents of order for other forms of assistance under article 93

96.1. The Court shall write any order for other forms of assistance referred to in article 93. The Court may write an order by any medium capable of delivering a written record, provided that the Court shall confirm the order through a channel provided for in article 87, paragraph 1.1 (87.1.1.)

96.2. The order shall, as applicable, contain or be supported by the following:

96.2.1. A concise statement of the purpose of the order and the assistance sought, including the legal basis and the grounds for the order (ASP-96.2.a.);

96.2.2. As much detailed information as possible about the location or identification of any person or place that must be found or identified to provide the assistance sought (ASP-96.2.b.);

96.2.3. A concise statement of the essential facts underlying the order (ASP-96.2.c.);

96.2.4. The reasons for and details of any procedure or requirement to be followed (ASP-96.2.d.);

96.2.5. Such information as may be required under the law of the ordered State to execute the order (ASP-96.2.e.); and

96.2.6. Any other information relevant to provide the assistance sought (ASP-96.2.f.).

96.3. Upon the order of the Court, a State Party shall consult with the Court, either generally or with respect to a specific matter, regarding any requirements under its national law that may apply under paragraph (96.2.5.). During the consultations, the State Party shall advise the Court of the specific requirements of its national law.

96.4. The provisions of this article shall, where applicable, also apply in respect of a request for assistance made to the World Court.

## Article 97
## Consultations

Where a State Party receives an order under this Part in relation to which the State identifies problems that may impede or prevent the execution of the order, that State shall consult with the Court without delay to resolve the matter. Identified problems may include the following:

97.1. Insufficient information to execute the order (ASP-97.a.);

97.2. In the case of an order for surrender, the fact that despite best efforts, the person sought cannot be located or that the investigation conducted has determined that the person in the ordered State is clearly not the person named in the warrant (ASP-97.b.); or

97.3. The fact that execution of the order in its current form would require the ordered State to breach a pre-existing treaty obligation undertaken with respect to another State (ASP-97.c.).

## Article 98
## Cooperation with respect to immunity and surrender

States must not refuse to cooperate with a World Court order on grounds of immunity, because national and international immunity is invalid in cases of conflict with world law. Correctly observed, immunity is to protect legal

process from interference by lower levels of jurisdiction. The World Court may also waive world immunity in any case that the Court determines that waiver will serve the interests of justice. The Court or Prosecutor may charge obstruction of justice for attempts to maintain ex-jurisdictional immunity (impunity) after receipt of an order by the Court. (obstruction of justice, Class 3 felony).

## Article 99
## Execution of orders under articles (93) and (96)

99.1. Ordered States shall execute orders for assistance in the manner specified in the order, including following any procedure outlined therein or permitting persons specified in the order to be present at, and assist in the execution process. Ordered States shall also execute orders in accordance with the relevant procedure under the law of the ordered State, unless prohibited by world law, or otherwise countermanded by the Court order.

99.2. In the case of an urgent order of the Court, the ordered State shall send urgently documents or evidence produced in response.

99.3. Persons shall transmit replies from the ordered State to the Court in their original language and form. This form may include versions of the reply in any of the working languages of the Court.

99.4. During the stage of provisional world government and the first operative stage of world government, without prejudice to other articles in this Part, if the successful execution of an order without additional compulsory measures is necessary, including specifically the interview of or taking evidence from a person on a voluntary basis, including doing so without the presence of the authorities of the ordered State Party, and the examination without modification of a public site or other public place, the Prosecutor may execute such order directly on the territory of a State as follows:

99.4.1. When the State Party ordered is a State on the territory of which the crime is alleged to have been committed, and there has been a determination of admissibility pursuant to article (18) or (19), the Prosecutor may directly execute the order following consultations with the ordered State Party (ASP-99.4.a.);

99.4.2. In other cases, the Prosecutor may execute the order following consultations with the ordered State Party and subject to any reasonable conditions or concerns raised by that State Party. Where the ordered State Party identifies problems with the execution of an order pursuant to this subparagraph the State shall, without delay, consult with the Court to resolve the matter (ASP-99.4.b.).

99.5. During the stage of provisional world government and the first operative stage of world government, provisions allowing a person heard or examined by the Court under article (72) to invoke restrictions designed to prevent disclosure of confidential information connected with national security shall also apply to the execution of orders for assistance under this article.

