



# GENERAL JUDICIAL ACT OF 2017

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## **THIS ACT WILL**

Establish the organs of the Judiciary of Mcarthia and procedures within them, as well as specifying the grounds for use of the Judiciary.

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## **DEFINITIONS**

1. No definitions are provided.
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### **1. Justice in Mcarthia**

- a. The Constitution is the Supreme source of law in Mcarthia.
- b. As specified in the Constitution of the Republic of Mcarthia ('Mcarthia,' 'the Republic,' 'the nation'):
  - i. Rule of law shall apply in Mcarthia.
  - ii. Mcarthia shall use the common law system.
  - iii. The Judiciary of Mcarthia ('the Judiciary') shall be the highest judicial body in Mcarthia.
  - iv. The Judiciary shall exist to enforce and interpret the law, in accordance with the general and public interest.
  - v. The Judiciary shall have the authority to pass sentence on citizens of, residents of, or visitors to Mcarthia; to repeal legislation it deems unconstitutional; and to, with the approval of a two-thirds supermajority of Parliament, remove any individual from office if there are reasonable

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grounds to suspect they are incapable of holding office or are otherwise unfit to do so.

- vi. All Mcarthian citizens, residents, visitors, and those who find themselves under Mcarthian jurisdiction may be brought before the Judiciary.
- vii. The Judiciary shall be accountable to the People of Mcarthia, as well as Parliament, the President, the First Minister, and the Government of Mcarthia.
- viii. The Judiciary shall consist of a number of courts, and a number of Judges of Court.
- ix. Judicial authority shall be vested in the Judges of Court.
- x. Inferior Courts shall be bound to follow the precedents of superior Courts in accordance with the doctrine of stare decisis.
- xi. All Courts should respect the precedents of equal Courts in accordance with the doctrine of horizontal stare decisis.
- xii. An act shall only be punished if:
  - 1. It constituted an offence under the law before the act had been committed.
  - 2. It has not been punished before under general legislation.
- xiii. The Judiciary shall be politically independent, although its members need not be.

## 2. **Jurisdiction**

- a. The Judiciary of Mcarthia shall have jurisdiction over the territory claimed by the Republic of Mcarthia, any online venues controlled by the Government of Mcarthia, any online venues solely compromised of Mcarthian citizens and not already clearly expressed as a venue of another nation, and any other online venues clearly expressed as Mcarthian including those belonging to a non-personal body recognised as Mcarthian.
- b. The Judiciary shall furthermore have jurisdiction over any affairs that occur solely between Mcarthian bodies.
- c. With the consent of all parties, the Judiciary may also claim jurisdiction over foreign or international cases where no involved party is a Mcarthian body.
- d. The Judiciary may issue non-binding rulings in any matter.

## 3. **Department of Justice**

- a. The Department of Justice (hereafter, the 'DOJ') shall be established.

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- b. The DOJ shall be responsible for the administration of the Judiciary and courts, as well as ensuring that the provisions expressed in this legislation are adhered to.
- c. The DOJ shall be led by the Secretary of State for Justice.
  - i. The Secretary of State for Justice shall be a member of the First Minister's Cabinet ('the Cabinet') and thus be appointed and dismissed by the First Minister of Mcarthia ('the First Minister').
  - ii. The Secretary of State for Justice shall be the primary representative of the government in non-criminal cases.

#### 4. **Office of the Public Prosecutor**

- a. The Office of the Public Prosecutor (hereafter 'the OPP') shall be established.
- b. The Office shall be independent and shall be responsible for providing criminal prosecutions.
- c. The Office shall be headed by the Public Prosecutor, who shall be appointed and dismissed by the First Minister.
- d. The Public Prosecutor may in turn appoint other lawyers to serve as additional public prosecutors.

#### 5. **The Supreme Court**

- a. The Supreme Court shall be the highest judicial body in the Judiciary.
- b. The Supreme Court shall be the final appellate court of Mcarthia, and the sole constitutional court.
- c. The Supreme Court shall be chaired by the Supreme Judge of Mcarthia.
  - i. The Supreme Judge shall additionally be responsible for advising the government on matters of law.
  - ii. The Supreme Judge shall be appointed and dismissed by the First Minister of Mcarthia.
  - iii. The First Minister may choose to have the Supreme Judge sit on the Cabinet in addition to any other members specified by statute.
- d. Additional judges in the Supreme Court shall be High Judges.
  - i. High Judges may in the Supreme Court hear all cases that would otherwise be heard by the Supreme Judge.
  - ii. High Judges shall be appointed and dismissed by the First Minister or President of Mcarthia.
- e. The Supreme Court may hear all types of cases.
- f. The Supreme Court may impose unlimited sentences and reparations.

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- g. Cases in the Supreme Court may never be heard before a jury.
  - i. However, the President, First Minister, or Secretary of State for Justice may order any Supreme Court case to be heard before a panel of three judges who must confer before reaching a verdict.
- h. A case may only be brought to the Supreme Court if:
  - i. The case has already been heard at all relevant inferior courts;
  - ii. The case is being appealed from a previous Supreme Court ruling;
  - iii. The case regards a matter of constitutional law.

## 6. **The Court of Appeals**

- a. The Court of Appeals shall be the second highest judicial body in the Judiciary.
- b. The Court of Appeals shall be the penultimate appellate court of Mearthia.
- c. The Judges of the Court of Appeals shall be High Judges.
- d. The Court of Appeals may hear all types of cases.
- e. The Court of Appeals may impose unlimited sentences and reparations.
- f. Cases in the Court of Appeals may never be heard before a jury.
  - i. However, the President, First Minister, or Secretary of State for Justice may order any Court of Appeals case to be heard before a panel of three judges who must confer before reaching a verdict.
- g. Rulings from the Court of Appeals may be appealed to the Supreme Court.
- h. A case may only be brought to the Court of Appeals if it has already been heard at all other relevant inferior courts.

## 7. **The High Court of Justiciary**

- a. The High Court of Justiciary shall be the criminal court below the Court of Appeals.
- b. The judges of the High Court of Justiciary shall be High Judges.
- c. The High Court of Justiciary may hear criminal cases only.
- d. The High Court of Justiciary may impose unlimited sentences.
- e. Cases in the High Court of Justiciary may be heard before a jury.
- f. Rulings from the High Court of Justiciary may be appealed to Court of Appeals.
- g. A case may only be brought to the High Court of Justiciary if it has already been heard at all other relevant inferior courts or the case concerns a matter specified by statute to be appropriate for the High Court of Justiciary.

## 8. **The Court of Session**

- a. The Court of Session shall be the civil court below the Court of Appeals.

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- b. The judges of the Court of Session shall be High Judges.
- c. The Court of Session may hear civil cases only.
- d. The Court of Session may impose unlimited sentences.
- e. Cases in the Court of Session may be heard before a jury.
- f. Rulings from the Court of Session may be appealed to Court of Appeals.
- g. A case may only be brought to the Court of Session if it has already been heard at all other relevant inferior courts or the case concerns a matter specified by statute to be appropriate for the Court of Session.

#### 9. **The Central Court**

- a. The Central Court shall be the lowest court of the Judiciary, and may hear criminal cases, civil cases, and cases in rem.
- b. The judges of the Central Court shall be ordinary Judges.
- c. Cases in the Central Court shall always be heard before just one judge.
- d. Appeals from the Central Court may be taken to the next highest relevant court.

