



# CONSTITUTION

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## OF THE INTERNATIONAL TRIBUNAL FOR NATURAL JUSTICE

2017

### PREAMBLE

IN GRACE

***Let this message go forth from this time and place to all the peoples of the world that to right the wrongs done to them and in vindication of their rights and the enforcement of just causes and to hold accountable those responsible for breaches of human rights it is proclaimed that the International Tribunal for Natural Justice is hereby established pursuant to this Constitution.***

1. The INTERNATIONAL TRIBUNAL FOR NATURAL JUSTICE established by Treaty, Letters Patent and Proclamation shall function in accordance with this Constitution of the International Tribunal for Natural Justice.
2. The Tribunal covenants with the peoples in and of the world to look at the individual facts of each case separately from any other, to look at right from wrong, to listen carefully to the testimony of all parties, to look for the harm or damage or breach, to assess human rights issues as a matter of course, and to endeavour to reach a just and equitable decision in all cases.
3. With the aim of keeping the legal and judicial aspects of the ITNJ separate from the political, administrative, and diplomatic work of the ITNJ, the first section of the Constitution, described as the Covenant of the ITNJ, and the second section of the Constitution, described as the Charter of the ITNJ, are treated as distinct from each other

in terms of purpose and content. Notwithstanding, the two separate sections together form the Constitution and together establish the ITNJ as a whole.

Following international law protocol, the Covenant establishes the legal framework of the ITNJ, and encompasses such things as function, procedure, and jurisdiction. It defines the work of the ITNJ, and clarifies exactly how the ITNJ will spread its core message forth, and right the wrongs done to the peoples of the world. It confirms the independence and integrity of the ITNJ as a Court and Tribunal.

The Charter elaborates on the organisational structure of the ITNJ. It provides the rules that form the basis of how the ITNJ, as an organisation, operates. From the rights of its international Members, to the Board of Trustees election process, to the powers and duties of the Executive Directorate, and organisational matters, it sets out the formulation of the ITNJ in detail.

4. The ITNJ seeks to fulfill its mandate by free and sovereign peoples of the world by focusing its attention on naming and shaming individuals and organisations whose activities represent the most egregious affronts to natural law. As such it focuses on high-profile cases and judicial inquiries into matters of global consequence.

## COVENANT OF THE INTERNATIONAL TRIBUNAL FOR NATURAL JUSTICE

### **Article 1: General Provisions**

1. The INTERNATIONAL TRIBUNAL FOR NATURAL JUSTICE shall function in accordance with the provisions of this Covenant as a judicial organ of the free and sovereign peoples of the world.
2. The initial and primary seat of the Tribunal shall be located at London in England.
3. The Tribunal has discretion to sit and exercise its international and worldwide functions in any location anywhere in the world. The Tribunal shall not be restricted from determining any issues or sitting in any particular location. Its jurisdiction shall therefore be universal. The Tribunal determines that there are and will be no borders limiting or preventing justice for all peoples.
4. The Tribunal in all its hearings and determinations and judgments is to act of the peoples and for the peoples of the world in accordance with its mission, commitment, and covenant to ensure justice for all peoples.

### **Article 2: Functions of the International Tribunal for Natural Justice**

1. The Tribunal is an independent judicial body and acts as a judicial organ of the free and sovereign peoples of the world and is guided by the principles enunciated by the ITNJ

Treaty pursuant to supporting the realisation of a world in grace in which mankind shall enjoy peace, prosperity, harmony, abundance, and freedom in all its forms.

2. In accordance with the Rule of Law, and its commitment to and covenant with the peoples of the world, the Tribunal shall conduct itself in accordance with accepted and established international law principles and shall be guided by lawful, equitable and ethical principles in its administration and delivery of natural justice to and for all the peoples of the world.

## **Chapter 1: Organisation of the Court**

### **Article 3: Composition**

1. The Tribunal shall be the responsibility of a Board of Trustees, which is charged to protect and enhance the integrity and independence of the Tribunal in its mission and to ensure adequate funding and support for its responsibilities. The Board may consult with the Chief Justice in an advisory capacity and such other persons as may be appropriate in the circumstances.
2. The Chief Justice, as appointed by the Letters Patent, will head the Tribunal together with such other Judges as appointed in accordance with accepted international conventions in relation to independence of the judiciary. Judges of the Tribunal shall hold office for life tenure or for such term as they are appointed. Judges can only be removed from office for cause following a unanimous decision by the members of the Board of Trustees.

