THE FEDERAL ALLIANCE OF SOUTHERN AFRICA

CONSTITUTIONAL COMMISSION

Institution Specification No. 004

THE PEOPLE'S TRIBUNALS

Working Draft 1.0

STATUS

The People's Tribunals are established by the Federal Constitution as the independent constitutional institution responsible for the administration of justice throughout the Federal Alliance.

Justice shall never become an instrument of government.

Justice shall never become an instrument of politics.

Justice shall remain subject only to the Constitution, Common Law and Truth.

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1. PURPOSE

The People's Tribunals exist to preserve justice.

Justice exists to preserve peace.

Peace exists to preserve civilisation.

The purpose of every Tribunal is therefore not merely to determine guilt or innocence.

Its purpose is to restore constitutional order.

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2. CONSTITUTIONAL DEFINITION

The People's Tribunals constitute the independent judicial authority of every Sovereign State and of the Federal Alliance.

The Tribunals derive their authority from:

The Constitution.

Common Law.

Natural Justice.

Truth established through evidence.

No institution may direct a Tribunal.

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3. THE PRINCIPLE OF JUSTICE

Justice belongs neither to Government nor to the Constitutional Guardian.

Justice belongs to the People under the Constitution.

Every citizen possesses equal standing before the Tribunal.

Every office bearer possesses equal accountability before the Tribunal.

No office provides immunity from constitutional justice.

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4. THE THREE LEVELS OF TRIBUNALS

The People's Tribunal System consists of three constitutional levels.

Community Tribunal

Jurisdiction

Local disputes.

Minor criminal offences.

Civil disputes.

Property disputes.

Family matters.

Community mediation.

Purpose

Resolve disputes quickly and fairly.

State Tribunal

Jurisdiction

Serious criminal matters.

Major civil disputes.

Appeals from Community Tribunals.

Constitutional matters arising within the State.

Purpose

Administer justice for the Sovereign State.

Federal Constitutional Tribunal

Jurisdiction

Interpretation of the Federal Constitution.

Disputes between States.

Disputes involving the Federal Alliance.

Constitutional disputes involving Constitutional Guardians.

Constitutional disputes involving State Presidents.

Protection of the Federal Constitution.

Purpose

Safeguard Constitutional Order.

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5. THE PRINCIPLE OF COMMON LAW

The People's Tribunals shall administer justice according to Common Law as recognised by the Federal Constitution.

The Common Law develops through judicial precedent consistent with the Constitution.

No judgement shall contradict the Constitution.

Where uncertainty exists, the Constitution prevails.

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6. JURIES

Justice belongs to the People.

Therefore, every citizen possesses both the right and the responsibility to participate in the administration of justice through jury service where provided by law.

Jurors shall be selected according to procedures established by the Federal Administrative Code.

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7. MEDIATION

Litigation shall not become the first response to every dispute.

The Constitution encourages peaceful resolution wherever reasonably possible.

Community mediation shall therefore be encouraged before formal litigation in matters suitable for mediation.

Serious criminal offences and constitutional matters shall proceed directly to the appropriate Tribunal.

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8. JUDICIAL INDEPENDENCE

No person may instruct a Tribunal.

No Government Department may direct a Tribunal.

No Constitutional Guardian may direct a Tribunal.

No Federal President may direct a Tribunal.

No State President may direct a Tribunal.

The Tribunal answers only to the Constitution.

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9. RIGHTS OF EVERY PERSON

Every person appearing before a Tribunal possesses the constitutional right:

To be heard.

To present evidence.

To challenge evidence.

To receive an impartial hearing.

To receive judgment according to the Constitution.

To appeal where provided by law.

Justice shall neither be delayed nor denied without constitutional cause.

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10. RESPONSIBILITIES OF THE TRIBUNALS

Every Tribunal shall:

Administer justice impartially.

Protect constitutional rights.

Maintain judicial integrity.

Develop Common Law consistently.

Publish judgments where appropriate.

Protect public confidence in justice.

Remain free from corruption.

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11. CONSTITUTIONAL LIMITATIONS

The People's Tribunals shall not:

Exercise executive authority.

Administer Government.

Conduct elections.

Determine political policy.

Exercise legislative authority.

Justice interprets law.

It does not create Government.

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12. THE TRIBUNAL COMMISSION

A permanent Federal Tribunal Commission shall exist.

Purpose

Maintain judicial standards.

Maintain judicial ethics.

Maintain judicial education.

Maintain judicial records.

Recommend appointments according to constitutional procedures.

Protect judicial independence.

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13. THE COMMON LAW COUNCIL

The Federal Common Law Council shall:

Maintain Common Law records.

Review judicial precedents.

Publish legal opinions.

Preserve legal continuity.

Advise the Tribunal Commission.

The Council shall possess advisory authority only.

Judicial authority remains with the Tribunals.

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14. CONSTITUTIONAL ACCOUNTABILITY

Judges remain accountable to the Constitution.

Misconduct shall be investigated according to constitutional procedures.

Removal from office shall occur only through constitutional processes protecting both judicial independence and public confidence.

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15. OATH OF OFFICE

Every Judge shall publicly affirm:

> I accept this Office in Constitutional Trust.
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> I shall administer justice without fear or favour.
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> I shall faithfully uphold the Constitution.
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> I shall protect the liberties of the People.
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> I shall remain impartial before every person.
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> I shall preserve justice for present and future generations.

CONSTITUTIONAL PRINCIPLE

Justice is not administered for Government.

Justice is administered for Truth.

Government remains subject to Justice.