#### 10. **International Jurisdictions**

- a. The Judiciary of Mcarthia shall recognise the jurisdiction of courts or tribunals that Mcarthia is a party to.
- b. Unless explicitly stated elsewhere, cases should be heard in Mcarthian courts before being taken to an international court or tribunal.
- c. The Judiciary may offer its courts to foreign bodies to hold hearings.

#### 11. **Legal Cases and Initial Procedure**

- a. There shall be multiple types of legal case:
  - i. Criminal cases
  - ii. Civil cases
  - iii. Cases in rem
  - iv. Inquiries
- b. Cases in rem and inquiries shall never be held at either the High Court of Justiciary or the Court of Session.
- c. A case shall enter the Judiciary as soon as a filing is submitted to the DOJ.
  - i. Filings may take different forms:
    - 1. If they regard criminal cases, they shall be known as reports.
    - 2. If they regard civil cases, they shall be known as complaints.
    - 3. If they regard cases in rem or inquiries, they shall be known as petitions for action.

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- d. Any body, be they national, foreign, or international, may submit a filing.
- e. If necessary, the DOJ may format filings it receives in a manner suitable for the Judiciary.
- f. The DOJ is at this stage responsible for the handling of the case.
- g. The DOJ must then give the case a unique reference number, unless it can immediately be dismissed as obviously frivolous.
- h. The DOJ is then responsible for ensuring the procedures set out below are adhered to.

## 12. International Cases

- a. Cases that concern events out with Mcarthian jurisdiction may still be heard in Mcarthian courts, but only if at least one of the following criteria is fulfilled:
  - i. It is considered to be in the general or public interest to issue a non-binding ruling (in this case, any rulings must be non-binding);
  - ii. The case regards Mcarthian bodies only;
  - iii. There is no possibility of obtaining a fair trial in the primary jurisdiction of the case;
  - iv. All parties consent to the hearing of the case in Mcarthian courts;
  - v. Specific Mcarthian interests may have been affected.
- b. Ultimately, binding rulings can only be issued to those who are in Mcarthian jurisdiction.

## 13. Case Styling

- a. Criminal cases shall be styled as ‘Republic of Mcarthia v. [defendant].’
- b. Civil cases shall be styled as ‘[plaintiff] v. [defendant].’
- c. Cases in rem shall be styled as ‘[petitioner] in re [subject].’
- d. Inquiries shall be styled as ‘Republic of Mcarthia in the matter of [topic].’
- e. If a party is not to be represented, their name shall be followed with the words ‘ex parte.’
- f. In appeals, the words ‘(appellant)’ and ‘(respondent)’ shall be included as relevant.
  - i. Respondent shall be included even if no counter-case has been submitted.
- g. In the case of multiple parties, commas and the word ‘and’ shall be used in accordance with grammatical norms.

## 14. Legal Parties

- a. Legal cases shall all involve at least one party.

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- b. A party may be an individual or an organisation, national or international.
- c. All parties shall be legally represented.
  - i. In some cases, the representative of a party may also be a/the member of it.
  - ii. Notice must be submitted privately to the courts in the case of a selection, addition, or other change of representative(s).
    - 1. This notice must be shared with other parties in the relevant court by a court administrator (see Court Clerk).
- d. In civil cases and in rem cases, plaintiffs may opt to join together.
  - i. In styling, the plaintiffs may be abbreviated to '[main plaintiff] and others.'
- e. Cases may involve co-defendants or co-respondents, who shall be regarded as legally independent.
  - i. Co-defendants or co-respondents may opt to share legal representatives.
- f. Whenever multiple parties are involved in either side of a case, they shall be numbered by the DOJ.

#### 15. **Intervenors and Amicus Curiae Briefs**

- a. Intervenors who can display an interest or stake in a case may make an application to the courts to present an additional case in civil cases and cases in rem.
  - i. It shall be at the discretion of the courts whether to allow these interventions.
  - ii. Hearings may be called to allow intervenors to answer questions on their applications.
  - iii. Court orders shall be made if interventions are to be permitted.
- b. Any party may apply to present an amicus curiae brief to the courts in any kind of case at any time.
  - i. It shall be at the discretion of the presiding judge whether and/or when to allow these briefs.

#### 16. **Motions**

- a. Motions, applications which request a court order, shall be the primary procedural device in court.
- b. Motions shall include:

- i. Motions for confidentiality, requesting proceedings are made confidential and observers are blocked from court;
  - 1. This motion may only be granted in exceptional circumstances;
- ii. Motions for retrial, requesting a trial to be begun again in its entirety;
- iii. Motions for summary judgement, requesting a judgement to be given before trial;
  - 1. This motion shall only be granted where the facts of a case are not regarded to be contested, and questions of law are all that remain;
- iv. Motions for supplementary hearings, requesting an additional hearing other than a trial;
- v. Motions to appeal, requesting that the courts hear an appeal on a judgement, decision, or order (or rejection of motion);
- vi. Motions to compel, requesting that the courts order a party to fulfil a certain request;
- vii. Motions to detain/prevent revocation of citizenship, requesting that a party is detained/prevented from revoking their Mcarthian citizenship;
- viii. Motions to discover, requesting that an opportunity is provided to share information (including evidence and lists of witnesses to be called at trial) between parties;
- ix. Motions to dismiss, requesting that a case is dismissed from court;
- x. Motions to elevate, requesting that a case or motion is passed to a high court;
  - 1. Even if a motion is elevated, the case itself shall not be.
- xi. Motions to excuse, requesting that a certain party or individual is excused from proceedings;
- xii. Motions to plead, requesting that a certain pleading is accepted by the court;
- xiii. Motions to postpone, requesting that a certain deadline or date be postponed;
- xiv. Motions to remove, requesting that a certain party or individual is removed from proceedings, either in full or in part;
- xv. Motions to retract, requesting that a judgement, decision, or order is retracted;

- xvi. Motions to suppress, requesting that certain information (including but not limited to evidence, witness testimony, or personal details) is protected and forbidden to be released;
  - 1. This motion may also specify in which venues information is to be suppressed; for instance, if information is to be suppressed only in court, or if it is to be suppressed in all locations.
- xvii. Objections/motions to strike, requesting that certain evidence or witness testimony shall not be considered, due to it being objectionable (see below).
- c. Reasoning must be provided with all motions.
- d. Motions other than those listed above may also be made to the court.
- e. A motion may be made at any time after an indictment, complaint, or petition is served, as well as at any time after a judgement, decision, or order.
- f. Motions may only be made by parties to a case, or by the DOJ.
  - i. The DOJ may make motions at any time.
- g. There shall be no limit to the number of motions that may be made.
- h. When out-of-hearing, motions should be submitted to the relevant court for the case, or, if one is not available, the Central Court.
- i. When in hearing, motions should be submitted to the presiding judge.
- j. The relevant judge shall either approve or reject a motion.
- k. With the exception of motions to strike (see below), motions should be phrased, 'I move to/for...'
- l. Should a motion be approved, with the exception of motions to strike, a court order must be made.

## 17. Court Orders

- a. Court orders shall be the primary way for the courts to enforce their jurisdiction.
- b. Court orders shall be issued after motions are approved, when sentences or reparations are to be ordered, or in any other scenario that requires the court to enforce its powers or order something to happen.
- c. Court orders shall be phrased, 'IT IS HEREBY ORDERED THAT...'
- d. Court orders may be made by any relevant judge.
- e. Court orders may be made at any time at any court equal to or below the rank of the ordering judge.
- f. Court orders may be appealed.

