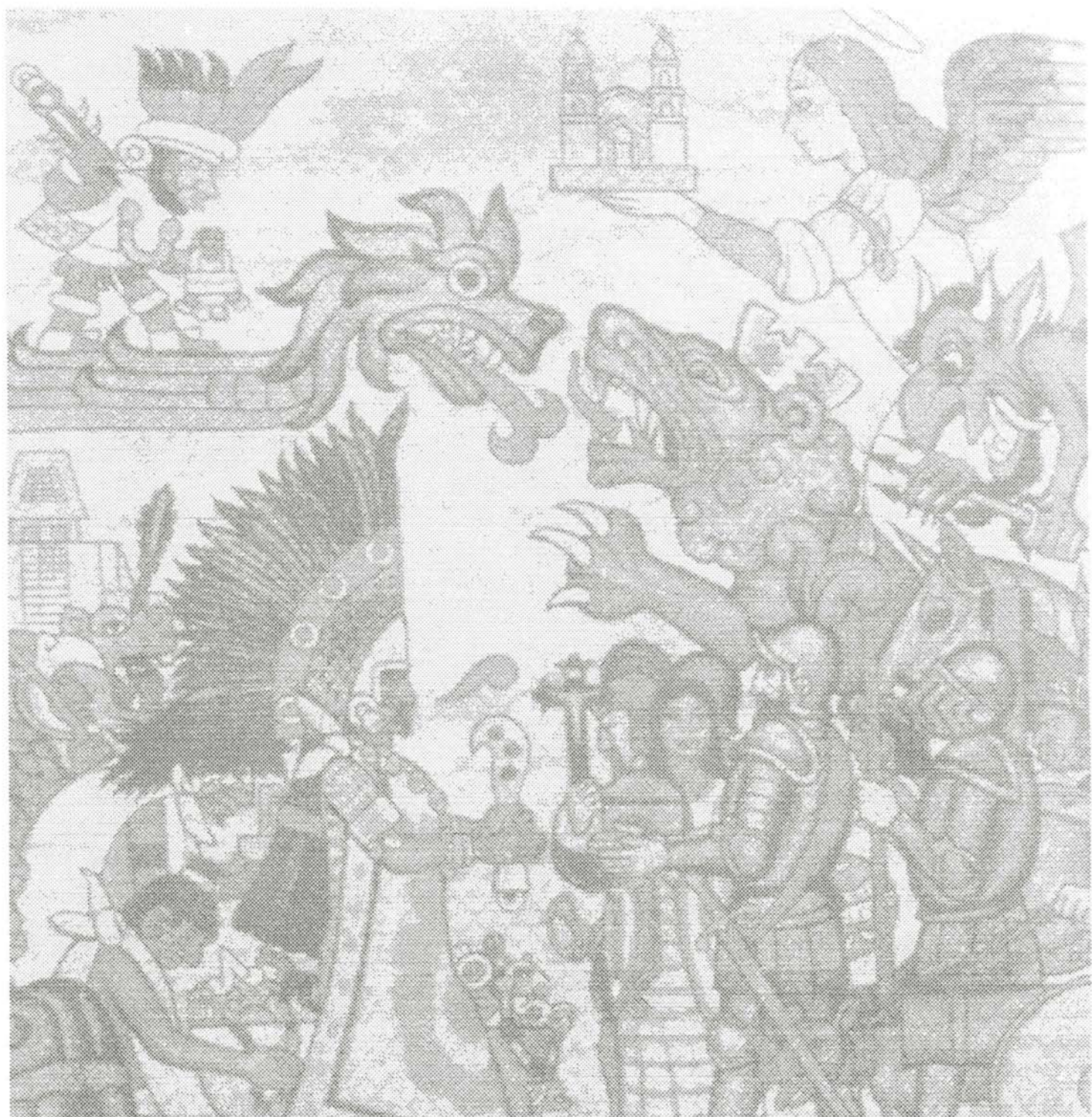




VERDICT

**OF THE INTERNATIONAL TRIBUNAL
OF INDIGENOUS PEOPLES AND
OPPRESSED NATIONS IN THE USA**

DISTINGUISHED JURORS COMPOSING THE INTERNATIONAL TRIBUNAL

Francisca Villalba Merino, JD
Attorney and expert on International Law and Political Prisoners from Spain.

Dale Marie Standing Alone
Leader of the Blood Tribe, member of the Blackfoot Nation in Canada

Norbert Georg
Member, Board of Directors of the *Society for Threatened Peoples*, the 2nd largest human rights organization in the world.

Mitsuye Yamada
Poet and author, formerly on the National Board of Directors of Amnesty International USA, interned in Idaho during World War II.

Dr. Rae Richardson
Professor Emeritus, Black History, Co-Founder and co-owner of Marcus Bookstores, specializing in books by and about Black people, and well-respected elder in the Black community.

Adora Faye de Vera
Former political prisoner from the Philippines, poet and founding member of KAIBA, the Philippines' only women's political party.

Rory Snow Arrow Fausett, JD
Professor, Native American Studies, University of California at Berkeley.

Second Edition

October 14, 1992
1000 copies

To obtain a copy of this verdict, call the American Indian Movement at 415.552.1992.

