

**INTERNATIONAL COURT OF JUSTICE**



**STATEMENT OF CLAIM**

**28<sup>th</sup> JUNE 2023**



**NOTICE TO AGENT IS NOTICE TO PRINCIPAL. NOTICE TO PRINCIPAL IS NOTICE TO AGENT**

**IN THE MATTER OF**

United World Tribes (First Nations Peoples)  
First Nations New Zealand Māori  
First Nations Aboriginal Peoples of Terra Australis  
First Nations Canada and Native American  
Indigenous People of Biafra-Nigeria  
**{“APPLICANTS”}**

**AND**

**IN THE MATTER OF**

International Criminal Courts of Justice

**AND**

**IN BETWEEN**

Henry Alfred Kissinger  
Anthony Fauci- Director of NIAID  
Peter Daszak– President of Eco Health Alliance  
Melinda Gates  
William Gates III  
Vanguard Group Inc  
Albert Bourla – CEO of Pfizer  
Frank A.D’Amelio – Pfizer  
Mikael Dolsten – Pfizer  
Blackrock Inc (BLK)– Pfizer  
State Street Corp (STT) – Pfizer  
Companies Market Cap-Pfizer  
Yahoo – Pfizer

U.S Food and Drug and Administration  
Companies Market Cap-Pfizer  
Nasdaq INC  
GlaxoSmithKine Emerger- Pfizer  
Dodge Cox  
Stephen Bancel – CEO of Moderna  
Pascal Sorio – CEO of Astra Zeneca  
Alex Gorsky – CEO of Johnson and Johnson  
Tedros Adhanhom Ghebreyesus– Director General of  
World Health Organisation  
David Rockefeller  
Dr Rajiv Shah – President of Rockefeller  
Klaus Schwab – President of World Economic Forum  
Larry Fink Chairman and CEO of Blackrock  
George Soros- SOROS FOUNDATION  
The Tri Lateral Commission  
Thomas S Foley North American Chairman  
Peter Sutherland European Chairman  
Yotaro Kobayashi Pacific Asia Chairman  
Charles B Heck North American Director  
Paul Revay European Director  
Tadashi Yamamoto Pacific Asia Director

AND

**{“DEFENDANTS”}**

AND

Governor General Dame Cindy Kiro  
Attorney General Hon David Parker  
Former Prime Minister of New Zealand Jacinda Adern  
Prime Minister of New Zealand Rt Hon Chris Hipkins  
House of Representatives of New Zealand Parliament  
Speaker of Houses New Zealand Parliament  
Police Commissioner Andrew Coster  
Human Rights Commissioner Paul Hunt  
Race Relations Commissioner Meng Foon  
Minister of Justice Hon Rino Tirakatene  
Minister of Courts Hon Kiritapu Alan  
Minister of Police Hon Ginny Anderson  
Minister of Māori Development Hon Willie Jackson  
Minister of Whanauora Hon Penni Henare  
Minister of Social Development Hon Carmel Sepuloni  
Minister of Housing Dr Megan Woods  
Minister of Health Hon Ayesha Verrall  
Minister for Pacific Peoples Hon Barbara Edmonds  
Minister of Education and Minister for Child Poverty and  
Minister for Care of Children Hon Jan Tinetti  
Minister of Foreign Affairs Hon Nanaia Mahuta  
Minister of Immigration Hon Michael Wood  
Minister of Finance Hon Grant Robertson  
Minister of Revenue David Parker

Ministry of Business Innovation and Employment  
Māori Affairs Parliamentary Select Committee  
New Zealand Māori Council  
Federation of Māori Authorities  
King Tūheitia Paki  
Ratana Church New Zealand

**{"DEFENDANTS"}**

AND

Former Prime Minister of Australia Hon Scotty Morrison  
Prime Minister of Australia Hon Anthony Albanese  
Deputy Prime Minister and Defence Hon Richard Maries  
House of Senate  
House of Representatives  
Treasurer Dr Jim Chalmers MP  
Minister for Finance Katy Gallagher MP  
Minister for Foreign Affairs and Public Service Penny  
Wong MP  
Minister for Employment and Workplace Relations Hon  
Tony Burke MP  
Ministry for Health and Aged care Hon Mark Butler MP  
Minister of Indigenous Australians Hon Linda Burney MP  
Minister for Social Services Hon Amanda Rishworth MP  
Minister for Government Services Hon Bill Shorten MP  
Minister for Education Hon Jason Clare MP  
Minister for Communications Hon Michelle Roland MP  
Minister for Home Affairs Hon Clare O'Neil MP  
Minister for Defence Personnel Hon  
Governor General of Australia  
Minister for International Development and the Pacific  
Hon Pat Conroy MP  
Minister for Youth Hon Anne Aly MP  
Minister for Aged Care Hon Anika Wells MP  
Minister for Regional Development, Local Government  
and Territories Hon Kirsty McBain MP

**{"DEFENDANTS"}**

AND

Prime Minister of Canada Justin Trudeau  
Deputy Prime Minister and Minister of Finance Hon  
Chrystia Freeland  
House of Senate Bill Shorten  
President of the King's Privy Council for Canada and  
President of the Treasury Board Hon Mona Fontier  
Leader of the Government in the House of Commons  
Hon Mark Holland  
Minister of Housing and Diversity and Inclusion Hon  
Ahmed Hussen  
Minister of Rural Economic Development Hon Gudie  
Hutchings  
Minister for Women and Gender Equality and Youth

Hon Marci Ien  
Minister of Foreign Affairs Hon Melanie Joly  
Minister of Seniors Hon Kamal Khara  
Minister of Justice and Attorney General of Canada Hon David Lametti  
Minister of Intergovernmental Affairs, Infrastructure and Communities Hon Dominic LeBlanc  
Minister of National Revenue Hon Diane Lebouthillier  
Minister of Public Safety Hon Marco E.L. Mendicino  
Minister of Crown-Indigenous Relations Marc Miller  
Minister of Labour Hon Seamus O'Regan Jr  
Minister of Employment, Workforce Development and Disability Inclusion Hon Carla Qualtrough  
Minister of Canadian Heritage and Quebec Lieutenant Hon Pablo Rodriguez  
Minister of International Development and Minister responsible for the Pacific Economic Development Agency of Canada Minister of Emergency Preparedness Hon Bill Blair  
Minister responsible for the Federal Economic Development Agency for Southern Ontario Hon Filomena Tassi  
Minister of National Defence Hon Anta Anand  
Minister of Health Hon Jean-Yves Duclos  
Minister of Families, Children and Social Development Hon Karina Gould  
Minister of Indigenous Services and Minister responsible for the Federal Economic Development Agency for Northern Ontario Hon Patty Hajdu  
Minister of Northern Affairs, Minister responsible for Prairies Economic Development Canada and Minister responsible for the Canadian Northern Economic Development Agency Hon Dan Vandal  
Minister of Natural Resources Hon Johnathan Wilkinson  
President of Independent National Electoral Commission  
Former President of Nigeria Muhammada Buhari Disputed  
Incoming President of the Federal Republic of Nigeria  
President Elect of the Federal Republic of Nigeria Bola Tinibu  
("subject to judicial review of Courts")  
Vice President Yemi Osinbajo  
Federal Republic House of Senate  
Federal Republic of Nigeria House of Representatives  
Executive Federal Council  
Vice Chairman Boss Mustapha  
Chief of Staff Abba Kyari  
Department of State Services  
Ibrahim Gambari

**AND**

Senate President  
Speaker of House of Representatives  
State Governors of the Federal Republic of Nigeria  
Deputy Governors of the Federal Republic of Nigeria  
Minister of Defence Bashir Salihi Magashi  
Department of State Services  
National Intelligence Agency  
Defence Intelligence Agency  
Economic and Financial Crimes Commission  
Federal Capital Territory Administration  
Mohammed Musa Bello  
Minister of Police Mohammed Maigari Dingyadi  
Minister for State Education Chukwueneka  
Nwajiuba and Goodluck Nanah Opiah  
Minister of Education Adamu Adamu  
Minister of Finance, Budget and National  
Planning Zainal Ahmed and Clemet Agba  
Minister of Foreign Affairs Geoffrey Onyeama and  
Zabairu Dada  
Minister of Health Osagie Ehanire and Adeleke  
Mamora Ekumankama and Joseph Nkama  
Minister of Health Osagie Ehanire and Adeleke  
Mamora Ekumankama and Joseph Nkama  
Minister of Humanitarian Affairs Disaster  
management and Social Development Sadiya Farong  
Umar  
Minister of Petroleum Resources  
Timipre Sylra  
Minister of State Power Abubakar Aliyu  
Minister of Power Saleh Mamman  
Former Prime Minister of United Kingdom Boris  
Johnson And Liz Truss  
Prime Minister of United Kingdom-First Lord of  
Treasury and Minister of Civil Services for Union Rt Hon  
Rishi Sunak  
Deputy Prime Minister Oliver Douden  
House of Commons  
House of Lords  
House of Representatives  
Chancellor of Exchequer Jeremy Hunt  
Secretary State for Foreign Commonwealth  
and Development Affairs James Cleverly  
Lord Chancellor and Secretary of State for Justice Alex  
Chalk  
Secretary of State for Home Department Suella  
Braverman  
Secretary of State for Defence Ben Wallace

**AND**

Secretary of State for Health and Social Care Steve  
Barclay  
Lord President of Council and Leader of the House of  
Commons Penny Mordant  
Lord Privy Seal and Leader of the House of Lords Lord  
True  
Attorney General Victoria Prentis  
Minister of State-Development of Africa Andrew  
Mitchell  
Minister of State Security Tom Tughendhat  
Minister of State (Crime-Policing-Fire) Chris Philp  
President of the United States of America Joe Biden  
Vice President of the United States of America  
Chief of Staff  
House of Senates  
Federal Reserve Bank

**AND**

**DATED: 28 MAY 2023**

## **JOINT MEMORANDUM**

1. AGENTS CJ Michelle Singh and CJ Arikinui Kawenata Marsich of New Zealand, Aotearoha file confer and agree to this Joint Memorandum on behalf of the Applicant[s]:

United World Tribes (First Nations Peoples)

First Nations New Zealand Māori

First Nations Aboriginal Peoples of Terra Australis

First Nations Canada and Native American

Indigenous People of Biafra- Nigeria

## **DIRECTIVES**

3. That on the 28th of May 2023 at 10.00am or as soon thereafter, the Applicants move that the Register of the International Criminal Courts serve the Defendants of this Memorandum the attached Directives in accordance with the International Criminal Courts of Justice Rules of the Court (1978).<sup>1</sup>

## **COMPLAINT WITH RESPECT TO MATTERS**

3. For the purpose of the Court, this Complaint is filed on behalf of the First Nations peoples of the UNITED WORLD TRIBES of New Zealand, Australia, Canada (North-South America) and the IPOB Leader Mazi Nnadi Kanu of Nigeria herein referred to for the purposes of these matters the indigenous, living men and wombsman of Te Ika-a-Maui, Tuhua, Te Waka-o-Maui, Te Punga-o-te-ika-a-Maui, Nuku-roa, Te Matau Ā Maui of ‘Te Moananui Ā Kiwa’ or any derivative beyond thereof.

## **CONTENTIOUS MATTERS OF INTERNATIONAL CONCERNS**

4. This matter is made in respect to contentious international concerns of historical and contemporary counts of genocide, crimes against humanity, crimes of aggression and war crimes against the Indigenous First Nations Peoples of the United World Tribes prior to and after 2002 in pursuant to the fraudulent WORLD HEALTH

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<sup>1</sup>Adopted on 14 APRIL 1978 and entered into force on 1 July 1978;



ORGANISATIONS Global COVID-19 pandemic, its subsequent amendments, legislative enactments, mechanisms, omissions, policies and procedures that harmed, injured and killed the lives in the administration and deployment of bioweapon weapons via forced vaccinations, mandatory ethnic cleansing and control of mass populations communities in addition to other matters of urgency of international kidnapping and abduction, torture and inhumane treatment of IPOB Leader who is currently held in detention unlawfully in Nigeria.

#### **IN RESPECT OF COSTS-CRIMINAL PROCEEDINGS**

5. Require any party to make discovery of documents or permit any party to administer interrogatories.
  1. Fix the time within which any statement of defence shall be filed or any other step in the proceedings (including the filing of any document and the giving of any notice) shall or may be taken by any party.
  2. Fix a time and place for the trial of the proceedings.
  3. Give such consequential directions as may be necessary.
  4. In this section party, in relation to any proceedings relevant including any intended party to those proceedings.

#### **TRUST FUND**

6. Leave is sought with permission of the Secretary-General to assist the Applicant[s] before the Courts with financial expenses incurred in the proceedings<sup>2</sup> before the Courts in connection with the following:
  - (a) a dispute filed to ICCJ under Article 40, paragraph 1 of the Statute;
  - (ii) by way of an application on the basis of Article 36 paragraph 1 of the Statute provided that:

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<sup>2</sup>TRUST FUND-Established by under the Financial Regulations and Rules of the United Nations in accordance with the "Terms and Conditions" specified in "Terms of Reference"

- (a) A case where preliminary objections has been filed by one or more both parties under Article 79 of the Rules of the Court, rejections from the Court or definitively withdrawn by the party or parties concerned.
- (b) In a case where no preliminary objections were filed by either parties or the State requesting financial assistance by memorandum to the Secretary-General an undertaking not to present and or preliminary objections under Article 79 of the RULES OF THE COURTS and to plead a case on merits shall be duly notified to the Courts and by the Secretary-General.

### **EVIDENCE**

- 7. Counsel before the Courts agree that there may be a need to update evidence from parties and or evidence to address any gaps identified by the Courts<sup>3</sup> in pursuant to the Rules of the Court Article 67 that:
  - 1. If the Court considers it necessary to arrange for an enquiry or an expert opinion, it shall, after hearing the parties, issue an order to this effect, defining the subject of the enquiry or expert opinion, stating the number and mode of appointment of the persons to hold the enquiry or of the experts, and laying down the procedure to be followed. Where appropriate, the Court shall require persons appointed to carry out an enquiry, or to give an expert opinion, to make a solemn declaration.
  - 2. Every report or record of an enquiry and every expert opinion shall be communicated to the parties, which shall be given the opportunity of commenting upon it in pursuant to Article 68.

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<sup>3</sup>INTERNATIONAL CRIMINAL COURTS OF JUSTICE- -RULES OF COURT- Article 68

*“Witnesses and experts who appear at the instance of the Court under Article 62, paragraph 2, and persons appointed under Article 67, paragraph 1, of these Rules, to carry out an enquiry or to give an expert opinion, shall, where appropriate, be paid out of the funds of the Court”.*

“Witnesses and experts who appear at the instance of the Court under Article 62, paragraph 2, and persons appointed under Article 67, paragraph 1, of these Rules, to carry out an enquiry or to give an expert opinion, shall, where appropriate, be paid out of the funds of the Court”.

**TIME-TABLE**

- 8. The proposed Timetable accommodates a review and updating of evidence.
- 8.1 The Applicant[s] before the Courts agree that it is desirable to convene a preliminary examination to investigate and inquire into the matters with urgency, prejudice and or delay in accordance with Part III ‘Proceedings in Contentious Cases’ Article 30 of the Rules of the Court”,
- 8.2 The Applicant[s] propose the following timetable to reflect the following:

TIMETABLE	PROPOSED STEPS
Parties to review an agreed position to convene matters following a Conference with the President of ICC or hereafter, to hear proceedings in New Zealand and or as directed the Courts.	02 June 2023
Parties to review any objections and or disagreement of related submissions or any statement of defence filed any other steps in the proceedings (including the filing of any document and the giving of any notice) consequential directions as may be necessary.	02 July 2023
Directive of Courts to fix a time and place for the trial of proceedings	02 Aug 2023
Parties to review any objections of related submissions from parties	02 AUG 2023

**DIRECTIONS IN DETERMINING APPLICATION-REGISTRAR**

- 9. Directions that a just, speedy and inexpensive determination of the Application.