- g. Court orders may be issued prior to final rulings on a case if a matter is especially time sensitive.

## 18. Appeals

- a. All judgements, decisions, or orders may be appealed.
- b. Cases shall be appealed to the next highest relevant court.
  - i. Court orders shall be appealed to the court they originated from initially once, before going to the next highest relevant court.
- c. Cases at the Supreme Court may be appealed a maximum of three times, and following that may be appealed to any relevant international court.
  - i. In extraordinary cases, the President may grant the right to appeal regardless of statute.
- d. A case may not on appeal be heard by the same judge more than once unless it is absolutely unavoidable.
- e. An appeal may only be made if there is reason to believe a legislative, constitutional, or procedural error has been made, or if the appellant is able to demonstrate they have key new arguments to present.
- f. Motions to appeal must be made in order to secure permission to make an appeal.

## 19. Court Clerk

- a. Any requires a clerk to be present, who should be especially familiar with judicial procedure.
- b. The role of the clerk is to administer the court and to advise the judge on matters of legal significance.
- c. The clerk may provide additional information to the court as and when necessary.
- d. Clerks shall either be provided by the DOJ, or, if one is not available, the judge themselves may act as clerk.

## 20. Procedural Requirements in Hearings

- a. Hearings shall begin with the clerk stating, ‘This court is called to session, [name of judge] presiding. [Docket number], [case styling].’ The clerk should also introduce the purpose of the hearing to the court.
  - i. From that stage onwards, the court is with the judge.
- b. Hearings shall conclude with the clerk re-stating any orders that have been at that hearing, and then, ‘Court adjourned.’

- c. At any stage in proceedings, a judge may speak, including by asking questions of parties.

## 21. Criminal Case Procedure

- a. A criminal case shall be a legal case concerning a potential criminal offence.
- b. Criminal cases shall begin at the criminal court specified by statute to be relevant for the most serious offence in question.
- c. In a criminal case, the state (the prosecution) shall take a party (the defendant) to court on suspicion of having committed an offence or multiple offences.
- d. The burden of proof lies with the prosecution to show that the defendant is guilty beyond reasonable doubt.
- e. The defendant must be represented by legal counsel.
- f. The DOJ of Justice (in this section, ‘the DOJ’) shall forward all criminal reports to the Office of the Public Prosecutor (in this section, ‘the OPP’).
  - i. The OPP may also begin cases on their own accord, providing the DOJ is informed.
- g. The OPP shall then decide what the specific charges shall be.
  - i. A certain criminal offence may be charged multiple times (e.g. two counts of [offence]).
  - ii. If it is decided there is no case to pursue, the case shall be dropped.
- h. The President may decide to personally prosecute a criminal case that is dropped by the Office of the Public Prosecutor if there is reason to think that a prosecution would be in the public or general interest.
- i. If there is deemed to be a case to pursue, the OPP shall to the DOJ issue a list of charges with which the defendant is to be tried on.
- j. The DOJ shall then issue to the defendant and publish online an indictment, calling the defendant to the appropriate court and stating the acknowledged facts and charges of the case.
  - i. The courts should also be provided with the indictment.
- k. The defendant then has seven days to inform the DOJ if they intend to send representation to the case. If they opt not to send representation, they shall be considered to be not contesting the accusations.
  - i. Opting not to send representation does not automatically result in a guilty verdict.
  - ii. Defendants that wish to move to plead guilty should send representation.

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- l. If the defendant wishes to send representation, the DOJ shall then be responsible for ensuring the defendant has legal representation, whether provided by the state or obtained privately by the defendant.
- m. The OPP shall find representation for the state.
- n. The Supreme Judge shall allocate an appropriate judge to hear the case at its first hearing.
- o. The prosecution and defence shall be given sufficient time to prepare their cases.
- p. At any hearings of the case, the following must be present, pursuant to other clauses and statutes:
  - i. The appropriate selected judge
  - ii. A representative of the prosecution
  - iii. A representative of the defendant, provided the defendant has opted to send representation.
- q. The defendant has a right to appear at any hearings of their case, pursuant to other clauses and statutes.
- r. At the case's first hearing, specific opportunity shall be provided for parties to move to discover, to detain/prevent revocation of citizenship (if not already applicable), to suppress, to dismiss, to elevate, to excuse, to remove, to postpone, or for summary judgement.
- s. The defendant (providing they have previously opted to send representation) at this stage shall also be required to move to plead on all of the charges.
  - i. Should the defendant move to plead guilty on some or all of the charges, and the judge accepts the motion, the case may progress past trial.
    1. If a motion to plead guilty does not regard all submitted charges, or is rejected, the case shall continue as standard.
- t. The trial shall begin, provided a motion to plead guilty to all charges has not been successfully made, as soon as all parties submit notice they are ready for trial to proceed.
  - i. The relevant judge shall ultimately be responsible for scheduling, particularly if one party is taking an unreasonable length of time to prepare for the case.
- u. The clerk shall open the court for trial.
- v. The judge shall ask the prosecution, and then the defence, to make an opening speech regarding that sides' arguments for the case.

- w. The prosecution shall then begin their case.
- x. Their case shall consist of:
  - i. Witnesses, who shall be examined, cross-examined, and re-examined as many times as necessary.
  - ii. Evidence, which shall be presented by the prosecution and examined by the defence as many times as necessary.
  - iii. Law, which shall be presented by the prosecution and examined by the defence as many times as necessary.
  - iv. Oral arguments, which shall be presented by the prosecution and be responded to by the defence.
- y. When the prosecution has completed their case, they shall address the court – ‘the prosecution rests their case.’
- z. At this stage, a specific opportunity shall be made for the defence to move to dismiss, if they feel there is no case to answer.
- aa. If the defence does not move to dismiss, the judge shall decide if there is a valid case for the defence to answer.
  - i. If there is, the defence shall begin their case.
  - ii. If there is not, the judge must provide detailed reasoning as to why there is not.
    - 1. Following this, the case shall be dismissed.
- bb. The defence’s case shall proceed in the same manner as the prosecution’s.
- cc. When the defence has completed their case, they shall address the court – ‘the defence rests their case.’
  - i. If multiple defendants are appearing in court, individual representatives shall have equal opportunity to examine and re-examine evidence and witnesses.
- dd. The Judge may choose to retire to consider their verdict and sentence, in which case the court will be adjourned until the judge is prepared to state their verdict.
- ee. The verdicts available are:
  - i. Guilty, where the judge is satisfied beyond reasonable doubt that the defendant is guilty of a certain charge.
    - 1. For each charge the defendant is found guilty of, the judge shall pass sentence.

