

What is a People's Tribunal?

Since the 1960s there have been over 80 “peoples’ tribunals”, “citizens’ tribunals” or similar commissions of inquiry established outside formal State (government) and international structures. These have addressed violations of international law, human rights and moral and ethical standards in areas ranging from:

- The conduct of the wars - The Kuala Lumpur War Crimes Tribunal, 2011
- Violence against women – Tokyo’s Women’s International War Crimes on Japanese Sexual Slavery, 2001
- Environmental degradation – the International peoples’ tribunals held in relation to agrochemical transnational corporations, organised by the Pesticides Action Network under the auspices of the Permanent Peoples’ Tribunal.
- The impact of debt – International People's Tribunal on Debt, organised by Jubilee South, 2002
- The rights of workers - The People’s Tribunal on the garment industry, Cambodia and Sri Lanka, 2012

The Tribunal has been utilised to address issues of human rights violations and in instances where the State has failed to take actions or be held accountable. A Tribunal is viewed as a form of human rights activism to address violations perpetrated through systemic means. By adopting a broad-based human rights approach, it can examine an overall situation as opposed to an individual complaint and therefore conducts a fact finding inquiry to both educate and bring about reform.

Tribunals utilise both national and international law standards of procedure and serves to document and denounce violations.

The process of the Tribunal can either be inquisitorial or accusatorial. A Peoples’ Tribunal gives voice to citizens who wish to articulate rights violations and discrimination to an independent body. In short, the system that caused these violations is put on trial by the people.

BERSIH People’s Tribunal on GE13

The Bersih Peoples’ Tribunal on GE13 will take the form of a commission of inquiry led by a legal team who will present evidence and arguments to the Tribunal. The Tribunal will then determine the issues as framed in the Terms of reference.

The Tribunal will examine if any acts that were committed in relation to the elections until polling day on 5 May 2013 has violated the rule of law and international standards and norms governing the conduct of elections, including the UN Human Rights Standards regarding elections and the Declaration on the Criteria for Free and Fair Elections by the Council of the Inter Parliamentary Union.

How are the members of the tribunal chosen?

Members of the tribunal consist of eminent and respected individuals both from overseas and from Malaysia who all share a strong commitment to human rights and the rule of law.

Who are the witnesses?

Witnesses will range from citizens who have been disenfranchised or faced any other violations, academics, voter monitors and candidates who will give both personal and expert testimony. Ordinary citizens are encouraged to come forward and speak freely of their personal experiences in the elections as are relevant to the terms of reference.

Will the EC be invited to present before the Tribunal?

The EC will be invited and encouraged to participate and we hope that in the spirit of improving the system, they will attend.

Can anyone hold a watching brief?

Any interested party can apply to hold a watching brief and we encourage all political parties to participate.

Will there be observers?

Observers are welcome, but they will have to inform the secretariat ahead of time of their intention to be observers.

Is the People's Tribunal political?

The main objective of the People's Tribunal is justice and accountability. This is a universal standard that goes beyond politics.

Is redress possible in the People's Tribunal?

The Tribunal has neither power nor the force of law to enforce its conclusions and recommendations, but as a people's initiative, it nonetheless carries the moral authority to demand their wide acceptance and action by the state, i.e. the government of Malaysia. Civil society will utilise the findings, conclusions and recommendations to advocate reform.

The Terms of Reference for the Members of the Tribunal include:

- To consider and to make recommendations as the tribunal deems appropriate with regard to any findings or conclusions made by the members of the tribunal.
- To present their report of findings and recommendations to BERSIH 2.0.

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Organising Committee, Bersih 2.0 People's Tribunal on GE 13

*The Organising Committee of The People's Tribunal comprises:
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