

CONSTITUTION OF THE ABBAQUAR (ABIQUA OR ABAQUAS) SAN ROYAL KINGDOM

Preamble

We, the people of the Abbaquar (Abiqua or Abaquas) San Royal Kingdom, representing the collective rights, heritage, and aspirations of all Khoi and San tribes globally, establish this Constitution to affirm our sovereignty, promote the development of our people, protect our cultural heritage, and engage in partnerships for global development, including with the United Nations and other international bodies.

Recognizing the need to preserve and empower the Khoi and San as indigenous peoples, this Constitution sets forth the principles by which the Abbaquar San Royal Kingdom shall operate, ensuring justice, equality, and unity among all our tribes for the welfare of present and future generations.

1: Name and Representation

1.1 Name

The name of this body shall be the Abbaquar San Royal Kingdom (also known as Abiqua or Abaquas).

1.2 Representation

The Abbaquar San Royal Kingdom shall represent the Khoi and San tribes globally for purposes of development, financial support, and international cooperation. These tribes include, but are not limited to:

- Abbaquar (Abiqua or Abaquas)
- Nama
- !Xun
- Khwe (Khoe)
- Griqua
- Koranna
- Damara
- Hailom
- San (Bushmen) tribes of Botswana, Namibia, and South Africa, including Ju'hoansi! Kung, Naro, and others.

2: Sovereignty and Territorial Integrity

2.1 Sovereignty

- The Abbaquar San Royal Kingdom is a sovereign entity, with the authority to govern and represent the Khoi and San peoples at the local, national, and international levels.

2.2 Territorial Claims

- The kingdom acknowledges the traditional lands of the Khoi and San people, recognizing their right to maintain and restore control over ancestral territories in collaboration with national kingdoms and international organizations.

3: Governance Structure

3.1 Leadership

- The leadership of the Abbaquar San Royal Kingdom shall consist of a Royal Council, that comprises of the King of the Abbaquar (San) Royal Kingdom, alongside Chiefs representing each major tribe within the Khoi and San peoples. The King is a ceremonial role and holds no executive power.

3.2 Royal Council

The Royal Council shall be responsible for the administration and decision-making of the Kingdom, composed of:

- The King of the Abbaquar San Royal Kingdom (Ceremonial Role)
- Senior Chiefs and Elders of each Khoi and San tribe
- Representatives from recognized tribes globally

3.2.1 The Conduct of Royal Council should be one of integrity and above reproach.

- All council members should act in such a manner that does not bring the Name of the Kingdom or council into disrepute.
- Any Council member having been accused of such shall be subject to a disciplinary and if found guilty will be liable to a sanction depending on the severity of said charge
- However, if any charge is brought to any member of council by another councillor and it is charges are found to be malicious, councillor that brought the charge will then have to face discipline, with possible expulsion
- Any councillor who is found to be untrustworthy will be expelled from the council and depending on judicial process will also face expulsion from the kingdom.

3.3 Elder Council

An Elder Council, comprising senior tribal leaders and cultural custodians, shall assist the Royal Council in preserving customs, languages, and traditions.

3.4 Youth Representation

- A Youth Committee, with members chosen from the younger generation of the Khoi and San people, shall be established to ensure the future leadership and integration of modernity with traditional values.

4: Rights and Responsibilities of Citizens

4.1 Citizenship

- All individuals of Khoi and San descent are citizens of the Abbaquar San Royal Kingdom, irrespective of their country of residence.

4.2 Rights of Citizens

- The right to cultural preservation and self-determination.
- The right to education and participation in leadership.
- The right to land restoration and sustainable development.
- The right to safety and protection
- The right to fair Judicial process, the right to be innocent until proven guilty.

4.3 Responsibilities of Citizens

- To uphold the values, traditions, and integrity of the Khoi and San tribes.
- To contribute to the sustainable development and welfare of the community.
- To respect the customs, laws and institutions of the Abbaquar San Royal Kingdom.

5: Cultural and Heritage Preservation

5.1 Languages

- The Kingdom shall promote the preservation and revitalization of Khoi and San languages, including Khoekhoeogowab, Kung, and others, through education and documentation.

5.2 Cultural Practices

- The Royal Council and Elder Council shall ensure the continued practice of traditional rituals, ceremonies, and customs of the Khoi and San people.

5.3 Intellectual Property

- The Kingdom shall protect the intellectual property rights of traditional knowledge, including medicinal, artistic, and spiritual practices, and engage in partnerships to safeguard these from exploitation.

Article 6: Development and Financial Cooperation

6.1 Global Partnerships

- The Abbaquar San Royal Kingdom, as a recognized partner of the United Nations, shall engage in partnerships with international bodies, kingdoms, NGOs, and financial institutions to support the development of Khoi and San communities globally.