## Article 100

## Costs

100.1. The State Party to the *Earth Constitution* shall temporarily bear and account the ordinary costs for execution of orders in the territory of the ordered State, except for the following, which shall be borne by the Court:

100.1.1. Costs associated with the travel and security of witnesses and experts or the transfer under article 93 of persons in custody (ASP-100.1.a.);

100.1.2. Costs of translation, interpretation and transcription (ASP-100.1.b.);

100.1.3. Travel and subsistence costs of the judges, the Prosecutor, the Deputy Prosecutors, the Registrar, the Deputy Registrar and staff of any organ of the Court (ASP-100.1.c.);

100.1.4. Costs of any expert opinion or report requested by the Court (ASP-100.1.d.);

100.1.5. Costs associated with the transport of a person being surrendered to the Court by a custodial State (ASP-100.1.e.); and

100.1.6. Following consultations, any extraordinary costs that may result from the execution of a request (ASP-100.1.f.).

100.2. The provisions of paragraph (100.1) shall, as appropriate, apply to requests from States Parties to the Court. In that case, the Court shall bear the ordinary costs of execution.

100.3. Each State Party to the *Earth Constitution* shall quarterly report the ordinary costs of court orders, accounted for and paid by the respective ordered State. The World Treasury, upon verification by the World Financial Administration, shall reimburse these costs to the ordered states, beginning with the first operative stage of world government, by installments not to last more than 20 years from the respective incurrence, repaying the equivalent value in Earth Hour credits or Earth Hour currency.

## Article 101
## Rule of speciality

The Court shall not proceed against, punish or detain a person surrendered to the Court under this Statute, for any conduct committed prior to surrender, other than the conduct or course of conduct which forms the basis of the crimes for which that person has been surrendered, unless the Prosecutor obtains new evidence that implicates the person in other world crimes.

## Article 102
## Use of terminology

For the purposes of this Statute, significant terms include the following :

102.1. "Surrender" means the delivering up of a

person by a State to the Court, pursuant to this Statute. (ASP-102.a.)

102.2. "Extradition" means the delivering up of a person by one State to another as provided by treaty, convention or national legislation (ASP-102.b.).

102.3. "Request" means petition from one State to another, or from one state to the World Court;

102.4. "Order" means binding directive from the World Court.

102.5 “Consultation” means a two-way communication other than a written report between any of the following: 102.5.1. a Court Chamber; 102.5.2. the Presiding Council (Presidency); 102.5.3. the Prosecutor or Deputy Prosecutors, 102.5.4. the Presidium; 102.5.5. the World Ombudsmus; or 102.6. A State Party.

## PART 10. ENFORCEMENT

### Article 103
### Role of States in enforcement of sentences of imprisonment

103.1.1. The Enforcement System shall impose sentence of imprisonment in a State designated by the Court from a list of States which have indicated to the Court their willingness to accept sentenced persons, and which are member nations of the Earth Federation. Otherwise, the convict may serve sentences in established World Administrative Districts, World Federal Zones, in the World Oceans, Antarctica or in space, provided there are secure facilities there for the humane treatment of inmates. (ASP-103.1.a.)

103.1.2. The Court may agree to conditions requested by the State, in accordance with this Part (ASP-103.1.b.).

103.1.3. A State designated in a particular case shall promptly inform the Court whether the State accepts the Court's designation unconditionally (ASP-103.1.c.).

103.2. 1. The State of enforcement shall notify the Court of any circumstances, including the exercise of any conditions agreed under paragraph (103.1), which could materially affect the terms or extent of the imprisonment. The designated State shall give the Court at least 45 days' notice of any known or foreseeable circumstances. During this period, the State of enforcement must not take action that might prejudice its obligations under article (110.). (ASP-103.2.a.)

103.2.2. Where the Court cannot agree to the circumstances referred to in subparagraph (103.2.1.), the Court shall notify the State of enforcement and proceed in accordance with article 104, paragraph 1 (104.1.) (ASP-103.2.b.).

103.3. In exercising Court discretion to make a designation under paragraph (103.1), the Court shall take into account the following:

103.3.1. The principle that States Parties should share the responsibility for enforcing sentences of imprisonment, in accordance with principles of equitable distribution, as provided in the *Rules of Procedure and Evidence* (ASP-103.3.a.);

103.3.2. The application of widely accepted international treaty standards governing the treatment of prisoners (ASP-103.3.b.);

103.3.3. The views of the sentenced person (ASP-103.3.c.);

103.3.4. The native language(s) of the sentenced person (ASP-103.3.d.);

103.3.5. Other factors regarding the circumstances of the crime or the person sentenced, or the effective enforcement of the sentence, as may be appropriate in designating the State of enforcement (ASP-103.3.e.).

103.4. If the Court does not designate a State under paragraph (103.1.), the convict shall serve the sentence of imprisonment in a prison facility made available by the host State, in accordance with the conditions set out in the headquarters agreement referred to in article 3, paragraph 2 (3.2.). In such a case, the Court shall directly bear costs arising out of the enforcement of a sentence of imprisonment. Otherwise, if no State is designated, the Court may designate the convict to serve sentence in an in established World Administrative District, World Federal Zone, in the World Oceans, Antarctica or in space, provided there are secure facilities for the humane treatment of inmates.

