

ASGARDIA

PARLIAMENT



ASGARDIA JUDICIARY ACT 27 LIBRA 0004 / 10 AUGUST 2020

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Chapter 1: General Provisions

Article 1: This law is formulated in accordance with the Constitution of the Space Kingdom of Asgardia, with the purpose to standardize the setup, organization, and authority of Judiciary, and to safeguard the operation of the Judiciary.

Article 2: Justice in Asgardia shall only be administered in court.

Article 3: Through hearing criminal cases, civil cases, administrative cases, and other cases prescribed by law, the judiciary applies restorative justice methods to individuals who violate the law and protects the Asgardian Community by taking the appropriate measures, resolves civil and administrative disputes, protects the rights and interests of individuals and organizations, oversees administrative organs' lawful exercise of their authority, preserves national security and social order, preserves social fairness and justice, preserves the uniformity, dignity, and authority of the national legal system.

Article 4: The judiciary in Asgardia shall take the form of the Court, comprising a Presidium and four panels for constitutional, civil, administrative, and criminal proceedings, which are headed, respectively, by four Judges who are members of the Presidium.

Article 5: The judiciary shall exercise the power of adjudication independently in accordance with the provisions of law, and shall not be interfered with by the Parliament, Government, the administrative organs or individuals.

Article 6: The laws are applied equally in all cases heard by the judiciary, no organization or individual shall have privilege exceeding the law, and discrimination in any form is prohibited.

Article 7: The judiciary shall be guided by the principle of transparency and public hearing,

except as otherwise provided by law.

Article 8: The judiciary shall uphold judicial fairness, lawfully protect the procedural rights and other lawful rights and interests of individuals and organizations, and respect and protect human rights.

Chapter 2: Justices and Personnel

Article 9: The judiciary shall be headed by the Supreme Justice who is appointed by the Head of Nation. Justices of the Court shall be appointed by the Parliament on the proposal of the Supreme Space Council, which receives the proposal from the Supreme Justice.

Article 10: The Supreme Justice is responsible for all work of the Judiciary, supervises the trial work, and manages the judiciary's administrative affairs.

Article 11: Justices shall be Asgardian citizens aged between 40 and 80, who have a first degree in law and experience of working in the legal profession for at least five years.

Article 12: Judges enjoy immunity in the lawful exercise of their duties and independence, and are subject only to the Constitution and the laws of Asgardia.

Article 13: Justices shall not be replaced after five years in office, unless it is in accordance with Asgardia's laws.

Article 14: Justices' assistants are responsible for trial support matters such as the inspection of case materials and drafting of legal documents, under the guidance of justices.

Article 15: Clerks of the judiciary are responsible for trial support matters such as making records of trials.

Chapter 3: Powers of Judiciary

Article 16: The jurisdiction, composition of panels, procedure for forming and organizing the work of Courts shall be set by Asgardia's laws.

Article 17: The judiciary shall hold hearings for cases which it have jurisdiction as provided by law.

Article 18: The judges shall exercise their judgement on specific issues on the application of law in trial work.

Article 19: The court hearings can be held by a collegial panel of three justices or a single justice alone.

Article 20: Court hearings shall be held in person or primarily using electronic systems; the hearings are open to public and can be restricted only in specific cases, defined by a justified decision of the competent governmental Body of Asgardia, depending on the nature of the case.

Article 21: Collegial panels shall have one presiding justice. The Supreme Justice, once a member in the collegial panel, shall serve as the presiding justice.

Article 22: Collegial panel decisions shall be made by a simple majority or by the justice him/herself through case deliberation, and the minority views (if there are any) shall be recorded

in the final decision.

Article 23: Court rulings are to be signed by the collegial panel members or a single justice.

Article 24: Court rulings shall be final and binding for Asgardian citizens and all governmental bodies.

Article 25: The judiciary shall strengthen internal oversight. Where any unlawful activities happen during the trial process, the judiciary shall promptly investigate and handle such activities in accordance with law.

Article 26: The judiciary consists of a Presidium of a total of 5 judges - 4 in the relevant areas, and the Supreme Judge, who heads the Presidium.

Article 27: The Presidium shall perform the following functions:

- (1) Summarizing trial work experience;
- (2) Discussing and deciding on the application of law in major, difficult or complicated cases;
- (3) Discussing and deciding whether there should be a retrial on already effective judgments, rulings and decisions and establish appeal procedures.
- (4) Discussing and deciding on other major issues related to trial work;
- (5) Other actions within the scope of this Law and the Constitution.

Chapter 4: Nature of penalties and the implementation of sentencing

Article 28: Penalties in Asgardia shall be digital.

Article 29: Penalties shall be proportionate to the severity of the crime.

Article 30: Penalties and their sentencing shall be defined according to applicable Codes.

Article 31: The Presidium shall be responsible for ensuring that the punishments and their implementation remain appropriate in regard to the intended purpose of the punishment.

Article 32: Implementation of the sentence shall be under responsibility of the Ministries of Justice/Safety&Security.

Chapter 5: Safeguards for the Judiciary

Article 33: The judiciary shall be funded exclusively through the national budget, which shall facilitate full and independent justice in accordance with Asgardia's laws.

Article 34: Nobody may request the judiciary to engage in tasks beyond the scope of their duties.

Article 35: The decisions, rulings, judgments and other legal documents issued by the judiciary shall be strictly and meticulously implemented.

Article 36: The judiciary must take the necessary measures to maintain order in the courtroom, including the digital courtroom. Any conduct which impedes the judiciary's administration of its adjudication power shall incur sanctions.

Article 37: The justices, trial support personnel and judicial administrative personnel shall

receive theoretical and operational legal training.

Article 38: The judiciary shall strengthen the digitalization of its work and processes. In doing so modern information technologies will be utilized to promote judicial transparency and increase judicial efficiency.

Article 39: With respect to legal and disciplinary actions, citizens and residents, irrespective of their status, shall be given the right to due process according to respective Codes (criminal, administrative, civil, constitutional).

Chapter 6: Safeguards and Citizens' Rights before the Judiciary

Article 40: Respect and protection of the value of the human being constitute an obligation of the Judiciary.

Article 41: The rights of the human being as an individual and as a citizen of Asgardia are guaranteed and protected by the Judiciary.

Article 42: Judiciary shall guarantee that all Asgardians shall enjoy full protection of their life, liberty, happiness and property, and shall protect all the personal, political and social rights of Asgardian Citizens, irrespective of nationality, race or language and of religious or personal beliefs.

Article 43: Property is under the protection of the Judiciary; rights deriving from there, however, may not be exercised contrary to the public interest of Asgardia.

Article 44: Citizens, residents and non-residents have the right to "due observance of procedures (procedural rules) stipulated by law".

Article 45: There shall be no crime, nor shall corrective measure be applied, or sentences of any kind be inflicted unless specified by law in force prior to the perpetration of the act, defining the constitutive elements of the act.

Article 46: All sentences are digital in Asgardia. Consequently, death sentence and imprisonment are prohibited in Asgardia.

Article 47: Every person shall be entitled to receive legal protection by the Asgardian Courts and may plead before them his views concerning their rights or interests, as specified by law.

Article 48: Effective remedies should be determined by the Judiciary in the case of violation of the fundamental rights, in accordance with the relevant applicable laws.

Article 49: The Asgardian dedicated Codes and Laws shall specify further the Judiciary procedure and the safeguards of the Asgardian Citizens and the protection of the Human rights before the Judiciary when adopted.