DISTINGUISHED WITNESSES APPEARING BEFORE THE INTERNATIONAL TRIBUNAL

CHARGE OF GENOCIDE

NATIVE AMERICANS

Dr. Kekuni Blaisdell
Pro-Hawaii Sovereignty Working Group

Professor Elizabeth Parent
Head of Native American Studies,
San Francisco State University

NEW AFRIKANS

Oba T'chaka
Professor San Francisco State University

Daramola Cabral-Evins
Epidemiologist, Hartford Hospital

MEXICANS

María Ortiz
Mexican Democratic Forum,
San Jose, California

PUERTO RICANS

Deborah Santana
Puerto Rican environmentalist

Rafael Cancel Miranda
Puerto Rican National Hero

CHARGE OF HUMAN RIGHTS VIOLATIONS

NATIVE AMERICANS

Sage La Peña
Wintu-Nomtipom & Human Rights activist

Tom Goldtooth
Environmental Coordinator from the Red Lake Band of Chippewa, acting co-director Indigenous Environmental Network.

NEW AFRIKANS

Emery Douglas
Founding member, Black Panther Party

Muhjah Shakir
Co-coordinator, International Campaign to Free Geronimo ji Jaga (Pratt)

MEXICANS

Ricardo García
Regeneración Human Rights Group

Jose Rico
Co-founder, Frente Estudiantil de Liberación Nacional

PUERTO RICANS

Carmen Vázquez
Board of Directors, National Gay and Lesbian Task Force

Piri Thomas
Poet and author of *Down These Mean Streets*

CHARGE OF POLITICAL PRISONERS AND PRISONERS OF WAR

NATIVE AMERICANS

Bob Robideau
Co-defendant of Leonard Peltier, National Coordinator, Leonard Peltier Defense Committee

Ward Churchill
Professor University of Colorado, noted author and co-director Colorado American Indian Movement

NEW AFRIKANS

Watani Tyehimba
former political prisoner,
National Secretary of the New Afrikan Peoples Organization

MEXICANS

Ricardo Sánchez
former political prisoner, professor
Washington State University

PUERTO RICANS

Carlos Ortiz, National Coordinator of the National Committee to Free Puerto Rican Prisoners of War and Political Prisoners

WHITE NORTH AMERICAN POLITICAL PRISONERS

"Bo" Rita D. Brown
Former Political Prisoner, member, Out of Control-Lesbian Committee to Support Women Political Prisoners

THAT EVERYONE RESIST... THAT NO ONE STAY BEHIND...

THE LEGEND OF POPUL-VUH

INTRODUCTION

On October 2-4, 1992, the eve of the 500th anniversary of Columbus's invasion of the Americas', an historic *International Tribunal of Indigenous Peoples and Oppressed Nations*, convened in San Francisco, California, U.S.A. Initiated by the American Indian Movement (AIM) and joined by representatives of the Puerto Rican, New Afrikan, Mexicano movements as well as progressive white North Americans, the Tribunal placed the U.S. Federal Government on trial for grave crimes against humanity. As the contemporary inheritors of the Columbus legacy of colonialism, genocide and political internment, representatives of the U.S. government — Attorney General William Barr in Washington DC and John Méndez the U.S. attorney in San Francisco, were formally served with the indictment on September 23, 1992. In a published statement to Reuters News Service, the U.S. government acknowledged receipt of the indictment and stated that it refused to avail itself of the opportunity to offer a defense of the Federal government.

During the weekend of October 2nd, over one thousand people from every region of the U.S., as well as Canada, Spain, the Philippines, Germany, Puerto Rico, Hawaii, Haiti, South Africa and Peru, attended or participated in the Tribunal. A distinguished panel of international judges, each with long experience in Human Rights, heard testimony, deliberated for 12 hours and rendered the preliminary verdict contained in this volume. Following the tradition of other International Tribunals, such as the Bertrand Russell Tribunal which judged U.S. war crimes during the Vietnam war, this Tribunal's findings will be brought before the United Nations and other international bodies. It is important to underscore that the authority of the Tribunal and its verdict rests in its scrupulous adherence to international law and the urgent demand by our peoples that the U.S. government be held accountable for its historical and present day crimes. With 1993 designated by the United Nations as the *Year of Indigenous Peoples*, it is our hope that this verdict will make a serious contribution to our peoples' effort to assume our rightful place in the international community.

From the outset of this process more than a year ago, the aims of the Tribunal were defined as:

- *To destroy the myth of the "European Discovery" of the Americas, and make clear that Columbus and the Europeans who later followed him were conquerors and not discoverers of a new world.*
- *To provide a forum for a broader understanding of the human right to self-determination for Native Americans, Puerto Ricans, New Afrikans(Blacks) and Mexicans. To understand the history of the US as a country which became the inheritor of the European legacies of colonialism, genocide and racism.*
- *To demand the immediate unconditional release of the more than 100 political prisoners and prisoners of war from the different movements, such as Leonard Peltier, Eddie Hatcher, Norma Jean Croy, Alejandrina Torres, Oscar Lopez, Geronimo ji Jaga, Mumia Abu Jamal, Silvia Baraldini and many others presently in US prisons.*

For our Peoples and Nations, the common experience of 500 years of resistance teaches us all too well that the U.S. has never respected moral principles, treaties or international law. From the regime first imposed upon us in the Caribbean by Columbus five hundred years ago, up to the present day "New World Order" proclaimed by the U.S. government — the pursuit of wealth and domination has brought only genocide and ruin to our sacred Mother Earth. Now that the end of the 20th century is nearly upon us, it is time for this predatory way of life to end. This criminal system is driving us all, from every part of this planet, into the 11th hour of global crisis. With the urgent need to restore justice, balance, mutual respect and dignity foremost in our minds, our movements humbly bring this indictment and verdict to our peoples and the world.