### **Article 4: Qualifications for Office**

1. All Judges shall hold appropriate legal qualifications for the performance of their function and shall be of the highest integrity and professional and reputational standard as befits the office.
2. 'Appropriate legal qualifications' is defined as qualifications recognised by nations and the international community, as well as by institutions of legal learning.

### **Article 5: Incompatible Activities and Measures Against Corruption**

1. No member of the Tribunal may exercise any political or related administrative function or associate actively with or be financially interested in any matter brought before the Tribunal.
2. No member of the Tribunal may act as counsel advocate or agent in any case.

### **Article 6: Rules of the Tribunal**

1. To assist in carrying out the objectives and functions of the Tribunal, the Judges and Registrar will promulgate Rules of Court and Policies and Procedures and issue Practice Directions as appropriate.

## **Article 7: Oath of Office**

1. All Judges and Officers of the Tribunal will affirm an oath that is congruent with the core ethic of the Tribunal, specifically that they will do right to all manner of people according to law, and that the Tribunal will cause no harm, loss or damage to any person or group, and will not permit a law to be upheld which violates a human right or prevents a just, fair and reasonable outcome, and they will decide all matters without fear or favour or affection, malice or ill will.
2. By affirming an oath in accordance with the present Article, Judges and Officers acknowledge that said oath shall take precedence over any and all other oaths or commitments that the Judge or Officer in question may have made to any other court or government or professional body or private association.

## **Article 8: Privileges and Immunities**

1. Judges and Officers of the Tribunal are immune from suit prosecution or interference while acting fairly in the performance of their duties pursuant to this Covenant and Rules established in conjunction with the operation of the Tribunal.

## **Article 9: Full Court**

1. The Tribunal shall be presided by the Chief Justice and such other Judge or Judges as appropriate. Matters brought before the Court are to be decided by the Judge or Judges presiding. All persons have the inalienable right to choose trial by a Petit Jury of twelve persons, such being competent, independent and impartial.
2. Proceedings shall be in open Court, except that parties are entitled to request a hearing and changes in procedure for purposes of security and privacy, such to be determined by the presiding Judge.

## **Article 10: Funding for the Tribunal**

1. The Tribunal shall be funded by its membership and by the International Chapters, pursuant to the Charter, and by way of application and court fees, as appropriate and agreed to by the Board of Trustees. The Tribunal may receive additional funding from any source.
2. The Registrar of the Tribunal shall assume responsibility for the internal financial management of the Tribunal.

## **Chapter 2: Procedure and Administration of the Court**

### **Article 11: Official Language**

1. The official language of the Tribunal is English, and where appropriate, determination and decisions will be translated into requisite languages.

## **Article 12: Application to the Tribunal**

1. Applications for hearing by the Tribunal can be made by direct indictment or application or when determined by the Chief Justice as appropriate. Such applications are as of right and no leave to apply will be required. Applicants should bear in mind that only cases of global significance can be considered at this time.
2. All applicants and respondents must be natural persons except in extenuating circumstances, to be determined on a case by case basis, in which the application is in line with the spirit and intent of the ITNJ Treaty.

## **Article 13: Representation**

1. Parties may appear personally or by way of legal representation or other agent or nominee.

## **Article 14: Judgments**

1. Judgments shall be handed down expeditiously on the conclusion of a case.
2. Judgments not only must give a determination but also must provide reasons.
3. If the Tribunal consists of more than one Judge, the majority will determine the decision of the Tribunal, with dissenting opinion to be provided.

## **Article 15: Appeals**

1. In respect of decisions made by a Judge of the Tribunal, a party aggrieved by such decision may apply to appeal to the Tribunal either on a point of law or by petition of re-hearing such to be determined before a panel of three Judges. The panel is not to include the original presiding Judge. For the avoidance of doubt it is declared that applications and requests to the Tribunal and appeals are as of right and no leave to apply or appeal will be required.

## **Chapter 3: Competence of the Court and Jurisdiction, Admissibility & Applicable Law**

### **Article 16: Jurisdiction**

1. The jurisdiction of the Tribunal comprises all disputes where people or persons have suffered deprivation of their human rights or have suffered wrongs and seek to hold accountable those responsible for such so that justice may be done, and all applications submitted to it in accordance with this Covenant, and all matters that confer jurisdiction on the Tribunal.

### **Article 17: Evidence and Admissibility**

1. Evidence may be given by personal viva voce evidence on oath or by affidavit or, where there are special circumstances, in such other manner as the presiding Judge may deem appropriate.
2. The ITNJ is founded on the principle of self-responsibility therefore all evidence shall be considered as admissible. Those who repeatedly abuse this right by filing frivolous or unnecessary evidence may have their case dismissed by the presiding Judge according to recognised legal and equitable principles.