**DIRECTIONS FROM REGISTRAR AS TO PARTIES WHO SHOULD BE SERVED**

10. Directions as to the party or parties who should be served with this application.

10.1 Article 83 ss1-2 of Statute states that the Registrar shall also transmit copies to (a) Secretary-General of the United Nations; (b) Members of United Nations; (c) other States entitled to appear and or (d) any other States notified in pursuant to Article 63 of the Statute.

#### **PRELIMINARY OBJECTIONS (IF ANY)**

11. Following submissions of Application and after the President has met and consulted with the parties, the Court may decide if circumstances so warrants, questions covering jurisdiction, admissibility of application shall be determined separately in pursuant to Subsection 2: Preliminary Objections Articles 79 ss1-2.

#### **UPON THE GROUNDS**

12. Set out in the Memorandum filed in support of this application for proceedings in pursuant to:

#### **RULES OF COURT INTERNATIONAL CRIMINAL COURTS**

13. Part 1 Establishment of the Court-Article 1—Jurisdiction of the Court:

(1) An International Criminal Court (“the Court”) is hereby established. It shall be a permanent institution and shall have the power to exercise its jurisdiction over persons for the most serious crimes of international concern, as referred to in this Statute, and shall be complementary to national criminal jurisdictions. The jurisdiction and functioning of the Court shall be governed by the provisions of this Statute.

#### **LEGAL STATUS AND POWERS OF COURT**

14. Rome Statute - Article 4—Legal Status and Powers of the Court

(1) The Court shall have international legal personality. It shall also have such legal capacity as may be necessary for the exercise of its functions and the fulfilment of its purposes.

- (2) The Court may exercise its functions and powers, as provided in this Statute, on the territory of any State Party and, by special agreement, on the territory of any other State.

#### **JURISDICTION-ADMISSIBILITY AND APPLICABLE LAW**

15. Rome Statute-Part 2 Jurisdiction, Admissibility and Applicable Law  
Article 5—Crimes within the jurisdiction of the Court:

- (1) The jurisdiction of the Court shall be limited to the most serious crimes of concern to the international community as a whole.
- (2) The Court has jurisdiction in accordance with this Statute with respect to the following crimes:
- a) The crime of genocide.
  - b) Crimes against humanity.
  - c) War crimes.
  - d) The crime of aggression.

#### **APPLICATION FILED IN RESPECT OF THE FOLLOWING**

16. This application is made in reliance of the following:

#### **INTERNATIONAL LAW-CONVENTIONS-DECLARATIONS-TREATY**

17. Rules of Court-International Criminal Courts of Justice Part 111- Proceedings in Contentious Cases-Section A: Articles 30-35 (ss1-2); Articles 31 (ss 1-2); Section C: Proceedings before the Courts- Subsection 1-Institution of Proceedings-Articles 38 (ss 1-2-3); Articles 40 (ss 1-2-3); States to be notified- Article 62 (ss2); In relation to Witnesses and Experts- Article 63 (ss2) and Article 67- 68 (ss1); Subsection 2: Preliminary Objections-Articles 79 (ss1-2); Registrar of Courts to transmit copies of Proceeding to State Members-Articles 83 (ss 1-2-3) (a-b-c-d); Special Reference to the Court: Subsection 5: Article 87 (ss1-2); Judgments given by a Chamber shall be read at a public sitting of that Chamber- Article 93; Section F: Judgements-Interpretation and Revision-Subsection 1-Judgements-Article 94 (1-2); Article 95<sup>4</sup> (ss1-2-3); New Zealand

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<sup>4</sup> Rules of Court-International Criminal Courts of Justice-The judgment, which shall state whether it is given by the Court or by a Chamber, shall contain:

International Crimes and International Criminal Courts Act 2000,(ss1-2) (Jurisdiction-Admissibility and Applicable Law) Part 3: (General Principles of Criminal Law)-Article 51-52 Rome Statute (Rules of Procedure-Evidence and Regulations of the Court: Part 5: (Investigation and Prosecution of Crimes); Part 6: (Conduct of Trials), Part 9 (International Cooperation-Operation an Judicial Assistance); PART 10: (Enforcement of Sentencing), Articles 6-7-8-15-53- Articles 7.1(K)( 25-27-26-30); the Holy Treaty Alliance of 1213, Magna Carta 1215; Doctrine of Discovery 1452-1493; (New Zealand 1679-Terra Australis-22 August 1770); Rule of Law 1628; Petition of Rights 1628; Cestui Quie Vie Trust Act 1666; (Social Security Trust) 1666; Habeaus Corpus 1640-1679 ss9; Bill of Rights 1688-1689; Treasons and seditious Practices Act 1795 (In relation to Article 16 Magna Carta); League of Nations 1919; Montevideo Convention on the Rights and Duties of States 1933; Breton Woods Agreement 1944; Vienna Convention; the Law of Diplomatic Relations 1961 and the Law of Treaties-United Nations Treaty 1969, Charter of the United Nations 1945; Constitution of the World Health Organization 1946-2006; the Declaration of Human Rights Standards (Part 1: A) ss41 (1)(2)(3) ss272 (3)(66); Article 3-4; General Trade Agreement 1947; the Hague Convention 1980; ss60; (In relation to the Civil aspects of International Child Abduction Relation to the 1980 Hague Convention) Part 1: ss9; ss10-(ss1)-(ss2)(a-b-c-d); ss60; Part 1: ss9; ss10-(ss1)-(ss2)(a-b-c-d); Article 16 (a)-[F9-F11 (aa) and (b) [F14 (d); [F12 (ba); Article 50 in relation to

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- the date on which it is read;
  - the names of the judges participating in it;
  - the names of the parties;
  - the names of the agents, counsel and advocates of the parties;
  - a summary of the proceedings;
  - the submissions of the parties;
  - a statement of the facts;
  - the reasons in point of law;
  - the operative provisions of the judgment;
  - the decision, if any, in regard to costs;
  - the number and names of the judges constituting the majority;
  - a statement as to the text of the judgment which is authoritative.

the 1996 Hague Convention; International Covenant on Economic, Social and Cultural Rights; the International Covenant on Civil and Political Rights 1966; Convention on the Rights of a Child 1989; Biological Weapons Convention (BWCC) and Uoctae Weapons Convention; International Labour Organisation Convention (169); Aboriginal Title; Environmental and Trade Standards; Cultural Standards; UN and Native American Treaty; Cherokee and United States Treaties; Choctaw and US Treaty; Canada Treaty Authority 1854; US Native American Treaty; Convention on the Rights of Persons with Disabilities 2006; the United Nations Declarations of Indigenous Peoples 2007; International Convention on the Elimination Discrimination of all Forms of Racial Discrimination; He Wakaputanga o te Rangatiratanga o Niu Tirenī (20 March 1834) 1835; Te Tiriti O Waitangi 1840; Hapū Sovereignty Reaffirmation 2002<sup>5</sup>; the Hapu Origin Sovereign Accord 2002<sup>6</sup> (Notification of Intent and Affirmation); Declaration of Sovereign Independence 2013 (28 October 2013); Scriptural Proclamation of Liberty 2013 (28 October 2013); Proclamation of Self-Determination and Individual Sovereignty 2013 (28 October 2013); Public Notice of Proclamation 2018 (27 September 2018; the Kingdom House of Io 2019 (1<sup>st</sup> July 2019); Letters Patent 2019-Kingdom of Aotearoha Constitution 2019 (1<sup>st</sup> July 2019); Ngāti Io Declaration of Sovereign Independence 2019 (28 October 2019); Royal Announcement and Declaration of Decree 2020 (31<sup>st</sup> May 2020); Te Moana Nui Ā Kiwa Tribal Authority 2022; United World Tribes 2023; Multi-Lateral Treaty (United World Tribes)2023;

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<sup>5</sup> The Hapu Origin Sovereign Accord of 2002-Notification of intent and affirmation Māori was presented at Te Tii Marae, Waitangi on the 6th day of February 2002 by Associate Chief Justice, Gerard Otimi of the "Supreme Courts of Competent Jurisdictions ("TE MOANA NUI Ā KIWA"), Aotearoha Supreme Aroha Court of HAWAII (G2)(Ancestral Court of Validation), Hawai'i Supreme Aloha Court of Hawaii

(G1),(Absolute Jurisdiction and Authority) and the State of USA, Hawai'i Supreme Law Court (G20)" in collaboration with ki nga Rangatira O Te Whakaminenga O Nga Hapū Ngapuhi, te Kaitiakitanga O nga Taonga, the "Declaration of Independence 1835 and Te Tiriti O Waitangi 1840".

<sup>6</sup> ibid

**AND NEW ZEALAND-AOTEAROA-PROTECTION OF FIRST NATIONS IN  
PURSUANT TO THE BELOW:**

Imperial Act 1688-1689; Māori Customary Law; the “Native Districts Regulation Act” 1858 – 4, “The Native Circuit Courts Act” 1858 — No 5., and the “Native Assessors Court Act”, 1858 — No 6., which all pertained to Māori in order to ‘set up their own Courts, (Marae Restorative Justice and Local and Central Governing bodies);<sup>7</sup> Pacific Islanders Protection 1875 ss7; Tohunga Suppression Act 1908; Crown Proceedings Act 1950, Summary Proceedings Act 1957(ss21)(a)(1 (ii)-(b)(c) (1-11)(f)32E(2) and its Amendments Crimes Act 1961 ss66 (1)(2) 71-72, 117(e), 167, 171, 188 (1), 235, 310, 312, NO 43. ss240 (1) (a-b-c-d); Maori Affairs Act 1967; Te Tiriti O Waitangi Act 1975;<sup>8</sup> New Zealand Constitution Act 1986 ss9-10; State-Owned Enterprise Act 1986<sup>9</sup> ss9; Residential Tenancies Act 1986; Conservation Act 1987 ss4; Oranga Tamariki Act 1989; (PART 4: ss41(1)(2)(3)-ss272(3)(66)),ss4; Bill of Rights 1990 s3-6.1(1)(A-B-C) Resource Management Act 1991 ss8, Treaty Waitangi Fisheries Settlement Act 2004 ss214 (2004 NO 78); Maori Land Act 1993; Te Ture Whenua Maori Land Act 1993 Part XIII ss17(2), 247-252; Standing Orders (Parliamentary Rules: Chapter 3-General Procedures); Crime Amendment Act 2003 (2003 No 39); Crimes Involving Deceit 2003 ss240 (1) (a-b-c-d); Māori Commercial Aquaculture Claims Settlement Act 2004; Local Government Act 2004 ss4; New Zealand Geographic Act 2008; Criminal Procedures Act 2011 (ss210)(a)(1-11)(b)(2)-(ss14)(ss30); Te Takutai Moana Act 2011, ss9(1); ss 6, 9(1), 11; ss12; Environmental Protection

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<sup>7</sup> In accordance with the Maori Land Act 1993 Maori Incorporation as an Autonomous Statutory and Mandatory Representatives of Maori, which is protected by the British Crown, Westminster Parliament and the Privy Council of the United Kingdom under International Statutes of Law and the Common Law, which cannot be repealed by any Act of the Settlers & Immigrants Parliament of New Zealand. These undeniable statutes established confirmed “Te Tangata Whenua” the Internal Sovereign of the Maori Nations of Aotearoa, New Zealand.

<sup>8</sup> Schedule 2 clause 9 (1): amended (with effect on 9 December 1987), on 30 June 1988, by section 6 of the Treaty of Waitangi (State Enterprises) Act 1988 (1988 No 105). Schedule 2 clause 9 (2): amended, on 7 August 2020, by section 135 of the Public Service Act 2020 (2020 No 40).

<sup>9</sup> Legislative references to the Treaty principles emerged in the Treaty of Waitangi Act 1975, in the State-Owned Enterprises Act 1986 and in early Environmental Law Reform to give legal recognition to the Treaty and as a safeguard for Māori rights. These legislative provisions are commonly referred to as ‘Treaty clauses’.



Authority Act 2011 ss18-19; Exclusive Economic Zone and Continental Shelf (Environmental Effects) 2012; Motu-Proprio 2013; One Peoples Public Trust 2013; Children Act 2014 ss6D(1)(d); Social Development Act 2018 (Part 5: SS232-249, ss252-285) and its subsequent Amendments; the Kāinga Ora Homes and Communities Act 2019 ss11 (1)(b)(i); the Kāinga Ora Community Housing (with respect to Emergency Housing); Employment Relations Act 2000); Covid-19 Public Health Response ACT 2020; COVID-19 Public Health Response Amendment Act 2020; COVID-19 Public Health Response Amendment Act 2021; COVID-19 Recovery (Fast-Track Consenting) Act 2020; ss21(7) Sch 6; COVID-19 Response (Further Management Measures) Legislation Act 2020; COVID-19 Response (Further Management Measures) Legislation Act (No 2) 2020; COVID-19 Response (Requirements For Entities—Modifications and Exemptions) Act 2020; COVID-19 Response (Taxation and Other Regulatory Urgent Measures) Act 2020; COVID-19 Response (Taxation and Social Assistance Urgent Measures) Act 2020; COVID-19 Response (Urgent Management Measures) Legislation Act 2020; Immigration (COVID-19 Response) Amendment Act 2020; Imprest Supply (Third for 2019/20) Act 2020; Overseas Investment (Urgent Measures) Amendment Act 2020; Remuneration Authority (COVID-19 Measures) Amendment Act 2020; Social Security (COVID-19 Income Relief Payment to be Income) Amendment Act 2020; Public Services Act 2020ss14(2)(a); the Water Services Regulator Act 2020

ss 12(2) of the Taumata Arowai; Mental Health and Wellbeing Commission Act ss 11(2 (In relation to Supporting Equitable Outcomes); Urban Development Act 2020 ss33.

**AND ABORIGINAL FIRST PEOPLES-NATIONS TERRA AUSTRALIS**

Letter Patent 1836 (In relation to establishment of Province of South Australia); South Australian Act 1863; League of Nations; First

Peoples Assembly 2019; Batman's Treaty 1835<sup>10</sup>; Native Titles Act 1993; Aboriginal Lands Act 1995; Tasmania Aboriginal Land Council; Western Australia-South West Native Title Settlement 2015;<sup>11</sup> Uluru Statement of the Heart Treaty 2017; Northern Territory Barunga Agreement 2018 (In relation to the Stolen Generations);<sup>12</sup> Victoria-First Peoples Assembly (In relation to the First State to pass a legislative framework for Indigenous Treaty Negotiations);<sup>13</sup> Advancing the Treaty Process with Aboriginal Victorians Act 2018<sup>14</sup>; Northern Territory Legislative Assembly; Queensland-Path to Treaty Report 2020; South Australia Buthera Agreement;<sup>15</sup>

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<sup>10</sup> Richard Broome, pp10-14, *Aboriginal Victorians: A History Since 1800*, Allen & Unwin, 2005, ISBN 1-74114-569-4, ISBN 978-1-74114-569-4. "The only pre-21st century attempt to negotiate a treaty with Indigenous Australians was what came to be known as Batman's Treaty". This was an agreement between John Batman, a pastoralist and businessman; a group of Wurundjeri Elders for the purchase of land around Port Phillip, near the present site of Melbourne. "Governor Bourke's Proclamation 1835 (UK)". Documenting Democracy; Museum of Australian Democracy (Retrieved 20 July 2020) "The so-called Treaty was declared void on

26 August 1835 by the Governor of New South Wales, Richard Bourke which asserted that all land within the colony belonged to the Crown and that it had the sole authority to dispose of it. "The Batman Treaty". SBS On Demand. Special Broadcasting Corporation. Retrieved 14 July 2019; and "Batman's Treaty". Ergo. State Library of Victoria. (Retrieved 15 July 2019).