6.2 Sustainable Development

- The Kingdom shall promote sustainable development practices that respect the environment, ensure food security, and uplift the living standards of Khoi and San people.

6.3 Financial Support

- The Kingdom shall establish financial mechanisms to receive aid, grants, and investments aimed at improving education, healthcare, infrastructure, and entrepreneurship within Khoi and San communities.

7: Justice and Conflict Resolution

7.1 Customary Law

- The Kingdom shall implement customary laws rooted in Khoi and San traditions for resolving disputes, guided by principles of fairness, restorative justice, and reconciliation.

7.2 Courts of Justice

- A system of tribal courts shall be established to adjudicate conflicts, under the supervision of the Royal and Elder Councils, ensuring respect for cultural values and human rights.

8: Amendments and Changes to the Constitution

8.1 Amendments

- Amendments to this Constitution may be proposed by the Royal Council or any tribe represented within the Kingdom. Any proposed amendments must be discussed and approved by a two-thirds majority of the Royal Council.

8.2 Review

- The Constitution shall be reviewed by the Royal Council every five years to ensure its alignment with the evolving needs of the Khoi and San people globally.

9: Fundamental Human Rights

9. Human Dignity

- The recognition of human dignity aligns with the Kingdom's foundational respect for all life, emphasizing that dignity is inherent to every individual, regardless of status or identity.
- Additional Clause: "In recognition of the sacred connection between humanity and nature in the Khoi and San cultures, human dignity shall extend to the respect of the natural environment in which the people live."

10. Life and Physical Integrity

- The protection and defence of life and physical integrity is critical, especially considering the Kingdom's mission to safeguard its people and their ancestral lands.
- Addition: "Life is sacred within the Abbaquar San Kingdom, and the protection of life shall extend to efforts in preserving traditional lands and heritage."

11. Equality

- The Kingdom values inclusivity and respect for diversity, reflecting its role as the representative body for all Khoi and San people globally. Equality provisions should acknowledge these diverse tribal identities.
- Addition: "In respect to the Kingdom's mission, special measures shall be taken to ensure the recognition of the unique identities and cultures of Khoi and San communities across the world."

12. Free Personal Development

- The right to personal development is consistent with the Kingdom's goals to empower and uplift individuals.
- Addition: "The Kingdom shall ensure that its people have access to opportunities for cultural, economic, and personal growth through education and cultural preservation."

13. Human Liberty

- Protecting human liberty reinforces the Kingdom's stance on freedom from oppression and colonial practices that once diminished Khoi and San peoples' rights.
- Addition: "In acknowledgment of past colonial injustices, the Kingdom shall uphold these freedoms in all future governance and legal structures."

14. Freedom of Movement

- Ensuring freedom of movement is significant as the Kingdom represents peoples who historically migrated across regions.

- Addition: "The Kingdom shall facilitate the free movement of its people across traditional lands for cultural, spiritual, and economic reasons."

15. Personal and Family Privacy

- The protection of personal and family privacy aligns with the Kingdom's emphasis on community and family values.
- Addition: "Respect for family and kinship ties, deeply rooted in the Kingdom's culture, shall be upheld in all state matters."

16. Faith, Confession, and Conscience

- Freedom of faith is essential, particularly in light of the Kingdom's diverse spiritual traditions.
- Addition: "The Kingdom shall support and protect indigenous spiritual practices of the Khoi and San, ensuring their revitalization and protection from external influence."

17. Freedom of Opinion, Information, Mass Media, and Internet

- Protecting freedom of expression is crucial, especially for a nation that seeks to lead through transparency and dialogue.
- Addition: "The Kingdom shall promote indigenous forms of media, encouraging the preservation and dissemination of traditional knowledge through modern platforms."

18. Fair Administrative Proceedings

- Ensuring access to justice is paramount in safeguarding the rights of citizens.
- Addition: "Traditional legal practices of the Khoi and San shall be respected and incorporated into administrative proceedings where applicable."

19. Property

- The right to property must recognize the traditional communal land ownership systems practiced by the Khoi and San peoples.
- Addition: "The Kingdom recognizes the collective ownership of ancestral lands and shall protect the communal rights of its peoples in line with their traditions."

20. Creativity and Cultural Heritage

- The protection of cultural heritage is at the heart of the Kingdom's mission, and these rights should reflect the importance of indigenous knowledge systems and Cultural practices.
- Addition: "The Kingdom shall prioritize the preservation, promotion, and protection of indigenous Khoi and San heritage, languages, and traditions."

21. Assembly

- The right to assembly should be emphasized as a traditional practice of community gatherings.
- Addition: "Communal assemblies, which are a cornerstone of Khoi and San governance and decision-making, shall be protected."

22. Association

- The Kingdom must protect the right to form associations that promote cultural and tribal unity.
- Addition: "Associations that promote the development and cultural unity of the Khoi and San peoples shall receive special protection and recognition."