Indictment of the Federal Government of the United States of America for the Commission of International Crimes and Petition for Orders Mandating its Proscription and Dissolution as an International Criminal Conspiracy and a Criminal Organization

Introduction

All citizens of the World Community have both the right and the duty under public international law to sit in judgment over a gross and consistent pattern of violations of the most fundamental norms of international criminal law committed by any member state of that same World Community. Such is the case for the *International Tribunal of Indigenous Peoples and Oppressed Nations in the United States of America* that convenes in San Francisco during the weekend of October 2-4, 1992. Its weighty but important task is to examine the long history of international criminal activity that has been perpetrated by the Federal Government of the United States of America against the Indigenous Peoples and Peoples of Color living in North America since it was founded in 1787.

Toward that end, I have the honor to present to the Members of this Tribunal the following charges against the Federal Government of the United States of America under international criminal law. In light of the gravity, severity and longstanding nature of these international crimes and also in light of the fact that the Federal Government appears to be irrevocably committed to continuing down this path of lawlessness and criminality against Indigenous Peoples and Peoples of Color living in North America and elsewhere, I hereby petition the Members of this Tribunal to issue and order proscribing the Federal Government of the United States of America as an International Criminal Conspiracy and a Criminal Organization under the Nuremburg Charter, Judgment, and Principles as well as other sources of public international law specified below. For that reason, I also request that the Members of the Tribunal issue an Order dissolving the Federal Government of the United States of America as a legal and political entity. Finally, I ask this Tribunal to declare that international legal sovereignty over the Territories principally inhabited by the Native American Peoples, the New Afrikan People, the Mexicano People, and the People of Puerto Rico resides in the hands of these respective Peoples Themselves.

In this regard, I should point out that the final Decision of this Tribunal will qualify as a "judicial decision" within the meaning of article 38 (1) (d) of the Statute of the International Court of Justice and will therefore constitute a "subsidiary means for the determination of rules of law" for international law and practice. The Statute of the International Court of Justice is an "integral part" of the United Nations Charter under article 92 thereof. Thus, this Tribunal's Decision can be relied upon by some future International Criminal Court or Tribunal, as well as by any People or State of the World Community that desires to initiate criminal proceedings against named individual for the commission of the following international crimes. The Decision of this Tribunal shall serve as adequate notice to the appropriate officials in the United States Federal Government that they bear personal criminal responsibility under international law and the domestic legal systems of all Peoples and States in the World Community for designing and implementing these illegal, criminal and reprehensible policies and practices against Indigenous Peoples and Peoples of Color living in North America. Hereinafter, the Federal Government of the United States of America will be referred to as the "Defendant."

Bill of Particulars Against the Federal Government of the United States of America

The Native American Peoples

1. The Defendant has perpetrated innumerable Crimes Against Peace, Crimes Against Humanity and War Crimes against Native

American Peoples as recognized by the Nuremburg Charter, Judgment, and Principles.

2. The Defendant has perpetrated the International Crime of Genocide

against Native American Peoples as recognized by the 1948 Convention on the Prevention and Punishment of the Crime of Genocide.

3. The Defendant has perpetrated the International Crime of Apartheid against Native American Peoples as recognized by the 1973 International Convention on the Suppression and Punishment of the Crime of Apartheid.
4. The Defendant has perpetrated a gross and consistent pattern of violations of the most fundamental human rights of Native American Peoples as recognized by the 1948 Universal Declaration of Human Rights.
5. The Defendant has perpetrated numerous and repeated violations of the 1965 International Convention on the Elimination of All Forms of Racial Discrimination against Native American Peoples.
6. The Defendant has systematically violated 371 treaties it concluded with the Native American Peoples in wanton disregard of the basic principle of public international law and practice dictating *pacta sunt servanda*.
7. The Defendant has denied and violated the international legal right of Native American Peoples to self-determination as recognized by the 1945 United Nations Charter, the 1966 International Covenant on Civil and Political Rights, the 1966 International Covenant on Economic, Social and Cultural Rights, fundamental principles of customary international law, and *jus cogens*.
8. The Defendant has violated the seminal United Nations Declaration of the Granting of Independence to Colonial Countries and Territories of 1960 with respect to Native American Peoples and Territories. Pursuant thereto, the Defendant has an absolute

international legal obligation to decolonize Native American Territories immediately and to transfer all powers it currently exercises there to the Native American Peoples.

