

## LAWASIA - ASIAN COMMISSION FOR JUSTICE \*

### ASIAN COMMISSION FOR JUSTICE

LAWASIA on the 17th day of September, 1989 at Hong Kong during the 11th Lawasia Conference amended its constitution to establish an "ASIAN COMMISSION FOR JUSTICE".

The new ARTICLE XVI and the Second Schedule to establish the "ASIAN COMMISSION FOR JUSTICE" read as follows:—

#### ARTICLE XVI

In furtherance of the objects of the Association relating to the Administration of Justice and the Rule of Law there shall be established an "ASIAN COMMISSION FOR JUSTICE" for the Lawasia Region. The composition, functions, privileges, duties and other related matters shall be as prescribed in the Second Schedule.

#### SECOND SCHEDULE

##### NAME

THE ASIAN COMMISSION FOR JUSTICE shall be a Commission to promote the Administration of Justice in the Lawasia Region and may be called in short "THE ASIAN COMMISSION".

##### COMPOSITION

1. Appointments to the Commission shall be made from among persons who have held continuous High Judicial Office for at least seven years and who are persons of learning and have during their tenure of office displayed honesty, independence and courage in their decisions and have been of high moral character both in public and private life.
2. Judges of the Superior Courts including State High Courts and National or State Supreme Courts of a country shall be eligible to be members of the Commission.
3. Members of the Commission upon appointment to the Commission shall enjoy such rights and privileges as may be determined from time to time by the Council.
4. Members of the Commission shall be referred to in all proceedings of the ASSOCIATION as "JUDICIAL COMMISSIONERS OF LAWASIA".
5. There shall not be more than thirty members of the Commission at any one time.
6. Appointment to the Commission shall be made as follows:—
  - I. In the first instance and before the Commission has been organised by adoption of rules to govern itself the Council shall appoint the first five members of the "THE COMMISSION" to organise the Commission and to draft rules as required by Paragraphs 6(11) and 8 hereof.
  - II. As soon as The Commission has organised itself appointment to the Commission shall be made by the Council on the recommendation of the Commission made through its Chairman.

- III. Any member of the Commission may be removed by a resolution of the Council by not less than two-thirds of the members of the Council for the time being on the recommendation of the Commission after proper inquiry has been conducted by the Commission.

#### JURISDICTION

7. 1. Any person, firm, corporation, country, community, minority group or other aggrieved party having exhausted his or its rights in the Highest Court or Tribunal of a country may apply to the Council for an opinion in relation to its case where it is believed that an injustice has been done.
- II. The Council upon receipt of the application and the records of the case with an English translation may request a Jurist from among the members of the Association or the Commission to study the records and to recommend to the Council as to whether or not the case needs a full inquiry by the Commission. Provided that a member of the Commission who has recommended to the Council for a full inquiry shall not participate in any further inquiry by the Commission.
- III. If it is recommended that there should be an inquiry into the case the Council or the Executive Committee of the Association may refer the case to the Commission for a full inquiry.
- IV. The Commission after an inquiry shall issue a report of its views of the case. Such views shall be called "OPINIONS" of the Commission.
- V. Opinions of the Commission shall be forwarded to the Government or other parties concerned and shall be published.
8. The Commission shall have powers to make rules to govern itself and shall have rules of procedure in respect of inquiries to be held in cases referred to it by the Council based on principles of justice and the rule of Law. Such rules before they are brought into effect shall be approved by the Council.
9. The Chairman of the Commission, shall be a member of the Council and may participate in its deliberations and shall have a vote but shall not exercise his vote in matters relating to the opinions given or to be given by the Commission.
10. Any difficulties in the Commission shall be resolved by the Commission in accordance with the rules. However, if such dispute cannot be resolved the matter shall be referred to a joint committee consisting of the Officers of the Commission and the Executive Committee of the Association. In the event the dispute is still unable to be resolved the same shall be referred to the Council whose decision if supported by not less than two-thirds of the members of the Council for the time being shall be final.

\* [Lawasia, the Law Association for Asia and the Pacific is a private, purely professional association of lawyers in Asia and the Pacific region. It has been accorded Consultative Status with the Economic and Social Council of the United Nations and Observer Status with Wipo and mutual information relationship with UNESCO. Apart from individual membership, there are member organisations from Australia, Afghanistan, Bangladesh, China, Fiji, Hong Kong, India, Indonesia, Iran, Korea, Malaysia, Nepal, New Zealand, Pakistan, Papua New Guinea, The Philippines, Singapore, Sri Lanka, Taiwan, Thailand and Western Samoa. Further details may be obtained from: The Secretary-General, Mr John Healy, Lawasia c/- Law Society of Western Australia, GPO Box A35, Perth WA 6001 ]

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The Commission is not yet operative. The  
Chairman of the ORGANISING COMMITTEE is :

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