23. Freedom of Activity

- The Kingdom encourages the individual capacity of its citizens in both traditional and modern spheres.
- Addition: "No activity shall infringe upon the Kingdom's responsibility to safeguard its culture, environment, or people's wellbeing."

24. Electoral Right

- Participation in governance must reflect the communal decision-making traditions of the Khoi and San peoples.
- Addition: "The Kingdom shall ensure that electoral processes respect the traditional consensus-based governance systems of the Khoi and San."

25. Right to Hold Public Office

- Recognizing the Kingdom's commitment to traditional leadership and elder wisdom.
- Addition: "Leadership positions within the Kingdom shall integrate traditional roles and respect for elders and chiefs in governance."

26. Freedom of Labour and Enterprise

- Freedom to work and entrepreneurship must align with the Kingdom's principles of sustainability and cultural preservation.
- Addition: "Economic activities that exploit natural resources unsustainably or harm cultural heritage shall be restricted."

27. Education and Academic Freedom

- The right to protect our own educational and knowledge systems
- The right to choose the language of instruction within our educational and knowledge systems.
- The right to education should reflect the Kingdom's priority on revitalizing indigenous knowledge.
- Addition: "The Kingdom shall provide education that includes the history, languages, and traditions of the Khoi and San, fostering cultural pride and resilience."

28. Right to Health

- Health rights must account for traditional healing practices.
- Addition: "Traditional healing methods and access to indigenous knowledge systems in healthcare shall be recognized and supported."

29. Right to Environmental Protection

- Environmental protection is vital to the Kingdom's vision of stewardship over the land.
- Addition: "The protection of sacred lands and sustainable resource use shall be a central principle of the Kingdom's environmental policy."

30. Marriages

- All traditional family structures must be respected in marriage laws.
- Addition: "The Kingdom shall recognize the traditional roles of families in preserving cultural and social continuity."

31. Procedural Rights

- Legal procedures should incorporate indigenous dispute resolution mechanisms.

- Addition: "The Kingdom shall integrate traditional Khoi and San legal systems into its judicial procedures, ensuring respect for ancestral practices."

32. Citizenship

- The Kingdom must define citizenship in a way that reflects its global leadership for Khoi and San peoples.
- Addition: "Citizenship shall be granted to all Khoi and San descendants, regardless of current nationality, as part of the Kingdom's global mission."

33. Rights of Aliens and Stateless Persons

- The Kingdom's hospitality must reflect the traditions of openness while protecting its citizens' rights.

34: Cultural Integration & Sovereignty

- Recognition of the Khoi and San cultural heritage: Each kingdom office, such as the "Royal Council," should ensure it reflects the Kingdom's cultural identity. For example:
- The Royal Council's role could be framed as a custodian of the Kingdom's cultural heritage, empowered by the elders and traditional leaders to safeguard customs.
- Consider creating an Office of Traditional Affairs that preserves language, cultural practices, and ancient governance systems.
- Have a Traditional Judicial office that adjudicates on all matter of disputes and infringements of all rights.
- The Chancellor of Internal Affairs could include a clause for the protection and revitalization of Khoi and San languages, with incentives to promote indigenous education and historical understanding in governance.

35: Balanced Governance & Inclusion

- The proposed decentralized structure under the Office of the Royal Council ensures that leadership is not only authoritative but also guided by traditional values. Incorporating elders into decision-making emphasizes the cultural roots of the Khoi and San people, preserving their traditions while addressing contemporary challenges.
- The Royal Council is tasked with overseeing issues related to royal leadership, especially when leaders are no longer representing the interests of the Kingdom or are seen to misuse their authority. This council, composed of respected elder statesmen and women, should act as an internal check and balance. Their authority to intervene or recommend removal of underperforming or corrupt leaders would be based on both **customary law and natural law**, reflecting the traditional values of fairness, communal well-being, and justice.
- Royal leadership performance reviews should be institutionalized. These reviews, conducted by the Royal Council, would assess whether the actions of kings and chiefs align with the Kingdom's vision, natural law, and the people's needs. Kingship should be seen not as a permanent privilege but as a responsibility that must be continually earned through proper leadership and commitment to the welfare of the people.
- The Royal Council could further reflect the diversity of the Kingdom, by ensuring that each tribal region has a voice. This ensures that the Kingdom speaks not just for the current population but also for the diaspora and the global representation of Khoi and San people.
- Broadened qualifications for officials beyond academic achievement are crucial for preserving indigenous leadership. Including traditional knowledge, leadership experience, and community respect as qualifications guarantees that leadership remains connected to the people. This approach ensures that elder-guided wisdom and indigenous principles remain central to governance, even in the modern context.

- By including the Royal Council to handle leadership issues, the governance structure reinforces the Kingdom's commitment to ethical leadership, community accountability, and the preservation of traditional values. The integration of customary and natural law ensures that the process remains in line with the cultural framework of the Khoi and San.