- ii. Not guilty, where the judge is satisfied beyond reasonable doubt that the defendant is not guilty of a certain charge.
  - 1. The judge may not pass sentence on any charge the defendant is found not guilty of.
  - 2. If the defendant is found not guilty of all charges, the case shall be dismissed and the charges may not be heard again.
- iii. Not proven, where the judge is not satisfied beyond reasonable doubt that the defendant is guilty of a certain charge.
  - 1. The judge may not pass sentence on any charge the defendant is found to not be proven guilty of.
  - 2. If all charges are not proven, the case shall be dismissed, but it may be heard again if substantial new evidence comes to light.
- ff. Verdicts shall be selected individually for defendants if multiple defendants are appearing, and shall also be given individually for each charge.
- gg. Verdicts shall be phrased, 'I find the defendant...'
- hh. The judge must provide detailed reasoning behind all of their findings.
- ii. If the defendant is found to be guilty of any charge, the judge shall proceed to sentencing.
- jj. Sentences shall be made in the form of court orders.
- kk. The judge may pass any of the sentences the court is entitled to pass, or, if the judge feels a more severe sentence than the sentences they are allowed to pass is required, the judge may elevate the case to the next highest relevant court to pass sentence in accordance with the verdict.
- ll. Once sentence is passed, it shall be for the DOJ to ensure that said sentence is carried out.
- mm. The case shall conclude with the clerk stating '[Case number], [case styling], is concluded, pursuant to further motions. Court dismissed.'

## 22. Civil Case Procedure

- a. A civil case shall be a legal case concerning a potential civil offence, a violation of the law, and/or actions of a party that may have inflicted damages upon other parties.
  - i. A civil case may be referred to as a lawsuit.
  - ii. All civil cases must be suing for a certain remedy.
- b. Civil cases shall all begin at the Central Court.

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- c. In a civil case, a private party (the plaintiff) shall file a complaint against another private party (the defendant).
  - i. Cases may be brought by or against a governmental department or office, or the state as a whole.
- d. The burden of proof lies with the plaintiff to show that the defendant is on the balance of probability liable for the allegations submitted.
- e. The parties can choose to be represented by trained legal counsel.
- f. The DOJ shall give permission for a complaint to be served on the defendant by the plaintiff as soon as possible, if the complaint is genuine.
  - i. The complaint should also be delivered to the courts.
- g. At any stage after the service of the complaint, the plaintiff and defendant may opt to settle out of court, in which case the court shall be obliged to order dismissal.
- h. The defendant then has seven days to inform the DOJ if they intend to send representation to the case. If they opt not to send representation, they shall be considered to be not contesting the allegations.
  - i. Opting not to send representation does not automatically result in a guilty verdict.
  - ii. Defendants that wish to move to plead guilty should send representation.
- i. If the defendant wishes to send representation, the DOJ shall then be responsible for ensuring the defendant has legal representation, whether provided by the state or obtained privately by the defendant.
  - i. The defendant may also opt to represent themselves.
- j. The plaintiff shall be responsible for either finding representation, or representing themselves.
- k. The Supreme Judge shall allocate an appropriate judge to hear the case at its first hearing.
- l. The plaintiff and defence shall be given sufficient time to prepare their cases.
- m. At any hearings of the case, the following must be present, pursuant to other clauses and statutes:
  - i. The appropriate selected judge
  - ii. A representative of the plaintiff
  - iii. A representative of the defendant, provided the defendant has opted to send representation.

- n. The defendant has a right to appear at any hearings of their case, pursuant to other clauses and statutes.
- o. At the case's first hearing, specific opportunity shall be provided for parties to move to discover, to detain/prevent revocation of citizenship (if not already applicable), to suppress, to dismiss, to elevate, to excuse, to remove, to postpone, or for summary judgement.
- p. The defendant (providing they have previously opted to send representation) at this stage shall also be required to move to plead on all of the allegations.
  - i. Should the defendant move to plead guilty on some or all of the allegations and the judge accepts the motion, the case may progress past trial.
    - 1. If a motion to plead guilty does not regard all submitted allegations, or is rejected, the case shall continue as standard.
- q. The trial shall begin, provided a motion to plead guilty to all allegations has not been successfully made, as soon as all parties submit notice they are ready for trial to proceed.
  - i. The relevant judge shall ultimately be responsible for scheduling, particularly if one party is taking an unreasonable length of time to prepare for the case.
- r. The clerk shall open the court for trial.
- s. The Judge shall ask the plaintiff, and then the defence, to make an opening speech regarding that sides' arguments for the case.
- t. The plaintiff shall then begin their case.
- u. Their case shall consist of:
  - i. Witnesses, who shall be examined, cross-examined, and re-examined as many times as necessary.
  - ii. Evidence, which shall be presented by the plaintiff and examined by the defence as many times as necessary.
  - iii. Law, which shall be presented by the plaintiff and examined by the defence as many times as necessary.
  - iv. Oral arguments, which shall be presented by the plaintiff and be responded to by the defence.
- v. When the plaintiff has completed their case, they shall address the court – 'the plaintiff rests their case.'

- w. At this stage, a specific opportunity shall be made for the defence to move to dismiss, if they feel there is no case to answer.
- x. If the defence does not move to dismiss, the judge shall decide if there is a valid case for the defence to answer.
  - i. If there is, the defence shall begin their case.
  - ii. If there is not, the judge must provide detailed reasoning as to why there is not.
    - 1. Following this, the case shall be dismissed.
- y. The defence's case shall proceed in the same manner as the plaintiff's.
- z. When the defence has completed their case, they shall address the court – 'the defence rests their case.'
  - i. If multiple defendants are appearing in court, individual representatives shall have equal opportunity to examine and re-examine evidence and witnesses.
- aa. The judge may choose to retire to consider their verdict and sentence, in which case the court will be adjourned until the judge is prepared to state their verdict.
- bb. The verdicts available are:
  - i. Guilty, where the judge is satisfied beyond reasonable doubt that the defendant is guilty of a certain allegation.
    - 1. For each allegation the defendant is found guilty of, the judge shall pass sentence.
  - ii. Not guilty, where the judge is satisfied beyond reasonable doubt that the defendant is not guilty of a certain allegation.
    - 1. The judge may not pass sentence on any charge the defendant is found not guilty of.
    - 2. If the defendant is found not guilty of all charges, the case shall be dismissed and the allegations may not be heard again.
  - iii. Not proven, where the judge is not satisfied beyond reasonable doubt that the defendant is guilty of a certain allegation.
    - 1. The judge may not pass sentence on any allegation defendant is found to not be proven guilty of.
    - 2. If all allegations are not proven, the case shall be dismissed, but it may be heard again if substantial new evidence comes to light.

- cc. Verdicts shall be selected individually for defendants if multiple defendants are appearing, and shall also be given individually for each allegation.
- dd. Verdicts shall be phrased, 'I find the defendant...'
- ee. The judge must provide detailed reasoning behind all of their findings.
- ff. If the defendant is found to be guilty of any allegation, the judge shall proceed to sentencing.
- gg. Sentences shall be made in the form of court orders.
- hh. The judge may pass any of the sentences the court is entitled to pass, or, if the judge feels a more severe sentence than the sentences they are allowed to pass is required, the judge may elevate the case to the next highest relevant court to pass sentence in accordance with the verdict.
- ii. The sentence shall either award the remedy requested by the plaintiff in full, award the remedy in part, award a different remedy, or award no remedy.
- jj. Once sentence is passed, it shall be for the DOJ to ensure that said sentence is carried out.
- kk. The case shall conclude with the clerk stating '[Case number], [case styling], is concluded, pursuant to further motions. Court dismissed'

### **23. Case in Rem Procedure**

- a. A case in rem shall be a legal case in which a party (the petitioner) asks the courts to consider a certain matter.
  - i. The key distinction with other cases is that cases in rem shall not be against parties, but be in regard to objects, subjects, practises, procedures, the law, decisions, offices, actions, or other non-personal subjects.
- b. Cases in rem shall all begin at the Central Court.
- c. In a case in rem, the petitioner shall simply submit questions to the court, although they may also present a case or brief pushing for a certain outcome.
  - i. The court may issue certain orders as a result of their rulings.
    - 1. The petitioner (and any intervenors) should make clear in their original filings what court orders, if any, they would like to see.
- d. The DOJ shall give pass all petitions for action to the courts.
- e. All petitions for action must be publicised widely, to allow intervenors to apply to the court, and it shall be at the discretion of the courts when enough time for intervenors to apply has passed.