9. The Defendant has illegally refused to accord full-scope protections as Prisoners-of-War to captured Native American independence fighters in violation of the Third Geneva Convention of 1949 and Additional Protocol I thereto of 1977. The Defendant's treatment of captured Native American independence fighters as "common criminals" and "terrorists" constitutes a "grave breach" of the Geneva Accords and thus a serious war crime..
10. The Defendant has deliberately and systematically permitted, aided and abetted, solicited and conspired to commit the dumping, transportation, and location of nuclear, toxic, medical and otherwise hazardous waste materials on Native American Territories in North America and has thus created a clear and present danger to the lives, health, safety, and physical and mental well-being of Native American Peoples in gross violation of article 3 and article 2(c) of the 1948 Genocide Convention, inter alia: "Deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part..."

The New Afrikan People

11. The Defendant has perpetrated the International Crime of Slavery upon the New Afrikan People as recognized in part by the 1926 Slavery Convention and the 1956 Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and

Practices Similar to Slavery. The Defendant has illegally refused to pay reparations to the New Afrikan People for the commission of the International Crime of Slavery against Them in violation of basic norms of customary international law requiring such reparations to be paid.

12. The Defendant has perpetrated innumerable Crimes Against Humanity against the New Afrikan People as recognized by the Nuremberg Charter, Judgment, and Principles.
13. The Defendant has perpetrated the International Crime of Genocide against the New Afrikan People as recognized by the 1948 Genocide Convention.
14. The Defendant has perpetrated the International Crime of Apartheid against the New Afrikan People as recognized by the 1973 Apartheid Convention.
15. The Defendant has perpetrated a gross and consistent pattern of violations of the most fundamental human rights of the New Afrikan People as recognized by the 1948 Universal Declaration of Human Rights and the two aforementioned United Nations Human Rights Covenants of 1966.
16. The Defendant has perpetrated a gross and consistent pattern of violations of the 1965 Racism Convention against the New Afrikan People. The Defendant is the paradigmatic example of an irremediably racist state in international relations today.
17. The Defendant has denied and violated the international legal right of the New Afrikan People to self-determination as recognized

by the United Nations Charter, the two United Nations Human Rights Covenants of 1966, customary international law, and *jus cogens*.

18. The Defendant has illegally refused to apply the United Nations Decolonization Resolution of 1960 to the New Afrikan People and to the Territories that they principally inhabit. Pursuant thereto, the Defendant has an absolute international legal obligation to decolonize New Afrikan Territories immediately and to transfer all powers it currently exercises there to the New Afrikan People.

19. The Defendant has illegally refused to accord full-scope protections as Prisoners-of-War to captured New Afrikan independence fighters in violation of the Third Geneva Convention of 1949 and Additional Protocol I thereto of 1977. The Defendant's treatment of captured New Afrikan independence fighters as "common criminals" and "terrorists" constitutes a "grave breach" of the Geneva Accords and thus a serious war crime.

The Mexicano People

20. In 1821, Mexico obtained its independence from colonial Spain as a sovereign Mestizo State, extending from Yucatan and Chiapas in the south, to the northern territories of California and New Mexico, which areas the Defendant today calls the "states" of Texas, California, Arizona, Nevada, Utah, New Mexico, and Colorado. Nevertheless, in 1836 so-called "settlers" under the sponsorship of the Defendant began the division of the Mexicano People and State by causing the division of the Mexi-

can state of Coahuila-Texas into the Mexican state of Coahuila and the so-called "republic" of Texas.

21. In 1846, the Defendant perpetrated an unjust, illegal and unjustifiable war upon the remainder of the sovereign People and State of Mexico that violated every known principle of public international law in existence at that time, including, but not limited to, the Christian Doctrine of "just war," which was the reigning standard of customary international law. As a result thereof, the Defendant illegally annexed close to 51% of the territories of the sovereign State of Mexico by means of forcing it to conclude the 1848 Treaty of Guadalupe-Hidalgo under military duress. For these reasons, this Treaty was and still is null and void *ab initio* as a matter of public international law. The Defendant acquired more Mexican territory through the Gadsden Treaty (Purchase) of 1854.

22. Since these 1848 and 1854 Treaties, the Defendant has perpetrated the International Crime of Genocide against the Mexicano People living within these occupied territories, as recognized by the 1948 Genocide Convention.

23. The Defendant has perpetrated the International Crime of Apartheid against the Mexicano People living within these occupied territories, as recognized by the 1973 Apartheid Convention.

24. The Defendant has perpetrated a gross and consistent pattern of violations of the most fundamental human rights of the Mexicano people living within these occupied territories, as recognized by the 1948 Universal Declaration of

Human Rights and the two aforementioned United Nations Human Rights Covenants of 1966.

25. The Defendant has perpetrated a gross and consistent pattern of violations of the 1965 Racism Convention against the Mexicano People living within these occupied territories.

26. The Defendant has denied and violated the international legal right of the Mexicano People living within these occupied territories to self-determination as recognized by the United Nations Charter, the two United Nations Human Rights Covenants of 1966, customary international law, and *jus cogens*.

27. Since the militarily-imposed division of the Mexican state, the Defendant and its agents have militarily occupied other portions of the Mexican State, have sought to influence the outcome of the Mexican Revolution of 1910, have practiced a consistent pattern of intervention into Mexico's internal affairs, all of which have resulted in the arresting distortion and deformation of the Mexican social and economic order. In this regard, Defendant's so-called "North American Free Trade Agreement (NAFTA)" constitutes nothing more than an attempt to impose its hegemonial imperialism, economic colonialism, and human exploitation upon the People and State of Mexico.