<sup>11</sup> Poloni, Gian De (8 June 2015). "WA Premier signs \$1.3 billion Noongar native title deal" (ABC News-Australian Broadcasting Corporation) (Retrieved 14 July 2019). In 2015 the Western Australian Government of Colin Barnett signed a A\$1.3 billion native title settlement with the Noongar people which was described by deputy opposition leader Roger Cook as "a classic treaty" and Ken Wyatt called it "a treaty in the true sense". The comprehensive South West Native Title Settlement aims to resolve native title claims in exchange for statutory recognition of the Noongar people as the traditional owners of South-Western Australia.[50] As of 2020 it is the largest native title settlement in Australian history, affecting about 30,000 Noongar People and encompassing around 200,000 km<sup>2</sup> (77,000 sq mi) in south-western Western Australia. It has been described as "Australia's first treaty".[51]

<sup>12</sup> Hobbs, Harry; Williams, George (1 March 2018). "The Noongar Settlement: Australia's First Treaty". Sydney Law Review. (Retrieved 20 July 2020) – via Australasian Legal Information Institute (AustLII). In 2018 the Northern Territory Government of Michael Gunner pledged to undertake a treaty process with Indigenous peoples of the Territory. Allam, Lorena (20 August 2022). "What is an Indigenous Treaty and how would it work in Australia?" (The Guardian-Guardian News-Media Limited). (Retrieved 4 September 2022) including the appointment of an Independent Treaty Commissioner to oversee negotiations. Allam, Lorena (8 June 2018). "NT signs historic Barunga agreement to begin Indigenous treaty talks" (The Guardian) (Retrieved 15 July 2019). In June 2018 Gunner signed the "Barunga Agreement" a Memorandum of Understanding committing his Government to negotiate with the Territory's four Aboriginal land councils over the next three years to develop a Treaty process.

<sup>13</sup> Rollason, Bridget (16 September 2019). "Victorian Treaty negotiations move closer as voting opens for First Peoples' Assembly" (ABC News) (Retrieved 18 July 2020) "The 2019 Victorian First Peoples' Assembly election was held to choose the representatives for Aboriginal and Torres Strait Islander people in Victoria".

<sup>14</sup> Ibid-On 3 July 2018, the Government passed the first Australian Treaty Law ever, "Advancing the Treaty Process with Aboriginal Victorians Act 2018". Victorian Legislation (14 February 2020)(Retrieved 21 July 2020). The Advancing the Treaty Process with Aboriginal Victorians Act 2018 (effective 1 August 2018). The ultimate goal of a partnership between the Victorian Government and Aboriginal communities "is to achieve reconciliation and justice for Aboriginal communities" and enshrines principles such a partnership in Law.

<sup>15</sup> Australian Associated Press (14 December 2016) "SA government aims to sign treaty with Indigenous Australians within 12 months" (The Guardian) (Retrieved 15 July 2019) "In 2016 the South Australian Government of Jay Weatherill announced its intention to negotiate treaties with Indigenous groups across the Astate, announcing that \$4.4 million was set aside over five years for the purpose; Korff, Jens (20 July 2020). "Aboriginal timeline: Treaty". Creative Spirits (in Polish) (Retrieved 20 July 2020).to establish up to 40 treaties across the state. In December 2016, talks began between the government and three Aboriginal nations: the Ngarrindjeri, Narungga and Adnyamathanha peoples. Following the July 2017 report of the South Australian Treaty Commissioner, negotiations began. Hobbs, Harry; Williams, George (1 March 2018). "The Noongar

Yoorrook-Truth and Justice Commission 2020;<sup>16</sup> Land Rights (Native Title and Protected Area); Stolen Generations (Half-Caste) Act; Aboriginal Community Court; Aboriginal Title; Indigenous Australian Customary Law; Indigenous Land Rights in Australia; Treaties of the Colony of Queensland;

**AND** **FIRST NATIONS CANADA**

Treaty of Utrecht; Royal Proclamation 1763 (In relation to the establishment of the First Nations Treaty Rights); Quebec Act 1774; Grand Council of Treaty No 3; Great Lakes Indian Fish and Wildlife Commission; Nishnawke Aski Nation; Treaty of Paris 1783; Constitutional Act 1791; Treaty of Saint Hinaabenis Petersburg 1825; the Act of Union 1840; Oregon Treaty; Canada Treaty Authority 1854; Constitution Act 1864-1982 ss 35; Canadian Charter of Rights; US Alaska Purchase 1867; Numbered Treaties 1871.1921; Dominion Lands Act; Indian Act; Military Services Act; League of Nations 1919; Canadian Aboriginal Law; Indian Health Transfer Policy;

**AND** **INDIGENOUS PEOPLES OF BIAFRA-NIGERIA-UNITED KINGDOM**

African Charter on Human Rights and Peoples Rights and Protocol to the African Charter of Human and Peoples Rights; Africa Charter on the Rights and Welfare of Children; Africa Convention on the Conservation on Nature and Natural Resources; Africa Nuclear-Weapon-Free-Zone Treaty; African Union Convention on Preventing and Combating Corruption; African Youth Charter; Committee Against Torture (AT) Treaty; Lagos Treaty of Cession (6 August) 1961; Protection of Diplomats Convention (In relation to the UN Anti-Terrorism Treaty); International Convention on the

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Settlement: Australia's First Treaty". Sydney Law Review. 40 (1) (Retrieved 20 July 2020) – via Australasian Legal Information Institute (AustLII).”In February 2018, the Buthera Agreement was signed with the Narungga nation” of the Yorke Peninsula. Following the Weatherill government's defeat in the 2018 state election, incoming premier Steven Marshall paused the treaty negotiation process that had been begun by his predecessor, Jay Weatherill, stating he wanted to focus on "practical outcomes".

<sup>16</sup> Korff, Jens (20 July 2020). "Aboriginal timeline: Treaty". Creative Spirits (in Polish)(Retrieved 20 July 2020). On July 2020, the Victorian government became the first state or territory to commit to the creation of a truth and justice commission to "formally recognise historical wrongs and ongoing injustices" against Aboriginal people.

Elimination Discrimination of all Forms of Racial Discrimination;  
Optional Protocol to the Convention against Torture and other  
Cruel, Inhumane or Degrading Treatment or Punishment Treaty  
1984; the Convention on the Non-Applicability of Statutory  
Limitations to War Crimes and Crimes against Humanity (Assented  
by UN General Assembly Resolution 2391 (XXXIII) 11 October 2003  
and entered into force in December 2005; Admiralty – Maritime;  
Title ss 1333 (1)(2)<sup>17</sup>; Refugee Convention (And its 1967 Protocol);

18 Documents for service may be left and or posted at the address  
of service:

- (a) Henry Alfred Kissinger  
Anthony Fauci- Director of NIAID  
Peter Daszak– President of Eco Health  
Alliance Melinda Gates  
William Gates III Vanguard  
Group Inc Albert Bourla –  
CEO of Pfizer  
Frank A.D’Amelio – Pfizer  
Mikael Dolsten – Pfizer  
Blackrock Inc (BLK)– Pfizer  
State Street Corp (STT) – Pfizer  
Companies Market Cap-Pfizer  
Yahoo – Pfizer  
U.S Food and Drug and  
Administration Companies Market  
Cap-Pfizer Nasdaq INC  
GlaxoSmithKine Emerger-  
Pfizer Dodge Cox  
Stephen Bancel – CEO of Moderna  
Pascal Sorio – CEO of Astra Zeneca  
Alex Gorsky – CEO of Johnson and Johnson  
Tedros Adhanhom Ghebreyesus– Director General of  
World Health Organisation  
David Rockefeller and Rockefeller Foundation  
Dr Rajiv Shah – President of Rockefeller  
Klaus Schwab – President of World Economic  
Forum Larry Fink Chairman and CEO of Blackrock  
George Soros- Soros Foundation  
The Tri Lateral Commission

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<sup>17</sup> 11-Title 50 Appendix ss7(c) sole relief and remedy under the “Trading with the Enemy Act” and:

- (e) No person shall be held liable in any Court for or in respect to anything done or omitted in pursuan  
to any order, rule, or regulation made by the President under the Authority of this Act.

Thomas S Foley North American Chairman  
Peter Sutherland European Chairman  
Yotaro Kobayashi Pacific Asia Chairman  
Charles B Heck North American Director  
Paul Revay European Director  
Tadashi Yamamoto Pacific Asia Director

**(b) House of Representatives of New Zealand Parliament** Government House

Private Bag 39995  
Wellington Mail Centre  
Lower Hutt 5045

Her Excellency Rt Hon Governor General Dame Cindy Kiro  
House of Representatives New Zealand  
Parliament Buildings

1 Museum Street  
Wellington 6160

Email: cabinetoffice@dpmc.govt.nz  
Attorney General Hon David Parker

Former Prime Minister of New Zealand Jacinda Adern  
Prime Minister of New Zealand Rt Hon Chris Hipkins

**(c) House of Representatives-Australia**

Department of the House of  
Representatives PO Box 6021

Parliament House  
Canberra ACT 2600

Deputy Clerk of the House of Representatives  
Email: Clerk.Reps@aph.gov.au

Prime Minister of Australia Rt Hon Anthony Albanese  
Former Prime Minister of Australia Scotty Morrison  
PO Box 6022

House of Representatives  
Parliament House  
Canberra ACT 2600

Deputy Prime Minister Hon Richard Maries  
House of Senate-Australia

**(d) Prime Minister of Canada Hon Justine Trudeau** House of Commons

Ottawa, Ontario  
Canada K1A  
0A6

Deputy Prime Minister of Canada Chrystia

President of Kings Privy Council for Canada Hon Mona Frontier  
Leader of the Government in House of Commons Hon Mark Holland

Attorney General of Canada Hon David Lametti  
Independent National Electoral Commission

**(e) Federal Republic of Nigeria National Assembly**

Central Business District 900103  
Abuja Federal Capital Territory  
Nigeria

Email: info@nass.gov.ng

Former President of Federal Republic of Nigeria Muhammadu Buhari

Office of the President of the Federal Republic  
Address: Aso Rock Villa, Asokoro, Asokoro,  
Abuja. Email: info@statehouse.gov.ng

Incumbent President of the Federal Republic of Nigeria Bola Tinibu

Vice President Yemi Osinbago

House of Representatives

House of Senate

Executive Federal Council Vice Chairman Boss  
Mustapha Chief of Staff Professor Ibrahim A Gambari  
Department of State Services Senate President

Speaker of House

State Governors

Deputy Governors

(f) **House of Lords-United Kingdom** London

SW1A OAA

Email: hlinfo@parliament.uk

**Prime Minister of United Kingdom-First Lord of Treasury Rt Hon Rishi Sunak**

Parliamentary

Office House of

Commons London

SW1A OAA

Email: rishi.sunak.mp@parliament.uk

Former Prime Minister of United Kingdom Boris Johnson And Liz Truss

Deputy Prime Minister Oliver

Douden House of Lords Chancellor of

Exchequer Jeremy Hunt

Secretary State for Foreign Commonwealth and Development Affairs James Cleverly

Lord Chancellor and Secretary of State for Justice Alex

Chalk Secretary of State for Home Department Suella

Braverman Secretary of State for Defence Ben Wallace

Secretary of State for Health and Social Care Steve Barclay Lord

President of Council and Leader of the House of Commons

Penny Mordant

Lord Privy Seal and Leader of the House of Lords

Lord True Attorney General Victoria Prentis

**(g) US Department of State**

Office of Information Programs and  
Services A/GIS/IPS/RL

2201 C Street N.W., Suite B266  
Washington, D.C. 20520-0000

President of the United States of America Joe Bde  
Vice President of the United States of America  
Email:

Chief of  
Staff Email:  
Federal Reserve Bank

BEFORE ME Chief Justice Michelle Singh

{REGISTER/DEPUTY REGISTER OF THE KINGDOM HOUSE OF IO}

SEAL *Michelle Singh*



SWORN AT Embassy House of IO – District of Kaikohe,  
Opononi 0473, RD3 Kaikohe, Northland,  
[New Zealand] Aotearoha

THIS DAY 28 OF MAY 2023

BEFORE ME Chief Justice Ariki-nui-Kawenata :Marsich-Crown:

{REGISTER/DEPUTY REGISTER OF THE KINGDOM HOUSE OF IO}

SEAL *Ariki-nui-Kawenata :Marsich-Crown:*



**MAY IT PLEASE THE COURTS  
OVERVIEW**

1. For the purposes of this Comprehensive Statement of Claim, the Applicant[s] before the Courts are abbreviated "UWT", the First Nations peoples of Aotearoha, New Zealand are herein abbreviated "NZM"; the Aboriginal peoples of Australia abbreviated "APA", the First peoples or commonly known as North America or Canada are herein abbreviated "NAC" and its counterparts referred to as the Native Americans are abbreviated "NA" and; the Indigenous Peoples of Biafra, abbreviated "IPOB".

**APPLICANT[S] BEFORE THE COURTS-BACKGROUND**

- 1.1 THAT: in the spirit of the spirit of the aboriginal inhabitants, living men and woman of Te Ika-a-Maui, Tuhua, Te Waka-o-Maui, Te Punga-o-te-ika-a-Maui, Nuku-roa, ki Te Moana Nui Ā Kiwa or any derivative thereof, known as the First Nations peoples of Aotearoa New Zealand, the Terra Australis (Australia), North America-Canada-Native America and the Indigenous Peoples of Biafra-Nigeria bring to the immediate attention the following:

**LAWFUL SUBMISSION**

- 1.2 THAT: the Applicant[s] state this is a lawful Submission. Please read it carefully. It informs the Courts and means what it says that we the First Nations Peoples of the United World Tribes do-not stand under the Law Society's legalese and there are no hidden meanings and or interpretations beyond the simple English statements herein.

**OBJECTION AND OR RESPONSE TO SUBMISSIONS**

- 1.3 That a reply to this notice is REQUIRED and is to be made stating the Respondent's clearly legible full name, his or her full commercial liability and penalty of perjury if proven beyond reasonable doubt, shall also require the details of their insurance underwriter bond agent.



## **BURDEN OF PROOF**

- 1.4** That a response is required within Three days from the recorded delivery date of this submission in accordance with the Rules of the Court; failure to respond in substance provides a tacit consent to all of the STATEMENT OF FACTS contained within this Submission agree that the Respondents s are unable to provide lawful proof-of-claim to the contrary that the First Nations Peoples or more so commonly known as Tangata Wenua o te Whenua, Mauri, Mauiwi, Moori ori of Te Moana Nui Ā Kiwa are the true descendants by DNA Blood of absolute royalty by descent from Io-nui Io, Supreme GOD of all Gods is evidence of proof by whakapapa (genealogy) to all living things, nga taonga tuku iho since time immemorial.
- 1.5 THAT:** failure to respond as herein required to the Memorandum within the herein a prescribed time of three days will be deemed by the Applicant[s] to invoke the doctrine of acquiescence and admission, to recover, in commerce, the lost or damaged properties plus damages, penalties and costs.
- 1.6 THAT:** if all actions are not abated within three days, or if at any time in the future any actions are reinstated, it shall be considered a wilful disregard for this Notice and Warning and such shall engender the immediate filing of a Commercial Liens (Affidavits of Obligation) against all parties involved.
- 1.7 THAT:** I, Arikinui Kawenata Marisch Crown ®©™® of Kaikohekotae, Bay of Islands Aotearoha, New Zealand, Agent on behalf of the Applicant[s], the First Nations of the United World Tribes; do solemnly swear, declare and dispose, that the matters herein, are to the best of my knowledge, true and correct.
- 1.8 THAT:** I, Michelle Singh of Rotorua, New Zealand, Agent of behalf of the Applicant[s], the First Nations of the United World Tribes of Te Moana Nui Ā Kiwa, am competent to state the matters set herein and do take oath and swear that the matters herein are true, certain and correct.