- f. The Supreme Judge shall allocate an appropriate judge to hear the case at its first hearing.
- g. Sufficient time to prepare cases shall be given to all parties.
- h. At any hearings of the case, the following must be present, pursuant to other clauses and statutes:
  - i. The appropriate selected judge
  - ii. The representative of at least one party.
- i. The petitioner has a right to appear at any hearings of their case, pursuant to other clauses and statutes.
- j. At the case's first hearing, specific opportunity shall be provided for parties to move to discover, to suppress, to dismiss, to elevate, to excuse, to remove, to postpone, or for summary judgement.
- k. The main hearing (effectively trial) shall begin as soon as all parties submit notice they are ready for trial to proceed.
  - i. The relevant judge shall ultimately be responsible for scheduling, particularly if one party is taking an unreasonable length of time to prepare for the case.
- l. The clerk shall open the court for the main hearing.
- m. The judge shall ask parties to make opening statements regarding their cases.
- n. The parties shall then begin their cases, in the order specified by the judge.
- o. Cases shall consist of:
  - i. Witnesses, who shall be examined, cross-examined, and re-examined as many times as necessary.
  - ii. Evidence, which shall be presented by a party and examined by the others as many times as necessary.
  - iii. Law, which shall be presented by a party and examined by the others as many times as necessary.
  - iv. Oral arguments, which shall be presented by a party and be responded to by the others as many times as necessary.
- p. When a party has completed their case, they shall address the court – 'I rest my case.
- q. If multiple defendants are appearing in court, individual representatives shall have equal opportunity to examine and re-examine evidence and witnesses.

- r. The judge may choose to retire to consider their judgement and any potential court orders.
- s. The judge must provide detailed reasoning behind all of their findings.
- t. The case shall conclude with the clerk stating '[Case number], [case styling], is concluded, pursuant to further motions. Court dismissed'

#### **24. Inquiry Procedure**

- a. Inquiries shall be temporary judicial hearings at the Supreme Court to review any series of events or actions, typically those with serious consequences.
- b. Inquiries shall aim to answer a set of questions put before them by the initiating party.
- c. An inquiry shall be chaired by a judge of the Supreme Court, who shall be referred to as the Chair of the inquiry.
  - i. The Chair may choose to appoint two other equal judges to serve alongside them as part of a panel of three.
- d. Procedure shall be determined at a later stage.

#### **25. Appeals Procedure**

- a. Any judgement, decision, or order may be appealed pursuant to other clauses.
  - i. Multiple appellants must appeal separately.
- b. If an appeal is to take place in the middle of active proceedings, those proceedings shall be halted.
- c. A successful motion to appeal shall be sent by the DOJ to the relevant appellate court, typically the next highest relevant court.
- d. The other parties shall be informed of this appeal, and may opt to submit counter-cases to the court.
  - i. Those other parties shall be known as respondents.
- e. The Supreme Judge shall allocate an appropriate judge to hear the appeal.
- f. The appellant shall be given sufficient time to prepare their case.
- g. At an appeal hearing, the appellant shall be asked by the judge to present their appeal in full, followed by any respondents.
- h. The judge may retire to consider their decision.
- i. The judge may either declare, through court order, that the previous judgement, decision, or order has been affirmed, in which case no further action shall be taken; revoked, in which case the case or relevant arguments shall be re-heard at the original court and the previous judgement, decision, or order shall be

revoked; or overruled, in which case the case or relevant arguments shall be re-heard at the appellate court and the previous judgement, decision, or order shall be revoked.

- j. The judge must provide detailed reasoning behind all of their findings.
- k. Once any re-hearings have been had, the case shall conclude with the clerk stating '[Case number], [case styling], is concluded, pursuant to further motions.'

## 26. Rights in the Judiciary

- a. Everyone shall be entitled to:
  - i. The right to equality before the law.
  - ii. The right to not be punished without legal basis.
  - iii. The right to a free trial.
  - iv. The right to a quick and efficient trial.
- b. When accused in Court, everyone shall be entitled to:
  - i. The right to a hearing in accordance with the law.
  - ii. The right to hear the charges against them, and the grounds for those charges.
  - iii. The right to see all evidence against them, if so requested.
- c. When detained, everyone shall be entitled to:
  - i. The right to independent legal advice free of charge.
  - ii. The right to contact family members or friends at reasonable intervals, and immediately after being detained or decision being made on their detention.
  - iii. The right to view procedural rules and rights that apply to their treatment.
  - iv. The right to know how long they can legally be detained.
  - v. The right to be informed of the reason for their detention.
  - vi. The right to equal treatment.
  - vii. To right to be informed what stage their relevant legal case is at.
- d. Infringement on these rights may only be made pursuant to an order from the Supreme Judge of Mcarthia.

## 27. Conduct in Court

- a. Court hearings shall be formal, fair, and free of unnecessary interruptions.
- b. Any individual may observe court proceedings so long as they remain silent.

- i. A judge may restrict this provision if proceedings are deemed to be sensitive.
- c. If any individual not specified as required to be present is disruptive in court, the judge may order their removal.
- d. If an individual required to be present is disruptive in court, the judge may exclude them on a temporary basis.
  - i. The Supreme Judge may impose longer term exclusions from proceedings if necessary.
- e. If an individual required to be present has to leave court temporarily, they must inform the judge, who must then adjourn proceedings.
- f. No-one may speak unless legislation or the judge gives them authority to do so.
- g. Speech in court venues between hearings should be kept to a minimum.

## 28. Verdicts

- a. To reach a verdict of guilty, a judge must be convinced to the required standard of proof that a party both committed the action they are accused of committing, and did so deliberately, without a valid defence.
- b. To reach a verdict of not guilty, the judge must be convinced to the required standard of proof that a party did commit the action they are accused of committing, or, if they did, did so with a valid defence.
- c. To reach a verdict of not proven, a judge must not be convinced to the required standard of proof that a party committed an offence without a valid defence, but must also not be convinced to the required standard of proof that did the party did not commit an offence, or an offence with a valid defence.

## 29. Sentencing

- a. Various different sentences are available to the courts, which should be imposed by way of court orders:
  - i. Exile
    - 1. Where a party has their citizenship of Mearthia forcibly revoked.
    - 2. Exile may be permanent or temporary.
    - 3. This shall only be an option in criminal cases.
  - ii. Detainment
    - 1. Where a party has restrictions placed upon their physical or virtual mobility, as further specified by statute.
    - 2. This shall only be an option in criminal cases.



