Judgment of the Tribunal

Presiding: The Honourable Tribunal

This Tribunal has jurisdiction.

This Tribunal applies the law as it exists. The same law. The same standards of evidence. The same definitions of unlawful detention, misconduct, conspiracy, and fraud that have been applied in this system to others for the entirety of its operation.

This Tribunal will now deliver individual judgments.

THE INTERROGATOR

The Accused

Any person who, after the publication of Bond and DePaulo (2006), conducted an interrogation using the Reid Technique or any substantially similar guilt-presumptive methodology. Who applied a credibility assessment framework to a subject under custody conditions. Who obtained a confession under those conditions and presented it as voluntary evidence of guilt.

Findings of Fact

The accused knew, or in the exercise of their professional duty ought to have known, the following:

That the methodology they were trained in produces false confessions at a rate of between 12% and 30% of verified exonerations. That the conditions they created — detention, sleep disruption, isolation, acute stress — elevate the suggestibility of the subject by 80 to 120% above their normal baseline before the first question is asked. That the credibility assessment framework they applied interprets authentic cognitive effort as deception and rehearsed performance as honesty. That the training they received increased their confidence without improving their accuracy.

The accused will say: I was trained. I followed procedure. I did not invent the methodology.

The Tribunal finds this unpersuasive.

The Nuremberg tribunal heard the same submission from every person who operated within an institutional framework producing documented harm. The submission was rejected then. It is rejected now. A trained professional operating a methodology known to produce wrongful outcomes at a documented rate bears individual responsibility for each application of that methodology. Training is not a transfer of responsibility. It is the mechanism by which responsibility is acquired.

Verdict

Guilty.

Count One: Unlawful deprivation of liberty. Each interrogation conducted under conditions known to compromise the voluntariness of the subject's statements produced an output that could not legitimately authorise detention. The accused applied the process that produced the output. The accused is responsible for the output.

Count Two: Misconduct in public office. The accused held professional authority. The accused used that authority to extract statements under conditions the evidence required them to challenge. They did not challenge them.

Count Three: In combination with prosecutors, judges, and administrators — conspiracy to deprive of liberty.

Sentence

The accused is sentenced to a period of detention equivalent to the aggregate of sentences produced by their interrogations that resulted in wrongful conviction.

The Tribunal acknowledges this cannot be precisely calculated for each individual accused. The Tribunal notes that imprecision of this kind did not prevent the system from sentencing others. The Tribunal applies the same tolerance for imprecision.

The accused will be held in a standard facility. They will be processed on arrival. They will be placed in a room. Someone will assess their credibility.

THE PROSECUTOR

The Accused

Any person who, after the publication of the relevant evidence, advanced a prosecution that rested materially on a confession obtained under the conditions described above, or on eyewitness testimony obtained through post-event questioning, or on credibility assessments made using the inverted framework.

Findings of Fact

The accused had, in the exercise of their professional role, access to the full record of evidence. They reviewed the confession. They reviewed the conditions under which it was obtained. They made a decision to advance it.

The accused will say: my role is to advance the evidence. The assessment of its admissibility belongs to the judge. I present what exists.

The Tribunal notes that this is a precise description of how the administrator of a camp described their role.

The Tribunal finds that a prosecutor who advances a confession knowing the false confession rate, knowing the conditions of its extraction, knowing the suggestibility research, has made a choice. Has assessed the

evidence. Has determined, either explicitly or by the comfort of not asking, that it is sufficient. Has placed their professional authority behind it. Has stood before a jury and said: this person confessed. Has allowed the jury to draw the inference.

The prosecutor is not a conveyor belt. They are a decision-maker. The decision carries responsibility.

Verdict

Guilty.

Count One: Unlawful deprivation of liberty, as a principal participant in the process that authorised it.

Count Two: Misconduct in public office. The accused had a professional and ethical obligation to interrogate the reliability of the evidence they advanced. That obligation was not discharged.

Count Four: Fraud. The accused represented to the court and jury that the confession was voluntary, that the witness was reliable, that the credibility assessment was sound. The accused knew, or ought to have known, that each of these representations was materially undermined by the available evidence.

Sentence

The accused is sentenced to imprisonment for a term to be served consecutively for each wrongful conviction their prosecutions produced.

The accused retains the right of appeal. The appeal will be heard by a judge operating at 54.1% accuracy. The accused will be assessed for credibility by a jury applying a framework that is 91.3% wrong.

The Tribunal considers this a fair process. The accused previously considered it a fair process. The Tribunal defers to their prior judgment.

THE JUDGE

The Accused

Any judicial officer who, after the relevant evidence was available, admitted confessions obtained under the conditions described above. Who failed to direct juries on the empirical limitations of credibility assessment. Who applied evidentiary rules in ways that excluded the research from the jury's consideration. Who signed orders of detention on the basis of proceedings conducted in this manner.

Findings of Fact

The accused occupies the highest position of individual responsibility in this proceeding.

The interrogator followed training. The prosecutor advanced evidence. The jury assessed credibility with the tools available to them. The judge sat above all of it. Had the authority to exclude the confession. Had the authority to direct the jury. Had the authority to dismiss the charge. Had the authority, in the exercise of judicial discretion, to refuse to participate in a process whose foundations the evidence had undermined.

They did not exercise that authority.

