

The PEOPLES TRIBUNAL of IRELAND



Registration
GS/003/2/2

DETERMINATION

(full form)

Case No: GS/1/7/20/03

Sponsored by: C1-03

In the matter of the question as to: “Is any given judge’s jurisdiction affected if a judge knowingly violates the law and/or the Constitution?”

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. With reference to PTI Determination GS/002, it is clear that; (a) judges are subject to the law and the Constitution; (b) that their authority and jurisdiction to operate as a judge is incumbent on the swearing of the judicial oath of office; and (c) that the proper, active maintenance of that oath ‘according to law’ is the constitutional basis upon which they exercise any statutory, local, limited or inherent jurisdiction.

2. The publication, “*INDICTMENT & Petition for a Public Enquiry into State-Sponsored Criminality in Ireland*” serves as one of the unchallenged foundation documents for the PTI. At p.37 it states:

“..statutory factors endow Irish Courts with the legal authority and jurisdiction to administer justice. These are laid out in the Constitution under Articles 34–38 and include (abridged):

- That Courts are set up according to law and operate within their respective jurisdictions. *[Article 34.1.]*
- That individual judges obey the law, respect the Constitution, and act within jurisdiction. *[Article 34.5(i)]*
- That judges abide strictly by their solemn Constitutional Oath of Office. *[Article 34.5(i)]*
- That judges respect the order of primacy of law, and comply with Superior Courts’ Rulings.
- That judges are constitutionally ‘capable’ of carrying out their duties. *[Article 35.4(i)]*
- That judges do NOT engage in ‘misbehaviour’. *[Article 35.4(i)]”*

3. Accordingly, the deliberate and knowing commission of an unlawful or unconstitutional action by any judge whilst acting in the role of judge would constitute an explicit violation of the judges' oath of office and would most certainly constitute stated 'misbehaviour' sufficient to vacate that judge's inherent jurisdiction and render that person liable under the law, which, as per the Articles of the Constitution quoted at paragraph No 2 above, would make any such offending judge subject to criminal charges and/or penalties; and/or to sanction and impeachment by the Houses of the Oireachtas under the relevant domestic laws as quoted in the respective foundation documents of the PTI, namely:

- CRIMINALITY IN THE IRISH COURTS – and the absence of the Rule of Law. ISBN: 978-1-906628-88-8
- THE PEOPLES TRIBUNAL OF IRELAND – Handbook v 1 2020. ISBN: 978-1-906628-91-8
- 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

4. Paragraph 6 of the 'QTC 1' NOTICE & CONSTITUTIONAL DECLARATION of August 2016 (which is quoted in all of the said PTI foundation documents) states and declares:

"Members of the public are NOT obliged to comply with unlawful, unconstitutional or criminal directions from any statutory authority figure such as a member of An Garda Síochána, by Courts Service staff or by members of the Judiciary."

5. 'QTC Notices No 1 – 3' inclusive (which are contained in the said PTI foundation documents) are each based upon positive law. All of those Notices refer explicitly to the question raised herein and endorse the Finding / Determination here below.

Finding / Determination:

1. In the event that it can be empirically demonstrated that any given judge has knowingly and deliberately violated the law and/or the Constitution whilst acting in the role of judge, their jurisdiction to continue to act or operate as a judge is deemed to be immediately vacated.
2. 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 accommodate other parties thus engaged.

Case No	GS/1/7/20/03	S.B. C1-03
Pages & Reg No.	2/GS-003	PTI Executive
D-Approval Date	14/11/2020	Original signed



This full-form document is a true digital copy of the original signed and sealed by the PTI Executive