### Article 104
### Change in designation of State of enforcement

104.1. The Court may, at any time, decide to transfer a sentenced person to a prison of another State of the Earth Federation, or to a prison in another world administrative district, or world federal zone.

104.2. A sentenced person may, at any time, apply to the Court to be transferred from the State of enforcement.

### Article 105
### Enforcement of the sentence

105.1. Subject to conditions which a State may have specified in accordance with article 103, paragraph 1.2 (103.1.2.), the sentence of imprisonment is binding on the States Parties, which must not modify the sentence.

105.2. The Court alone has the right to decide any application for appeal and revision. The State of enforcement must not impede the making of any application by a sentenced person.

## Article 106
## Supervision of enforcement of sentences and conditions of imprisonment

106.1. The enforcement of a sentence of imprisonment is subject to the supervision of the Court. The Court shall rule consistent with prior widely accepted international treaty standards governing treatment of prisoners, insofar as these standards are not in conflict with the *Earth Constitution* and world legislation.

106.2. The State of enforcement shall govern conditions of imprisonment in conformance with world law. In keeping with the principle of equal protection and application of world legislation and world laws for all citizens of the Earth Federation (*Earth Constitution*, Article 12.2, and numerous international conventions), the Enforcement System shall create and ensure conditions to be as close as possible similar to those available to prisoners convicted of similar offences in other States of enforcement.

106.3. The enforcing authority shall ensure unimpeded and confidential communications between a sentenced person and the Court.

## Article 107
## Transfer of the person upon completion of sentence

107.1. Following completion of the sentence the Court or the Enforcement System may provide transportation to a person who is not a national of the State of enforcement for transfer to a State of the Earth Federation, which is obliged to receive him or her, taking into account any wishes of the person to be transferred to that State. During sentence, by agreement with the Enforcement System, a convict may perform useful work to cover the costs of this transportation.

107.2. If no State bears the costs arising out of transferring the person to another State pursuant to paragraph (107.1.), the Court shall initially bear the costs.

107.3. After the sentence of the World Court is served, and subject to the provisions of article (108.), the State of enforcement may also, in accordance with its national law, extradite or otherwise surrender the person to a State which has requested the extradition or surrender of the person for purposes of trial or enforcement of a sentence, other than for offences the convictions of which sentence has just been served. (*Ne bis in idem*. See article 20.)

## Article 108
## Limitation on the prosecution or punishment of other offences

108.1. A sentenced person in the custody of the State of enforcement is not be subject to prosecution or punishment or to extradition to a third State for any conduct engaged in prior to that person's delivery to the State of enforcement, unless the Court approves the prosecution, punishment or extradition at the request of the State of enforcement.

108.2. The Court shall decide the matter after having heard the views of the sentenced person.

108.3. Paragraph (108.1.) shall cease to apply if the sentenced person remains voluntarily for more than 30 days in the territory of the State of enforcement after having served the full sentence imposed by the Court, or returns to the territory of that State after having left that State, or unless new evidence implicates the person in other world crimes.

## Article 109
## Enforcement of fines and forfeiture measures

109.1. States Parties shall give effect to fines or forfeitures ordered by the Court under Part 7, without prejudice to the rights of *bona fide* third parties, and in accordance with the procedure of their national law.

109.2. If a State Party is unable to give effect to an order for forfeiture, the State shall take measures to recover the value of the proceeds, property or assets ordered by the Court to be forfeited, without prejudice to the rights of *bona fide* third parties.

109.3. A State Party shall transfer to the Court property, or the proceeds of the sale of real property or, where appropriate, the sale of other property, which is obtained by a State Party as a result of the State enforcement of a judgement of the Court. The Court shall reimburse reasonable costs for recovering and transferring the value.

109.4. The World Court shall stipulate all fines in terms of Earth Hour credits or Earth Hour currency. Sentenced persons shall pay fines designated by the Court in Earth Hour credits or Earth Hour currency. The Court shall make reimbursement for recovery costs in Earth Hour credits or Earth Hour currency.

## Article 110
## Review by the Court concerning reduction of sentence

110.1. The State of enforcement must not release the convict before expiry of the sentence pronounced by the Court.

110.2. The World Court alone has the right to decide any reduction of sentence, and shall rule on the matter after having heard the person.

110.3. When the person has served two thirds of the sentence, or 25 years in the case of life imprisonment, the Court shall review the sentence to determine whether or not to reduce the sentence . The Court must not conduct reduction review before that time.