- iii. Community Service and Unpaid Work
  - 1. Where a party is ordered to work in the Mcarthian community, with the aim of paying something back to society.
  - 2. This shall only be an option in criminal cases.
- iv. Fines or Financial Compensation
  - 1. Where a party is ordered to pay a monetary sum to the state (fine) or to an injured party (financial compensation).
- v. Injunctions
  - 1. When a judge makes specific orders to involved parties to rectify or compensate for a situation.
  - 2. When a judge orders a party to do or refrain from doing a certain act.
  - 3. An injunction with constant effect may not be ordered for more than six months, but subsequent injunctions may be ordered if necessary.
- vi. Discharges.
  - 1. When a party is discharged from the Judiciary with no further punishment.
- b. When sentencing, a judge should consider:
  - i. The remorse shown by the party.
  - ii. The damage and distress caused by the actions of the party.
  - iii. Any legal costs that may have been sustained by the Judiciary or driving party (if applicable).
  - iv. The perceived need for deterrence, incapacitation, retribution, rehabilitation, or restitution.
  - v. The practicality of any relevant sentences.
  - vi. Any requests that may have been made.
  - vii. The previous judicial record of the party.
  - viii. Any other contributing factors to the actions of the party.
  - ix. Previous sentences served by the Judiciary.
- c. The Central Court may only impose detainment of up to three months, community service and unpaid work, fines or financial compensation up to the value of twenty Great British Pounds, injunctions, discharges, and may not impose exile.

### 30. Legal Principles

- a. The following may be used by legal representatives when arguing a case:
  - i. Acquiescence
    - 1. Where a party agrees or makes no objection to an infringement of rights, they may not later make a claim against the party to whom they agreed or did not object to said infringement of rights.
    - 2. As a defence, this principle is valid in non-criminal cases.
  - ii. Coercion
    - 1. Where a party was harassed, blackmailed, threatened, or otherwise coerced into committing the act they are accused of, they may not be found guilty or liable of said act.
    - 2. Coercion to a criminal offence shall in its own right be a criminal offence. Coercion to any other form of liability in its own right carries liability.
    - 3. As a defence, this principle is valid in all cases.
  - iii. Entrapment
    - 1. Where a member of the Judiciary induces a party to commit a criminal offence, the party may not be found guilty of said offence.
    - 2. As a defence, this principle is valid in criminal cases.
  - iv. Ethics of Plaintiff
    - 1. Should a plaintiff act unethically or in bad faith in regards to a complaint they have filed, they may not be entitled to receive reparations.
    - 2. As a defence, this principle is valid in all non-criminal cases.
  - v. False Confession
    - 1. Where a party makes a confession to a criminal offence that they are not responsible for (for instance, due to coercion or mental disorder), that confession may not be used against them in a court of law.
    - 2. As a defence, this principle is valid in all cases.
  - vi. Judicial Estoppel
    - 1. A party may not take a position in a case prior to one it took in earlier legal proceedings without good reason.

2. This principle is valid in all cases.
- vii. Lawful Duty or Capacity
1. Where a party acts in line with duties of an official capacity or a capacity bestowed upon them by someone with such capacity, their actions shall generally be considered to be lawful.
  2. This principle is valid in all cases.
- viii. Mistake of Fact
1. Where a party makes a genuine or honest mistake which leads to the committal of actions with which they are accused of, they shall not be considered to carry the intent required to reach a verdict of guilty.
  2. This principle is valid in all cases.
- ix. Necessity or Lesser Harm
1. An act shall be lawful if it is necessary to prevent a foreseeable and greater harm than the harm created by the act.
  2. This principle is valid in all cases.
- x. Promissory Estoppel
1. Where a party issues a promise to do or refrain from doing a certain act, they are prevented from exercising any rights that they have given up for said promise.
  2. This principle is valid in all cases.
- xi. Waiver
1. Where a party agrees to certain actions, or losses or infringement of rights in writing, they may not pursue claims as a result of the actions they agreed to.
  2. This principle is valid in all cases.

### 31. Objections

- a. As a type of motion, objections/motions to strike shall instead of being approved or rejected, be sustained (in which case the party of whom the objectionable actions occurred must retract their actions) or overruled (in which case no actions shall be taken).
- b. The representatives of either party in court have the right at any stage during court proceedings to raise fair and reasonable objections.
- c. The objections allowed to be made are:

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- i. Failure to follow statutory or constitutional requirements.
- ii. Unnecessarily provocative, offensive, inflammatory, or disruptive statements, questions, or behaviour.
- iii. When a witness is being questioned:
  - 1. Ambiguity, when a question or comment is unclear, confusing, or unnecessarily vague;
  - 2. Assumption of facts, when a question assumes something to be fact without evidence to back it up;
  - 3. Badgering, when a witness is being antagonised by a representative to provoke a response;
  - 4. Hearsay, when a witness does not know something personally and heard it from another;
  - 5. Irrelevance, when a question is irrelevant to the proceedings;
  - 6. Repetition, when a question is being made that has already been answered by the witness;
  - 7. Speculative question, when a question requires a witness to speculate rather than considering fact;
  - 8. Testifying, when a representative presents information personally rather than demonstrating it through a witness.
  - 9. Leading, only applicable during initial examining, when a question leads or prompts the witness towards a certain answer.
- iv. When evidence is being presented:
  - 1. Illegality, when evidence was obtained illegally;
  - 2. Incompletion, when evidence is incomplete;
  - 3. Irrelevance, when evidence is irrelevant to the proceedings;
  - 4. Lack of foundation, when evidence lacks signs that is authentic;
  - 5. Testifying, when a representative presents information personally rather than demonstrating it through evidence.

### 32. Witnesses

- a. Should a witness be called in criminal proceedings they have a duty to attend proceedings.
- b. Should a witness be called in any other proceedings, they are not obliged to attend.
- c. Witnesses should be able to present pertinent information to a court.

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### 33. Interpretation

- a. Judges, when interpreting the law, should take account of the three general rules of interpretation:
  - i. The plain meaning rule, by which the law should be interpreted using its literal meaning;
  - ii. The mischief rule, by which the law should be interpreted with account of its original purpose;
    1. If the original authors of the law can be consulted, they should be.
  - iii. The golden rule, by which the law should be interpreted in such a manner as the arising interpretation does not cause absurdity.

### 34. Judges

- a. Judicial authority shall be vested in the Judges of Court
- b. Judges shall be considered to represent the law.
- c. Judges shall preside over judicial proceedings.
- d. Judges shall be responsible for sentencing and weighing matters of credibility and reliability with their own personal judgement to deliver verdicts.
- e. Judges shall be appointed and dismissed by the First Minister and President.
- f. The Judges of Court shall be led by the Supreme Judge.
- g. There shall be three tiers of judge:
  - i. Supreme Judge
  - ii. High Judge
  - iii. Judge
- h. Judges shall be impartial in their judicial activities, and answerable only to the law.
- i. Judges shall be subject to the law.
- j. Judges may hold multiple judicial or governmental posts.
- k. Judges must hear the entirety of a trial or hearing.
- l. Judges shall be addressed as ‘Your Honour,’ ‘My Lord,’ or ‘My Lady,’ and may style themselves with the prenominal, ‘Justice.’

### 35. Standards of the Judiciary

- a. The Judiciary must be impartial, ethical, act in good faith and in the public and general interest.
- b. The Judiciary must deal with all cases brought before it in good time.