## **HISTORICAL OVERVIEW OF UNITED WORLD FIRST NATIONS**

2. In the context of events that took place since the 'Doctrines of Discovery' and 'Annexation of the First Nations peoples' the Applicant[s] state that the Common Law Courts, its Principles and Agent intentionally aided and abetted in the ENSLAVEMENT by deception and without any LAWFUL authority and or CONSENT, committed global mass killings, ethnic cleansing and heinous crimes of genocide, irreversible violation, prejudicial harm of crimes

against humanity, the administration and disposal of bio weapons related to crimes of aggression and war crimes.

## **BACKGROUND OF NEW ZEALAND MĀORI**

2.1 Pre-European contact came about after NZ was sighted by the Dutch explorer Abel Tasman in 1642 followed by Captain James Cook in 1769 and others that followed in their footsteps such as Du Fresne and De Surville who began a very long task in mapping and surveying of NZ.

2.2 The arrival of sealers, whalers and traders increased fairly quickly and according to the accounts, it was estimated that a population of around 2000 settlers led to land disputes between settlers and Māori had deteriorated and in fear of NZ becoming a lawless state, 13 Ngāpuhi Chiefs wrote to King William IV of the United Kingdom in 1813 to seek an alliance and protection from other powers.

2.3 British Resident James Busby took this a step further at a meeting at Waitangi, Northland had drawn up the Declaration of Independence "He Wakaputanga o te Rangatiratanga o Nu Tirene"<sup>18</sup> without the consent and or authorisation from his superiors.

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<sup>18</sup> In accordance with the Maori Land Act 1993 affirmed a Maori Incorporation as an Autonomous Statutory and Mandatory Representatives of Maori, which is protected by the British Crown, Westminster Parliament and the Privy Council of the United Kingdom under International Statutes of Law and the Common Law, which cannot be repealed by any Act of the Settlers & Immigrants Parliament of New Zealand. These undeniable statutes

2.4 He Wakaputanga asserted the independence of New Zealand, with all sovereign power and authority resting with the hereditary chiefs and tribes of the First Nations people became a foundation for the assertion of indigenous rights and a step towards developing a formal relationship with the British led to the enactment of the first Constitutional Act of New Zealand.

2.5 These accounts arguably introduced new innovative methods that dramatically changed cultivation and living patterns for Māori such as products, agricultural activities and technology had truly absorbed introduced European practices and by 1840, certain fractions of Hapū(sub-tribes) welcomed the new technologies claiming that it was in their best interests to maintain peace and order with settlers in order to produce good trading relationships | contrary to other fractions who strongly opposed

2.6 Population of Māori during the 1830-1840 period was estimated around 100,000, this soon declined as the Colonial settlers exposed Māori to a number of contagious diseases and sicknesses that were introduced by domesticated animals, rats and pests. The consequences were devastating taking the lives of many including the introduction of guns, extreme use of violence and warfare between Māori and settlers that eventually led to inter-tribal warfare and later which become known as the 'New Zealand Wars'.

***“Māori Land Wars refers to a series of violent conflict between the British Settlers and Indigenous Māori Tribes of New Zealand from 1845-1872 was caused by violations of the Te Tiriti promised and guaranteed exclusive, undisputed possession of their customary lands and taonga tuku iho (resources) that lead to the destruction of villages, fortified pa’s and colonial settlements, was fuelled by racial antagonism and the demand to acquire the possession of tribal lands and resources”.***

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established and confirmed “Te Tangata Whenua”, the Internal Sovereign of the Maori Nations of Aotearoa, New Zealand.

- 2.7 Around about the same time, Māori owned 100 per cent ownership of land, an estimated total of 66.5 million acres of land. The rapid growth of an emerging society caused a number of incidents amongst settlers and local Māori who were keen to trade and expand commercial economic development.
- 2.8 The influence and power of colonists was beginning to diminish claiming that a system was needed to maintain law and order. The relationship between Māori and the Crown was seen as an important function if British sovereignty over Māori was to be secured. Lord Normanby reported to the Westminster Parliament House of Commons Inquiry between 1836 – 1839 and suggested that ***“Maori must not be permitted to enter into any contracts in which they might be the ignorant and unintentional author’s of injuries to themselves”*** and as a result, was the first British Resident appointed by NSW Governor in 1839.
- 2.9 Extensive negotiations between Māori and the Crown took place led to the signing of the “Treaty of Waitangi” on 06 February 1840. The Treaty in view of the Crown constituted a legitimate authority to govern, enact legislation, create legal administrative institutions and develop policies with the intent to developing a new capitalist economic infrastructure.
- 2.10 From a Māori perspective however, the 1840 document proposed to create a partnership that was to be honoured, established a fiduciary duty of the Crown to actively protect Māori interests and an obligation to consult with Māori in good faith. The Crown’s ultimate agenda however was to acquire as much land as possible by instituting a framework to extinguish Māori customary title, destruct communal ownership and assimilate<sup>19</sup> Māori into a

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<sup>19</sup> Native Lands Act 1862-1865 MP Robert Bruce declared that ‘we could not devise a more ingenious method of destroying the whole of the Maori race than by these land courts. The Natives come from the villages in the interior, and have to hang about for months in our centres of population ... They are brought into contact with the lowest classes of society, and are exposed to temptation, the result is that a great number contract our diseases and die.’<sup>3</sup>

European system. The Crown's newfound weapon became known as the Native Māori Land Court.<sup>20</sup>

2.12 An uprising of Māori reformists such as Te Kooti, Te Whiti O Rongomai had emerged and fought the Crown in an attempt to stop further illegal land transactions, alienation, confiscation and theft of Māori customary lands.

2.13 Exiled from their tribal lands to the Wharekauri/Chatham Island were locked up unlawfully without a trial highlighted extreme violation of basic human rights. Other prominent leaders such as the Kingitanga Potatau Te Whereowheo made numerous attempts to retain and assert te tino rangatiratānga or sovereignty were unsuccessful.

2.14 It is also further evident and clear that in the absence of political, social rights that protect citizens from excessive arbitrary power<sup>21</sup> of the Rule of Law were fairly non-existent.

***“A basic requirement of the Rule of Law is that the powers of the public authorities are defined by law. In so far as legality addresses the actions of public officials, it also requires that they have authorisation to act and that they subsequently act within the limits of the powers that have been conferred upon them, and consequently respect both procedural and substantive law. Equivalent guarantees should be established by law whenever***

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<sup>20</sup> In contrary to the Te Tiriti O Waitangi, the Native Land Court was enacted to free up more land for purchase by settlers as it individualised Māori land title. Justice minister Henry Sewell described the aims of the court as,

‘to bring the great bulk of the lands in the Northern Island ... within the reach of colonisation’ and ‘the detribalisation of the Māori – to destroy, if it were possible, the principle of communism upon which their social system is based and which stands as a barrier in the way of all attempts to amalgamate the Māori race into our social and political system.’

<sup>21</sup> Rule of Law - Discretionary power is, of course, permissible, but must be controlled. That the powers of the public authorities are defined by law. In so far as legality addresses the actions of public officials, it also requires that they have authorisation to act and that they subsequently act within the limits of the powers that have been conferred upon them, and consequently respect both procedural and substantive law. Equivalent guarantees should be established by law whenever public powers are delegated to private actors – especially but not exclusively coercive powers. Furthermore, public authorities must actively safeguard the fundamental rights of individuals vis-à-vis other private actor. For a recent reference to positive obligations of the State to ensure the fundamental rights of individuals vis-à-vis private actors, see ECtHR *Bărbulescu v. Romania*, 61496/08, 12 January 2016, § 52ff (concerning Article 8 ECHR).

***public powers are delegated to private actors – especially but not exclusively coercive powers”***

<sup>2.15</sup> War changed the face of New Zealand-Aotearoa in the 19th century. Tens of thousands of Māori died in the intertribal Musket Wars that was fought between the 1810s and the 1830s. Muskets revolutionised intertribal warfare, destroying some tribes and drastically shifting the boundaries of areas controlled by others. Thousands fled their traditional lands, complicating questions of ownership that led to the opening of large areas to accommodate Pākehā (European) settlement.

<sup>2.16</sup> Between the 1840s and the 1870s British and colonial forces fought to open up the interior of the North Island for settlement that resulted in the ‘New Zealand Land Wars’. Sovereignty was contested despite the signing of the 1835 Declaration of Independence and Treaty of Waitangi in 1840, several thousands of Māori were killed defending their people, their families and other sub-tribes (Hapū) who were displaced from their tribal customary lands and resources, others allied themselves with the colonists for a variety of reasons, sometimes to settle old scores and the land of many of those who survived the genocide and mass killings of Hapū who are no longer exist today were murdered at the hands of the Colonial forces.

<sup>2.17</sup> To that end, historical First Nations peoples of New Zealand, the United States, Australia and Canada suffered the same fate of settlor colonialism that was carried out by the British. Foreign land viewed as attractive for settlement and from their perspective, was declared "nobody's land". The indigenous inhabitants were therefore denied any sovereignty or property rights in the eyes of the British which justified invasion and the violent seizure of native land to create colonies populated by British settlers.

## **BACKGROUND OF ABORIGINAL FIRST NATIONS PEOPLE OF TERRA AUSTRALIS**

3. Historical accounts of the Aboriginal people or more commonly known as the 'First Peoples' is one of the oldest surviving, living culture that dates back more than 60.000 years since the time of immemorial:

*"We are the custodians of the Country given to us, everything that is involved with the land and sea. Our heritage is blood-deep, handed down through our father's and mother's lines. We know the boundaries of our sovereignty and rights and we had our systems of recognising other nations.* Elder Willie

Wigness, Kaurareg Traditional Owner (2020).

- 3.1 The so-called extinction of the Aboriginal Tasmanians is regarded as a classic case of near genocide by Lemkin, most comparative scholars of genocide, and many general historians, including Robert Hughes, Ward Churchill, Leo Kuper and Jared Diamond, who base their analysis on previously published histories.<sup>22</sup>

- 3.2 Between 1824 and 1908 White settlers and Native Mounted Police in Queensland, according to Raymond Evans, killed more than 10,000 Aboriginal people, who were regarded as vermin and sometimes even hunted for sport.<sup>23</sup>

- 3.3 The Australian native police were specialised mounted military units consisting of detachments of Aboriginal troopers under the command of white officers appointed by colonial governments. From temporary base camps and barracks, Native Police were primarily utilised to patrol the often-vast geographical areas along the colonial frontier in order to conduct indiscriminate raids and punitive expeditions against Aboriginal people.<sup>24</sup>

- 3.4 The Native Police proved to be a brutally destructive instrument in the disintegration and dispossession of Indigenous Australians.<sup>25</sup>

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<sup>22</sup> Henry Reynolds, 'Genocide in Tasmania?', in A. Dirk Moses (ed.) Genocide and settler society: frontier violence and stolen indigenous children in Australian history, Berghahn Books, 2004 p.128.

<sup>23</sup> Tatz, Colin (2006) . "Confronting Australian Genocide". In Maaka, Roger; Andersen, Chris (eds.). The Indigenous Experience: Global Perspectives

<sup>24</sup> Richards, Jonathan (2008). The Secret War. St Lucia: UQP. ISBN 9780702236396.; Rowley, C.D. (1970). The destruction of Aboriginal society. Canberra: ANU Press. ISBN 0140214526.

<sup>25</sup> Ibid

Armed with rifles, carbines and swords, they were also deployed to escort surveying groups, gold convoys and groups of pastoralists and prospectors.

3.5 Prior to the arrival of the First Fleet in 1788, which marked the beginning of Britain's colonization of Australia, the Aboriginal population had been estimated by historians to be around roughly 500,000 people; by 1900, that number had plummeted to fewer than 50,000. While most died due to the introduction of infectious diseases which accompanied colonization, up to 20,000 were killed during the Australian frontier wars by British settlers and colonial authorities through massacres, mass poisonings and other actions.<sup>26</sup>

3.6 Ben Kiernan, an Australian historian of genocide, treats the Australian evidence over the first century of colonization as an example of genocide in his 2007 history of the concept and practice, *Blood and Soil: A World History of Genocide and Extermination from Sparta to Darfur*.<sup>27</sup>

3.7 The Australian practice of removing the children of Aboriginal and Torres Strait Islander descent from their families, has been described as genocidal.<sup>28</sup> The 1997 report *Bringing Them Home*, which examined the fate of the "stolen generations" concluded that the forced separation of Aboriginal children from their family constituted an act of genocide.

3.8 In the 1990s a number of Australian state institutions, including the state of Queensland, apologized for its policies regarding forcible separation of Aboriginal children.<sup>29</sup> Allegation against the Australian state is the use of medical services to Aboriginal people

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<sup>26</sup> Kiernan, Ben (2002). "Cover-up and Denial of Genocide: Australia, the USA, East Timor, and the Aborigines". *Critical Asian Studies*. 34 (2): 163–192. doi:10.1080/14672710220146197. S2CID 146339164.

<sup>27</sup> *Ibid*

<sup>28</sup> Tatz, Colin (2006). "8. Confronting Australian Genocide". In Maaka, Roger; Andersen, Chris (eds.). *The Indigenous Experience: Global Perspectives*; Moses, A. Dirk (2004). Moses, A. Dirk (ed.). *Genocide and Settler Society: Frontier Violence and Stolen Indigenous Children in Australian History* pg 128

<sup>29</sup> *Ibid* pp 130-131



to administer contraceptive therapy to Aboriginal women without their knowledge or consent, including the use of Depo Provera, as well as tubal ligations.

**3.9** Both forced adoption and forced contraception would fall under the provisions of the UN genocide convention.<sup>30</sup> Some Australian scholars, including historians Geoffrey Blainey and Keith Windschuttle and political scientist Ken Minogue, reject the view that Australian Aboriginal policy was genocidal is not surprising.

**3.10** Aboriginal children, woman and men fits the definition of genocide on First Nations several points. Firstly, the “killing members of a particular group in whole or in part”, Professor Lyndall Ryan and her research team found that there were at least 270 frontier massacres that spanned over a period of more than 140 years recorded in Australian history where evidence of state-sanctioned organised attempt to eradicate First Nations people.

**3.11** An investigation into the depth of genocide carried out by Colonial forces and State Governments against the Aboriginal First Nations, Professor Ryan defined massacre as the “deliberate killing of six or more defenceless people in one operation.

**3.12** Ryan’s work is in no means comprehensive as many massacres were not documented and many others were deliberately covered up. Colonial genocidal actions like state-sanctioned massacres, the First Nations population went from an estimated 1-1.5 million before colonial invasion of British settlers were reduced to an estimated 100,000 by the early 1900’s.

**3.13** Child kidnapping, abduction and enslavement of the Aboriginal First Nations peoples were approved by State Governments under the so called individual “Aboriginal protection policies”<sup>31</sup> that

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<sup>30</sup> Ibid pp 127

<sup>31</sup> The Hague Convention 1980; ss60; (In relation to the Civil aspects of International Child Abduction and Kidnapping Relation to Part 1: ss9; ss10-(ss1)-(ss2)(a-b-c-d); ss60; Part 1: ss9; ss10-(ss1)-(ss2)(a-b-c-d); Article 16 (a)-[F9-F11 (aa) and (b) [F14 (d); [F12 (ba); Article 50 in relation to the 1996 Hague Convention. the Declaration of Human Rights Standards (Part 1: A) ss41

(1)(2)(3) ss272 (3)(66); Article 3-4; International Covenant on Economic, Social and Cultural Rights; the International Covenant on Civil and Political Rights 1966; Convention on the Rights of a Child 1989;

involved forcibly stealing and alienating children from their families of particular groups to another group and placed into state-controlled reserves overseen by religious missionaries were either adopted by white families or taken by families to be used as forced labour commonly referred to as slavery. Despite being illegal in every country today, around 40 million people are estimated to be enslaved around the world with 71% is made up of women and girls.