110.4. In Court review under paragraph (110.3.), the Court may reduce the sentence if the Court finds that one or more of the following factors are present:

110.4.1. The early and continuing willingness of the person to cooperate with the Court in Court investigations and prosecutions (ASP-110.4.a.);

110.4.2. The voluntary assistance of the convict in enabling the enforcement of the judgements and

orders of the Court in other cases, and in particular providing assistance in locating assets subject to orders of fine, forfeiture or reparation which may be used for the benefit of victims (ASP-110.4.b.); or

110.4.3. Other factors establishing a clear and significant change of circumstances sufficient to justify the reduction of sentence, as provided in the *Rules of Procedure and Evidence* (ASP-110.4.c.).

110.5. If the Court determines in Court initial review under paragraph (110.3.) that sentence reduction is not appropriate, the Court shall thereafter review the question of reduction of sentence at such intervals and applying criteria provided for in the *Rules of Procedure and Evidence*.

110.6. The Remedies and Correction Department of the Prosecutor shall conduct ongoing review of convict behavior. The Remedies and Correction Department may recommend to the Court less restrictive sentencing for convicts in good behavior before the Court review, such as minimum security facilities or home arrest with electronic banding technology, with implementation subject to prior approval of the Court on a case by case basis. Transition to less restrictive sentencing is not reduction of the sentencing term time period as defined in the World Penal Code (World Legislative Act #19) and in this Statute.

## Article 111
## Escape

If a convicted person escapes from custody and flees the State of enforcement, that State may, after consultation with the Court, request the person's surrender from the State in which the person is located pursuant to existing bilateral or multilateral arrangements, or may request that the Court seek the person's surrender, in accordance with Part 9. The Court may order that the person be delivered to the State in which he or she was serving the sentence or to another State, world administrative district or world federal zone designated by the Court. Escape is unlawful (world class 2 felony). Attempted escape is unlawful (world class 1 felony). If additional crimes are committed or attempted during the course of escape, the Prosecutor shall file charges for each violation, in addition to the charge of escape or attempted escape.

# PART 11. ASSEMBLY OF STATES PARTIES

## Article 112
## Assembly of States Parties

112.01.1. An Assembly of States Parties to the *Earth Constitution* is hereby established. Each State Party shall have either given preliminary ratification of the *Constitution for the Federation of Earth,* or have accepted final ratification of the *Constitution for the Federation of Earth* by the World Administrative District(s) that comprise the State's territory. Accompanied by alternates and advisers, each State Party has one, two or three representative in the Assembly according to the terms of the *Earth Constitution* Article 5.4. By simple majority vote of the Assembly, the Assembly may permit observers. Cantons, pradesh, states and provinces of continental federations may ratify as States Parties. There is no requirement that continental federations be restricted to single representatives in the Assembly, as no provision to that effect is in the *Earth Constitution*, nor in the original *Rome Statute of the International Criminal Court*.

112.01.2. Until the Assembly of States Parties to the *Earth Constitution* has about 25 States Parties, the original *Rome Statute of the International Criminal Court* version of this World Court Statute, and related statutes operate as *bona fide* Court process. An Assembly of States Parties and Bureau that has not yet affirmed or acceded to the *Earth Constitution* may continue to build the infrastructure for the World Court System. The provisional World Court of this paragraph has power of *mandamus*, with conflicting provisions of the *Rome Statute* notwithstanding. The provisional World Court of this paragraph has *res judicata* and *stare decisis* effect, insofar as the provisional World Court does not conflict with the *Earth Constitution* and world legislation.

112.01.3. When about 25 States Parties give simultaneous ratification to the *Earth Constitution*, those States may decide to reconstitute the original Assembly of States Parties as the initial House of Nations, by promoting substantial additional accession to the *Earth Constitution*. The Nations may retain the same delegates or assign new delegates according to the terms of the *Earth Constitution* Article 5.4. The Nations may retain or reassign new delegates to the vestigial *Rome Statute* Assembly of States Parties to help ensure smooth transition to the federal World Supreme Court System.

112.01.04. According to the provisions of world law, as embodied by this Statute and other world legislation, States Parties may simultaneously accede to the *Earth Constitution* by definitive signature of plenipotentiary. Original States Parties may authorize respective current original Assembly of States Parties delegates to accede to the *Earth Constitution* by definitive signature.

112.02. The Assembly shall do the following:

112.02.1. Consider and adopt, as appropriate, recommendations of the Preparatory Commission (ASP-112.2.a.);

112.02.2. Provide management advisory to the Presidency (Presiding Council), the Prosecutor (World Attorney General) and the Registrar regarding the administration of the Court (ASP-112.2.b.);

112.02.3. Consider the reports and activities of the Bureau established under paragraph 3 and take appropriate action in regard thereto (ASP-112.2.c.);

112.02.4. Consider and decide the budget for the Court until the first operational stage of world government is declared, at which time deliberation and decision of the budget shall transfer to the World Parliament (ASP-112.2.d.);

112.02.5. Decide whether to alter, in accordance with article (36.), the number of judges, subject to approval by the World Parliament in cases seeking reduction in number (ASP-112.2.e.);

112.02.6. Consider pursuant to article (87.), paragraphs 5 and 7, any question relating to non-cooperation (ASP-112.2.f.);

112.02.7. Perform any other function consistent with this Statute or the *Rules of Procedure and Evidence* (ASP-112.2.g.).