36: Sustainability & Innovation

- The Royal Council could emphasize land rights restoration and environmental stewardship, ensuring the protection of natural resources for future generations in alignment with Khoi and San beliefs about the land.
- The Office of Trade, Industry, and Commerce should encourage partnerships that develop sustainable industries, such as eco-tourism, renewable energy, and traditional agriculture, respecting the San people's relationship with nature.

37. Justice and Law-making

- In the House of Justice, include a provision for a Council of Elders or Traditional Court that helps resolve disputes in alignment with traditional law, working in conjunction with modern legal systems.
- The Attorney General and State Prosecutor offices of South Africa should respect customary laws, especially regarding communal land ownership, to ensure the people's values are protected.
- The Traditional Judicial Council shall be able to perform the judicial oversight in all cultural, customary and natural law matters.

38. International Relations

- The Chancellor of Foreign Affairs should ensure representation of indigenous rights on the global stage, advocating for international recognition of the Kingdom as a sovereign entity and promoting alliances with other indigenous groups globally.
- A role such as Ambassador for Indigenous Affairs could be added to spearhead collaborations with UN agencies and other international organizations, securing partnerships and resources.

39. Royal Council of Abbaquar San Royal Kingdom

39. Status of the Royal Council

39.1 The Royal Council of Abbaquar San Royal Kingdom is the Executive Council and the guarantor of unity, sovereignty, and cultural integrity of the Kingdom.

39.2 The Royal Council shall represent the Kingdom in international relations.

39.3 The Royal Council through its designated official shall sign all documents, ensuring alignment with approved resolution.

39.4 The Royal Council may approve, or issue Royal Orders, but these orders shall be under custodianship of the Royal Council.

39.5 The Royal Council will establish the Executive Council that is tasked with the day-to-day functionality of the Kingdom.

40. Rules of Election of the Executive Council.

41.1 The Executive Council of Abbaquar San Royal Kingdom shall be appointed for a term of 5 years by the Royal Council.

42. Executive Council's Oath, Termination of Term of Office, Immunity, Conflict of Interest and Succession

42.1 The Executive Council shall take the following oath:

“We, the Executive Council of Abbaqar San Royal Kingdom, do solemnly affirm before Yahweh, the Ancestors, the Royal Council and the people, that We will uphold and defend the cultural heritage, unity, and sovereignty of the Kingdom; that We will faithfully perform the duties of the Executive Council, ensuring the welfare and traditional values of our people.”

42.2 The term of office shall commence once the oath is taken, and the outgoing Executive Council term ends upon the inauguration of the new Executive Council.

42.3 The Executive Council shall not enjoy any personal immunity while in office, except in cases of where it was performing an instruction of the Royal Council.

42.4 The Executive Council member cannot hold any political party membership during its term in office.

42.5 In the case of any member/s of the Executive Council’s inability to perform duties or early termination of office, the Royal Council shall act as Executive Council until a new appointment is made.

43. Powers of the Executive Council

43.1 The Executive Council shall:

- 43.1.1 With the consent of the Royal Council, conduct foreign relations, negotiate treaties, and appoint ambassadors.
- 43.1.2 Set elections for the traditional councils and local governance in accordance with the Kingdom’s Constitution and customs.
- 43.1.3 Exercise additional powers as defined by the Constitution and guided by traditional norms.

43.2 The Executive Council shall address the people annually and submit a report on significant state issues to the Royal Council.

44. General Financial Matters

44.1 National Revenue Fund

44.1.1 All national revenues must be deposited into the National Revenue Fund, except as excluded by law.

44.1.2 Withdrawals from the Fund require authorization from the Royal Council, the Treasurer, or as provided by law.

44.2 Equitable Shares and Allocations of Revenue

44.2.1 Revenue division among the national, provincial, and local structures must be approved by the Royal Council.

44.3 National Budget

44.3.1 National budgets must be transparent and support sustainable economic management.

44.4 Treasury Control

44.4.1 Establish and maintain a national treasury to ensure transparency and control over the Kingdom’s expenditures.

44.5 Procurement

44.5.1 Procurement must be transparent, with policies to promote growth within the Kingdom.

44.6. Remuneration of Public Office Holders

44.6.1 The Royal Council will determine the salaries, allowances, and benefits for all Kingdom officials.

45. Taxation

Taxation will be authorized by the Royal Council and in accordance with traditional values.

46. Cultural Judicial Authority

46.1 Judicial authority is vested in the cultural courts, which must operate independently and impartially.

47. Judicial System

47.1 Abbaquar San Royal Kingdom people's high courts:

- Can hear Appeals from Lower Courts
- Can issue writs for Restoring Fundamental Rights
- Can deal with cases within the Jurisdiction of the Abbaquar San Royal Kingdom
- Exercises Superintendence and Control over Courts below it

47.2 DISTRICT COURTS

- Deals with cases arising in the district
- Considers appeals on decisions given by Lower Courts
- Decides cases involving serious Criminal Offences

47.3 LOCAL COURTS

Consider cases of Civil and Criminal nature.