The accused will say: my role is to apply the law as it exists, not as it should be. That reforming the law belongs to parliament. That departing from established evidentiary frameworks is not my function.

The Tribunal notes that the judges tried at Nuremberg made this submission. That the specific tribunal constituted to try them — the Judges' Trial, 1947 — found it insufficient. That the use of a judicial office to administer a system producing known harm, regardless of the legal framework within which that administration occurred, constituted a war crime.

The Tribunal applies that precedent.

Verdict

Guilty.

All four counts. With the additional finding that the accused's position of authority, and the particular trust placed in judicial officers to stand as a check on the system rather than a function of it, constitutes an aggravating factor.

Sentence

The accused is sentenced to imprisonment.

Before sentencing is executed, the accused will be taken to a room. They will be questioned. The accused will be tired. The accused will be frightened. Someone will assess whether they are being truthful. Someone will use their judgment.

The accused built the room. The accused knows what the room produces.

The sentence will be determined by what the room produces.

The Tribunal finds this appropriate.

THE LEGISLATOR

The Accused

Any person who held legislative authority, who received briefings on wrongful conviction rates, false confession research, the limitations of eyewitness testimony, or the conditions of detention — and who took no legislative action. Who allocated funding to the expansion of the system. Who campaigned on its continuation. Who was returned to office on the promise of more of the same.

Findings of Fact

The accused will say: I am a representative. I represent the will of my constituency. My constituency wanted stronger sentences, more police, safer streets. I gave them what they asked for.

The Tribunal notes this.

The Tribunal notes that the political conditions for the previous proceedings were also created by constituencies. That ordinary people voted for the parties that built the camps. That the will of the constituency is not, in itself, a defence against the charge of knowingly administering a system producing documented harm.

The accused had briefings. The accused had committees. The accused had researchers, advisers, opposition members raising concerns, international comparisons, exoneration registries, academic submissions, and the evidence of a recidivism rate of 60 to 70% demonstrating that the system they were expanding was not working by any measure it claimed to serve.

The accused continued.

Verdict

Guilty.

Count Two: Misconduct in public office. The accused held the highest form of public trust — the authority to change the law — and did not exercise it.

Count Three: Conspiracy. The accused allocated the resources without which the system could not have continued. The accused is a necessary participant.

Sentence

The accused is sentenced to serve the median sentence applied in the jurisdiction they legislated, for the median offence their legislation targeted.

They will serve it in a standard facility. The facility will be funded at the level they approved. They will have access to the rehabilitation programmes they funded. They will be assessed for parole according to the criteria they wrote.

The Tribunal wishes them well with that process.

THE ADMINISTRATOR

The Accused

Any person who managed a detention facility. Who processed the paperwork. Who ensured the institution functioned. Who maintained the cages and their contents. Who never, in the exercise of their administrative role, asked what the conviction rate meant or whether the people in the cells belonged there.

Findings of Fact

The accused is the furthest from the mechanism of all the accused before this Tribunal.

The accused did not interrogate. Did not prosecute. Did not judge. Did not legislate.

The accused maintained.

The Tribunal has considered at length whether maintenance constitutes participation of the kind that attracts criminal responsibility.

The Tribunal finds that it does.

The camp required administrators. Without administrators, there were no records, no rosters, no supply chains, no routines, no functioning institution. The accused made the institution function. The institution produced the harm. The accused is a necessary participant.

The accused will say: someone had to do the job. If not me, someone else.

The Tribunal has heard this before.

The Tribunal notes that "someone else would have done it" was not accepted as a defence at the previous proceedings and is not accepted here.

Verdict

Guilty.

Count One and Count Three.

With the note that the Tribunal finds the administrator the least culpable of those before it, and that this finding is reflected in sentencing.

Sentence

The accused is sentenced to a period of community service equivalent in duration to their period of administrative service.

That community service will be performed in direct contact with the people they administered. They will learn their names. They will hear their accounts. They will be required to demonstrate, at the conclusion of their service, that they understand what they maintained.

The Tribunal considers this the appropriate sentence for a person whose primary crime was the refusal to look.

CLOSING STATEMENT OF THE TRIBUNAL

These findings are entered into the permanent record.

The Tribunal is aware that executing these sentences requires a system that does not currently exist — a system capable of turning its apparatus on itself. The Tribunal notes that this is precisely the condition that makes reform from within insufficient. A system cannot fairly try itself. A system cannot fairly sentence itself. A system cannot fairly imprison the people whose continued freedom is necessary for the system's continued operation.

This is the argument for an external tribunal.

This is why Nuremberg required external authority. The German legal system could not try the German legal system. It required something from outside. Something with the authority to apply the law to those who had administered the law.

That authority does not yet exist in relation to the system before this Tribunal.

The Tribunal records that it should.

The Tribunal records that until it does, every person currently confined by this system is confined by a process whose legitimacy this Tribunal has found wanting. That the harm is ongoing. That the record of these findings constitutes notice to everyone who reads them that continuation, from this point, occurs in full knowledge.

The Tribunal has no further submissions.

The record is closed.

This is the seventh paper in a series.

The first established what the evidence says.

The second asked what we call people who knew and continued.

The third asked whether you are one of them.

The fourth was written from inside.

The fifth was the verdict.

The sixth applied the sentence in principle.

This one named them and sentenced them by their own hand.