



## DETERMINATION

(full form)

Case No: GS/1/7/20/01

Sponsored by C1-03

**In the matter of the question as to: “The legitimacy of the lawful establishment of The Peoples Tribunal of Ireland (‘PTI’) on July 1<sup>st</sup> 2020; (a) according to the Rule of Law; (b) as to the Constitutional authority<sup>1</sup> of the same to raise lawfully-binding Determinations in alignment with positive law for the provision of legal certainty; (c) as to its Constitutional powers, authority and jurisdiction to deal with civil *and* with criminal matters; and (d) as to the PTI’s standing as a ‘competent domestic tribunal’ as enjoined under international law and relations.”**

*This matter having been brought to Council for consideration and assessment according to; (i) the Rule of Law; (ii) to existing positive (written) law in order of primacy; (iii) as per the procedures and protocols in the current version of the PTI Operations Manual; (iv) upon the lawful and constitutional authority and jurisdiction as laid out therein and in the PTI’s other listed foundation documents; and (v) with due reference to the original research document in this matter which is publically available on the PTI website; the PTI Council hereby finds and determines as follows:*

1. That; (i) inasmuch as the three foundation publications listed hereunder demonstrate the repeat, systemic failures and refusals of agents, agencies, officials and office holders of the Irish State over a period of many years to implement and apply domestic law and adhere to the (internationally-recognised) ‘Rule of Law’ in respect of successive, interrelated, interconnected and/or comparative cases, issues and circumstances; (ii) and inasmuch as the said lapses and failures on the part of said agents, agencies, officials and office holders constitute individual and collective criminal offences against the person/citizen, the community and the State; (iii) and inasmuch as the respective domestic statutory authorities and oversight bodies have repeatedly failed or refused to act according to domestic law and the Rule of Law in response to formal complaints or when redress is sought through the ordinary domestic courts; and (iv) inasmuch as the evidence presented in the said listed publications constitutes an unchallengeable criminal indictment of the institutions, agencies and persons named therein – many of

<sup>1</sup> Article 8.1 of Bunreacht na hEireann (Constitution of Ireland) states, “*The Irish language as the national language is the first official language.*” The declaration at Article 25.5.4 further states, “*In case of conflict..*” (of interpretation or translation) “*..the text in the national language shall prevail.*” Accordingly, wherever the current text of the Constitution of Ireland substantially or materially deviates from the original Irish, this PTI Determination document refers to the literal English translation of the original 1937 Irish text, noting that certain elements of that text were ‘altered’ replaced and/or amended in 1999 & 2012 with subsections added; absent the required referendum. Asterisks and/or square brackets [\*] indicate some of those conflicting texts.

whom hold senior positions in the legislative, executive and judicial branches of Government; that it is an inescapable truism, demonstrated by the said facts and evidence that other than 'on paper' and in theory, that the Rule of Law does not in fact exist at the time of this construction in any reliable, equitable or consistent form in the Irish State, and that the domestic courts have proven themselves entirely, *"inadequate to enforce effectively the administration of justice"*\* and in applying the Rule of Law.

- THE PEOPLES TRIBUNAL OF IRELAND – Handbook v 1 2020. ISBN: 978-1-906628-91-8
- CRIMINALITY IN THE IRISH COURTS – and the absence of the Rule of Law. ISBN: 978-1-906628-88-8
- INDICTMENT - & Petition for a Public Enquiry into State-Sponsored Criminality in Ireland & the Case for the Establishment of The Peoples Tribunal of Ireland According to the Rule of Law. ISBN: 978-1-906628-93-2

2. That concomitant with the absence of the Rule of Law are multiple violations of inalienable and fundamental human rights; most notably the right to access justice. That no State or Government can lawfully deny or refuse those inalienable human rights.

3. That to gain or retain membership of; (i) the United Nations (UN); (ii) the European Union (EU) and/or (iii) the Council of Europe (CoE), all prospective or existing Member States must demonstrate that they respect and apply the Rule of Law in their respective domestic spheres. In the case of the EU (for example), the Treaty on European Union sets out the conditions (Article 49) and principles (Article 6(1)) to which any country wishing to become an EU member must conform. These accession criteria (also known as the Copenhagen criteria) were established by the Copenhagen European Council in 1993 and strengthened by the Madrid European Council in 1995, and include.

- *"The stability of institutions guaranteeing democracy, the rule of law, human rights and respect for and protection of minorities.*
- *The ability to take on the obligations of membership, including the capacity to effectively implement the rules, standards and policies that make up the body of EU law (the 'acquis'), and adherence to the aims of political, economic and monetary union.*
- *For EU accession negotiations to be launched, a country must satisfy the first criterion."*

4. Accordingly, the Irish State does not currently qualify for said international memberships other than in circumstances whereby it can be demonstrated that a genuine 'competent domestic tribunal' such as The Peoples Tribunal of Ireland which is; (i) governed by law; (ii) that faithfully interprets and applies the law, and; (iii) which operates under the Rule of Law, has been properly and lawfully established in this State.

5. That given that The Peoples Tribunal of Ireland adheres to written positive law in strict order of precedence for the purposes of 'providing legal certainty' in documented form according to the Rule of Law, and that the PTI therefore meets the criteria laid out by the European Court of Justice in Cases C-54/96 (of 1977) & C-196/09 (of 2011) to be recognised as a legitimate, functioning "competent domestic tribunal" (as laid out in

further detail in the PTI foundation publications) inasmuch as the PTI is: (i) Independent. (ii) It is established by law. (iii) It is permanent. (iv) Its jurisdiction is compulsory (inasmuch as written, positive law has inherent compulsory jurisdiction). (v) It uses *inter-partes* (two or more parties) procedures. (vi) It applies rules of law.

