

New Statute of the Permanent Peoples' Tribunal

PREAMBLE

The Permanent Peoples' Tribunal (PPT) was established on 24 June 1979, in Bologna, on the basis of the framework defined in the Universal Declaration of the Rights of Peoples proclaimed in Algiers on 4 July 1976, to be:

- a tribune of visibility, of the right to speak, of the affirmation of the rights of peoples exposed to severe and systematic violations by public and private actors, at national and international levels, who have no possibility of referring and having access to competent organs of the organised international community;
- an instrument of explicitation and verification of the existence, the severity, the responsibilities, and impunity of the concrete violations, as well as of the due measures of justice and reparation;
- a witness and promoter of research aimed at filling the institutional and doctrinal gaps in existing international law.

Throughout the many sessions during its history and in close compliance with its Statute, the PPT has systematically considered the requests submitted to its attention, which have corresponded to situations that, irrespective of their severity, have been and are being ignored or dismissed from the competence and the responsibilities of the organs of international laws.

Following intensive collegial work of its members and of the Presidential office, the PPT Statute is hereby updated with respect to the procedures and definitions of the crimes included its competence, thus setting the following expanded the doctrinal and operational framework for its future activities.

Art.1

Crimes within the competence of the Permanent Peoples' Tribunal

The PPT is competent to judge any type of crime committed causing injury to peoples through severe violations of the rights listed in sections I-VI (art. 1-21) of the Universal Declaration of the Rights of Peoples approved in Algiers on July 4th 1976.

The crimes listed below are also considered within the competence of the PPT:

- a) crimes of genocide (art.2)

- b) crimes against humanity (art.3)
- c) war crimes (art.4)
- d) ecological crimes (art. 5)
- e) economic crimes (art. 6)
- f) systemic crimes (art.7)

Within the terms of reference of this Statute, "People" defines any community identified as injured party of any of the crimes listed above.

Art.2

Genocide

"Genocide" means any of the following acts committed with intent to destroy, in whole or in part, a group selected on a discriminatory criterion, as such:

- (a) killing members of the group;
- (b) causing serious bodily or mental harm to members of the group;
- (c) deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part;
- (d) imposing measures intended to prevent births within the group;
- (e) forcibly transferring children of the group to another group.

Art. 3

Crimes against humanity

Crimes against humanity are those crimes whose gravity implies a direct attack against humanity.

"Crime against humanity" means any of the following acts when committed as part of a widespread or systematic attack directed against any civilian population:

- a. murder;
- b. extermination;
- c. enslavement;
- d. deportation or forcible transfer of population;
- e. imprisonment or other severe deprivation of physical liberty in violation of fundamental rules of international law;
- f. torture;
- g. rape, sexual slavery, enforced prostitution, forced pregnancy, enforced sterilisation, or any other form of sexual violence of comparable gravity;

h. persecution against any identifiable group or collectivity grounded on discriminatory reasons that do not fall under any of the five actions constituting the genocide;

i. enforced disappearance of persons;

j. the crime of apartheid.

Art. 4

War Crimes

“War crimes” are the crimes referred to in Art. 8 of the Statute establishing the International Criminal Court adopted on 17 July 1998.

Art. 5

Environmental crimes

Ecocide and other environmental crimes mentioned below are “ecological crimes”.

1. “Ecocide” means serious damage, destruction or loss of one or more ecosystems in a territory for human or for other causes whose consequences are provoking or have the strong risk of provoking a severe reduction in the environmental benefits enjoyed by the inhabitants of those areas.

2. Other environmental crimes include the following:

a) illegal capture of species of flora and fauna and illegal wildlife trade (in violation of the Convention of Washington, 3 March 1973 on International Trade in Endangered Species of Wild Flora and Fauna);

b) illicit trade in ozone-depleting substances (in violation of the Montreal Protocol, 16 September 1987, on Substances that Deplete the Ozone Layer);

c) illicit trafficking of hazardous wastes (in violation of the Basel Convention 22 March 22 1989 on the Control of Transboundary Movements of Hazardous Wastes and their Disposal);

d) unregulated and illegal fishing in violation of the decisions of the regional organisations responsible for fisheries management;

e) collection and illegal trade in wood (in violation of the provisions established by national laws);

f) mining and illegal trade in minerals (in violation of the provisions established by national laws);

g) illicit trafficking in nuclear material (in violation of the Vienna Convention, 3 March 1980 on the Physical Protection of Nuclear Material);

h) contamination of the soil and the subsoil, of the waters or of the air by means of the emission or intentional or negligent disposal of solid, liquid or gaseous substances liable to lead to such contamination (in violation of national and international laws). In particular, must be considered negligence the absence of a policy that leads to a real reduction of gas emissions that cause climate change.

i) Any other action or omission that seriously damages biological diversity, ecosystems, habitats, species or people's health. In particular, here must be considered omission or use of technologies lacking scientific certainty as to their potentially negative consequences on the environment or the people's health and that do not provide for the simultaneous application of measures that comply with the precautionary principle.

Art. 6

Economic crimes

"Economic crimes" include the following:

a) violations of human rights caused by economic activities of companies, inherently deriving from the nature of their economic activity or as a result of deliberate or negligent absence of measures aimed at preventing these effects as potentially implied by their economic activity;

b) violations of human rights deriving from financial transactions made possible by the rules governing the financial markets (speculation, commodity markets, high-risk products);

c) violations of human rights deriving from financial crimes (including corruption, tax evasion, money laundering) or other crimes related to criminal organisations (including illicit drug trafficking, illicit arms trafficking or trafficking in human beings);

d) violations of human rights deriving from structural policies which are the consequence of decisions taken by leaders of governments or multilateral intergovernmental organizations.