28. The Defendant has illegally refused to apply the United Nations Decolonization Resolution of 1960 to the Mexicano People and to these occupied territories that they inhabit. Pursuant thereto, the Defendant has an absolute

international legal obligation to decolonize both the Mexican occupied territories and the Republic of Mexico immediately, and to transfer all powers it currently exercises there to the Mexicano People.

The People and State of Puerto Rico

29. Since its illegal invasion of Puerto Rico in 1898, Defendant has perpetrated innumerable Crimes Against Peace, Crimes Against Humanity and War Crimes against the People and State of Puerto Rico as recognized by the Nuremberg Charter, Judgment, and Principles.
30. The Defendant has perpetrated the International Crime of Genocide against the Puerto Rican People as recognized by the 1948 Genocide Convention.
31. The Defendant has perpetrated the International Crime of Apartheid against the Puerto Rican People as recognized by the 1973 Apartheid Convention.
32. The Defendant has perpetrated a gross and consistent pattern of violations of the most fundamental human rights of the Puerto Rican People as recognized by the 1948 Universal Declaration of Human Rights and the two aforementioned United Nations Human Rights Covenants of 1966.
33. The Defendant has perpetrated a gross and consistent pattern of violations of the 1965 Racism Convention against the Puerto Rican People.
34. The Defendant has denied and violated the international legal right of the Puerto Rican People to self-determination as recognized

by the United Nations Charter, the two United Nations Human Rights Covenants of 1966, customary international law, and *jus cogens*.

35. The Defendant has illegally refused to apply the United Nations Decolonization Resolution of 1960 to Puerto Rico. Pursuant thereto, the Defendant has an absolute international legal obligation to decolonize Puerto Rico immediately and to transfer all powers it currently exercises there to the Puerto Rican People.
36. The Defendant has illegally refused to accord full-scope protections as Prisoners-of-War to captured Puerto Rican independence fighters in violation of the Third Geneva Convention of 1949 and Additional Protocol I thereto of 1977. The Defendant's treatment of captured Puerto Rican independence fighters as "common criminals" and "terrorists" constitutes a "grave breach" of the Geneva Accords and thus a serious war crime.

An International Criminal Conspiracy and a Criminal Organization

37. In light of the foregoing international crimes, the Defendant constitutes an Criminal Conspiracy and a Criminal Organization in accordance with the Nuremberg Charter, Judgment, and Principles and the other sources of public international law specified above. The Federal Government of the United States of America is similar to the Nazi government of World War II Germany. Indeed, the Defendant's President, George Bush, has proclaimed a so-called "New World Order" that sounds and looks strikingly similar to the "New Order" proclaimed by Adolph Hitler over 50 years ago.

Conclusion

Like unto a pirate, the Defendant is *hostis humani generis*: The enemy of all humankind! For the good of all humanity, this Tribunal must condemn and repudiate the Federal Government of the United States of America and its grotesque vision of a "New World Order" that is constructed upon warfare, bloodshed, violence, criminality, genocide, racism, colonialism, apartheid, massive violations of fundamental human rights, and the denial of the international legal right of self-determination to the Indigenous Peoples and Peoples of Color living in North America and elsewhere around the world. Consequently, this Tribunal must find the Defendant guilty as charged on all counts specified above beyond a reasonable doubt. This Tribunal must also issue an Order that formally proscribes the federal Government of the United States of America as an Criminal Conspiracy and a Criminal Organization. This Tribunal must also issue a separate Order mandating the dissolution of the Federal Government of the United States of America as a legal and political entity. Finally, this Tribunal must declare that international legal sovereignty over the Territories inhabited by the Native American Peoples, the New Afrikan Peoples, the Mexicano People, and the People of Puerto Rico, resides, respectively, in the hands of these Peoples Themselves. The very lives, well-being, health, welfare, and safety of the Indigenous Peoples and Peoples of Color living in the North America and elsewhere around the world depend upon the ultimate success of your deliberations.

Respectfully submitted by,
Francis A. Boyle
Professor of International Law
Special Prosecutor
Dated: September 18, 1992

**THE INTERNATIONAL TRIBUNAL OF INDIGENOUS PEOPLES
AND OPPRESSED NATIONS IN THE UNITED STATES OF AMERICA
SAN FRANCISCO, CALIFORNIA**

Native American Peoples, New Afrikan People
Mexicano People, and Puerto Rican People

Plaintiffs,

vs.

The Federal Government
of the United States of America

Defendant.