6. That Irish domestic law further provides for the establishment of The Peoples Tribunal of Ireland in alignment with the following Articles of the Irish Constitution:

*“Article 40.6.1. The State guarantees liberty for the exercise of the following rights, subject to public order and morality: (i) The right of the citizens to express freely their convictions and opinions. (ii) The right of the citizens to assemble peaceably and without arms. (iii) The right of the citizens to form associations and unions.”*

*“Article 37.1. Nothing in this Constitution shall operate to invalidate the exercise of limited functions and powers of a judicial nature, in matters other than criminal matters, by any person or body of persons duly authorised by law to exercise such functions and powers, notwithstanding that such person or such body of persons is not a judge or a court appointed or established as such under this Constitution.”*

*“Article 38.3.(i) Special [‘specific’] courts may be established by law for the trial of offences in cases where it may be determined in accordance with such law that the ordinary courts are inadequate to secure the effective administration of justice, and the preservation of public peace and order. (ii) The constitution, powers, jurisdiction and procedure of such special [‘specific’] courts shall be prescribed by law.”*

7. Noting that **Articles 34 and 35 of the Constitution** relate *only* to the functioning of the five domestic ‘ordinary courts’; namely the District, Circuit and High Courts, the Court of Appeal and the Supreme Court, and which said **Articles 34 & 35** incorporate the qualifications and conditions of Office for the judges assigned to each; **Article 38.6.** makes a specific point of excluding ‘Special [*specific*] Courts’ and ‘Military Tribunals’ from the same operating criteria, thus effectively exempting any such assigned adjudicators from the Constitutional requirements and conditions of Office that apply to sitting judges of the five ‘ordinary courts’ stating: *“The provisions of Articles 34 and 35 of this Constitution shall not apply to any court or tribunal set up under section 3 [Special Courts] or section 4 [Military Tribunals] of this Article.”* This quote from **Article 38.6** thus makes further allowance for the potential lawful assignment of the term ‘Special [*or specific*] Court’ to the PTI – or to any functioning aspect of the PTI that has been specially convened for the purposes of dealing with criminal matters – inclusive of the same powers and jurisdiction assigned by the law and the Constitution to such ‘special courts’\* in circumstances whereby it has indeed been established; (a) by the aforesaid foundation documents and the evidence contained therein; and (b) by **Article 38.3(i)**; that, *“the ordinary courts are inadequate to secure the effective administration of justice.”*

8. That notwithstanding the arguments, proofs and questions raised in the PTI foundation documents as to the fundamental legitimacy and standing of the Irish domestic courts, that ‘any person’ i.e. agent/citizen or individual who is resident in the Irish State may avail of *Section 10 of the Petty Sessions (Ireland) Act 1851* [which

Common Law procedure has been repeatedly and recently ratified and endorsed by the 'ordinary (Superior) courts' of the Irish State (as per the detail in the said foundation documents)] to initiate and pursue private criminal prosecutions in their own name and/or in the name of any resident(s) of the State, via the Irish domestic District Courts, and thereafter via the other Courts of first instance, and the Courts of final jurisdiction.

9. That as per the aforesaid foundation documents, specifically Paragraph 6 of 'QTC No 1' of August 2016 which states that; *"No member of the public, or resident or citizen of the Irish State is obliged to participate in unlawful, unconstitutional or criminal activities, nor defer to, facilitate or otherwise accommodate any other parties thus engaged."*

10. That the respective statutory authorities and office holders were repeatedly served with formal NOTICE of the proposed establishment of the PTI and were provided with the opportunity to return any comments, observations or lawful objections. They have failed and refused to do so, thus implying their consent (if such were needed) via the longstanding legal principle, *"qui tacet consentire videtur"* – silence implies consent.

**Finding / Determination:**

1. The Peoples Tribunal of Ireland is a lawful entity, a 'competent domestic tribunal' in the terms described by the European Courts of Justice in Cases C-54/96 (of 1977) & C-196/09 (of 2011) with the powers and jurisdiction to provide 'legal certainty' in documented form, according to written positive law.
2. The Peoples Tribunal of Ireland is further endowed by the Irish Constitution, via Articles 37.1 and Article 40.6.1. (i) (ii) & (iii) to, *"exercise limited functions and powers of a judicial nature, in matters other than criminal matters."*
3. 'Any person' citizen or resident in the Irish State including members of The Peoples Tribunal of Ireland may avail of existing domestic laws to initiate and pursue 'common informer' criminal prosecutions as against any other person in the District Court, under *Section 10 of the Petty Sessions (Ireland) Act 1851*, and via the other domestic Courts of first instance, pursuant to the relevant laws.
4. Under the terms of Article 38.3.1. (i) & (ii) of the Irish Constitution, and subject to the PTI's adherence to the operational protocols and procedures required by law, The Peoples Tribunal of Ireland and/or any discrete operational aspect of the same, further qualifies as a 'special [*specific*] court' complete with the Constitutional powers, authorities, jurisdiction and third-party obligations that accrue thereof.

Case No	GS/1/7/20/001	S.C. C1-03
Reg No/Pages/P	GS/001/4/4	PTI Executive
D-Approval Date	18/11/2020	Original signed



*This is a true copy. The original signed and sealed version of this Determination is on file at the PTI.*