### **Article 18: Applicable Law**

1. The Tribunal shall apply and follow the higher law and natural law and the highest commitment to universal moral law and the principles of natural justice, taking into account when appropriate national and international laws applicable to the cases and parties before the Tribunal.

### **Article 19: Amending the Constitution**

1. The Constitution is effective on, as and from the fifteenth day of June in the year two thousand and fifteen, being the eight hundredth anniversary of Magna Carta.
2. The Constitution is a living document and its provisions in both this Covenant and the Charter may be amended or added to as the Tribunal develops its jurisdiction, such being agreed to by the Board of Trustees. Such amendments are to be valid and effectual in law according to the true intent and meaning thereof and shall be taken, construed and judged for the best advantage in order to support the Tribunal in its commitment to restoring truth and reason to the delivery of justice in the world.
3. The Board of Trustees will meet at least once a year to consider any possible amendments or additions to the Constitution as may be appropriate.

## **CHARTER OF THE INTERNATIONAL TRIBUNAL FOR NATURAL JUSTICE**

### **Article 20: Composition**

1. The Tribunal shall be the responsibility of a Board of Trustees such being composed of seven natural persons as official members. The Board of Trustees is charged to protect and enhance the integrity and independence of the Tribunal in its mission and to ensure and support its responsibilities.
2. The Tribunal shall be administered, pursuant to this Constitution, by the following branches/officers:

- a) *the General Assembly (the aggregate of Members);*
- b) *the Board of Trustees (elected from the aggregate of Members);*
- c) *the Executive Directorate (the Chief Justice, Court Manager and Registrar).*

## **Article 21: Membership**

1. The Members of the Tribunal are the signatories to the ITNJ Treaty.
2. Members shall have the right to:
  - a) *participate with equal voice and vote at all assemblies; and*
  - b) *propose agenda items to ordinary meetings of the General Assembly.*
3. Any Member may voluntarily renounce their Membership at any time by notice in writing to the Registrar who will acknowledge such renouncement in writing thereby confirming the member's wishes.
4. Members may have their Membership rescinded following the determination of the Board of Trustees where it has been shown they have undertaken some act the intent or effect of which was to undermine the prestige of the Tribunal or otherwise cause harm thereto.
5. Applicants applying to have their case heard before the ITNJ must be signatories of the ITNJ Treaty.

## **Article 22: The General Assembly**

1. The General Assembly is comprised of the Members of the Tribunal and is the highest authority of the Tribunal.
2. Meetings of the General Assembly may be ordinary or extraordinary. Ordinary meetings of the General Assembly will be held every three years. Extraordinary meetings will be held upon the motion of four or more sitting Trustees.
3. All General Assembly meetings may be held in a physical venue or a virtual platform, or preferably a combination of both.
4. Ordinary meetings of the General Assembly shall deal with, inter alia, the election of Members to the Board of Trustees.
5. Extraordinary meetings of the General Assembly shall deal with the removal of a Trustee for cause.
6. The Registrar shall be responsible for the calling of General Assembly meetings. Motions for extraordinary meetings pursuant to Clause 2 of the present Article should therefore be served on the Registrar. The Registrar shall give notice of General Assembly meetings to all Members not less than 15 days before the date of the proposed meeting.
7. The Registrar shall be responsible for:

- a) *maintaining the Register of Members, including the details of those who are acting as Members of the Board of Trustees and the Executive Directorate or Members who are acting in any other official capacity for the Tribunal; and*
- b) *maintaining the Minute Record.*

## **Article 23: Board of Trustees**

1. The Board of Trustees shall consist of:
  - a) *Inaugural Ordinary Trustees;*
  - b) *Ordinary Trustees; and*
  - c) *Trustees Emeritus.*
2. Ordinary Trustees are those persons who have voting rights on the Board of Trustees. Ordinary Trustees shall have one equal vote and may not abstain. They may recuse themselves with the agreement of the remaining Trustees if there is a conflict of interest.
3. Emeritus Trustees are those persons who have previously served two terms on the Board of Trustees and who formally accept the open invite that exists by virtue of this Charter to sit on an Emeritus Council. The Emeritus Council will expand over time to become a body of experiential wisdom gained by those who have served as Ordinary Trustees — a body of wisdom from which the Ordinary Trustees can draw in the execution of their functions.
4. Emeritus Members shall hold no direct voting power but shall receive invites to the Board of Trustees meetings, receive the same reports and other information as the Trustees themselves, and may issue formal advisory opinions, collectively or individually, to the sitting Board of Trustees regarding any matter which has the potential to affect the integrity and/or independence of the Tribunal.
5. Trustees shall be appointed to office in accordance with Articles 24 and 26. Trustees may be removed from office in accordance with Article 5.
6. Just causes for the removal of a Trustee from office include but are not limited to:
  - a) *Unethical behaviour;*
  - b) *Breach of oath;*
  - c) *Mental or physical incapacity;*
  - d) *Failure to attend without just cause more than 2 consecutive Trustee meetings; and*
  - e) *Failure to attend without just cause more than 5 meetings in a given term.*
7. In the event that a Trustee is removed from office or resigns their position, the remaining Trustees shall be responsible for appointing their replacement, who will serve out the duration of the outgoing Trustee's term. Subsequently and when appropriate, the replacement Trustee may enter their name as a nomination to the General Assembly to become a Trustee in their own right.
8. When one or more Trustees vacates their office or are otherwise indisposed, and replacement(s) are yet to be appointed, the remaining Trustees may by majority vote