112.03.1. The Assembly has a Bureau consisting of a President, two Vice-Presidents and 18 members elected by the Assembly for three-year terms (ASP-112.3.a.).

112.03.2. The Bureau has a representative character, taking into account, in particular, equitable geographical distribution and the adequate representation of the principal legal systems of the world, particularly of nations, regions and administrative districts of the Earth Federation (ASP-112.3.b.).

112.03.3. The Bureau shall meet as often as necessary, but at least once a year. It shall assist the Assembly in the discharge of its responsibilities (ASP-112.3.c.).

112.04. The Assembly may establish subsidiary bodies, including an independent oversight mechanism for inspection, evaluation and investigation of the Court, in order to enhance its efficiency and economy.

112.05. The President of the Court (Chief Justice), the Prosecutor (World Attorneys General) and the Registrar or their representatives may participate, as appropriate, in meetings of the Assembly and of the Bureau.

112.06. The Assembly shall meet at the seat of the Court or at a world capital once a year and, when circumstances so require, hold special sessions. Except as otherwise specified in this Statute, the Bureau shall convene special sessions on its own initiative or at the request of one third of the States Parties.

112.07. Each State Party has one vote. The Assembly shall attempt to reach decisions by consensus in the Assembly and in the Bureau. If consensus cannot be reached, except as otherwise provided in the Statute:

112.07.1. A two-thirds majority of those present and voting decide matters of substance, provided that an absolute majority of States Parties to the *Earth Constitution* constitutes the quorum for voting (ASP-112.7.a.);

112.07.2. A simple majority of States Parties present and voting decide on matters of procedure (ASP-112.7.b.).

112.08. A State Party which is in arrears in the payment of its financial contributions towards the costs of the Court has no vote in the Assembly and in the Bureau if the amount of State arrears equals or exceeds the amount of the contributions due from the State for the preceding two full years. The Assembly may, nevertheless, permit such a State Party to vote in the Assembly and in the Bureau if the Assembly is satisfied that the failure to pay is due to conditions beyond the control of the State Party. The State Party may pay its financial contribution in the Earth Hour credit or Earth Hour currency.

112.09. The Assembly shall adopt its own rules of procedure.

112.10. The official and working languages of the Assembly are English, French, Spanish, Arabic, Russian, Chinese and Esperanto.

## PART 12. FINANCING

### Article 113
### Financial Regulations

Except as otherwise specifically provided, this Statute and the Financial Regulations and Rules adopted by the World Parliament govern all financial matters related to the Court and the meetings of the Assembly of States Parties, including its Bureau and subsidiary bodies.

### Article 114
### Payment of expenses

Expenses of the Court and the Assembly of States Parties, including its Bureau and subsidiary bodies, shall be paid from the funds of the Court, in the standard unit of Earth Hour credit and Earth Hour currency.

### Article 115
### Funds of the Court and of the Assembly of States Parties

The following sources provide payment for the expenses of the Court and the Assembly of States Parties, including its Bureau and subsidiary bodies, as provided for in the budget recommended by the Assembly of States Parties and decided by the World Parliament:

115.1. Assessed contributions made by States Parties (ASP-115.a.);

115.2. Funds provided by the United Nations (ASP-115.b.);

115.3. Direct allocation from the World Parliament;

115.4. Fines, and recovered properties or confiscated properties not liable to be paid as restitution.

115.5 Direct allocation from the Earth Federation Funding Corporation, particularly using funds generated by World Legislative Act #40.

### Article 116
### Voluntary contributions

Without prejudice to article (115), the Court may receive and utilize, as additional funds, voluntary contributions from Governments, international organizations, individuals, corporations and other entities, in accordance with relevant criteria recommended by the Assembly of States Parties and adopted by the World

Parliament. Voluntary contributions may be eligible for reimbursement in conformance with the *Earth Constitution*, Article 17., Section F., and legislation of the World Parliament, particularly World Legislative Acts #7 and #40)

## Article 117
## Assessment of contributions

The contributions of States Parties shall be assessed in accordance with an agreed scale of assessment, based on the scale recommended by the Assembly of States Parties and adopted by the World Parliament for its regular budget and adjusted in accordance with the principles on which that scale is based. The assessments shall be in terms of Earth Hour credits and Earth Hour currency. As soon as feasible after the attainment of the first operative stage of Earth Federation, the World Parliament with consultation from the World Financial Administration shall phase out requirement of national contributions in favor of world federal revenue procedures based on equitable principles of world commons use fees and other world federal principles of revenue.