47.4 GRAND JURY PEOPLE'S COURT

- Its decision is binding on all Abbaquar San Royal Kingdom Courts
- Can transfer Justices of the High Courts
- Can move cases from any Court to itself
- Can transfer case from one High Court to Another

48 SELECTION OF GRAND JURORS

48.1 Abbaquar San Royal Kingdom law requires that a grand jury be selected at random from a fair cross section of the community in the district or division in which the kingdom grand jury convenes.

- Thus, all citizens have an equal opportunity and obligation to serve.
- Pursuant to law, the names of prospective grand jurors are drawn at random from lists of registered voters or lists of actual voters, or other sources when necessary, under procedures designed to ensure that all groups in the community will have a fair chance to serve.
- Those persons whose names have been drawn, and who are not exempt or excused from service, are summoned to appear for duty as grand jurors.
- When these persons appear before the court, the presiding chief may consider any further requests to be excused.
- The chief will then direct the selection of 12 qualified persons to become the members of the grand jury.

48.2 ORGANIZATION, OATH, AND OFFICERS OF THE GRAND JURY

After the proper number of persons have been qualified as grand jurors, the court will appoint one of them to be:

- the foreperson, or presiding officer, of the grand jury.
- A deputy foreperson will also, be appointed, so that he or she can act as presiding officer in the foreperson's absence.
- The foreperson, the deputy foreperson, and the remaining members of the grand jury are sworn in by the Clerk of the Court.
- Those persons who do not wish to swear may affirm.
- The oath taken by the grand jurors binds them to inquire diligently and objectively into all kingdom crimes committed within the district about which they have or may obtain evidence, and to conduct such inquiry without malice, fear, ill will, or other emotion.
- After the grand jurors have been sworn, the presiding chief advises the grand jury of its obligations and how best to perform its duties.
- This is called the charge to the grand jury. Careful attention must be paid to the charge, for it and any additional instructions that may be given by the court contain the rules and directions.
- the grand jury must follow during its term of service.
- After the grand jury has been charged, it is taken to the grand jury room, where it will hear testimony and consider documentary evidence in the cases brought to its attention by the kingdom attorney.

48.3 PROCEDURE

48.3.1 Quorum

- 7 of the 12 members of the grand jury constitute a quorum for the transaction of business. If fewer than this number are present, even for a moment, the proceedings of the grand jury must stop.
- This shows how important it is that each grand juror conscientiously attends the meetings.
- If an emergency prevents a grand juror's attendance at the meeting, he or she must promptly advise the grand jury foreperson.
- If the juror's absence will prevent the grand jury from acting, the grand juror should, if at all possible, attend the meeting.

48.3.2 Evidence Before the Grand Jury

- Much of the grand jury's time is spent hearing testimony by witnesses and examining documentary or other evidence in order to determine whether such evidence justifies an indictment.
- Each court district has a Abbaquar San Royal Kingdom Attorney whose duty it is to represent the Kingdom in all matters within the kingdom and to prosecute those accused of crimes.
- In the usual case, the Abbaquar San Royal Kingdom Attorney or one of the Assistant Abbaquar San Royal Kingdom Attorney will present the evidence of alleged violations of law to the grand jury.
- These Abbaquar San Royal Kingdom Attorneys also advise grand jurors as to what witnesses should be called and what documentary evidence should be produced for examination by the grand jury.
- The grand jury may ask that additional witnesses be called if it believes this is necessary.
- The Royal Kingdom Attorneys will also prepare the formal written indictments that the grand jury wishes to present.

- But a Royal Kingdom Attorneys may not remain in the room while the grand jury deliberates and votes on an indictment.

48.3.3 Questioning the Witness

- Witnesses are called to testify one after another. Upon appearing to give testimony, each witness will be sworn by the grand jury foreperson or, in the foreperson's absence, the deputy foreperson.
- The witness will then be questioned.
- Ordinarily, the witness is first questioned by the Kingdom attorney, and then by the foreperson of the grand jury.
- Then, the other members of the grand jury may question the witness.
- All questions asked of each witness must be relevant and proper, relating only to the case under investigation. If doubt should arise as to whether a question is appropriate, the advice of the kingdom attorney may be sought. If necessary, a ruling may be obtained from the court.
- Because of the Royal Kingdom Attorneys need for secrecy, described in more detail in the following section, the law forbids anyone other than authorized persons from being present in the grand jury room while evidence is presented.
- This means that only the grand jury, the Royal Kingdom Attorneys, the witness under examination, the court reporter, and an interpreter, if required, may be present.
- If an indictment should ultimately be voted, the presence of unauthorized persons in the grand jury room could invalidate it.
- Occasionally, prior to answering a question, a witness may ask to leave the grand jury room to consult with his or her attorney.
- The grand jury cannot hold such conduct against a witness, for every witness has the right to confer with counsel, even though counsel may not be present in the grand jury room.
- In fact, a witness may confer with counsel after each question, as long as he or she does not make a mockery of the proceedings or does not, by such, try to impede the orderly progress of the grand jury investigation.
- Additionally, a witness who is appearing before the grand jury may invoke the right to remain silent to protect against self-incrimination and refuse to answer a question.
- In such a situation, the grand jurors may bring the matter before the court in order to obtain a ruling as to whether or not the answer may be compelled and under what circumstances.