Art. 7

System crimes

“System crimes” are crimes considered in articles 5 and 6 that are not imputable to specific persons, but of which it is possible to identify the causes as being not natural, but political or economic, in the functioning of legal and social systems.

System crimes cause serious injury to the fundamental human rights of entire communities by depriving them of access to food, water, medicine, housing, work, ultimately to human dignity. These effects that do not derive from natural catastrophes but rather by a sum of decisions adopted over the years, often in different countries and therefore they are not easily imputable to identified persons, states or companies.

Art. 8

Liability of persons

The PPT establishes the liability of persons for the crimes mentioned in the articles 2, 3, 4, 5 and 6.

Art. 9

Liability of States

“State crimes” are crimes mentioned in articles 2, 3, 4, 5 and 6, if committed or tolerated by public officials.

Art. 10

Liabilities of corporations

“Business crimes”, are the crimes provided for in articles 2, 3, 4, 5 and 6, if committed by boards of directors or by managers of corporations or companies, as well as by their employees, on instigation or omission of the management.

These crimes are also imputable to the States or supranational or international organisations that, being aware of them, do not take action to prevent their commission.

Art. 11

The temporal jurisdiction of the Tribunal

The jurisdiction of the PPT on crimes provided for in articles 2, 3, 4, 5, 6 and 7 is not subject to temporal limitations for the past nor for the future.

Procedures

Art. 12

With respect to the violations enumerated above, the PPT may receive requests addressed both by governments or governmental organs, as well as by groups or movements representing, at national and/or international levels, interests of communities. For each request received, the Presidency of the PPT shall formulate a motivated decision on whether and how the request is accepted and should be investigated.

Art. 13

The Presidency, on the request of three members of the Tribunal, can activate *ex officio* a procedure aimed to formulate an act of accusation or indictment for any of the criminal violations included in this Statute, which, irrespective of their severity, are being or have been ignored or not adequately investigated or denied by the competent and due authorities.

Art. 14

Any person with recognised and documented high moral authority and independence of judgment in the exercise of her/his societal function are may be considered for nomination as a member of the PPT panel of judges. The composition of the college of each hearing must assure the presence both of juridical competences and of professional expertise in disciplines pertinent for the specific case, so that independence, impartiality, in depth investigation and solid consistency may be assured in the dealing and evaluation of all relevant issues.

Art. 15

The PPT is based on a core list of permanent members, whose verified readiness to perform their role reliably shall lead to their nomination to form the initial composition of the members of the colleges for individual cases.

The Presidency may supplement these colleges through inclusion of persons with other recognised competences coherent with requirements stipulated in Article 14.

Art. 16

For each case, the Presidency of the PPT with the support of the Secretariat, approves the implementation of the process of investigation as well as the articulation of appropriate public hearings, and nominates for the judging Session a college composed of a minimum of five members.

Art. 17

Each government, authority, private group which is involved in the case shall be duly informed of the concerned accusations/indictments or investigations, and shall be given ample opportunity to take part in each stage of the procedure, through the submission of evidence and a defence.

Even if the subject in cause does not recognise the competence of the PPT, and *de facto* abdicates to her/his right to defence, all the acts of the process where she/he is involved shall be transmitted to her/him in a timely manner.

Art. 18

The Presidency may designate a rapporteur who is charged with the presentation of all information, evidence or document which may be taken into consideration in favour of an accused party.

Organisational aspects**Art. 19**

The Permanent Peoples' Tribunal manifests one of the research objectives of the Foundation Lelio and Lisli Basso. Its activities are developed and implemented according to the Statute, in full institutional and functional autonomy from the Foundation.

The Administrative Board of the Foundation periodically ratifies, following the notification by the office of the Presidency of the PPT, the nomination of the permanent members of the core panel of judges. The PPT presents to the Foundation, yearly, and or when requested, a report on the accomplished and ongoing work.

Art. 20

The organs of the PPT are:

- the Presidency, including the President and four Vice-presidents, chosen by consensus of the permanent core of judges;
- the General Secretariat, including the Secretary General and the Coordinator.

The mandate of the President and of the Vice-Presidents is for four years, with the possibility of renewal following a consultation of the members of the PPT in the preceding year. The General Secretariat is renewed according to the decision of the Presidency.

Art. 21

The Sessions of the Tribunal and the hearings of the colleges of the Tribunal are public. The deliberations are formulated behind closed doors. The decisions are delivered in public.

Art. 22

The deliberations and the consulting opinions are adopted by majority vote of the members of the college. The vote of the President prevails in cases of *ex aequo*. The verdicts of the Tribunal are definitive. Together with the other decisions of the Tribunal, they are transmitted to the interested parties, to the Secretary General of the United Nations, to the competent international bodies, to the concerned governments, to the media. The verdicts are published on the web site of the Tribunal.

Art. 23

The Tribunal may adopt its own internal regulatory guidelines and procedures.

Art. 24

The PPT has its seat in Rome. It may be convened and carry out its functions in any other place as deemed appropriate.

Art. 25

On any proposal of modification of this Statute, the decision belongs to the Presidency.

Rome, 27 December 2018