3.14 'Slavery is a dehumanizing practice that takes away many of our human rights and freedoms'. Article 4 of the United Declarations of Human Rights (1948) states that **'No one shall be held in slavery or servitude; slavery and the slave trade shall be prohibited in all their forms.** Additionally, Article 3 details that **'all have the right to life, and to live in freedom and safety'** yet in 2019, 1 in 200 people were enslaved in some form.

3.15 The innocent lives and victims of Aboriginal First Nations children who were kidnapped, abducted, killed (intentionally and or deliberately) is referred to as the "Stolen Generations". These acts of genocide was well documented in the 1997 Bringing Them Report by Human Rights and Equal Opportunity Commission. For First Nations peoples, it is not merely an opinion that Australia was invaded – it is an historical fact.

3.16 To that end, colonization caused a large decrease in the indigenous population from war, newly introduced diseases, massacre by colonists and attempts at forced assimilation. The settlers from Britain and Europe grew rapidly in number and created entirely new societies. The indigenous population became an oppressed minority in their own country. The gradual violent expansion of

colonies into indigenous land could last for centuries, as it did in the Australian frontier wars and the American Indian Wars.<sup>32</sup>

#### **BACKGROUND FIRST NATIONS-NATIVE AMERICAN**

4. Native Americans suffered high fatality rates from contact with European diseases that were new to them, and to which they had not yet acquired immunity exposed similarly exposed to the diseases that were endemic to the Spanish and other Europeans and were spread by direct contact-probably primarily contact with domesticated pigs that had been brought over by European expeditions.<sup>33</sup>

4.1 Smallpox epidemics are thought to have caused the greatest loss of life for Indigenous populations. As William M. Denevan, a noted author and Professor Emeritus of Geography at the University of Wisconsin-Madison, in "The Pristine Myth: The Landscape of the Americas in 1492"<sup>34</sup> "The decline of native American populations was rapid and severe, probably the greatest demographic disaster ever. Old World diseases were the primary killer. In many regions, particularly the tropical lowlands, populations fell by 90 percent or more in the first century after the contact of social disruption, violence and warfare."<sup>35</sup>

4.2 The killing and mass Genocides of Indigenous Peoples occurred in North America has long been contested, dismissed with little or no informed scholarly argument - either historical or legal, and forgotten by the dominant society. The Conventional account of genocide - presented in the United Nations Genocide Convention and subsequently developed in international fora - to demonstrate

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<sup>32</sup>"Settler Colonialism – Anthropology – Oxford Bibliographies – obo". www.oxfordbibliographies.com. Archived from the original on 15 July 2019. Retrieved 16 October 2019. "pp. 390–391" (PDF). Archived (PDF) from the original on 13 December 2016. Retrieved 4 January 2017

<sup>33</sup>Mann, Charles C. (March 2002). "1491". The Atlantic.

<sup>34</sup>Denevan, William M. (1992). "The Pristine Myth: The Landscape of the Americas in 1492". *Annals of the Association of American Geographers*. 82 (3): 369–385. doi:10.1111/j.1467-8306.1992 to 1965

<sup>35</sup>William M. Denevan, "The Pristine Myth: The Landscape of the Americas in 1492", posted at Northern Arizona University, published in Sept. 1992, *Annals of the Association of American Geographers*

that in the events of our case-studies were to occur today they could be prosecuted as genocides.

- 4.3 The dismissal of massive historical trauma and violence has allowed writers of Indigenous history to either avoid the topic altogether in their textbooks, or to mention it only briefly in passing. The result is a public woefully uninformed about the nature of both past and ongoing colonization in this hemisphere and its impact on Indigenous Nations.
- 4.4 The crimes committed against the First Nations Native Americans has been a prominent part of historiography of North America. Arguably, more recently, the problem is identifying these crimes can no doubt be applied to a period of colonisation and contact particularly to the American West.
- 4.5 Others argue that the dire consequences of European diseases among many New World populations were exacerbated by different forms of genocidal violence, and they also argue that intentional deaths and unintentional deaths cannot easily be separated from each other.<sup>36</sup>
- 4.6 Some scholars regard the colonization of the Americas as genocide, since they argue it was largely achieved through systematically exploiting, removing and destroying specific ethnic groups, which would create environments and conditions for such disease to proliferate.
- 4.7 Any common thread of settlers and contact with the First Nations is that conquest and violence went hand in hand. More so, American history on the east of the Mississippi is devoid of such theme, the inhumane, kidnapping, abduction treatment and enslavement of Africans in the South, was atrocious and beyond any forms of human dignity.

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Grenke 2005, p. 199 "For the most part, however, the diseases that decimated the Natives were caused by natural contact. These Native peoples were greatly weakened, and as a result, they were less able to resist the Europeans. However, diseases themselves were rarely the sources of the genocides nor were they the sources of the deaths which were caused by genocidal means. The genocides were caused by the aggressive actions of one group towards another."

4.8 It is also widely contended that the United States has not been legally admonished by the international community for genocidal acts against its indigenous population, but many historians and academics describe events such as the Mystic massacre, the Trail of Tears, the Sand Creek massacre and the Mendocino War as genocidal in nature.<sup>37</sup>

4.9 Roxanne Dunbar-Ortiz states that U.S. history, as well as inherited Indigenous trauma, cannot be understood without dealing with the genocide that the United States committed against Indigenous peoples. From the colonial period through the founding of the United States and continuing in the twentieth century.

4.10 Entailed torture, terror, sexual abuse, massacres, systematic military occupations, removals of Indigenous peoples from their ancestral territories via Indian removal policies, forced removal of Native American children to military-like boarding schools, allotment and a policy of termination,<sup>38</sup> letters exchanged between Bouquet and Amherst during the Pontiac Wars clearly stated that the First Nations Indigenous people needed to be exterminated.

4.11 Historians regard this as evidence of a genocidal intent by Amherst, as well as part of a broader genocidal attitude frequently displayed against Native Americans during the colonization of the Americas, smallpox swept the northern plains of the U.S and in 1837, the U.S. Secretary of War Lewis Cass ordered that no Mandan (along with the Arikara, the Cree, and the Blackfeet be given smallpox vaccinations, were administered to other tribes in other areas.<sup>39</sup>

4.12 The United States has to date not undertaken any truth commission nor built a memorial for the genocide of indigenous people.<sup>40</sup> It

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<sup>37</sup> Dunbar-Ortiz, Roxanne (12 May 2016). "Yes, Native Americans Were the Victims of Genocide". History News Network. Archived from the original on 3 November 2017.

<sup>38</sup> *Ibid*

<sup>39</sup> Kotar, S.L.; Gessler, J.E. (2013). *Smallpox: A History*. McFarland. p. 111. ISBN 9780786493272; Washburn, Kevin K. (February 2006). "American Indians, Crime, and the Law". *Michigan Law Review*. 104: 709, 735; Valencia-Weber, Gloria (January 2003). "The Supreme Court's Indian Law Decisions: Deviations from Constitutional Principles and the Crafting of Judicial Smallpox Blankets". *University of Pennsylvania Journal of Constitutional Law*. 5: 405, 408–09.

<sup>40</sup> d'Errico, Peter (10 January 2017). "Native American Genocide or Holocaust?". *Indian Country Today*. Archived from the original on 24 March 2022.

does not acknowledge nor compensate for the historical violence against Native Americans that occurred during territorial expansion to the west coast. American museums such as the Smithsonian Institution do not dedicate a section to the genocide. In 2013, the National Congress of American Indians passed a resolution to create a space for the National American Indian Holocaust Museum inside the Smithsonian, but it was ignored by the latter.<sup>41</sup>

***"You will do well to try to inoculate the Indians by means of blankets, as well as to try every other method that can serve to root out this terrible, awful, appalling race."***

**4.13**The Family Planning Services and Population Research Act was passed in 1970, which subsidized sterilizations for patients receiving healthcare through the Indian Health Service. In the six years after the act was passed, an estimated 25% of childbearing-aged Native American women were sterilized. Some of the procedures were performed under coercion, or without understanding by those sterilized.<sup>42</sup>

**4.14**In 1977, Marie Sanchez, Chief Tribal Judge of the Northern Cheyenne Indian Reservation told the United Nations Convention on Indigenous Rights in Geneva, that Native American women suffered involuntary sterilization which she equated with modern genocide.<sup>43</sup>

**4.15**The Native American boarding school system was a 150-year program and federal policy which separated Indigenous children from their families and sought to assimilate them into white society. It began in the early 19th century, coinciding with the start of Indian Removal policies.<sup>44</sup>

A Federal Indian Boarding School Initiative Investigative Report was published on May 11, 2022, which

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<sup>41</sup> Ibid

<sup>42</sup> Las Casas, Bartolome (1992). A Short Account of the Destruction of the Indies. London, England: Penguin Classics. p. 9.

<sup>43</sup> Theobald, Brianna (28 November 2019). "A 1970 Law Led to the Mass Sterilization of Native American Women. That History Still Matters". Time. Archived from the original on 26 April 2022.

<sup>44</sup> Grenke, Arthur (2005). God, Greed, and Genocide: The Holocaust Through the Centuries. New Academia Publishing. ISBN 978-09767042012

officially acknowledged the federal government's role in creating and perpetuating this system.<sup>45</sup>

4.16 According to the report, the U.S. federal government operated or funded more than 408 boarding institutions in 37 states between 1819 and 1969. 431 boarding schools were identified in total, many of which were run by religious institutions.<sup>46</sup>

4.17 The report documented over 500 child deaths at 19 schools, although it is estimated the total number could rise to thousands, and possibly even tens of thousands.<sup>47</sup> Marked or unmarked burial sites were discovered at 53 schools.<sup>48</sup> The school system has been described as a cultural genocide and a racist dehumanization.<sup>49</sup>

4.18 Following the Indian Removal Act of 1830, the American government began forcibly relocating East Coast tribes across the Mississippi. The removal included many members of the Cherokee, Muscogee (Creek), Seminole, Chickasaw, and Choctaw nations, among others in the United States, from their homelands to the Indian Territory in the eastern sections of the present-day state of Oklahoma. About 2,500–6,000 died along the Trail of Tears.<sup>50</sup>

4.19 Chalk and Jonassohn assert that the deportation of the Cherokee tribe along the Trail of Tears would almost certainly be considered an act of genocide today.<sup>51</sup> The Indian Removal Act of 1830 led to the exodus. About 17,000 Cherokees, along with approximately 2,000 Cherokee-owned black slaves, were removed from their homes.<sup>52</sup> The number of people who died as a result of the Trail of

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<sup>45</sup> "U.S. confronts 'cultural genocide' in Native American boarding school probe". Reuters. 18 May 2022. Archived from the original on 20 November 2022

<sup>46</sup> Ibid

<sup>47</sup> "U.S. report identifies burial sites linked to boarding schools for Native Americans". NPR. 11 May 2022. Archived from the original on 14 January 2023. Retrieved 14 January 2023

<sup>48</sup> "US boarding school investigative report released". Indian Country Today. 11 May 2022. Archived from the original on 14 January 2023. Retrieved 14 January 2023

<sup>49</sup> "U.S. confronts 'cultural genocide' in Native American boarding school probe". Reuters. 18 May 2022. Archived from the original on 20 November 2022.

<sup>50</sup> Baird, David (1973). "The Choctaws Meet the Americans, 1783 to 1843". *The Choctaw People*. United States: Indian Tribal Series. p. 36. LCCN 73-80708.

<sup>51</sup> Ibid

<sup>52</sup> Carter (III), Samuel (1976). *Cherokee sunset: A nation betrayed: a narrative of travail and triumph, persecution and exile*. New York: Doubleday. p. 232.

Tears has been variously estimated. American doctor and missionary Elizur Butler, who made the journey with one party, estimated 4,000 deaths.<sup>53</sup>

4.20 Historians such as David Stannard<sup>54</sup> and Barbara Mann<sup>55</sup> have noted that the army deliberately routed the march of the Cherokee to pass through areas of a known cholera epidemic, such as Vicksburg. Stannard estimates that during the forced removal from their homelands, following the Indian Removal Act signed into law by President Andrew Jackson in 1830, 8,000 Cherokee died, exterminated about half the total population.

4.21 During the American Indian Wars, the American Army carried out a number of massacres and forced relocations of Indigenous peoples that are sometimes considered genocide. The 1864 Sand Creek Massacre, which caused outrage in its own time, has been regarded as a genocide. Colonel John Chivington led a 700-man force of Colorado Territory militia in a massacre of 70–163 peaceful Cheyenne and Arapaho, about two-thirds of whom were women, children, and infants. Chivington and his men took scalps and other body parts as trophies, including human fetuses and male and female genitalia.<sup>56</sup>

In justifying the reasoning of his actions,

Chivington stated **Damn any man who sympathizes with Indians! ... I have come to kill Indians, and believe it is right and honourable to use any means under God's heaven to kill Indians. ... Kill and scalp all, big and little; nits make lice.**

— - Col. John Milton Chivington, U.S. Army<sup>57</sup>

#### **FIRST NATIONS PEOPLES - CANADA**

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<sup>53</sup> Prucha, Francis Paul (1 January 1995). *The Great Father: The United States Government and the American Indians*. University of Nebraska Press. p. 241 note 58. ISBN 978-0-8032-8734-1. Archived from the original on 20 August 2016. Retrieved 22 September 2016.

<sup>54</sup> United States Congress Joint Committee on the Conduct of the War, 1865 (testimonies and report) Brown, Dee (2001) [1970]. "War Comes to the Cheyenne". *Bury my heart at Wounded Knee*. Macmillan. pp. 86–87. ISBN 978-0-8050-6634-0.

<sup>55</sup> Mann, Barbara Alice (2009). *The Tainted Gift: The Disease Method of Frontier Expansion*. ABC-CLIO.

<sup>56</sup> United States Congress Joint Committee on the Conduct of the War, 1865 (testimonies and report)

<sup>57</sup> Brown, Dee (2001) [1970]. "War Comes to the Cheyenne". *Bury my heart at Wounded Knee*. Macmillan. pp. 86–87. ISBN 978-0-8050-6634-0.



5. Although not without conflict, European Canadians' early interactions with First Nations and Inuit populations were relatively peaceful.<sup>58</sup> First Nations and Métis peoples played a critical part in the development of European colonies in Canada, particularly for their role in assisting European voyageurs in their explorations of the continent during the North American fur trade.<sup>59</sup>
- 5.1 These early European interactions with First Nations would change from friendship and peace treaties to dispossession of lands through treaties.<sup>60</sup> From the late 18th century, European Canadians forced Indigenous peoples to assimilate into a western Canadian society.<sup>61</sup> These attempts reached a climax in the late 19th and early 20th centuries with forced integration and relocations.<sup>62</sup>
- 5.2 As a consequence of European colonization, the Indigenous population declined by forty to eighty percent. The decline is attributed to several causes, including the transfer of European diseases, such as influenza, measles, and smallpox to which they had no natural immunity,<sup>63</sup> conflicts over the fur trade, conflicts with the colonial authorities and settlers, and the loss of Indigenous lands to settlers and the subsequent collapse of several nations self-independence.<sup>64</sup>

<sup>58</sup> Preston, David L. (2009). *The Texture of Contact: European and Indian Settler Communities on the Frontiers of Iroquoia, 1667–1783*. University of Nebraska Press. pp. 43–44. ISBN 978-0-8032-2549-7. Archived from the original on 16 March 2023. Retrieved 10 February 2019.

<sup>59</sup> Miller, J.R. (2009). *Compact, Contract, Covenant: Aboriginal Treaty-Making in Canada*. University of Toronto Press. p. 34. ISBN 978-1-4426-9227-5. Archived from the original on 16 March 2023. Retrieved 10 February 2019. Williams, L. (2021). *Indigenous Intergenerational Resilience: Confronting Cultural and Ecological Crisis*. Routledge Studies in Indigenous Peoples and Policy. Taylor & Francis. p. 51. ISBN 978-1-000-47233-2. Archived from the original on 23 February 2023. Retrieved 23 February 2023.