48.3.4 Calling the Person Being Investigated by the Kingdom/Kingdom as a Witness

- Normally, neither the person being investigated by the Royal Kingdom Attorneys nor any witness on behalf of that person will testify before the grand jury.
- Upon request, preferably in writing, the person being investigated by the kingdom may be given the opportunity by the grand jury to appear before it.
- Such person who does so appear cannot be forced to testify because of the constitutional privilege against self-incrimination.
- If the grand jury attempts to force the person being investigated to testify, an indictment returned against that person may be nullified.
- Because the appearance of the person being investigated by the kingdom before the grand jury may raise complicated legal problems, a grand jury that desires to request or to permit that person to appear before it should consult with the kingdom attorney and, if necessary, the court before proceeding.
- Even if the person being investigated by the kingdom is willing to testify voluntarily, that person must be advised of the right not to testify.
- Also, he or she is required to sign a formal waiver of this right.

- The grand jury should be completely satisfied that the person being investigated fully understands what he or she is doing.

48.3.5 The Evidence Needed Before a “True Bill” May Be Voted

- It is the responsibility of the grand jury to weigh the evidence presented to it.
- This is usually done without any explanation offered by the person being investigated by the kingdom, in order to determine whether this evidence persuades that there is probable cause to believe that a crime has been committed and that the person being investigated was the person who committed it.
- Remember that the grand jury is not responsible for determining whether the person being investigated is guilty beyond a reasonable doubt, but only whether there is sufficient evidence of probable cause to justify bringing the that person to trial.
- Only the evidence presented to the grand jury in the grand jury room may be considered in determining whether to vote an indictment.

48.3.6 Deliberations

- When the grand jury has received all the evidence on a given charge, all persons other than the members of the grand jury or an interpreter necessary to assist a juror who is hearing or speech impaired, must leave the room so that the grand jury may begin its deliberations.
- The presence of any other person in the grand jury room while the grand jury deliberates or votes may nullify an indictment returned on the accusation.
- After all persons other than the grand jury members and any interpreter for a hearing or speech impaired juror have left the room, the foreperson will ask the grand jury members to discuss and vote upon the question of whether the evidence persuades the grand jury that a crime has probably been committed by the person being investigated by the kingdom and that an indictment should be returned.
- Every grand juror has the right to express his or her view of the matter under consideration, and grand jurors should listen to the comments of all their fellow grand jurors before making up their minds.
- Only after each grand juror has been given the opportunity to be heard will the vote be taken.
- It should be remembered that at least 7 jurors must be present and 6 members must vote in favour of the indictment before it may be returned.
- The foreperson of the grand jury must keep a record of the number of jurors concurring in the finding of every indictment and file the record with the Clerk of the Court.
- If an indictment is found, the grand jury, or its foreperson or deputy foreperson, will report it to the chief or a magistrate chief in open court.
- It will likewise report any “not true bills,” or decisions not to indict.
- A decision not to indict should immediately be reported to the court in writing by the foreperson so that the person being investigated by the kingdom may promptly be released from jail or freed from bail.

48.3.7 SECRECY

- The law imposes upon each grand juror a strict obligation of secrecy. This obligation is emphasized in the oath each grand juror takes and, in the charge, given to the grand jury by the chief.
- The tradition of secrecy continues as a vital part of the grand jury system for many reasons.
- It protects the grand jurors from pressure by persons who may be subjects of investigations by the grand jury or associates of such persons.
- It prevents the escape of those against whom an indictment is being considered.

- It encourages witnesses before the grand jury to give full and truthful information about the commission of a crime.
- It also prevents tampering with or intimidation of such witnesses before they testify at trial.
- Finally, it prevents the disclosure of investigations that result in no action by the grand jury and avoids any stigma the public might attach to one who is the subject of a mere investigation by the grand jury.
- Essentially, the grand jury may disclose matters occurring before it only to the kingdom attorneys for use in the performance of their duties, but even the kingdom attorneys may not be informed of what took place during the grand jury's deliberations and voting.
- The only other time matters occurring before the grand jury may be disclosed to anyone is when disclosure is ordered by the court in the interests of justice.
- Disclosure of such matters may never be made to a grand juror's friends or family, including a grand juror's spouse.