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PRELIMINARY FINDINGS AND ORDER

This matter having come before the INTERNATIONAL TRIBUNAL OF INDIGENOUS PEOPLES AND OPPRESSED NATIONS IN THE UNITED STATES OF AMERICA, hereinafter "Tribunal" by request of representatives of the Native American Peoples, the New Afrikan People, the Mexicano People, and the Puerto Rican People; the Indictment of the Federal Government of the United States of America for the Commission of International Crimes and Petition for Orders Mandating its Proscription and Dissolution as an International Criminal Conspiracy and a Criminal Organization having been presented by Special Prosecutor Francis Boyle; the Native American Peoples having appeared personally and by counsel, Bryan Savage; the New Afrikan People having appeared personally and by counsel, James Simmons; the Mexicano People having appeared personally and by counsel, Guillermo Suárez; the Puerto Rican People having appeared personally and by counsel, Dennis Cunningham and Rachel Lederman; the white North American People having appeared on the issue of political prisoners personally and by counsel, Marilyn Kalman; the United States Government having failed to appear personally or by counsel; the Tribunal having completed its preliminary consideration of the testimonial evidence, the documentary evidence, the argument of counsel, and otherwise being fully informed of the premises, finds that:

1. The defendant, the Federal Government of the United States of America, has been duly served with summons and process.
2. This Tribunal has jurisdiction over the parties, in the name of the Peoples whom the Plaintiffs represent.
3. The Plaintiff parties consider that the judgments of this Tribunal qualify as "judicial decisions" within the meaning of Article 38 [1] [d] of the Statute of the International Court of Justice.

4. The following sources and principles of law are applicable:
 - a. the Nuremberg Charter, Judgment, and Principles;
 - b. the 1948 Convention on the Prevention and Punishment of the Crime of Genocide;
 - c. the 1973 International Convention on the Suppression and Punishment of the Crime of Apartheid;
 - d. the 1948 Universal Declaration of Human Rights;
 - e. the 1965 International Convention on the Elimination of All Forms of Racial Discrimination;
 - f. the 1945 United Nations Charter;
 - g. the 1966 International Covenant on Civil and Political Rights;
 - h. the 1966 International Covenant on Economic, Social and Cultural Rights;
 - i. the 1960 United Nations Declaration on the Granting of Independence to Colonial Countries and Territories;
 - j. the Third Geneva Convention of 1949 and Additional Protocol I thereto of 1977, and United Nations Resolution 3103 XV;
 - k. the 1926 Slavery Convention;
 - l. the 1956 Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery;
 - m. the 1960 United Nations Decolonization Resolution;
 - n. the 1969 American Convention on Human Rights;
 - o. the 1981 United Nations Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief;
 - p. the 1984 United Nations Declaration on the Right of Peoples to Peace;
 - q. the 1989 United Nations Convention on the Rights of the Child;
 - r. the 1987 United Nations Convention against Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment;
 - s. the principles of the Common Law;
 - t. the principles of the Civil Law;
 - u. international custom;
 - v. the general principles of law recognized by civilized nations; and
 - w. judicial decisions and the teachings of the most highly qualified publicists of the various nations of the world.

NATIVE AMERICANS

5. **With respect to the charges brought by the Native American Peoples, the Tribunal finds, by unanimous vote, the Defendant, the Federal Government of the United States of America, guilty as charged in:**

The Defendant has perpetrated innumerable Crimes Against Peace, Crimes Against Humanity and War Crimes against Native American Peoples as recognized by the Nuremberg Charter, Judgment, and Principles.

The Defendant has perpetrated the International Crime of Genocide against Native American Peoples as recognized by the 1948 Convention on the Prevention and Punishment of the Crime of Genocide.

The Defendant has perpetrated the International Crime of Apartheid against Native American Peoples as recognized by the 1973 International Convention on the Suppression and Punishment of the Crime of Apartheid.

The Defendant has perpetrated a gross and consistent pattern of violations of the most fundamental human rights of Native American Peoples as recognized by the 1948 Universal Declaration of Human Rights.

The Defendant has perpetrated numerous and repeated violations of the 1965 International Convention on the Elimination of All Forms of Racial Discrimination against Native American Peoples.

The Defendant has denied and violated the international legal right of Native American Peoples to self-determination as recognized by the 1945 United Nations Charter, the 1966 International Covenant on Civil and Political Rights, the 1966 International Covenant on Economic, Social and Cultural Rights, fundamental principles of customary international law, and *jus cogens*.

The Defendant has violated the United Nations Declaration of the Granting of Independence to Colonial Countries and Territories of 1960 with respect to Native American Peoples and Territories. Pursuant thereto, the Defendant has an absolute international legal obligation to decolonize Native American Territories immediately and to transfer all powers it currently exercises there to the Native American Peoples.

The Defendant has deliberately and systematically permitted, aided and abetted, solicited and conspired to commit the dumping, transportation, and location of nuclear, toxic, medical and otherwise hazardous waste materials on Native American Territories across North America and has thus created a clear and present danger to the lives, health, safety, and physical and mental well-being of Native American Peoples in gross violation of article 3 and article 2(c) of the 1948 Genocide Convention, *inter alia*: "Deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part..."

HAWAIIAN PEOPLES

6. The Tribunal further accepts a motion by the Prosecutor for the Native American Peoples to amend the face of the Indictment to include the following allegation, which the Tribunal unanimously finds has been sufficiently proved by the evidence it has received:

"The Federal Government of the United States of America has perpetrated crimes of genocide against the Kanaka Maoli (the Indigenous Hawaiian People) and has engaged in actions constituting gross violations of their human rights and their right to self-determination, all of which threaten to render the Kanaka Maoli extinct."

