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Mr. Peter Maurer
President
International Committee of the Red Cross
19, Avenue de la Paix
1202 Geneva, Switzerland

Re: Hawaiian Kingdom's duty to secure supervision and implementation of the Fourth Geneva Convention and of Protocol 1 pursuant to Article 5 (3) & (4) of Protocol 1

Dear Mr. Maurer:

My country, the Hawaiian Kingdom, was recognized as an independent State since 28 November 1843 by joint proclamation of Great Britain and France. Various States in the 19th century also recognized Hawaiian independence and entered into extensive diplomatic and treaty relations to include Austria, Hungary, Belgium, Denmark, France, Germany, Great Britain, Italy, Japan, the Netherlands, Norway, Portugal, Russia, Spain, Sweden, Switzerland and the United States of America. To quote the *dictum* of the Permanent Court of Arbitration in *Larsen v. Hawaiian Kingdom*, 119 Int'l L. Rep. 566, 581 (2001), "A perusal of the material discloses that in the nineteenth century the Hawaiian Kingdom existed as an independent State recognized as such by the United States of America, the United Kingdom and various other States, including by exchanges of diplomatic or consular representatives and the conclusion of treaties."

The *American Journal of International Law*, 95 Am. J. Int'l L. 927, 928 (2001), aptly explained the *Larsen case*. "At the center of the PCA proceeding was...that the Hawaiian Kingdom continues to exist and that the Hawaiian Council of Regency (representing the Hawaiian Kingdom) is legally responsible under international law for the protection of Hawaiian subjects, including the claimant. In other words, the Hawaiian Kingdom was legally obligated to protect Larsen from the United States' 'unlawful imposition [over him] of [its] municipal laws' through its political subdivision, the State of Hawaii. As a result of this responsibility, Larsen submitted, the Hawaiian Council of Regency should be liable for any international law violations that the United States committed against him." I had the honor of serving as lead Agent for the *acting* government of the Hawaiian Kingdom in *Larsen* and presented oral arguments at the Peace Palace on 7, 8, and 11 December 2000.

For the past 13 years since the *Larsen case*, the *acting* government of the Hawaiian Kingdom has acquired a “prescriptive customary right” to represent the Hawaiian State by direct acknowledgement from the United States of America and by 172 other States through direct acknowledgment and acquiescence with full knowledge, which is fully explained in the legal brief provided to Dr. Tristan Ferraro, Legal Adviser, ICRC Legal Division Geneva. I have the honor to refer to the *acting* government’s accession to the Fourth Geneva Convention dated 28 November 2012, and deposited with the Swiss Federal Council on 14 January 2013. I also have the honor to refer to the *acting* government’s accession to the Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of International Armed Conflict (Protocol 1) dated 11 December 2013, and deposited with the Swiss Federal Council on 16 December 2013. Dr. Ferraro is in possession of the accessions.

My country has been under an illegal and prolonged occupation by the United States of America, which began on 17 January 1893, U.S. troops withdrawn on 1 April 1893, and U.S. troops re-occupying on 12 August 1898 during the Spanish-American War. Since the second occupation began in 1898 to the present, every member State of the United Nations and non-member States have either directly or indirectly become a party or has been complicit in the prolonged and illegal occupation by the United States of Hawaiian territory, and therefore cannot be considered neutral for the purposes of serving as a Protecting Power. Therefore, in accordance with Article 5 (3) & (4) of Protocol 1, I have the honor on behalf of the *acting* government to seek the intervention of the International Committee of the Red Cross to assist in securing a Protecting Power that is neutral and not a party to the conflict; and in the event there is no securing of a Protecting Power, the Hawaiian Kingdom will readily accept an offer made by the International Committee of the Red Cross to serve as a substitute.

Please accept the assurances of my highest consideration,

A handwritten signature in black ink, appearing to read "David Keanu Sai". The signature is fluid and cursive, with a prominent initial "D" and a long, sweeping tail.

David Keanu Sai, Ph.D.