48.3.8 PROTECTION OF GRAND JURORS

- The secrecy imposed on grand jurors is a major source of protection for them. In addition, no inquiry may be made to learn what grand jurors said or how they voted, except by order of the court.
- The law gives the members of a grand jury broad immunity for actions they take within the scope of their authority as grand jurors.
- Because of this immunity, all grand jurors must perform their duties with the highest sense of responsibility.

48.3.9 PRACTICAL SUGGESTIONS FOR GRAND JURORS

- Each grand juror should attend the grand jury sessions regularly, in order to ensure that a quorum of 7 members will be present to conduct the grand jury's business.
- Each grand juror should be on time for each meeting so that others are not kept waiting.
- The time of meetings should be scheduled so as to be convenient for the grand jury, the kingdom attorney, and the witnesses.
- Witnesses should be treated courteously when they appear before the grand jury.
- Questions should be put to them in an orderly fashion.
- The kingdom attorney should complete his or her questioning of each witness before the foreperson asks questions.
- The remaining grand jurors will then have a chance to ask relevant and proper questions.
- Each grand juror has an equal voice in determining whether or not an indictment should be returned.
- Therefore, it is important that all grand jurors pay close attention to the testimony and other evidence presented.
- Each grand juror must be absolutely fair in his or her judgment of the facts.
- Otherwise, the grand juror will defeat the democratic purpose the grand jury is designed to serve.
- During deliberations on a case, each grand juror should feel free to express his or her opinion based upon the evidence.
- Each juror has equal duties and responsibilities, and each is entitled to be satisfied with the evidence before being called upon to vote.
- No juror has the right to dismiss a witness or to shut off proper discussion if other jurors wish to pursue the matter further.
- No grand jury should undertake to investigate matters outside its proper scope merely because someone suggested an investigation, or because the investigation would be interesting.

- No grand juror should discuss the cases under investigation with anyone, except fellow grand jurors and the kingdom attorney, and then only in the grand jury room.
- Of course, the grand jurors may always seek the advice of the chief.
- Finally, every citizen who is selected to serve on a tribal grand jury should bring to this task the determination to participate in a responsible manner and to make every effort to ensure that the grand jury will be a credit not only to the community it represents but to the Abbaquar San Royal Kingdom.

50. CHARGE TO THE GRAND JURY:

- Given by the chief presiding over the selection and organization of the grand jury, the charge is the court's instructions to the grand jury as to its duties, functions, and obligations, and how to best perform them.

50.1. Deliberations:

- The discussion by the grand jury members as to whether or not to return an indictment on a given charge against a person being investigated by the kingdom.
- During deliberations no one except the grand jury members or an interpreter for a hearing or speech impaired juror may be present.

50.2 District:

- The geographical area over which the kingdom district court where the grand jury sits and the grand jury itself has jurisdiction.
- The territorial limitations of the kingdom will be explained to the grand jury by the kingdom chief.

50.3 Evidence:

- Testimony of witnesses, documents, and exhibits as presented to the grand jury by a kingdom attorney or otherwise properly brought before it.
- In some instances, the person being investigated by the kingdom may also testify.

50.4 Kingdom:

The Kingdom as distinguished from the National kingdom.

50.5 Kingdom Attorney:

- Usually the Abbaquar San Royal Kingdom or an Assistant Abbaquar San Royal Kingdom Attorney in the Kingdom.

50.5 Grand Jurors' Immunity:

- Immunity is granted to all grand jurors for their authorized actions while serving on a Kingdom grand jury and means that no grand juror may be penalized for actions taken within the scope of service as a grand juror.

50.6 Indictment:

- The written formal charge of a crime by the grand jury, returned when 12 or more grand jurors vote in favour of it.

50.7 Information:

- The written formal charge of crime by the kingdom attorney, filed against the person being investigated who, if charged with a serious crime, must have knowingly waived the requirements that the evidence first be presented to a grand jury.

50.8 “No Bill”:

- Also referred to as “not a true bill,” the “no bill” is the decision by the grand jury not to indict a person being investigated by the Kingdom/Government.

50.9 Petit Jury:

- The trial jury, composed of 12 members, hears a case after indictment and renders a verdict or decision after hearing the prosecution’s entire case and whatever evidence the defendant chooses to offer.

50.10 Person Being Investigated by the Kingdom/Government:

- The person suspected of having committed a crime. Use of this term does not imply the person being investigated is guilty of any crime.
- After a person is indicted by the grand jury, that person is referred to as the “defendant.”

50.11 Probable Cause:

- The finding necessary in order to return an indictment against the person being investigated by the kingdom of a crime.
- A finding of probable cause is proper only when the evidence presented to the grand jury, without any explanation being offered by the person being investigated, persuades 12 or more grand jurors that a crime has probably been committed by that person.