### 36. Criminal Records and Points

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- a. The DOJ shall be responsible for maintaining records of all criminal convictions, and may should they be requested make these records publicly known.
- b. Knowledge of a party's criminal record may be grounds for a party, for example, an employer, to treat them with different standards than they would a party without a criminal record.
- c. Records shall also be kept of a party's criminal points.
- d. On sentencing a criminal offence, the judge shall decide how many criminal points that party may receive, based on previous precedents for that offence and circumstances.
  - i. Unless the individual is found on appeal to be not guilty, or receives an official pardon, these points may not be removed.
- e. Criminal points may be used to make decisions on an individual.

### **37. Mcarthian Police Service**

- a. A Mcarthian Police Service (MPS hereafter) shall be established.
- b. The MPS shall be a subsidiary of the DOJ.
- c. The MPS shall be responsible for investigating any potential criminal offences, and preventing any criminal offences from occurring in future.
  - i. Additionally, the MPS shall be responsible for the enforcement of court orders.
- d. The MPS shall be composed of police officers, under the command of the Secretary of State for Justice.

### **38. Police Powers**

- a. In order to fulfil their duties, the officers of the MPS and the Secretary of State for Justice shall be given certain powers, on condition of fair and reasonable use:
  - i. Detainment, by which an individual suspected of committing or being about to commit a criminal offence is temporarily detained;
  - ii. Investigation, by which a police officer has the right to investigate a suspected criminal offence by lawful means;
  - iii. Order enforcement, by which a police officer may take necessary legal steps to ensure the enforcement of a court order.
- b. Should an individual be arrested, there must be reasonable grounds to suspect them of committing a criminal offence or being about to commit one.
- c. On arrest, an individual must immediately be told of the reason for their arrest.

### **39. Detention**

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- a. If an individual is detained, either following an arrest or court order, the following shall immediately apply:
  - i. The individual may no longer exercise any rights of public office they may have initially had;
  - ii. The individual may not renounce Mcarthian citizenship;
  - iii. The individual may not participate in any other Mcarthian affairs or activities;
  - iv. The individual may not participate in any online Mcarthian venues and shall be removed from any they may have initially been in.
- b. If a criminal case is dismissed or dropped, or an order is no longer in effect, detention shall be ended immediately, and detention may never be continued longer than necessary.

#### 40. Legal Immunity

- a. The President shall be immune to criminal prosecution, although he or she may opt on their own accord to be subject to criminal prosecution on a case by case basis.
- b. The Secretary of State for Justice may afford legal immunity to specific individuals or groups for fixed or unlimited periods of time.

#### 41. Criminal Code

- a. Unless specified as a heightened offence, all offences shall be initially heard in the Central Court.
  - i. If specified as a heightened offence, offences shall be heard in the High Court of Justiciary.
- b. The following shall be criminal offences:
  - i. Acting in a disorderly manner
    - 1. This offence shall occur when a party intentionally acts against standards of peace or law, or incites others to do the same.
  - ii. Attempting to commit a criminal offence
    - 1. This offence shall occur when a party intentionally attempts, but does not succeed, to commit a criminal offence.
    - 2. This offence shall inherit the characteristics of the attempted offence, but shall not be treated as seriously.
  - iii. Being an accessory to a criminal offence

1. This offence shall occur when a party intentionally aids or abets a criminal offence.
  2. This offence shall inherit the characteristics of the attempted offence, but shall not be treated as seriously.
- iv. Blackmail
1. This offence shall occur when a party intentionally makes unjustified threats to another to make a gain or cause another's loss unless certain demands are met.
  2. This is a heightened offence.
- v. Coercion
1. This offence shall occur when a party intentionally uses force or threats to make another commit a criminal offence.
  2. This is a heightened offence.
- vi. Contempt of court
1. This offence shall occur when a party intentionally disobeys or disrespects a court of law or its officers.
    - a. This may include refusing to cooperate with a lawful court order.
- vii. Corruption
1. This offence shall occur when a party in some form of power intentionally acts fraudulently or dishonestly, typically in a manner involving bribes.
  2. This is a heightened offence.
- viii. Criminal damage
1. This offence shall occur when a party intentionally destroys or damages another's property without the consent of the owner.
- ix. Cyber misconduct
1. This offence shall occur when a party intentionally acts on digital media in a dishonest, fraudulent, or disorderly manner.
- x. Discrimination
1. This offence shall occur when a party treats different categories of people unjustly or prejudicially, particularly on the basis of race or gender.
- xi. Disrupting a public venue



1. This offence shall occur when a party intentionally acts in a disorderly or disruptive manner in a public venue, such as Parliament, or a court.
- xii. Espionage
1. This offence occurs when a party intentionally acts to gather information not otherwise publicly available using secrecy or subterfuge.
  2. This is a heightened offence.
- xiii. Financial or economic misconduct
1. This offence shall occur when a party intentionally acts dishonestly or fraudulently in a financial or economic conduct.
  2. This is a heightened offence.
- xiv. Forgery
1. This offence shall occur when a party intentionally makes a copy or imitation of a document, signature, or other instrument and attempts to use it as authentic.
- xv. Fraud
1. This offence shall occur when a party intentionally acts in a deceitful manner to obtain personal or financial gain.
- xvi. Harassment
1. This offence shall occur when a party intentionally acts with aggressive pressure or intimidation against another party.
- xvii. Criminal hatred
1. This offence shall occur when a party intentionally acts in such a way as to make clear personal and/or incite hatred towards a certain group.
- xviii. Intellectual property theft
1. This offence shall occur when a party intentionally copies or steals the intellectual property (defined as intangible property that is the product of creativity) of another without prior consent.
- xix. Intimidation
1. This offence occurs when a party intentionally acts so as to cause a person of reasonable sensibilities fear of injury or harm.
- xx. Obstruction of the course of justice

1. This offence shall occur when a party intentionally acts in such a manner to obstruct the smooth, fair, and efficient course of the work of the Judiciary.
- xxi. Perjury
1. This offence shall occur when a party intentionally tells an untruth or makes a misrepresentation when in court.
  2. This is a heightened offence.
- xxii. Possession of multiple identities
1. This offence shall occur when a party intentionally holds multiple different Mcarthian citizenships and identities without the prior consent of any relevant Mcarthian authorities.
  2. This is a heightened offence.
- xxiii. Tampering
1. This offence shall occur when a party attempts to alter or prevent the testimony of a witness in court, or tries to alter or prevent the presentation of evidence in court.
  2. This is a heightened offence.
- xxiv. Treason
1. This offence shall occur when a party intentionally betrays Mcarthia, the Mcarthian government, the Mcarthian People, the President or First Minister, especially by acting in such a way to result in the overthrow of government.
  2. This is a heightened offence.
- xxv. Unlicensed disclosure
1. This offence shall occur when a party intentionally releases, either publicly or privately, information or documentation which has been marked, specified, or otherwise identified as confidential.
    - a. An exemption shall be made for those deemed to be acting as whistle-blowers acting to make wrongdoing or misconduct publicly known.
- xxvi. Verbal abuse
1. This offence shall occur when a party intentionally uses language in such an aggressive and excessive manner, typically by use of

insults and humiliation, to cause significant distress to another party.