## Article 118
## Annual audit

Annually, an independent auditor, assigned by the World Financial Administration, shall audit the records, books and accounts of the Court, including Court annual financial statements.

# PART 13. FINAL CLAUSES

## Article 119
## Settlement of disputes

119.1. The Court shall decide any dispute concerning the judicial functions of the Court.

119.2. A State Party may refer to the Assembly of States Parties, to the World Ombudsmus or to the World Parliament. any other dispute between two or more States Parties relating to the interpretation or application of this Statute, which is not settled through negotiations within three months of the commencement of dispute. The Assembly may itself seek to settle the dispute or may make recommendations on further means of settlement of the dispute, including referral to the World Parliament or to the International Case Bench in conformity with the Statute of that Court, as the International Bench reconstitutes from the International Court of Justice, or to the International Court of Justice before the International Bench reconstitutes, if all parties to the dispute agree to the jurisdiction of the ICJ during the provisional stage of world government.

## Article 120
## Reservations

No reservations may be made to this Statute by State Parties. The provisional World Parliament or operative World Parliament may attach reservations to this Statute and to other world legislation, in conformance with the *Earth Constitution* and in guarantee of the principle of Universal Declaration of Human Rights Article 21.3.

## Article 121
## Amendments

121.1. After the expiry of seven years from the entry into force of this Statute, any State Party may propose amendments thereto. Any State Party may submit the text of any proposed amendment to the Presidium of the Earth Federation, who shall promptly circulate the proposal to all States Parties.

121.2. No sooner than three months from the date of notification, the House of Nations, at its next meeting, shall, by a majority of those present and voting, decide whether to take up the proposal. The Assembly may deal with the proposal directly or convene a Review Conference if the issue involved so warrants.

121.3. The decision to recommend to the World Parliament a statutory amendment from a meeting of the Assembly of States Parties or from a Review Conference on which consensus cannot be reached requires a two-thirds majority of States Parties.

121.4. An amendment shall enter into force for all States Parties one year after adoption by the Provisional World Parliament or World Parliament, unless the amendment is to a provision of an institutional nature, as defined in Article (122) of this Statute.

121.5. The Presidium of the Earth Federation shall circulate to all States Parties any recommendation for amendment adopted at a meeting of the Assembly of States Parties or at a Review Conference.

## Article 122
## Amendments to provisions of an institutional nature

122.1. Amendments to provisions of this Statute which are of an exclusively institutional nature, namely, article (35.), article 36, paragraphs (36.8.) and (36.9.), article (37.), article (38.), article 39, paragraphs (39.1.) (first two sentences), (39.2.) and (39.4.), article 42, paragraphs (42.4.) to (42.9.), article 43, paragraphs (43.2.) and (43.3.), and articles (44.), (46.), (47.) and (49.), may be proposed to the World Parliament at any time, notwithstanding article 121, paragraph (121.1.), by any State Party to the *Earth Constitution*. Any State Party may submit the text of any proposed amendment to the Presidium of the Earth Federation, to the Assembly of States Parties Bureau, and to other persons designated by the Assembly of States Parties. The Presidium, Bureau or other persons may promptly circulate the proposal text to all States Parties and to others participating in the Assembly.

122.2. The World Parliament, including a two-thirds majority of the House of Nations, may adopt as world law any recommendations for amendments under this article on which consensus cannot be reached. Amendments shall enter into force for all States Parties six months after amendment adoption by the World Parliament unless otherwise designated.

## Article 123

## Review of the Statute

123.1. No later than seven years after the entry into force of this Statute, the Presidium of the Earth Federation shall convene a Review Session of World Parliament to consider any amendments to this Statute. Review Session may include, but is not limited to, the list of crimes contained in article (5.). The Assembly of States Parties may hold an Advisory Conference on the same conditions as defined in this Statute.

123.2. At any time thereafter, at the request of a State Party and for the purposes set out in paragraph (123.1.), the Presidium of the Earth Federation shall, upon approval by a majority of States Parties to the *Earth Constitution*, convene a Review Session of this World Court Statute by the World Parliament.

123.3. The provisions of article (121.), paragraphs (121.3.) and (121.4.), apply to the adoption and entry into force of any amendment to the Statute considered at a Review Sesssion or Advisory Conference.

## Article 124 (Reserved by the People)

## Article 125
## Signature, ratification, acceptance, approval or accession

125.1. This revised Statute for a World Bench for Criminal Cases is not open for signature or approval directly by nations.

125.2. Upon formation of the duly-constituted World Parliament, this Statute is subject to deliberation, amendment, rejection or approval by that World Parliament, in which States Parties to the *Earth Constitution* have representation. The parliamentary secretariat shall deposit the approved or amended Statute with the Presidium of the Earth Federation.