temporarily amend the quorum requirements so that the Board of Trustees can continue to function in the interim.

9. In addition to those powers and duties expressed or implied elsewhere in this Constitution, the Trustees shall have the power to mandate any necessary additional organs, including National Chapters, Advisory Boards, Truth & Reconciliation Commissions, Judicial Inquiries, or such other body as they may from time to time deem appropriate to properly fulfill the ITNJ mandate by the people.

#### **Article 24: Meetings**

1. Meetings of the Board of Trustees may be ordinary or extraordinary. Ordinary meetings of the Board will be held quarterly. Extraordinary meetings will be held upon the motion of one or more sitting Trustees or the aggregate of Emeritus Trustees.
2. Ordinary meetings of the Board of Trustees shall deal with:
  - a) *the appointment and removal of members of the Executive Directorate;*
  - b) *the approval of accounts and review of upcoming case diary;*
  - c) *the review of constitutional provisions and court procedures;*
  - d) *matters arising from, and appointment and removal of members to and from, any additional organs it mandates pursuant to Article 23 Clause 9; and;*
  - g) *the resolution of any matter submitted to the agenda.*
3. Extraordinary meetings of the Board of Trustees shall deal with:
  - a) *the removal for cause of any Judge in collaboration with the Chief Justice;*
  - b) *the approval of amendments to this Constitution; and*
  - c) *the resolution of any other matter for which the meeting was called.*
4. At the commencement of each new term, the Trustees shall appoint a Secretary to conduct administrative functions.
5. The Secretary shall be responsible for calling Board of Trustee meetings. Motions for extraordinary meetings should therefore be served on the Secretary.
6. All Trustees shall be invited to all meetings. No resolution of the Board of Trustees shall be valid unless at least four ordinary Trustees are present, notwithstanding Clause 8 of Article 23.
7. The validity of the resolutions of the Board of Trustees meetings shall require the positive vote of not less than four ordinary Trustees, except where the subject matter of the meeting includes an amendment to this constitution or the removal of a Judge in which case the positive vote of not less than six Trustees shall always be required notwithstanding Clause 7 of the present Article and Clause 8 of Article 23.
8. Meetings of the Board of Trustees shall be conducted in accordance with this Charter and such other procedure as the Tribunal may implement, and shall be recorded and added to the Minute Record. No resolution of the Board of Trustees shall be valid if it does not form part of the Record. The Secretary shall be responsible for ensuring that the Board of

Trustee meetings and the resolutions arising therefrom, are properly reflected in the Minute Record.

9. Meetings of the Trustees may be conducted at any physical venue which is easily accessible to all Board Members, or through any appropriate virtual platform. All meetings virtual or physical shall be recorded to enable transcription to the Minute Book.

## **Article 25: Elections**

1. The inaugural Board of Trustees are *Sacha Stone, Lewis Montague, Greg Paul, Michele Joshi, Justin Deschamps, Nancy Ash* and *Caleb Skinner*, all of whom shall hold office for a term of three or six years. Four Inaugural Trustees to be determined by the collective of Inaugural Trustees shall sit for 6 years, with the remaining three Inaugural Trustees sitting for three years. All Inaugural Trustees shall have the option to stand for a further three years in accordance with Trustee elections. All Inaugural Trustees will have the option to become Trustees Emeritus, whether they sit for one or two terms.
2. Election of new or returning Trustees will occur every three years at the ordinary meetings of the General Assembly by a majority vote.
3. Nominations for Trustee elections shall be made by Members of the General Assembly at least 60 days prior to the General Assembly meeting. Prospective Trustees may publicise their credentials and reasons for becoming a Trustee on a private section of the ITNJ website that is only accessible for Members. Questions may be openly proffered by the membership and answers openly publicised. A video presentation may also be made by the prospective Trustee to assist the membership to reach a decision.
4. Each of the Trustees will hold office for a term of three years and may be renominated and elected at the expiration of the term for a further term of three years in accordance with the provisions of the present Article, after which they shall either remain as Trustee Emeritus or retire from office.
5. The ordinary meeting of the General Assembly at which the election is to take place shall take place within 30 days of the anniversary of the commencement of the preceding 3 year term. The precise date shall be determined by the Registrar.
6. The taking of office of incoming Trustees shall occur at the closing of the ordinary meeting of the General Assembly at which the election takes place.

