

Peoples Tribunals and Due Process

Justice Kirby Collection

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The Hon. Justice Michael Kirby AC CMG

Member of the Permanent

Tribunal of Peoples - Session on Tibet

The growth of the activities of Peoples Tribunals is, in one sense, a response to the inadequacy of the institutions of the International Community. In another sense, it is an assertion of the rights of peoples themselves which are different from the rights of states and of international organisations.

However, it is essential, if the International Peoples Tribunals are to continue to enjoy, and deserve, respect, that they observe basic principles of procedural fairness (natural justice) and due process.

This subject was considered by the Permanent Tribunal of Peoples (PTP) Session on Tibet. Great care was taken by the Tribunal to ensure that universal rules of due process were observed. Thus, the accusation was provided in good time with full and adequate particulars. An opportunity was provided to the accused to attend the hearing. In default of that attendance, skilled legal counsel were appointed to represent the case of the accused. Witnesses were submitted to cross-examination as well as questioning by the Tribunal. Evidence was received in support of the accused's imputed case. The Tribunal observed care in the conduct of its deliberations and in the open publication of its findings and verdict.

The author suggests that the lessons of the Session of the PTP on Tibet should be studied for other International Peoples Tribunals.