125.3. The *Earth Constitution* is open to accession by all States. Instruments of accession shall be deposited with the Presidium of the Earth Federation. For the purpose of the strength in application of this Statute, and for the security of participating States, this provisional World Parliament recommends simultaneous accession to the *Earth Constitution* by a minimum of approximately two dozen national governments (States Parties to Earth Constitution).

## Article 126
## Entry into force

126.1. This revised version of the Statute of the World Bench for Criminal Cases enters into force, binding upon both individuals and States Parties upon adoption by the provisional World Parliament.

126.2. The World Bench for Criminal Cases itself is bound by this Statute after the deposit of the 25th instrument of national preliminary ratification of the *Earth Constitution* or by ratification mixtures as defined in the *Earth Constitution*, Article XVII, Section C.1. The Court is bound into force on the first day of the month after the 60th day following the deposits of ratification required for the first operative stage of Earth Federation. Until that time, the original Assembly of States Parties may conduct the World Court in conformance with the original *Rome Statute of the International Criminal Court* (Assembly of States Parties version, as might be amended by the original Assembly of States Parties to the International Criminal Court).

## Article 127 (Reserved by the People)

## Article 128
## Authentic texts

As soon as feasible, the Secretary of the provisional World Parliament or World Parliament shall deposit the original of this Statute, of which the Arabic, Chinese, English, French, Russian, Spanish and Esperanto texts are equally authentic, with the Presidium of the Earth Federation, who shall send certified copies thereof to all States.

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DONE at Chennai this 28th day of December 2003.

Formatting amendments authorized at Lucknow, Uttar Pradesh, India, 14th August 2004

Legislative Summary with underline to show major significant variation between the provisional World Parliament version and the Assembly of States Parties version of this World Statute follows this page. The provisional World Parliament or operative World Parliament attaches reservations to this Statute and to other world legislation, in conformance with the *Earth Constitution* and in guarantee of the principle of Universal Declaration of Human Rights Articles 7, 21.3. and other UDHR principles.

**Legislative Summary of an Act**
**World Legislative Act #20**

# World Bench for Criminal Cases

(Underlined sections added to original **International Criminal Court Statute** during act adoption by the Provisional World Parliament, in Seventh Session at Chennai (Madras), India, December 2003)

Adopts Act 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. 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, kangaroo courts & ad hoc courts (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. 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 Credits of court costs to States Party to *Earth Constitution*.

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

(1) "Surrender" means delivering up of person by State to World Court, pursuant to this Statute.

(2) "Extradition" means delivering up of person by one State to another as provided by treaty, convention or national legislation.

(3) "Request" means petition from one State to another, or from one state to World Court.

(4) "Order" means binding directive from World Court.

(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 credits or Earth 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 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 Credit. A-115 Permits conditionally revenues of other types. A-116 Permits voluntary contributions. Declares voluntary contributions conditionally eligible for reimbursement (FEC, Article 17., Section F.) A-117 Directs assessment of contributions to be determined in Earth 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 reservations to this Statute by States Parties. 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 (Reservation strikes ASP seven year allowance to renege & deny compulsory jurisdiction of World Court.)

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, or by conditions defined in *Earth Constitution*, Article 17, Section C-1.

A-127 (Reservation strikes ASP allowance for withdrawal from Statute.) A-128 Requires deposit of authentic texts, as soon as feasible, with Presidium of Earth Federation.

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ADOPTED at Chennai this 27th day of December 2003.
Formatting amendments authorized at Lucknow, Uttar Pradesh, India, 14th August 2004.
Attested by: Eugenia Almand, JD, Parliamentary Secretary
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# Appendix - Annex 1

The Assembly of States Parties, in according with the Assembly's version of Act #20 (Rome Statute for the International Criminal Court), may deliberate the adoption of this Annex in April of 2009. However, the waiting period may waive by Assembly of States Parties preliminary adoption of the *Earth Constitution* and negotiation for the provisional World Parliament version of the Rome Statute (Act #20 - World Court Criminal Bench)

## Appendix to World Legislative Act #1

Referenced from Part Two, Article 8.2.2.20. of the Statute for the World Bench for Criminal Cases (Provisional World Parliament version)

Referenced from Article 8.2.b.xx. of the Rome Statute for the International Criminal Court (Assembly of States Parties version)

## Definitive List of Weapons of Mass Destruction:

Nuclear weapons, including fission and fusion explosive weapons, as well as explosive or non-explosive radiological weapons containing radioactive materials, such as depleted uranium; radiological wastes may be considered a WMD when not safely sequestered;

Bio-chemical weapons, including nerve gas, bacterial weapons, mass defoliants, any other kind of poison gas or bio-chemical weaponry;

Fire bombs, block-buster bombs, anti-personnel bombs, cluster bombs, neutron bombs, and other kinds of bombs;

Cruise missiles, Intercontinental Ballistic Missiles, short range missiles, and other missiles used to deliver nuclear or other weapons of mass death and destruction;

Bombers, military aircraft, and military aircraft carriers;

Battleships, military submarines and any other ocean launched weaponry;

Satellite weaponry or weapons stationed in or maneuverable from upper or outer space or the Moon;

Laser ray weapons, and any other weapons which might in future be developed for mass death and destruction;

Delivery systems for nuclear weapons, bio-chemical weapons and all other weapons defined herein;

Delivery systems of means when used to convey military weapons across national boundaries.