<sup>60</sup> Turner, N.J. (2020). *Plants, People, and Places: The Roles of Ethnobotany and Ethnoecology in Indigenous Peoples' Land Rights in Canada and Beyond*. McGill-Queen's Indigenous and Northern Studies. McGill-Queen's University Press. p. 14. ISBN 978-0-2280-0317-5. Archived from the original on 23 February 2023. Retrieved 23 February 2023.

<sup>61</sup> Asch, Michael (1997). *Aboriginal and Treaty Rights in Canada: Essays on Law, Equity, and Respect for Difference*. UBC Press. p. 28. ISBN 978-0-7748-0581-0.

<sup>62</sup> Kirmayer, Laurence J.; Guthrie, Gail Valaskakis (2009). *Healing Traditions: The Mental Health of Aboriginal Peoples in Canada*. UBC Press. p. 9. ISBN 978-0-7748-5863-2.

<sup>63</sup> Wilson, Donna M; Northcott, Herbert C (2008). *Dying and Death in Canada*. University of Toronto Press. pp. 25–27. ISBN 978-1-55111-873-4. True Peters, Stephanie (2005). *Smallpox in the New World*. Marshall Cavendish. p. 39. ISBN 978-0-7614-1637-1.

<sup>64</sup> Laidlaw, Z.; Lester, Alan (2015). *Indigenous Communities and Settler Colonialism: Land Holding, Loss and Survival in an Interconnected World*. Springer. p. 150. ISBN 978-1-137-45236-8. Archived from the original on 16 March 2023. Retrieved 23 February 2023 and Ray, Arthur J. (2005). *I Have Lived Here Since The World Began*. Key Porter Books. p. 244. ISBN 978-1-55263-633-6.

5.3 With the death of Shanawdithit in 1829, the Beothuk people, and the indigenous people of Newfoundland were officially declared extinct after suffering epidemics, starvation, loss of access to food sources, and displacement by English and French fishermen and traders.<sup>65</sup>

Scholars disagree in their definition of genocide in relation to the Beothuk, and the parties have different political agendas.<sup>66</sup> While some scholars believe that the Beothuk died out due to the elements noted above, another theory is that Europeans conducted a sustained campaign of genocide against them.<sup>67</sup>

5.4 More recent understandings of the concept of "cultural genocide" and its relation to settler colonialism have led modern scholars to a renewed discussion of the genocidal aspects of the Canadian states' role in producing and legitimating the process of physical and cultural destruction of Indigenous people.<sup>68</sup>

5.5 In the 1990s some scholars began pushing for Canada to recognize the Canadian Indian residential school system as a genocidal process rooted in colonialism.<sup>69</sup> This public debate led to the formation of the Canadian Truth and Reconciliation Commission which was formed in 2008.<sup>70</sup>

5.6 The Canadian Indian residential school system was established following the passage of the Indian Act in 1876. The system was

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<sup>65</sup> Newfoundland, Memorial University of. "Department of Religious Studies". Memorial University of Newfoundland. Archived from the original on 10 April 2011. Retrieved 15 October 2019.

<sup>66</sup> Rubinstein, W.D. (2004). "Genocide and Historical Debate: William D. Rubinstein Ascribes the Bitterness of Historians' Arguments to the Lack of an Agreed Definition and to Political Agendas". *History Today*. 54. Archived from the original on 31 January 2013. Retrieved 10 February 2019.

<sup>67</sup> Knowles, R.P.; Tompkins, J.; Worthen, W.B. (2003). *Modern Drama: Defining the Field*. University of Toronto Press. pp. 169. ISBN 978-0-8020-8621-1.

<sup>68</sup> Woolford, Andrew; Thomas, Jasmine (2011). "Genocide of Canadian First Nations". In Totten, Samuel; Hitchcock, Robert (eds.). *Genocide of Indigenous Peoples: A Critical Bibliographic Review*. Transaction Publishers. pp. 61–87.

<sup>69</sup> Annett, K. (2001). *Hidden From History: The Untold Story of the Genocide of Aboriginal Peoples by the Church and State in Canada* (PDF). The Truth Commission into the Genocide in Canada. Archived (PDF) from the original on 9 July 2014. Retrieved 25 March 2017. Woolford, Andrew; Benvenuto, Jeff (2 October 2015). "Canada and colonial genocide". *Journal of Genocide Research*. 17 (4): 373–390. doi:10.1080/14623528.2015.1096580. ISSN 1462-3528. S2CID 74263719.

<sup>70</sup> MacDonald, D. B. (2015). Canada's history wars: indigenous genocide and public memory in the United States, Australia, and Canada. *Journal of Genocide Research*, 17(4), 411–431; Woolford, Andrew; Benvenuto, Jeff (2015). "Canada and colonial genocide". *Journal of Genocide Research*. 17 (4): 373–390.

designed to remove children from the influence of their families and culture with the aim of assimilating them into the dominant Canadian culture.<sup>71</sup>

5.7 The final school closed in 1996.<sup>72</sup> Over the course of the system's existence, about 30% of native children, or roughly 150,000, were placed in residential schools nationally; at least 6,000 of these students died while in attendance.<sup>73</sup>

5.8 The system has been described as cultural genocide: "killing the Indian in the child".<sup>74</sup> Part of this process during the 1960s through the 1980s, dubbed the Sixties Scoop, was investigated and the child seizures deemed genocidal by Judge Edwin Kimelman, who wrote:

***"You took a child from his or her specific culture and you placed him into a foreign culture without any [counselling] assistance to the family which had the child. There is something dramatically and basically wrong with that."***<sup>75</sup>

5.9 The Executive Summary of the Truth and Reconciliation Commission found that the state pursued a policy of cultural genocide through forced assimilation.<sup>76</sup> The ambiguity of the phrasing allowed for the interpretation in determining that both physical and biological genocide had in actual fact occurred.

5.10 The commission, however, was not authorized to conclude that physical and biological genocide occurred, as such a finding would imply a difficulty to prove legal responsibility for the Canadian

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<sup>71</sup> Canada's Residential Schools: The History, Part 1 Origins to 1939 – Final Report of the Truth and Reconciliation Commission of Canada Volume 1" (PDF). National Centre for Truth and Reconciliation. Truth and Reconciliation Commission of Canada. 2015. Archived (PDF) from the original on 5 March 2017. Retrieved 1 July 2016

<sup>72</sup> Rheault, D'Arcy (2011). "Solving the "Indian Problem": Assimilation Laws, Practices & Indian Residential Schools" (PDF). Ontario Métis Family Records Centre. Archived (PDF) from the original on 11 June 2012. Retrieved 29 June 2016.

<sup>73</sup> Residential School History: A Legacy of Shame" (PDF). Wabano Centre for Aboriginal Health. 2000. Archived from the original (PDF) on 3 December 2015. Retrieved 28 June 2016.

<sup>74</sup> "The Residential School System". Indigenous Foundations. UBC First Nations and Indigenous Studies. Archived from the original on 27 June 2016. Retrieved 28 June 2016; Luxen, Micah (24 June 2016). "Survivors of Canada's 'cultural genocide' still healing". BBC. Archived from the original on 25 July 2016. Retrieved 28 June 2016. "First Steps With First Nations" (PDF). Brethren in Christ Canada. April 2012. Archived from the original (PDF) on 17 August 2016. Retrieved 28 June 2016

<sup>75</sup> Genocide; Szumski, Bonnie; Greenhaven Press; 2001; Pgs. 155-8

<sup>76</sup> "Honouring the Truth, Reconciling for the Future – Summary of the Final Report of the Truth and Reconciliation Commission of Canada" (PDF). The Truth and Reconciliation Commission of Canada. 31 May 2015. Archived from the original (PDF) on 6 July 2016. Retrieved 28 June 2016.

government. As a result, the debate about whether the Canadian government also committed physical and biological genocide against Indigenous populations remains to be opened.<sup>77</sup>

5.11 The use of cultural genocide is used to differentiate from the Holocaust: a clearly accepted genocide in history. Some argue that this description negates the biological and physical acts of genocide that occurred in tandem with cultural destruction.<sup>78</sup>

When engaged within the context of international law, colonialism in Canada has inflicted each criterion for the United Nations definition of the crime of genocide.

5.12 Canada's actions towards Indigenous peoples can be categorized under the first example of the UN definition of genocide, "killing members of the group", through the spreading of deadly disease such as during the 1862 Pacific Northwest smallpox epidemic. Further examples from other parts of the country include the Saskatoon's freezing deaths,<sup>79</sup> the epidemic of missing and murdered Indigenous Women, Girls and Two-Spirited people<sup>80</sup> and the inhumane scalping bounties that was offered by the governor of Nova Scotia, Edward Cornwallis.<sup>81</sup>

5.13 Subsection (c) of the UN definition: "deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part" is an act of genocide that has historic legacies, such as the near and full extermination of the

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<sup>77</sup> MacDonald, D. B. (2015). Canada's history wars: indigenous genocide and public memory in the United States, Australia, and Canada. *Journal of Genocide Research*, 17(4), 411–431.

Woolford, Andrew; Benvenuto, Jeff (2015). "Canada and colonial genocide". *Journal of Genocide Research*. 17 (4): 373–390.

<sup>78</sup> Woolford, Andrew; Benvenuto, Jeff (2 October 2015). "Canada and colonial genocide". *Journal of Genocide Research*. 17 (4): 373–390. doi:10.1080/14623528.2015.1096580. ISSN 1462-3528.

Mahoney, Kathleen (3 April 2019). "Indigenous Legal Principles: A Reparation Path for Canada's Cultural Genocide". *American Review of Canadian Studies*. 49 (2): 207–230. doi:10.1080/02722011.2019.1626099. ISSN 0272-2011. S2CID 201387768. Archived from the original on 12 December 2021. Retrieved 26 February 2021.

<sup>79</sup> Campbell, Meagan (8 April 2016). "New light on Saskatoon's 'starlight tours'". *Macleans.ca*. Archived from the original on 3 February 2021. Retrieved 26 February 2021.

<sup>80</sup> Özsü, Umut (2 January 2020). "Genocide as Fact and Form". *Journal of Genocide Research*. 22 (1): 62–71. doi:10.1080/14623528.2019.1682283. ISSN 1462-3528. S2CID 208416055. Archived from the original on 13 December 2019. Retrieved 26 February 2021.

<sup>81</sup> Rutgers, Julia-Simone (29 October 2019). "Halifax task force to make recommendations as talks on Edward Cornwallis and commemorating Mi'kmaq history come to close". *The Toronto Star*.

caribou and bison contributed to mass famines in Indigenous communities.<sup>82</sup>

5.14 It has proven a controversial question whether the drastic population decline can be considered an example of genocide, and scholars have argued whether the process as a whole or specific periods and local processes qualify under the legal definition. Raphael Lemkin, the originator of the term "genocide", considered the colonial replacement of Native Americans by English and later British colonists to be one of the historical examples of genocide.<sup>83</sup>

## INDIGENOUS PEOPLES OF BIAFRA-NIGERIA

6. The Igbo people are an ethnic group in Nigeria, primarily found in Abia, Anambra, Ebonyi, Enugu, and Imo States. A sizable Igbo population is also found in Delta and Rivers States.<sup>84</sup> Ethnic Igbo populations are also prominent in Cameroon,<sup>85</sup> Gabon, and Equatorial Guinea, as migrants<sup>86</sup> as well as outside Africa.

6.1 There has been much speculation about the origins of the Igbo people<sup>87</sup> which are largely unknown.<sup>88</sup> Geographically, the Igbo homeland is divided into two unequal sections by the Niger River—an eastern (which is the larger of the two) and a western section<sup>89</sup> are one of the largest ethnic groups in Africa<sup>90</sup> by geographics, population and its language<sup>91</sup> is part of the Niger-Congo language family.

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<sup>82</sup> "Kivallirmiut (Caribou Inuit): The Canadian Encyclopedia". [www.thecanadianencyclopedia.ca](http://www.thecanadianencyclopedia.ca). Archived from the original on 4 December 2020. Retrieved 26 February 2021.

<sup>83</sup> McDonnell, M. A.; Moses, A. D. (2005). "Raphael Lemkin as historian of genocide in the Americas". *Journal of Genocide Research*. 7 (4): 501–529. doi:10.1080/14623520500349951. S2CID 72663247.

<sup>84</sup> "About the Igbo people". *Culture Trip*. 22 May 2018. Retrieved February 15, 2022

<sup>85</sup> Forrest, Tom (1994). *The Advance of African Capital: The Growth of Nigerian Private Enterprise* (illustrated ed.). Edinburgh University Press. p. 272. ISBN 978-0-7486-0492-0.

<sup>86</sup> Mwakikagile, Godfrey (2006). *African Countries: An Introduction with Maps*. Pan-African Books: Continental Press. p. 86. ISBN 978-0-620-34815-7; "The Native Igbo Of Equatorial Guinea". [www.igbodefender.com](http://www.igbodefender.com). 19 August 2018. Archived from the original on 2020-06-18. Retrieved 2020-05-18

<sup>87</sup> "The Igbo People - Origins & History". [www.faculty.ucr.edu](http://www.faculty.ucr.edu). Retrieved 2019-04-22

<sup>88</sup> Slattery, Katharine. "The Igbo People – Origins & History". [www.faculty.ucr.edu](http://www.faculty.ucr.edu). School of English, Queen's University of Belfast. Retrieved April 20, 2016

<sup>89</sup> Chigere, Nkem Hyginus (2000). *Foreign Missionary Background and Indigenous Evangelization in Igboland: Igboland and The Igbo People of Nigeria*. Transaction Publishers, USA. p. 17. ISBN 978-3-8258-4964-1. Retrieved January 17, 2016.

<sup>90</sup> Williams, Lizzie (2008). *Nigeria: The Bradt Travel Guide*. Bradt Travel Guides. p. 32. ISBN 978-1-84162-239-2.

<sup>91</sup> Fardon, Richard; Furniss, Graham (1994). *African languages, development and the state*. Routledge. p. 66. ISBN 978-0-415-09476-4. Retrieved 2009-04-12

- 6.2 Before the period of British colonial rule in the 20th century, the Igbo were politically fragmented by the centralized chiefdoms of Nri, Aro Confederacy, Agbor and Onitsha.<sup>92</sup> Frederick Lugard introduced the Eze system of "warrant chiefs".<sup>93</sup>
- 6.3 Unaffected by the Fulani War and the resulting spread of Islam in Nigeria in the 19th century, they became overwhelmingly Christian under colonization. In the wake of decolonisation, the Igbo developed a strong sense of ethnic identity.<sup>94</sup>
- 6.4 During the Nigerian Civil War of 1967–1970, the Igbo territories seceded as the short-lived Republic of Biafra.<sup>95</sup> The Movement for the Actualization of the Sovereign State of Biafra and the Indigenous People of Biafra, two sectarian organizations formed after 1999, continue a non-violent struggle for an independent Igbo state.<sup>96</sup>
- 6.4 The heinous genocide ethnic cleansing and massacre of Igbos in Nigeria between 1966 and 1970 estimated that approximately one to three million people died. The war in Nigeria, with its associated mass atrocities, is arguably one of the first major moments in postcolonial Africa when accusations of genocide were made. Following military coups in Nigeria in 1966, the military and ethnic extremists systematically targeted and killed Igbos across the then Northern and Western regions of Nigeria.
- 6.5 Massacres of Igbos and other Easterners across the country led to thousands of deaths and the displacement of millions. The massacres led the Eastern Region of Nigeria to declare its secession from Nigeria. The region was renamed the republic of Biafra. Nigeria invaded Biafra in July 1967, leading to a protracted war. The federal government used

<sup>92</sup> Miers, Suzanne; Roberts, Richard L. (1988). *The End of slavery in Africa*. University of Wisconsin Press. p. 437. ISBN 978-0-299-11554-8.