NEW AFRIKANS

7. **With respect to the charges brought by the New Afrikan People, the Defendant, the federal Government of the United States of America is, by unanimous vote, guilty as charged in:**

The Defendant has perpetrated the International Crime of Slavery upon the New Afrikan People as recognized in part by the 1926 Slavery Convention and the 1956 Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery.

The Defendant has perpetrated innumerable Crimes Against Humanity against the New Afrikan People as recognized by the Nuremberg Charter, Judgment, and Principles.

The Defendant has perpetrated the International Crime of Genocide against the New Afrikan People as recognized by the 1948 Genocide Convention.

The Defendant has perpetrated the International Crime of Apartheid against the New Afrikan People as recognized by the 1973 Apartheid Convention.

The Defendant has perpetrated a gross and consistent pattern of violations of the most fundamental human rights of the New Afrikan People as recognized by the 1948 Universal Declaration of Human Rights and the two aforementioned United Nations Human Rights Covenants of 1966.

The Defendant has perpetrated a gross and consistent pattern of violations of the 1965 Racism Convention against the New Afrikan People. The Defendant is the paradigmatic example of an irremediably racist state in international relations today.

The Defendant has denied and violated the international legal right of the New Afrikan People to self-determination as recognized by the United Nations Charter, the two United Nations Human Rights Covenants of 1966, customary international law, and *jus cogens*.

The Defendant has illegally refused to accord full-scope protections as Prisoners-of-War to captured New Afrikan independence fighters in violation of the Third Geneva Convention of 1949 and Additional Protocol I thereto of 1977. The Defendant's treatment of captured New Afrikan independence fighters as "common criminals" and "terrorists" constitutes a "grave breach" of the Geneva Accords and thus a serious war crime.

MEXICANO PEOPLE

8. **With respect to the charges brought by the Mexicano People, the Defendant, the federal Government of the United States of America is guilty as charged in:**

Since these 1848 and 1854 Treaties, the Defendant has perpetrated the International Crime of Genocide against the Mexicano People living within these occupied territories, as recognized by the 1948 Genocide Convention.

The Defendant has perpetrated the International Crime of Apartheid against the Mexicano People living within these occupied territories, as recognized by the 1973 Apartheid Convention.

The Defendant has perpetrated a gross and consistent pattern of violations of the most fundamental human rights of the Mexicano people living within these occupied territories, as recognized by the 1948 Universal Declaration of Human Rights and the two aforementioned United Nations Human Rights Covenants of 1966.

The Defendant has perpetrated a gross and consistent pattern of violations of the 1965 Racism Convention against the Mexicano People living within these occupied territories.

PUERTO RICAN PEOPLE

9. **With respect to the charges brought by the Puerto Rican People, the Defendant, the federal Government of the United States of America is, by unanimous vote, guilty as charged in:**

Since its illegal invasion of Puerto Rico in 1898, Defendant has perpetrated innumerable Crimes Against Peace, Crimes Against Humanity and War Crimes against the People and State of Puerto Rico as recognized by the Nuremberg Charter, Judgment, and Principles.

The Defendant has perpetrated the International Crime of Genocide against the Puerto Rican People as recognized by the 1948 Genocide Convention.

The Defendant has perpetrated the International Crime of Apartheid against the Puerto Rican People as recognized by the 1973 Apartheid Convention.

The Defendant has perpetrated a gross and consistent pattern of violations of the most fundamental human rights of the Puerto Rican People as recognized by the 1948 Universal Declaration of Human Rights and the two aforementioned United Nations Human Rights Covenants of 1966.

The Defendant has perpetrated a gross and consistent pattern of violations of the 1965 Racism Convention against the Puerto Rican People.

The Defendant has denied and violated the international legal right of the Puerto Rican People to self-determination as recognized by the United Nations Charter, the two United Nations Human Rights Covenants of 1966, customary international law, and *jus cogens*.

The Defendant has illegally refused to apply the United Nations Decolonization Resolution of 1960 to Puerto Rico. Pursuant thereto, the Defendant has an absolute international legal obligation to decolonize Puerto Rico immediately and to transfer all powers it currently exercises there to the Puerto Rican People.

The Defendant has illegally refused to accord full-scope protections as Prisoners-of-War to captured Puerto Rican independence fighters in violation of the Third Geneva Convention of 1949 and Additional Protocol I thereto of 1977. The Defendant's treatment of captured Puerto Rican independence fighters as "common criminals" and "terrorists" constitutes a "grave breach" of the Geneva Accords and thus a serious war crime.

WHITE NORTH AMERICAN POLITICAL PRISONERS

10. With respect to the charges brought by the white people of North America, the Defendant is, by unanimous vote, guilty of holding white North Americans as political prisoners.

ADDITIONAL FINDINGS

11. In light of the foregoing findings, this Tribunal also, by unanimous vote, finds the Defendant guilty as charged in paragraph 37, which, as amended, reads:

In light of the foregoing international crimes, the Defendant constitutes a Criminal Conspiracy and a Criminal Organization in accordance with the Nuremberg Charter, Judgment, and Principles and the other sources of public international law specified above, and the Federal Government of the United States of America is similar to the Nazi government of World War II Germany.