## **Article 26: The Executive Directorate**

1. The Executive Directorate shall comprise Officers elected by the Board of Trustees, with the exception of the inaugural Chief Justice Sir John Walsh of Brannagh, who holds lifetime tenure. Thereafter the position of Chief Justice will be elected by the Board of Trustees with nominations coming primarily from the existing list of Judges elected to preside at the ITNJ.
2. The Executive Directorate is responsible for:

- a) *overseeing the administrative and judicial functions of the Tribunal as contemplated or implied by this Constitution;*
  - b) *controlling and monitoring the resources and assets of the Tribunal;*
  - c) *enforcing of Trustee Board Resolutions;*
  - d) *appointing other court officers and delegating duties pursuant to fulfilling the purposes of this Constitution;*
  - e) *promulgating Rules of Court and Policies and Procedures and issuing Practice Directions as appropriate;*
  - f) *developing other protocols and procedures to ensure the smooth operation of the Tribunal;*
  - g) *preparing and submitting for approval to the Board of Trustees the quarterly reports, to include the detailed accounts for the last quarter and proposed case diary for the coming quarter; and*
  - h) *such other responsibilities as expressed or implied elsewhere by this Constitution.*
3. The meetings of the Executive Directorate shall be recorded in the Minute Record.
4. To be eligible for appointment to the Executive Directorate or indeed any other position within the court, candidates must be Members of the Tribunal.
5. In the event of the temporary absence or impairment of a Member of the Executive Directorate, their responsibilities shall be assumed by a manager appointed by the Board of Trustees to act in their stead.
6. The Executive Directorate shall initially consist of three members: the Chief Justice, Court Manager and Registrar. The Executive Directorate shall, with the approval of the Board of Trustees, have the power to extend or amend the number of Executive Directorate members and their individual powers and duties.
7. The powers and duties of the Chief Justice are:
  - a) *the ultimate oversight and responsibility for all Court operations;*
  - b) *convening and chairing meetings of the Executive Directorate;*
  - c) *nominating and, with Board of Trustees' approval, appointing new Judges; and*
  - d) *representing the Tribunal before sovereign powers and other public or private institutions.*
8. The powers and duties of the Court Manager are:
  - a) *entering contracts on behalf of the Tribunal with the approval of the Board of Trustees; and*
  - b) *conducting any kind of banking activity on behalf of the Tribunal, acting jointly with any other member or members of the Executive Directorate.*
9. The powers and duties of the Registrar are:
  - a) *caring for the books of the Tribunal, and all other aspects of its internal financial management;*
  - b) *assisting the Chief Justice in any manner as may be required;*
  - c) *supporting the delivery of calls to ordinary and extraordinary meetings of the Assembly;*

- d) maintaining the Register of Members, including the details of those who are acting as Members of the Board of Trustees and the Executive Directorate or who are acting in any other official capacity for the Tribunal;*
- e) maintaining the Minute Record; and*
- f) calling for deputy Registrars in conjunction with the Board of Trustees and Court Manager.*

#### **Article 27: Amending the Constitution**

1. The Board of Trustees shall review the provisions of the Constitution in both the Covenant and this Charter at ordinary meetings at least once a year. Where amendments or additions are proposed by one or more attending Trustees, an extraordinary meeting of the Board shall be called to take place within 28 days of the ordinary meeting at which the proposal was made, whereat a vote shall be conducted to determine whether the proposed amendment or addition shall come into force with immediate effect.
2. Where a Judge or Officer wishes to propose an amendment to the Constitution, they may at any time request the calling of an extraordinary meeting of the Board of Trustees to conduct a vote on the proposed amendment or addition.
3. Amendments to the Constitution shall take effect following the positive determination of not less than six voting Trustees, notwithstanding the provisions of Clause 8 of Article 23.

#### **Article 28: Interpretation**

1. All words and phrases in this Constitution and other source documentation of the ITNJ shall have and be read as having their normal English meaning.