#### 42. Civil Code

- a. The following shall be considered civil offences, regardless of whether they caused demonstrable damage (unless otherwise specified):
  - i. Breach of contract
    1. This offence shall occur when a party breaches a binding contract they had with another party.
  - ii. Criminal actions
    1. This offence shall occur when a party is found guilty of a criminal offence leading to a party who was a/the victim of said offence sustaining damages.
  - iii. Defamation
    1. This offence shall occur when a party attacks or damages the good reputation of another, via either slander or libel.
  - iv. Discrimination
    1. This offence shall occur when a party treats different categories of people unjustly or prejudicially, particularly on the basis of race or gender.
  - v. Infringement of rights
    1. This offence shall occur when a party infringes the constitutional, statutory, or contractual rights of another.
  - vi. Negligence
    1. This offence shall occur when a party fails to take proper care over their duties.
  - vii. Plagiarism
    1. This offence shall occur when a party intentionally takes the work or ideas of another and attempts to use them as though they were their own.
  - viii. Unfair dismissal
    1. This offence shall occur when a party intentionally terminates an employment for unfair, unjust, or inadmissible reasons.

#### 43. Citizenship Law

- a. Citizens of Mcarthia shall be entitled to citizenship unless:

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- i. They are sentenced to exile;
  - ii. They hold a significant criminal record;
  - iii. They are deemed to be a threat to the security and safety of the Mcarthian people.
- b. If a citizen of Mcarthia loses their entitlement to citizenship the relevant governmental department may revoke their citizenship.
- c. An individual who feels their citizenship has been revoked unfairly has access to the courts for one year after their revocation of citizenship in order to act against the revocation.
- d. A citizen of Mcarthia may choose to revoke their citizenship at any time, but a period of fourteen days must elapse before the revocation is regarded to have effect.
  - i. In order to revoke citizenship, a formal notice must be submitted to the Secretary of State for Citizenship.
  - ii. Citizenship may only be revoked by the individual in question three months after initially becoming a citizen.

#### **44. Employment Law**

- a. A citizen of Mcarthia is entitled to remain in a job (defined as a position of employment, not necessarily paid) that they had been appointed to unless it can be conclusively shown that:
  - i. They were guilty of gross misconduct;
  - ii. They were not sufficiently qualified;
  - iii. They were incapable of performing their assigned duties;
  - iv. They were no longer required and were henceforth to be made redundant.
- b. If a citizen is no longer entitled to remain in a job, their contract of employment may be terminated by their employer.
- c. An individual who feels their employment has been revoked unfairly or illegally may file a complaint against their employer.

#### **45. Additional Grounds for Civil Cases or Cases in Rem**

- a. The following shall be considered additional grounds for either a civil case or a case in rem:
  - i. Specific illegality, when an action directly contravenes, breaches, or violates existing law;

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- ii. Procedural impropriety, when correct procedures have not been followed;
- iii. Failure to act in accordance with reasonable and legitimate expectations;
- iv. Unethical procedures, actions, or law;
- v. Failure to act proportionally to circumstances.

#### 46. Case Numbering

- i. Case numbers shall be four digits long, and simply progress sequentially.
  - 1. Case numbers shall remain with a case through any appeals it may go through.
- ii. Court docket numbers shall first give an abbreviation for the court (SC, CA, HCJ, CS, CC), then list the four-digit case number, then the year of original filing, then a hyphen, then the numerical code for the month of original filing (e.g. SC 0001 2016-01).
  - 1. Court docket numbers shall be assigned every time a case is heard in a new court.

#### 47. Complaints Procedure

- a. Complaints regarding any part of the judicial process should in the first instance be submitted in writing to the Secretary of State for Justice.
  - i. Formal complaints should be clearly and unambiguously presented as such, and contain as full as possible descriptions of the matters from which the complaints arise.
  - ii. The Secretary of State for Justice is obliged to inform the First Minister, Supreme Justice, and Parliament every time he or she receives a complaint.
- b. There shall be no restrictions on who may submit a complaint.
- c. If, after a period of fourteen days, a resolution cannot be reached, complaints may be passed to either the First Minister, President, or Supreme Justice for resolution.
- d. Anyone submitting a complaint may enjoy the following rights:
  - i. The right to remain anonymous;
  - ii. The right to be free from prosecution as a result of submitting their complaint, providing the complaint is genuine;
  - iii. The right to have their complaint dealt with in an appropriate manner as specified by statute;

- iv. The right to be informed of the status of their complaint;
- v. The right to be provided with a full explanation by a senior member of judicial staff if it is not possible to resolve a complaint;
- vi. The right to pursue judicial measures to resolve a complaint at any time;
- vii. The right to an effective remedy for a violation of these rights.

#### 48. Miscellaneous Provisions

- a. If a defendant required or who wishes to have legal counsel but cannot find counsel, the DOJ shall be responsible for finding them counsel.
- b. Legal counsel are not required to disclose any information their client does not wish them to.
  - i. This privilege does not apply if a client tells their counsel of a crime they intend to commit.
- c. Should a time limit specified in this legislation be needed to be broken, the approval of the President, First Minister, Secretary of State for Justice, or Supreme Justice must first be sought.
- d. In civil cases, counter claims should be filed as entirely separate cases.
  - i. However, counter claims may be heard as part of the same proceedings as the claim they are against.
- e. A judge may within reason alter certain parts of the order of proceedings in exceptional circumstances in order to facilitate the expeditious progress of a case, so long as there is no reason to think a re-ordering will cause judicial rights to be infringed upon.
- f. A judge may within reason grant further opportunities at a hearing to representatives to make additional statements or presentations out with statutory guidance.
  - i. For instance, a judge may wish to allow a party to make a rebuttal to the other's closing argument.
- g. Records shall be kept and published of all cases by the DOJ, called law reports.
  - i. The identities of those involved in cases deemed to be sensitive shall be redacted.
- h. Should a Mcarthian citizen be accused of a crime in another jurisdiction, the President, First Minister, Secretary of State for Justice, or Supreme Justice may choose to extradite them to that jurisdiction to stand trial if there is reasonable

evidence that the citizen would be treated fairly and in accordance with laws and the norms of due process.

- i. If extradited, an individual is subject to the laws of the jurisdiction of extradition.
- ii. Throughout extradition, a Mcarthian citizen remains a citizen.
- iii. A court order must be given for an extradition to take place, but such an order must be granted unless the proposed extradition is illegal.
- i. An officer of government may be removed from their position by a Parliamentary vote of no confidence if they are convicted of a criminal or civil offence.
- j. Any evidence presented in court that is the product of the Judiciary shall be known as a Court Production, and be numbered.
- k. An affidavit shall be a written sworn statement of fact by an individual.
  - i. In order for a statement to be considered an affidavit, the writing party must state that the document is to be considered an affidavit and submit it to a judge or the President.
    1. The receiving judge or the President may reject a statement as an affidavit.
  - ii. Knowingly providing false or misleading information in an affidavit may constitute perjury.
  - iii. Affidavits may be provided as evidence in court.
  - iv. Once a statement becomes an affidavit, the writer no longer has legal control over its fair usage.
- l. The Republic of Mcarthia shall adopt the Micronational Standard for Legal Citations.
- m. Following the enactment of this act, previous judicial cases and proceedings in Mcarthia shall be amended as appropriate to conform with this legislation.
- n. The General Judicial Act of 2016 is repealed.

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## **EXTENT, COMMENCEMENT, and SHORT TITLE**

1. This act shall extend across the whole of Mcarthia and any other jurisdictions specified as such.
2. This act shall commence immediately after being passed by the President.

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3. This act may be known by its full title.