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December 17, 2013

Hand-Delivered

Mr. Stephane Ojeda
ICRC Deputy Head of Operations for the Americas
19 Avenue de la paix
CH 1202 Geneva

Re: Request for assistance pursuant to Article 30, Fourth Geneva Convention

Dear Mr. Ojeda:

This request is submitted to the International Committee of the Red Cross pursuant to Article 30 of the Fourth Geneva Convention, which provides "Protected persons shall have every facility for making application to...the International Committee of the Red Cross..." According to the ICRC's commentary on the Fourth Geneva Convention at p. 214:

"The right in question is an absolute right, possessed by all protected persons both in the territory of a Party to the conflict and in occupied territory, whether they are not detained, or are internees, persons placed in assigned residence or detained. The communication may have a wide variety of causes, and it may take the form of an application, suggestion, a complaint, a protest, a request for assistance, etc.; it is not even necessary for an infringement of the Convention on the part of the authorities to have occurred. The right of communication may be exercised under all circumstances."

My name is Dexter Kaiama, *Esq.*, and I have been a practicing attorney in the Hawaiian Islands for the past 27 years. I graduated from the University of Hawai'i Richardson School of Law in 1986 and was thereafter admitted to the bar. I represent over one hundred fifty clients who are protected persons as defined under the Fourth Geneva Convention and the Protocol 1, as well as United States citizens, who are not protected persons under the Convention and Protocol, but do have rights protected under Title 18, United States Code, §2441 (War Crimes Act) that has extraterritorial force in territories occupied by the United States.

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Based upon the Hawaiian Kingdom's existence as an internationally recognized sovereign and independent State since the nineteenth century and the rules of international law, the Hawaiian Islands were never incorporated into the territory of the United States, but rather has been under an illegal and prolonged occupation since the 1898 Spanish-American War. The Hawaiian Islands were "unilaterally" seized by the United States on August 12, 1898 for military purposes and currently serves as headquarters for the US Pacific Command (PACOM), which is the largest of the US Department of Defense unified command structures. Component headquarters of PACOM for the Army, Navy, Air Force and Marines are located on the Island of O'ahu and training areas throughout the island chain, which consists of 233,000 acres of land, being 20% of the total lands.

On behalf of said protected clients, I have been making legal arguments that the United States courts in the Hawaiian Islands, which include both Federal and State of Hawai'i courts, are not regularly constituted, and, therefore, are unable to provide any person in the Hawaiian Islands a fair and regular trial guaranteed them under the Fourth Geneva Convention. I am providing a copy of one of my pleadings I recently filed. The courts have consistently denied my arguments without cause and its unlawful retention of jurisdiction has resulted in the commission of grave breaches of the Fourth Geneva Convention, which are the war crimes of unfair trial, unlawful court order(s), pillage and unlawful confinement(s). The ICRC's commentary on "regularly constituted courts" at p. 354 states:

"The idea of a regular trial is so important that it also finds expression, as has been seen, in Article 3, which prohibits at all times and in all cases whatsoever 'the passing of sentences and the carrying out of executions without previous judgment pronounced by a regularly constituted court, affording all the judicial guarantees which are recognized as indispensable by civilized peoples,' and in Article 147, where the fact of willfully depriving a protected person of 'the rights of fair and regular trial prescribed in the present Convention' is included among the grave breaches listed in that Article which call for the severest penalties."

One judge, in response to my arguments stated on the record, "what you're asking the court to do is commit suicide, because once I adopt your argument, I have no jurisdiction over anything. Not only these kinds of cases..., but jurisdiction of the courts evaporate. All of the courts across the state, from the supreme court down, and we have no judiciary. I can't do that." (Court Transcript, p. 13). The judge's statement is also clear evidence of not being "independent" and "impartial." His statement was political. A copy of that court transcript is enclosed for your consideration.

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These violations of my clients' rights as protected persons and as U.S. citizens under Title 18, United States Code, §2441 were reported as Protests and Complaints with the PACOM, United Nations Human Rights Committee, Hawai'i Police Department, State of Hawai'i Sheriff's Department, and the universal jurisdictions of Germany and the Philippines. The written demand(s) provide full disclosure concerning the unlawful orders, and, most importantly notice that enforcement of the unlawful orders would be a violation of protections provided for under the Fourth Geneva Convention. Despite full disclosure and notice, enforcement of said unlawful orders have been carried out resulting in the further deprivation of a fair and regular trial, pillaging of real and personal property, and, in at least one instance, the unlawful confinement of my client. The lack of action taken by the aforesaid agencies attests to the power and political influence of the United States as the occupying power, whereby my clients are unable to seek intervention to protect them from an ongoing and illegal occupation.

Being the guardians of international humanitarian law and independent of political influences, I, on behalf of my clients and consistent with Article 143, I am requesting immediate relief from the ICRC. As provided for in pertinent part, Article 143 states:

“Representatives or delegates of the Protecting Power shall have permission to go to all places where protected persons are, particularly to places of internment, detention and work.

They shall have access to all premises occupied by protected persons and shall be able to interview the latter without witnesses, personally or through an interpreter.

Such visits may not be prohibited except for reasons of imperative military necessity, and then only as an exceptional and temporary measure. Their duration and frequency shall not be restricted.

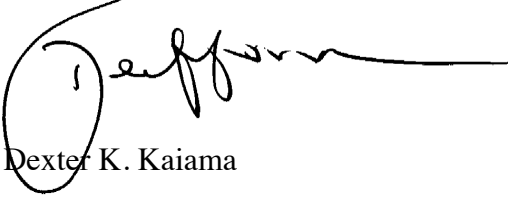
Such representatives shall have full liberty to select the places they wish to visit. The Detaining or Occupying Power, the Protecting Power and when occasion arises the Power of origin of the persons to be visited, may agree that compatriots of the internees shall be permitted to participate in the visits.

The delegates of the International Committee of the Red Cross shall also enjoy the above prerogatives.

The appointment of such delegates shall be submitted to the approval of the Power governing the territories where they will carry out their duties.”

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Sincerely,

A handwritten signature in black ink, appearing to read 'Dexter K. Kaiama'. The signature is written in a cursive style with a large, looped initial 'D'.

Dexter K. Kaiama

enclosures (CD)