12. With respect to the following charges brought by the Native American Peoples:

- a. six members of the Tribunal find the Defendant guilty as charged in paragraph 6, which reads:

The Defendant has systematically violated 371 treaties it concluded with the Native American Peoples in wanton disregard of the basic principle of public international law and practice dictating *pacta sunt servanda*.

One member of the Tribunal reserves the right to consider the documentary evidence further before making a final determination.

- b. four members of the Tribunal find the Defendant guilty as charged in paragraph 9, which reads:

The Defendant has illegally refused to accord full-scope protections as Prisoners-of-War to captured Native American independence fighters in violation of the Third Geneva Convention of 1949 and Additional Protocol I thereto of 1977. The Defendant's treatment of captured Native American independence fighters as "common criminals" and "terrorists" constitutes a "grave breach" of the Geneva Accords and thus a serious war crime.

Three members of the Tribunal reserve the right to consider the documentary evidence further before making a final determination.

13. With respect to the following charges brought by the New Afrikan People:

- a. four members of the Tribunal find the Defendant guilty as charged in paragraph 11, which, as amended, reads:

The Defendant has illegally refused to pay reparations to the New Afrikan People for the commission of the International Crime of Slavery against Them in violation of basic norms of customary international law requiring such reparations to be paid.

Three members of the Tribunal reserve the right to consider the documentary evidence further before making a final determination.

- b. three members of the Tribunal find the Defendant guilty as charged in paragraph 18, which reads:

The Defendant has illegally refused to apply the United Nations Decolonization Resolution of 1960 to the New Afrikan People and to the Territories that they principally inhabit. Pursuant thereto, the Defendant has an absolute international legal obligation to decolonize New Afrikan Territories immediately and to transfer all powers it currently exercises there to the New Afrikan People.

Four members of the Tribunal reserve the right to consider the documentary evidence further before making a final determination.

14. With respect to the following charges brought by the Mexicano People:

- a. six members of the Tribunal find the Defendant guilty as charged in paragraph 20, which reads:

In 1821, Mexico obtained its independence from colonial Spain as a sovereign Mestizo State, extending from Yucatan and Chiapas in the south, to the northern territories of California and New Mexico, which areas the Defendant today calls the "states" of Texas, California, Arizona, Nevada, Utah, New Mexico, and Colorado. Nevertheless, in 1836 so-called "settlers" under the sponsorship of the Defendant began the division of the Mexicano People and State by causing the division of the Mexican state of Coahuila-Texas into the Mexican state of Coahuila and the so-called "republic" of Texas.

One member of the Tribunal reserves the right to consider the documentary evidence further before making a final determination.

- b. six members of the Tribunal find the Defendant guilty as charged in paragraph 21, which reads:

In 1846, the Defendant perpetrated an unjust, illegal and unjustifiable war upon the remainder of the sovereign People and State of Mexico that violated every known principle of public international law in existence at that time, including, but not limited to, the Christian Doctrine of "just war," which was the reigning standard of customary international law. As a result thereof, the Defendant illegally annexed close to 51% of the territories of the sovereign State of Mexico by means of forcing it to conclude the 1848 Treaty of Guadalupe-Hidalgo under military duress. For these reasons, this Treaty was and still is null and void *ab initio* as a matter of public international law. The Defendant acquired more Mexican territory through the Gadsen Treaty (Purchase) of 1854.

One member of the Tribunal reserves the right to consider the documentary evidence further before making a final determination.

- c. five members of the Tribunal find the Defendant guilty as charged in paragraph 26, which reads:

The Defendant has denied and violated the international legal right of the Mexicano People living within these occupied territories to self-determination as recognized by the United Nations Charter, the two United Nations Human Rights Covenants of 1966, customary international law, and *jus cogens*.

Two members of the Tribunal reserve the right to consider the documentary evidence further before making a final determination.

- d. six members of the Tribunal find the Defendant guilty as charged in paragraph 27, which reads:

Since the militarily-imposed division of the Mexican state, the Defendant and its agents have militarily occupied other portions of the Mexican State, have sought to influence the outcome of the Mexican Revolution of 1910, have practiced a consistent pattern of intervention into Mexico's internal affairs, all of which have resulted in the arresting distortion and deformation of the Mexican social and economic order. In this regard, Defendant's so-called "North American Free Trade Agreement (NAFTA)" constitutes nothing more than an attempt to impose its hegemonic imperialism, economic colonialism, and human exploitation upon the People and State of Mexico.

One member of the Tribunal reserves the right to consider the documentary evidence further before making a final determination.

- e. six members of the Tribunal find the Defendant guilty as charged in paragraph 28, which reads:

The Defendant has illegally refused to apply the United Nations Decolonization Resolution of 1960 to the Mexicano People and to these occupied territories that they inhabit. Pursuant thereto, the Defendant has an absolute international legal obligation to decolonize both the Mexican occupied territories and the Republic of Mexico immediately, and to transfer all powers it currently exercises there to the Mexicano People.

One member of the Tribunal reserves the right to consider the documentary evidence further before making a final determination.

Now therefore, it is ordered, adjudged and decreed that the Defendant cease and desist from the commission of the crimes it has been found guilty of herein. This Tribunal reserves the right to issue further relief after full consideration of the evidence.

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