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The Annex – Definitive List of Weapons of Mass Destruction was adopted as Appendix to World Legislative Act Number One at the first session of the provisional World Parliament, meeting at Brighton, England, 11 September 1982, convened in conformance with Article 19 of the *Earth Constitution*. Entry into force 11 March 1983. Amended at sixth session provisional World Parliament, meeting at Bangkok, Thailand, December 2003. Sentencing parameters adopted at seventh session of Parliament, Chennai, India, December 2003. Formatting amendments adopted at eighth session of Parliament, Lucknow, Uttar Pradesh, India, August 2004.

Attested: Dr. Terence P. Amerasinghe, Barrister-at-Law, Secretary (1st & 3rd sessions) Provisional World Parliament

Eugenia Almand, JD, Secretary, Provisional World Parliament

## Annex 2 (From World Legislative Act #14, the World Security Act, adopted by provisional World Parliament in March 2003, Bangkok, Thailand)

### 14.4. Equipment Restrictions

Enforcement officers must not use weapons unsuitable for use in typical law enforcement situations in the apprehension of suspects.

A principle of suitability is that if use of a weapon destroys evidence, it tends to be unsuitable for law enforcement. Evidence is required to determine innocence and guilt in court. For instance, witness testimony is a form of evidence. If a witness is killed, evidence is destroyed. On these grounds, more lethal weapons, that is, those which ordinarily kill upon customary use, tend to be unsuitable for law enforcement.

Weapons unsuitable for government use in typical law enforcement situations include these:

Any weapons classified in World Legislation as a weapon of mass destruction;

Blade weapons of any kind; flexible weapons which might cause mortal injury upon impact;

Blackjacks, brass knuckles, saps;

Strap weapons which might easily cause strangulation are unsuitable, except for strap batons, which have been shown less likely to cause strangulation than batons alone when used properly;

All cartridges with bullets designed to explode or fragment are unsuitable, except for such safety bullets designed to be unlikely to cause mortal injury or permanent damage when used properly;

All mortars or launchers are unsuitable for use;

Neither tear gas, stun grenades nor force may be used as a means of crowd dispersal, except in the event of organized

armed insurrection, and then only on receipt of a warrant from the World Attorneys General or Regional World Attorneys, describing the individual or individuals who are to be arrested, the alleged crime or crimes, and the evidence for the alleged crime or crimes.

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Enforcement officers will train with certain weapons to learn effective skills for neutralizing attacks with the unsuitable weapons. For instance, officers will train with blade weapons as part of the standard training program, primarily since blade weapons are a common weapon of aggression against which enforcement officers are at risk.

## **Annex 3** **(From World Legislative Act #14, the World Security Act, adopted by provisional World Parliament in March 2003, Bangkok, Thailand)**

### 14.5. Recommended Equipment

Recommended equipment for law enforcement purposes include these weapons:

Handcuffs, other temporary restraints which ordinarily cause no permanent damage when properly used;

Body armor;

Handheld-dispenser pepper spray, handheld dispenser mace;

Softwood batons, hardwood short sticks, flashlights;

Single-action or semi-automatic firearms using less lethal munitions;

Electronic stunning devices of a current/voltage combination that ordinarily do not cause permanent harm when used properly;

Acoustic devices which do not ordinarily cause permanent harm when used properly;

Strap batons which can be shown to be safer and less likely to cause strangulation than ordinary batons in effecting arrest of suspects are recommended;

Safety bullets, designed to impact or fragment without ordinarily producing lethal injury; and

Sedative darts and chemical bullets which sedate, irritate or put a suspect temporarily unconscious, yet ordinarily without permanent harm when properly used.

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Of course, enforcement officers will have other equipment, particularly communications equipment, navigational aids and recording equipment, such as redundant digital video/audio systems, first aid kits, appropriate munitions, etc.

Although laser ray weapons are prohibited, lasers per se may continue to be used as effective tools, for instance in sighting mechanisms used in conjunction with appropriate instruments of enforcement. A pistol, revolver or rifle with laser sighting mechanism can be more secure to the public, the officer and the person being apprehended than these instruments without the sighting mechanism.