

## PROTEST

In the name of the Hawaiian Kingdom and its Government, which the undersigned has the honor to represent, and in order to explain clearly for the information of all concerned; is issued, a Protest.

WHEREAS, there was no annexation of our country, the Hawaiian Kingdom, or any of its territory by the United States of America as provided by international law and the acquisition of territories by means of discovery, accretion, cession, conquest, or prescription; and

WHEREAS, our sovereignty as an Independent nation State has remained intact since its recognition by the Queen of England and the King of France on November 28, 1843, to the present, notwithstanding the fact that the Hawaiian government (body politic), being separate and distinct from the Nation State, lapsed into abeyance for over 100 years due to circumstances associated with the unlawful incursion of our territory by the United States of America; and

WHEREAS, the unlawful incursion into Hawaiian territory by the United States in 1898, absent a treaty of cession, occurred without the consent of the nationals of the Hawaiian Kingdom nor its Government; and

WHEREAS, this incursion occurred in the territory of a Neutral State when the United States of America, as a Belligerent State, was already at war with Spain, and used our territory as a staging ground for conflicts in the Spanish territories of the Philippines and Guam, and divers world conflicts to date;

WHEREAS, during the occupation of the Hawaiian Islands Article 43 of the Hague Regulations imposes the duty on the occupant to "take all the measures in his power to restore, and ensure, as far as possible, public order and safety, while respecting, unless absolutely prevented, the laws in force in the country," and implies to the extent to which the law of the land, and particularly its private law, is not abrogated, but remains in force; and

WHEREAS, the basic rule of wartime occupations stipulates that sovereignty of the territory does not pass to the occupying power, therefore the rights of occupancy cannot be co-extensive with those of sovereignty; and

WHEREAS, according to international law it is immaterial whether the government established over an occupied territory be called a military or civil government, because its character is the same and the source of its authority is the same, which is a government imposed by force, and the legality of its acts is determined by the laws of war; and

WHEREAS, it would then be within the rights of the nationals of the occupied nation to re-establish their government (in a temporary manner subject to the approval of the aggregate) within the confines of Hawaiian Kingdom domestic law and begin the

exercising of those rights and the corresponding obligations and duties existing between the government and its nationals under the laws of occupation; and

WHEREAS, the criminal proceedings of attempted theft of real property that were instituted against the undersigned, Mr. Donald A. Lewis, Mr. Michael Simafranca, and Mrs. Carol Simafranca under the laws of the United States of America, via the State of Hawai`i, have no basis in fact or law, but rather is a political act by members of the government of the State of Hawai`i, and said proceedings stand in gross violation of Article 43 of the Hague Convention IV of 1907, as well as Article VIII of the Hawaiian-American Treaty of 1849; and

WHEREAS, on November 8, 1999, arbitral proceedings were instituted by a Hawaiian national, Mr. Lance Paul Larsen, against the Government of the Hawaiian Kingdom at the Permanent Court of Arbitration at The Hague, Netherlands; and

WHEREAS, the Arbitral Tribunal is asked to determine, on the basis of the Hague Conventions IV and V of 18 October 1907, and the rules and principles of international law, whether the rights of the Claimant under international law as a Hawaiian subject are being violated, and if so, does he have any redress against the Respondent Government of the Hawaiian Kingdom; and

WHEREAS, the undersigned is presently serving as Agent for the Hawaiian Kingdom during arbitral proceedings and is registered with the Permanent Court of Arbitration together with 1st Deputy Agent Peter Umialiloa Sai, 2nd Deputy Agent Gary Victor Dubin, Esquire, and 3rd Deputy Agent Kau`i P. Goodhue; and

WHEREAS, if the decision of the said Arbitral Tribunal shall determine that the Hawaiian Islands are presently being occupied by the United States of America, and the laws of occupation are instituted pursuant to the Hague Conventions IV and V of 1907, it will profoundly affect the present criminal proceedings and the persons responsible for the same.

NOW, THEREFORE, be it known, that I solemnly Protest against every act and measure in the premises; and do Declare that from and after the date of said instituting of criminal proceedings until the decision of said Arbitral Tribunal, I hold Judge Sandra Simms and Deputy Attorney General Dwight Nadamoto, both being American nationals, answerable for any and every act, by which the undersigned, Mr. Donald A. Lewis, Mr. Michael Simafranca, and Mrs. Carol Simafranca, as Hawaiian subjects and residents of the Hawaiian Islands, shall be incarcerated in violation of their just rights and privileges secured under both Hawaiian Kingdom law and international law, or who may suffer inconvenience or losses, or be forced to exact monies to a government not their own.

And I do hereby most solemnly Protest against the said Judge Sandra Simms and Deputy Attorney General Dwight Nadamoto, American nationals aforesaid, and all others whom it may concern, holding them responsible for their violation of the Hague Conventions IV and V, that was signed by their government, the United States of

America, at The Hague October, 18, 1907, and duly ratified and deposited with the Netherlands Government November 27, 1909, should the said International Tribunal decide that under international law the Hawaiian Islands are presently being occupied by the United States of America pursuant to the said Hague Conventions IV and V, 1907.

Done at Honolulu, O`ahu, Hawaiian Islands, at the office of the Minister of Interior for the Government of the Hawaiian Kingdom, this 15th day of February, 2000.

In the presence of Peter U. Sai  
Acting Minister of Foreign Affairs

[signed] Peter U. Sai

[signed] David Keanu Sai  
Acting Minister of Interior and  
Agent for the Hawaiian Kingdom

A copy of this protest will be submitted to the International Bureau of the Permanent Court of Arbitration at The Hague, Netherlands for the record