

Human Rights

“Faith in fundamental human rights, and the dignity of the human person, is the inspiration and the guiding spirit of the movement for a world rule of law.”

-- U.S. Supreme Court Justice Wm. J. Brennan, Jr.

Purpose

A World Court of Human Rights (WCHR) will be created to adjudicate qualifying cases, of which judicial reviews are requested by the affected parties. Those cases which are accepted for review by the WCHR shall be adjudicated in accordance with the United Nations Universal Declaration of Human Rights (UDHR) and in accordance with other recognized human rights conventions, treaties, case law, and principles such as established by jus cogens and at Nuremberg, and in accordance with generally accepted human rights jurisprudence and scholarship. The mission of the WCHR will be to implement, affirm and protect universal human rights by producing a body of human rights jurisprudence that will promote worldwide awareness of, respect for, and compliance with, the UDHR, the WCHR's decisions, and the

“The will of the people shall be the basis of the authority of government.”

-- Article 21(3), Universal Declaration of Human Rights

“A World Court of Human Rights must by definition be grounded on fundamental human rights already proclaimed and recognized universally. A World Court of Human Rights worth the name cannot derive from the nation-state dysfunctional system itself -- as aptly proven daily by the impotency of both the so-called International Court of Justice and the ICC to adjudicate humanity's safety, etc. -- but must arise directly from the world citizen constituency.”

-- Garry Davis, World Citizen #1

WSA's Mission

The World Service Authority® (WSA) educates about, promotes, and implements human rights, world citizenship, and world law. WSA's Documentation Department issues human rights identification documents, and WSA's Legal Department provides free legal advocacy to refugees, stateless persons and others suffering from persecution. The WSA's ultimate goal of world peace through world law involves advancing global legal institutions and grassroots participation processes, such as a World Court of Human Rights and a World Parliament. WSA is the administrative branch of the World Citizen Government founded in 1953.

The WCHR Development Project is seeking legal, technical, and financial support from the global public. For information on how you may participate in this endeavor, please contact:

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World Court of Human Rights Development Project



Designing and Implementing
a Global Judicial Forum
for Remediating Rights Violations

**A Project of the
World Service Authority®**

Founded in 1954 to Implement Universal Human Rights

World Court of Human Rights

History

Eminent jurist Luis Kutner's 1962 vision of a Writ of World Habeas Corpus, and his early concept for a World Court of Human Rights (WCHR) that he and Garry Davis announced in 1974 are useful and inspirational prologue. A 21st Century WCHR must also reflect the last 50 years of the evolution of public international law. In response to an injunction filed by the World Service Authority, Kutner's "court" ordered the release of a foreign journalist who had been sentenced to death for calling the nation's president a "village tyrant." Kutner's show cause order was served on the country's ambassador to the United States, and word came back that the country's president was willing to "negotiate." When told that the WCHR's order was not negotiable, the president (remarkably) released the prisoner. The record of Kutner's WCHR is otherwise unknown, and this may have been its only formal case, but the lesson is compelling, and it provides evidence that a bricks and mortar WCHR, with highly-qualified judges and ample funding, could have a profound effect on the universal protection of human rights.

Jurisdiction

The subject matter jurisdiction of the WCHR will be complementary to those of the International Court of Justice (ICJ) and the International Criminal Court (ICC), and the jurisprudence of the WCHR will evolve in parallel with those of the ICJ and the ICC, advancing human rights, and promoting peace through a growing body of world law. The WCHR's initial focus will be on illegal detentions, and on other violations of human rights, that are of large scale, and/or are otherwise of broad societal impact, and that present a prima facie case of a violation of the UDHR. The WCHR's determination of which cases it will take will be guided both by consideration of the potential for the validation of the human rights of the affected parties, and by the case's potential for advancing unequivocal respect for human rights globally. As the Court becomes fully functioning, it will provide a global venue and standing for individuals to prosecute cases of violations of their fundamental rights, unrestricted by national sovereignty, international treaty limitations or corporate control.

5 Steps for Creating a 21st Century World Court of Human Rights

1 Assembling the WCHR Founders. The Founders will be a team of 15 judges and academics who have expertise in the theory and practice of court-based protection of human rights. No two Founders will be from the same country. Founders will be selected in a manner that will afford representation of all major legal systems of the world, and that will provide a balance of gender, race, ethnicity and culture. Given their long-stated public support for a WCHR, a majority of the Founders will be chosen from the membership of the Chief Justices of the World, who will be indispensable partners in creating the court.

2 Clarifying the Unmet Need. This is the first task of the Founders. What areas of human rights protection are presently underserved by existing public international law structures such as the ICJ, the ICC, and existing regional courts of human rights? The answer to this question is critical to the process of designing a WCHR that will be effective in determining which cases to accept. The answer will also drive the design of the Statute of the WCHR in such a manner that it best promotes both the validation of the human rights of the affected parties, and that it most effectively promotes unequivocal respect for human rights globally.

3 Drafting the Statute and Identifying its Guiding Bodies of Law. This is the second task of the Founders. It is necessary to separate the WCHR's operating principles (i.e., the Statute of the WCHR), from the substantive human rights laws and principles that it will apply in its adjudication of the cases that it accepts. Those familiar with the "Kutner Statute" of the WCHR know that it combines these procedural and substantive provisions.

The experience of current public international legal institutions encourages a separation of these guiding procedural and substantive documents. The Statute of the WCHR will be limited to procedure, following the precedent of companion statutes of the ICJ and the ICC. The substantive law that will be applied by the WCHR, in its adjudication of the cases that it accepts, will be: the UDHR as a restatement of our innate and unalienable universal rights; other recognized human rights conventions; treaties; case law; principles; and generally-accepted human rights jurisprudence and scholarship.

4 Implementing the 2-Phase Plan. The creation and operation of the WCHR will not be without significant cost, and petitioning fees will not cover operating expenses in any meaningful way. In fact, access to the WCHR should be free for qualifying cases. (A preliminary budget is available upon request.) A 2-phase implementation plan is needed. Phase 1 is the design phase. Phase 2 will operationalize the WCHR. Phase 1 will take place between December 2013 and December 2014. We will work with the Chief Justices of the World to assemble the Design Team at their 2013 conference in Lucknow, India to complete Phase 1 and to have a clear plan for Phase 2 in time for the Justices' December 2014 meeting. Again, the strong support of the Chief Justices of the World during Phase 1 is absolutely indispensable to the success of Phase 2.

5 Operationalizing the WCHR. The establishment of the WCHR is a critical step in achieving universal respect for human rights. That said, this is only true if the importance of the WCHR becomes broadly recognized. How will this occur? The commitment of the Chief Justices of the World is a necessary, but not a sufficient, step. The life's work of Garry Davis since 1948 has laid a foundation, and a documentary of that work is about to be released. The release of the documentary about Garry's life will focus world-wide attention on the principles that he and the Chief Justices of the World have espoused for so long and dramatically raise the potential for global awareness and funding for the WCHR.