<sup>93</sup> Falola, Toyin (2003). Adebayo Oyeade (ed.). *The foundations of Nigeria: essays in honor of Toyin Falola*. Africa World Press. p. 476. ISBN 978-1-59221-120-3. Retrieved 2010-06-27.

<sup>94</sup> Falola, Toyin (2003). Adebayo Oyeade (ed.). *The foundations of Nigeria: essays in honor of Toyin Falola*. Africa World Press. p. 476. ISBN 978-1-59221-120-3. Retrieved 2010-06-27.

<sup>95</sup> "Igbo". *Britannica Online Encyclopedia*. Retrieved 2009-02-01

<sup>96</sup> Forsythe, Frederick (2006). *Shadows: Airlift and Airwar in Biafra and Nigeria 1967–1970*. p. 1. ISBN 978-1-902109-63-3.

starvation tactics resulted in the death of three million civilian deaths in Biafra. Biafra officially surrendered to Nigeria in January 1970.

#### **KIDNAPPING AND ABDUCTION OF BIAFRA LEADER**

**6.6** Following a public announcement in declaring the independence of the Igbo peoples in 2014, in response, the Department of State services (DSS) reportedly acquired a secret order from the Magistrates Courts in Abuja, to arrest the Biafra Leader Mazi Nnamdi Kanu to be held in custody on charges of alleged terrorism and financing terrorism. Counsel appearing on behalf of Mazi Nnamdi Kanu on the 23rd of November 2015, Vincent Obeta claimed that the Prosecutor on behalf of the Courts, provided him a document that contained a Court order to allow the DSS to hold the Leader in custody for 3 months pending an investigation. Ahia, Abia State

**6.7** In a statement made by Vanguard reported that on the 20th of October 2015, Justice Binta Nyako released Mazi. Kanu on bail on compassionate grounds related to health concerns, despite media platforms supporting IPOB's goals to become independent, alleged that the DSS announced the Bail to restore peace and order of agitated people of Biafra.

**6.8** Mazi Nnamdi Kanu was born on 25 September 1967 in Isiama Afara Ukwu, Umuahia, Abia State; a claimed territory State of the Republic of Biafra following the declaration on independence. His Father Eze Israel Okwu Kanu (JP) his mother, Nnenne Kanu were suveran traditional monarchs. Kanu attended Library Avenue Primary school and later attended to a Gokka and Government College Umuahia where he later studied Geography at the University of Nigeria, Nsukka and moved to the United Kingdom before he graduated to London.

**6.9** An interest in Politics and economics, Kanu attended Guildhall University in London became the foundation in view of western ideology, activism for the independence of Biafra while working as a Director and anchor for Radio Biafra under Ralph Uwazuruike, the Leader of the movement for the actualisation of the Suveran State of

Biafra (MASSOB) who claimed during a meeting in Kaduna, Nigeria, that he had handed the reigns to the Leadership to Kanu on 12 June 2014.

**6.10** Prior to the founding of Radio Biafra in 2009, it was widely contested that the creation of an independent Igbo State was broadcast to Nigeria from London, Kanu was relatively an unknown person, but the latter changed after he declared in independence in 2014.

**6.11** In September 2017, the Nigerian Military invaded Kanu's residence which resulted in the deaths of 28 IPOB members and Kanu had vanished from the public eye in fear of his life and the lives of his family. Speculation of conjecture in regard to his whereabouts and location, IPOB members accused the Buhari administration of kidnapping him.

**6.12** Three years following his arrest, Kanu was arrested by Interpol at the advice of the Buhari administration who clearly feared the independence of the IPOB Peoples was extradited from Kenya and handed over to the custody of DSS.

**6.13** Following numerous appeals before the Courts, Justice Benson Anya, of the Abia State High Court's decision on 19 January 2022 found that Kanu's detention in 2017 was illegal and in violation of fundamental human rights under International Law. In addition, Anya ruled that in review of the prevailing circumstances of inhumane treatment and torture since Kanu has been held in detention illegally, his health has deteriorated and an order of the Courts that compensation of N1 Billion should be payable by the Federal Government for the violation of Kanu's fundamental human rights.

**6.14** Despite this decision and the release of Kanu as ordered by the Courts, remains in custody and additional charges being added suggesting that Kanu's final conviction was still likely as political arbitrary abuse of power is clearly evident in response to an example of a separatist leader who simply announced their independence against the Buhari administration, who is responsible for the genocide and mass murder of 98,083 killed in 12 years; approximately 27,311 persons killed while



6.13 serving in his first term is responsible for the murder of 35, 800 civilians between 2019 and May 2023.

6.14 In May 2023, the Abuja Division of the Court of Appeal, yesterday, discharged leader of the proscribed Indigenous People of Biafra (IPOB), Mazi Nnamdi Kanu, of the alleged 15-count terrorism charges brought against him by the federal government. The Appellate Court, in a unanimous decision, faulted the process through which Kanu was brought before the Federal High Court to answer to a 15-count terrorism charges.

6.15 The Attorney General of the Federation and Minister of Justice, Mr Abubakar Malami, SAN, reacting to the judgement of the Court of Appeal, alleged that the detained IPOB leader was only discharged and not acquitted by the Court?

6.16 The appeal court ruled that the arrest, abduction and subsequent arraignment of Kanu before a Federal High Court violated international convention on terrorism and, thus, robbed any court of law in Nigeria necessary jurisdiction to entertain the suit.

6.17 Justice Adedotun Adefope-Okijie, who read the judgement of the three-man panel, noted that there was nowhere the federal government showed it complied with the procedures for the extradition of the IPOB leader from Kenya.

6.18 The appellate court listed the conditions, according to the Organisation of Africa Unity (OAU) which a state must meet to include a formal application for extradition to the host country, permission from the Court and a statement of the alleged offences in connection with the extradition request amongst others.

6.19 The court explained that the requirements were aimed at ensuring that people were only extradited after full conviction of alleged committal of an offence and not for any other purpose. The appellate court, in its judgement, further held that the trial court ought to have evaluated the circumstances under which Kanu was brought into the country to continue his trial.

6.20 The three-man panel said the issue of jurisdiction raised by the appellant was one that was critical to the case, which the court ought to have resolved first. While stating that the issue of jurisdiction was properly raised before the trial court, Adefope-Okijie observed that the trial Court had simply turned a blind eye and further stated, that “the lower Court must pronounce properly on all issues presented before it ought to have made findings on the issue raised regarding the extradition.”

6.21 She held that Nigeria must learn to play by the rules and that the courts owed the country and people a duty to always ensure that the executive abided by the law particularly, when the country was a signatory to such laws. While noting that the Court might not have the powers to dictate to the Executive Adefope-Okijie said it could prevent the Executive from arbitrary abuse of power adding that Courts should not be shy to always call the Executive to order.

6.15 Acquittal is a verdict by the judge that the accused is not guilty of the offence he is charged with, while discharge means releasing a person from custody or allegation the IPOB Leader of the Biafra people remains in detention unlawfully by DSS.

6.16 To that end, the Agents before the Court, agree that in review of the heinous crimes committed against the Biara Leader who is currently held as a Political Prisoner of Conscience against the rulings of the Court in DSS custody, requires urgent medical attention as a result of being poisoned by officials, an order to release Mazi Nnamdi Kanu immediately and without prejudice and; compensation paid by the government of 1N Million to the victims and their families for the genocide and mass killings of the IPOB in addition, the irreversible prejudicial harm and injury sustained in violation of fundamental human rights of Kanu since his arrest of 1N Billion.

## **7. BACKGROUND OF PANDEMIC**

That between late 2019 and early 2020, a new highly contagious and potentially lethal respiratory virus was detected and allegedly found in

Wuhan, China. In response to what led to a potential global pandemic, Health Officials initially called it “novel coronavirus” and as a result, on 11 February 2020 the World Health Organisation (WHO) announced from that day forward the virus would be called COVID-19.

7.1 Dr Bloomfield, the Director-General of the Minister of Health alleged in an affidavit, declared that New Zealand’s response to COVID-19 had reached a critical juncture on the weekend of 21–22 March 2020 and confirmed that there were an estimated 292,142 cases of COVID-19 and reported that 12,783 people had died from the virus around the World.

7.2 The unprecedented public health, social and economic challenge faced by New Zealand officials during the first months of COVID-19 was reported by the Director-General that:

**The timeline of what happened was almost like a wave coming in: we could see it emerging in the distance during January and started watching carefully. In February the wave grew bigger and came closer: we started putting in place border protections and preparing the health system to deal with outbreaks.**

**By March we were realising that this threat was unprecedented, and if the virus got established in New Zealand it would be catastrophic – there would be many cases and deaths, the health system would be overwhelmed and the impact on society and the economy would be appalling.**

**We made the call that we did not have the option of “coping” with the virus as envisaged in the “manage it” phase of our pandemic plan: our only option was a prolonged effort to keep it out and stamp it out. Furthermore it was clear that decisions needed to be made quickly and pre-emptively, hence the “go hard, go early” approach.**

**Then came a tipping point around the weekend of 21 – 22 March: modelling coming in from experts, both in New Zealand and around the**

**world, was showing that once community transmission took hold, we would lose our window to stamp out the virus, that there would only be one shot at this.**

**At the same time, Bloomfield further alleged that ‘we were getting our first confirmed community transmission cases’ and realised that “go early” had changed to “go right now”, and there was no time left. What we thought could be done in two weeks or two days had to happen now: it was quite literally now or never.**

**Hard decisions were required, and we made them, as it was now clear that this was the best – in fact the only – way to protect the health and well-being of New Zealanders, prevent our health system being overwhelmed, and avoid prolonged damage to our economy.**

#### **AGGRAVATING FACTORS-NEW NUREMBERG TRIALS PROCEEDINGS**

7.3 In a report published on the 10th of February 2022<sup>97</sup> concerning the New Nuremberg Trials, stated that a team of more than 1000 Lawyers and Medical Experts led by Dr Reiner Fullimich commenced legal proceedings in the ICC against CDC, WHO, the Davos Group for crimes against humanity and incriminating evidence of fraud and faulty PCR Tests to the Courts.

7.4 The Complaint made by Fullimich and his team stated that Doctors were ordered to report and link any comorbidity deaths with COVID-19 that is “the simultaneous presence of two or more diseases or medical conditions in a patient” contributed by age and comorbidity may be risk factors for poor outcome" was wilfully and knowingly fraudulent.

7.5 Medical experts also found that the alleged PCR test was never designed to detect pathogens and is 100% faulty at 35 cycles. All the PCR tests issued by the CDC are rated at 37 to 45 cycles. The CDC

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<sup>97</sup> New Nuremberg Trials – Crimes Against Humanity-February 10, 2022 by Steve Beckow <https://goldenageofgaia.com/2022/02/10/new-nuremberg-trials-to-be-heard-at-international-criminal-court/>- / Home / News / Accountability / Big Pharma / New Nuremberg Trials – Crimes Against Humanity-CDC, World Health Organisation and Davos Group.

admits that any test over 28 cycles is not admissible for any positive reliable result. This alone invalidates that over 90% of the alleged covid infections tracked using this faulty test was flawed, misleading and fraudulent.

7.6 In addition to the flawed tests and fraudulent death certificates, the “experimental”<sup>98</sup> vaccine itself the Complainants alleged that the so-called global pandemic was a clear violation of Article 32 in breach of the Geneva Convention.<sup>99</sup>

7.7 In particular, on the basis of extensive global research, evidence and proof that the global “experimental” vaccine is in violation of all 10 of the Nuremberg Codes if found by the Courts beyond a reasonable doubt that carries the death penalty for those who seek to violate these International Laws and that the “vaccine” failed to meet the following five requirements to be considered a vaccine and is by definition a medical “experiment”.

7.8 Henry Alfred Kissinger, an American Diplomat, political theorist, geopolitical consultant and politician who served as the United States Secretary of State and National Security Advisor under the administration of Richard Nixon and Gerald Ford speech to the WHO Council on Eugenics, February 25, 2009, quoted:

**“Once the herd accepts mandatory vaccinations, its game over. They will accept anything- forcible blood or organ donations for the ‘greater of good’. Genetically modify children and sterilise them for quote the ‘greater good’. Control sheep minds and you control the herd. Vaccine makers stands to make billions and many of you in this room are investors and he further quotes ‘it’s a win-win situation”.**

7.9 Based on that statement alone, proves that private corporations such as Pharmaco, WHO and other State Members, confirms that the

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<sup>98</sup> Geneva Convention IV (1949) – a grave breach in violation of Article 147 where it concerns conducting biological experiments on protected persons is unlawful and illegal.

<sup>99</sup> Ibid Geneva Convention IV, Article 32 “mutilation and medical or scientific experiments not necessitated by the medical treatment of a protected person” are prohibited and in clear violation and breach of the Convention.

so called global pandemic was premeditated well before mandatory world-wide lockdowns was announced, intentionally or deliberately, the Applicants submit that it was further attempt to commit genocide under the guise of a Public Notice to administer and deploy bioweapons in the forms of vaccines, depopulate kill, harm and cause irreversible injury to control the masses.

#### **PROVIDES IMMUNITY TO THE VIRUS**

7.10 That the “leaky” gene-therapy does not provide immunity to Covid and claims to reduce symptoms yet double-vaccinated are now 60% of the patient’s requiring ER or ICU with covid infections.

- That the gene-therapy does not protect recipients from contracting the virus or immunity and double-vaccinated can still catch and spread the virus.
- Proved that this gene-therapy does not reduce or prevent deaths from the infection and that Double vaccinated infected with COVID have also died.
- Proven that this gene-therapy does not reduce deaths from the infection and still permits the transmission and zero immunity to the virus as purported.

#### **NEW ZEALANDS RESPONSE TO GLOBAL PANDEMIC**

8. The Applicant[s] state that in the context of New Zealand’s response to COVID-19, epidemiological evidence stated that global pandemic emerged between 5 January and 25 March 2020, which was the day on which the First Health Act Order, WHO issued a disease outbreak notification, which alerted the international community to a cluster of pneumonia cases of unknown origin that was being investigated in Wuhan. The following week WHO confirmed that a novel coronavirus was the cause of the respiratory illness detected in Wuhan.

8.1 That by 21 January, it was reported that four people in Wuhan had died from the virus and that it could be transmitted from person to person. It was not until 30 January, however, that the WHO declared a Public Health Emergency of International Concern. By then, 170 people had

died from the virus and the number of cases in the world had grown exponentially to 7,818. By the end of January, the virus had been detected in 18 countries outside of China.

- 8.2** That between the 14th and 28th of February 2020, the Complainants alleged that there were 49,053 confirmed cases of COVID-19 globally of which 1,383 had resulted in false reports of deaths. In addition, the Complainants further alleged misleading cases of COVID-19 had been reported in 24 countries outside of China and on the 28th of February 2020, the WHO raised the threat posed by COVID-19 to “very high at a global level”.
- 8.3** The Applicants further alleged that same day, 83,652 cases of COVID-19 had been reported around the world, of which 2,858 had resulted in deaths. In contrary, Health officials were carefully monitoring the spread of COVID-19 in Italy, confirmed 650 cases and 17 deaths had been reported by 28 February. The 28th of February was purportedly a salutary day for New Zealand because on that day, the Minister of Health publicly announced the country’s first case of COVID-19.
- 8.4** Epidemiological Advice provided to the Ministry of Health in late February 2020 predicted that if there was a substantial and uncontrolled spread of COVID-19 in New Zealand, alleged that at least 65 per cent of the population would contract the virus and up to 336,000 people would require hospitalisation. The Ministry also estimated that the death rate under this scenario would be between 12,600 and 33,600 people, with the elderly, Māori and Pasifika populations comprising a disproportionate share of hospitalisations and deaths.
- 8.5** The Applicant[s] further state that approximately around early March 2020, the alleged global warning signs were becoming extremely alarming. In Italy for example, from 1 March to 3 March 2020, the total number of COVID-19 cases went from 1,128 to 2,036, and the total number of deaths went from 29 to 52 and on the 4th of March 2020, New Zealand confirmed its second COVID-19 case.