50.12 Quorum for Grand Jury to Conduct Business:

- Sixteen of the 23 members of a grand jury must at all times be present at a grand jury session in order for the grand jury to be able to conduct business.

50.13 Abbaquar San Royal Kingdom Attorney:

- The chief legal officer for the Abbaquar San Royal Kingdom in each kingdom district.

51. The Branches of Kingdom

- The Royal Council branch of the Kingdom makes the rules – the statutes and regulations (the law).
- The Royal Council, together with the Executive Council administer the rules.
- The Judicial processes is divided into four spheres mainly:
 - 1)Constitutional matters
 - 2)Customary Law
 - 3)Civil law
 - 4)Criminal Law
- Royal Council together with the Executive Council are responsible for interpreting the “rules” in the context of disputes of constitutional matters.
- Chiefs will apply the law to settle disputes in Customary, civil and criminal law matters.
- Chiefs must uphold the law.
- That is, they must honestly and conscientiously apply the law as the Chiefs believes it to be to the dispute before them.
- In doing so Chiefs are upholding the rule of law an essential aspect of a democracy.
- Finally, the Chief stands between the kingdom and the individual.
- The Chief’s job is to make sure the kingdom obeys the law like everyone else.
- The kingdom, whether as the police or a kingdom Department are not above the law.
- A Chief is there to make sure the citizen is protected from unlawful kingdom action.

52. Principles set out six basic principles for Chiefs to be guided by.

52.1. Independence

- Chiefs must be free to decide the cases before them without interference, whether from the kingdom or anyone else. This “independence” is not for the Chief’s benefit – it protects the rule of law.

52.2. Litigants

- Must be reassured that Chiefs will not be influenced by anything other than the merits of the case before them.
- Only then can there be a fair and impartial hearing for all who come before the Courts.

52.3. Impartiality

- This means that Chiefs must do their job without favour, bias or prejudice.
- This means that Chiefs will ensure their behaviour and conduct is above reproach.
- Chiefs will not act improperly.

52.4. Equality of treatment Chiefs shall ensure all who appear in Court are treated equally.

52.5. Competence and Diligence

- Chiefs will keep themselves trained, skilled and educated to perform their role.
- Being a Chief will have priority over all other roles.
- Other Relationships
- Having good relationships with your fellow chiefs is very important.
- It will create a supportive environment for all.
- Support and guidance from fellow Chiefs can be especially important for new Chiefs.
- It is acceptable to discuss a case you have to decide with other Chiefs.
- This can be especially so with the management of litigation.
- However, and this is a big however, the final decision must be yours and yours alone.
- A chief can listen to other chiefs BUT a chief must exercise his/her independent judgment in deciding the case and must notarise where and with who consultations were held.

53. Kingdom Court

53.1 The Kingdom Court, as the highest court, will decide on constitutional matters and appeals.

54. Kingdom Appeal Court

54.1 The Kingdom Appeal Court will handle appeals and related issues.

55. Local Courts

55.1 Local courts will address matters such as Customary, civil and criminal law.

56. Court Procedures

56.1 Courts will function according to Cultural Norms and Standards.

57. Powers of Courts in Kingdom Constitutional Matters

57.1 The Royal Council is arbiter of appealed judgements to declare judgements or actions inconsistent with the Constitution invalid and issue just and equitable orders.

58. Inherent Power

58.1 Courts have the inherent power to regulate their processes and develop the common law that has to be approved by the Royal Council.

59. Appointment of Judicial Officers

59.1 Judicial officers recommended by the Tribal Chiefs will be appointed by the Royal Council.

60. Appointment of Acting Chiefs

60.1 The Royal Council may appoint acting chiefs as needed.

61. Terms of Office and Remuneration

61.1 Judicial officers will serve until they can no longer perform their duties due to ill health or mental and/or physical disabilities,

62. Removal

62.1 Judicial council members may be removed for incapacity, incompetence, or misconduct, with suspension possible during investigations.

63. Prosecuting Authority

63.1 Executive Council will oversee criminal proceedings, with policy determined in consultation with the Sovereign Chief.

64. Other matters concerning administration of justice

64.1 Kingdom legislation will cover additional matters related to justice administration.

65: State Defence and Security

65.1. Defence Forces

65.1.1 Defence of the Kingdom is a sovereign right, with citizens obligated to participate in national defence of all citizens and structures as well as lands of the kingdom.

66. State of Emergency and State of War

66.1 Only the Royal Council can declare a state of war, with restrictions on rights during emergencies.

67. National Defence Council

67.1 The Council's functions and rules rest in the Royal Council.

68: Revision of the Constitution

68.1. Rules of Revision of the Constitution

The Constitution and All other Cultural Norms and Standards may only be amended with the approval of the Royal Council.