## **DECLARATION OF GLOBAL PANDEMIC**

- 8.6** That on the 11th of March 2020, WHO declared COVID-19 to be a global pandemic. The number of COVID-19 cases in New Zealand allegedly began to slowly increase and by the 18th of March there were 20 confirmed cases in New Zealand. By that day it was further alleged that 191,127 cases of COVID-19 had been reported in the world of which 7,807 had resulted in deaths from the virus.
- 8.7** That by mid-March 2020, the Ministry of Health received a Report from WHO which contained a modelling data from the United Kingdom and the United States. The Report set-out two options for managing COVID-19, namely, mitigation and suppression. The WHO report explained that the proposed mitigation strategies were unlikely to prevent hundreds of thousands of deaths in the United Kingdom and the United States complemented a report that the Ministry received from Professors Wilson and Baker from the University of Otago whose modelling allegedly predicted significant rates of death in New Zealand from COVID-19.
- 8.8** That by the 20th of March 2020, it was reported that the number of COVID-19 cases in New Zealand had increased to 39 and by the following day, the number of COVID-19 cases had increased to 53. It was also on this day that New Zealand reported two cases of likely community transmission.
- 8.9** That from 22 March to 23 March 2020, New Zealand allegedly witnessed a further 50 per cent increase in COVID-19 cases from 66 to 102. On the same day, Professors Wilson and Baker provided another report to the Ministry in which they explained that if New Zealand failed to eliminate COVID-19 the country would suffer a major public health catastrophe based on the conclusion of their findings.
- 8.10** That following day, the University of Otago team who had been advising Ministry officials reviewed their earlier reports of the adverse consequences of New Zealand not eradicating COVID-19 and concluded that a new “worst case” scenario suggested up to 36,000 New



Zealanders would require ICU admission and that 27,600 could possibly die.

8.11 That as a further subsequence of those Report, on the 25th of March, there were 205 confirmed and probable cases of COVID-19 in New Zealand and globally, the number of cases of the virus in the world had increased to 413,467 of which 18,433 had allegedly resulted in deaths. New Zealand Government's response on the 23rd of January 2020 led to the Ministry in delegating its authority and established an "Incident Management Team".

#### **INTERAGENCY PANDEMIC GROUP**

8.12 That on the following day, the New Zealand Government's Interagency Pandemic Group was convened. As its name suggests by delegated authority, that group comprised of representatives from a range of government departments and agencies and was formed in pursuant to the "New Zealand Influenza Pandemic Plan" that had been drafted in 2010 and revised in 2017. That plan involved a four-stage response to pandemics namely, "plan for it", "keep it out", "stamp it out", and "manage it".

8.13 That at the same time, the Ministry established a group of "Technical Advisers" including "epidemiologists and virologists" whose role was to provide expert advice and guidance to Ministers and other officials. On 28 January 2020, the Ministry recommended that the Governor-General by Order in Council designated the novel coronavirus as a notifiable disease under sch 1 of the Act.

8.14 That by late January 2020, the Ministry was purportedly taking a number of measures to alert frontline health workers, border officials, airlines and laboratories to the risks posed by the virus and the measures that would need to be taken to mitigate those risks and on the 28th of January 2020, the Ministry activated its National Health Coordination Centre to take over from the "Incident Management Team".

8.15 That on the 1st of February 2020, Cabinet established a group of Ministers to take measures to respond to the virus. The name of that group of Ministers as it suggests, changed throughout the period was referred to it as the “COVID Ministers Group.

8.16 The following day, the Director-General provided advice to those Ministers on the 2nd of February 2020 resulted in temporary measures being put in place to allegedly manage New Zealand’s border to prevent the virus from entering New Zealand but did not take into consideration the economic, financial costs imposed on its citizens who were stuck overseas and unable to return home as a result of border restrictions.

#### **BORDER RESTRICTIONS EXTENDED**

8.17 That on the 14th of February 2020 when it became apparent that COVID-19 was spreading globally, the COVID Ministers Group extended the border restrictions that had been put in place on the 2nd of February 2020. During this time, the Director-General and his officials were allegedly becoming increasingly concerned about the risks of COVID-19 entering New Zealand from travellers arriving in this country.

8.18 That in a move to allegedly prevent infections and fatality rates associated with COVID-19, Government officials and the Ministry was communicating with DHBs concerning the establishment of local assessment centres and with the Pharmaceutical Management Agency (PHARMAC) to ensure medical supplies were secure.

8.19 On 28 February 2020, in response to the WHO raising the COVID-19 threat level, New Zealand intensified its public health campaign to remind people of what they needed to do to keep themselves and their families safe.

#### **ALL OF GOVERNMENT RESPONSE (AOGR)**

9. That in early March 2020, a retired senior public servant and a former Deputy State Services Commissioner, Mr John Ombler was appointed to lead the “All of Government Response” (AOGR) to COVID-19. His appointment recognised that the Government’s management of

COVID-19 would impact upon all aspects of New Zealand society and would allegedly require significant assistance from the wider public service.

9.1 That in leading the Governments purported “AOGR group” comprised of Mr Ombler, Dr Bloomfield, Mr Mike Bush (the then Commissioner of Police), Ms Sarah Stuart-Black (the Director of Civil Defence and Emergency Management) and Dr Peter Crabtree, a senior official from the Ministry of Business, Innovation and Employment (MBIE).

9.2 The AOGR group worked closely with Ministry officials to provide the COVID Ministers Group with a strategy on 10 March 2020 that addressed the epidemiological evidence about the transmissibility of COVID-19 and the decisions that would soon need to be made to manage the virus in New Zealand. The AOGR group recommended that New Zealand “go early, go hard, stay the course” in order to reduce the peak numbers of any outbreak and spread the burden on the health system and economy.

9.3 Mr Ombler has explained in an affidavit the extraordinary steps that officials needed to take in order to provide advice to Ministers and to give effect to decisions:

“Policy advice was being formulated and decisions were being made almost at the same time as they were being operationalised and communicated to the public. We as officials were providing advice directly to the Ministers Group and would generally be in attendance at all the Cabinet meetings. These meetings were usually held at 10.30 in the morning through to about midday, following which there were a few hours in which to set in train the decisions taken that morning and work on the issues that needed to be taken to Ministers the next day. The agenda for the next day’s Cabinet committee meeting would close at 4 pm with papers going out to Ministers at that point, though frequently there were a number of oral items and updates as well”.

## **ACT TO QUARANTINE TRAVELLERS**

- 9.4** On 11 March 2020, the same day the WHO declared COVID-19 to be a global pandemic, New Zealand added COVID-19 in pursuant to pt 3 of sch 1 of the Act as a “quarantinable infectious disease”. This in turn released the powers under the Act to quarantine travellers arriving into New Zealand.
- 9.5** On 12 March 2020 the AOGR group warned Ministers the country was rapidly approaching “a tipping point, where [Ministers’] decisions [concerning] the border will either put New Zealand on a trajectory that: manages the public health risk effectively ... or isolates New Zealand from the world and results in a shock to our economy which has deep and long-lasting adverse impacts”.
- 9.6** A further paper was prepared for Cabinet on 14 March 2020, in which Ministers were warned that “[o]ther countries have seen a few initial cases rapidly escalate into very high peaks of cases in a matter of days” and that New Zealand officials were seeing “an unprecedented increase in the number of cases throughout the world with significant spikes in developed and comparable countries”.
- 9.7** Cabinet agreed on 14 March 2020 to extend the temporary border measures so that most New Zealanders and foreign nationals arriving in New Zealand over the coming weeks would be expected to self-isolate for 14 days. It was also announced that mass gatherings would be restricted and that rules would be announced on March 2020 concerning cancellations and regulation of public gatherings.
- 9.8** On 16 March 2020, the Minister of Health authorised the Director-General and Medical Officers of Health to use the special powers contained in s 70(1) of the Act. Later that day, the Ministry issued a notice saying that it would use s 70(1)(f) to require persons entering New Zealand to face mandatory quarantine if it considered self-isolation measures to be inadequate.
- 9.9** Also on 16 March 2020, Cabinet agreed to prohibit outdoor and indoor gatherings of more than 500 people. Two days later, that prohibition was extended to indoor gatherings of more than 100 people. The

Government also resolved to detain and deport temporary visa holders if they failed to comply with instructions from a Medical Officer of Health.

**9.10** By this time “[i]t was becoming very clear [to the Director-General] that managing the virus through ‘flattening the curve’ was not the best option: if community transmission became established, our health system would be overwhelmed. Even a flattened curve would involve numbers that were unmanageable. It was now clear that the only appropriate option was suppression if we could achieve it”.

**9.11** On 19 March 2020, following urgent advice to Cabinet, New Zealand’s border was closed to everyone except New Zealand citizens, permanent residents, their partners and dependent children.

**9.12** During this phase of New Zealand’s response to COVID-19, the AOGR group developed a system of four alert levels. The restraints and degrees of response intensified with each escalating level:

- (a)** Alert Level 1 — Prepare. This recognises a situation where the disease is contained in New Zealand the risk assessment.
- (b)** that COVID-19 is uncontrolled overseas and that isolated household transmission could be occurring in New Zealand. By “flattening the curve” the Director-General meant reducing the incidence of COVID-19 as distinct from eliminating it.
- (c)** Alert Level 2 — Reduce. This recognises a situation where the disease is contained but the risk of community transmission remains: the risk assessment is that household transmission and single or isolated cluster outbreaks could be occurring.
- (d)** Alert Level 3 — Restrict. This recognises a situation where there is a high risk that the disease is not contained: the risk assessment is that community transmission might be happening, and that new clusters may emerge but can be controlled through testing and contact tracing.
- (e)** Alert Level 4 — Lockdown. This recognises a situation where it is likely that the disease is not contained: the risk assessment is that

community transmission is occurring and that there may be widespread outbreaks and new clusters.

9.13 On 20 March 2020, Ministry officials prepared a paper for the Prime Minister explaining the proposed alert level system and recommended New Zealand move to Alert Level 2 as soon as practicable and remain there for up to 14 days.

9.14 The COVID Ministers Group agreed to the Alert Level framework on 20 March 2020 and that New Zealand would move to Alert Level 2 as soon as possible. Following that on 21 March 2020, the Prime Minister announced the Alert Level system and that New Zealand was at Alert Level 2. At that time, it was also confirmed that a nationwide Health order would remain in Alert Level 2 for a further two weeks.

9.15 During the ensuing two days, it became clearer to the Director-General and the leaders of the AOGR group that it was likely there were cases of community transmission of COVID-19 in New Zealand and that it was becoming increasingly imperative that the Government rethink how quickly New Zealand should move to Alert Levels 3 and 4. The Director-General has said that based upon the experience of New South Wales, “[i]f community transmission became established [in New Zealand] the number of cases would double every five days”.

9.16 The Director-General thought it was no longer appropriate for New Zealand to remain at Alert Level 2 and that “New Zealand was at a critical moment” because it risked experiencing an exponential growth in cases. A paper was prepared over the weekend of 21–22 March 2020, which contained a recommendation to Cabinet for New Zealand to move to Alert Level 4. The paper explained:

#### **ESSENTIAL SERVICES**

10. In the case of a move to Levels 3 or 4, there is a need to maintain certain services. In deciding which services need to continue, we have been guided by the following principles:

- Public health is paramount, so we need to minimise risks to public health.
- We must continue our response to COVID-19.
- We must ensure the necessities of life for everyone in New Zealand.
- We must also maintain public health, safety and security.

**10.1** The task of identifying “essential businesses” started on 22 March 2020 when Mr Paul Stocks, a senior official in MBIE, met with other officials from a range of government departments, including the Ministry, to devise a system for determining what would constitute essential businesses. That group of officials prepared a draft list of the services they considered would be essential during Alert Levels 3 and 4.

**10.2** The draft list identified 12 sectors that covered both public services and private enterprises and the entities within those sectors that had been identified by officials as providing essential services. In addition to those 12 sectors, the draft list also included the “lifeline utilities” listed in sch 1 of the Civil Defence Emergency Management Act 2002, and the “essential services” in sch 1 of the Employment Relations Act 2000.

**10.3** The Director-General has said in his affidavit that, to the best of his recollection, he reviewed the draft list. Mr Stocks used firmer language in his affidavit. He said the “draft list was agreed by the [AOGR] group, the Director-General of Health and [Mr Ombler]”. The draft list was then included in the appendix to the paper that went to Cabinet.

**10.4** At the same time as the Cabinet paper was prepared, the Chief Executive of the Department of the Prime Minister and Cabinet informed heads of government departments and other government agencies that Mr Ombler would be “responsible for administering and enforcing” the list of essential businesses but that government departments and agencies would need to assist in addressing questions about what entities were deemed essential services and in liaising with the sectors listed in the “Appendix” to the Cabinet paper.

**10.5** Cabinet accepted the recommendations in the paper at its meeting on 23 March 2020 and as a subsequence the Director-General

recommended the Prime Minister issue an epidemic notice under the Epidemic Preparedness Act 2006. The paper recommending this course of action explained why the Epidemic Preparedness Act was relevant: “The Epidemic Preparedness Act 2006 has powers to facilitate the management of epidemics or quarantinable diseases. These include giving an Epidemic Notice and Epidemic Management Notices”

**10.6** Giving an Epidemic Notice provides a platform to activate additional changes, or modify existing legislation, as the situation around COVID-19 continues. Following the Cabinet meeting on 23 March, the Prime Minister announced that New Zealand had now moved to Alert Level 3 with effect from 1.00 pm that day and that the country would move to Alert Level 4 at 11.59 pm on 25 March 2020. In a press conference the Prime Minister explained that the rapid escalation to Alert Level 4 was necessary to give New Zealand the best opportunity to break the chain of community transmission.

**10.7** At approximately 3.00 pm on 23 March, the New Zealand Government COVID-19 website was updated. The website explained that New Zealand was at Alert Level 3. The website set out the following under the heading of “[e]ssential businesses”:

**10.8** Essential businesses, and those that support them, will continue to provide the necessities of life for everyone in New Zealand. This means food, medicine, healthcare, energy, fuel, waste-removal, internet and financial support will continue to be available.

“Under the heading of “[w]hat are essential businesses”, the website explained that the list may evolve over time but at the time the list was posted it comprised 15 sectors. The website identified entities within those sectors that were deemed “essential services” and that more specific information for each sector would soon be published.

**10.9** Later that day, the Minister of Finance announced a number of measures to support those people whose livelihoods would be disrupted by the measures that were being taken to prevent the spread



of COVID-19 in New Zealand. On 24 March 2020, the Prime Minister issued an Epidemic Notice in accordance with the advice received by Cabinet at its meeting on 23 March 2020.

#### **STATE OF NATIONAL EMERGENCY DECLARED**

11. A state of emergency was declared on 25 March 2020. That state of emergency was extended on six occasions through to 13 May 2020. The declaration of a state of emergency was in addition to the Prime Minister having issued an Epidemic Notice and the Minister of Health having authorised the use of the special powers in s 70(1) of the Act.

11.1 On 25 March 2020, Parliament passed the COVID-19 Response (Urgent Management Measures) Legislation Act 2020. That legislation (among other things):

- (a) made changes to the Local Government Act 2002 to enable members of local government bodies to attend meetings by audio or visual links;
- (b) amended the Residential Tenancies Act 1986 by placing a freeze on rent increases and tenancy evictions; and
- (c) amended the Education Act 1989 to enable the Secretary of Education to direct educational facilities to open or close and to direct the ways in which education could be delivered and education entities controlled and managed.

11.2 New Zealand's first death from COVID-19 was reported on 29 March 2020. Two days later, the community saw the highest daily increase in COVID-19 cases. Thereafter however, the number of new cases of COVID-19 started to increase in accordance with the modelling projections that had been relied upon by officials when recommending New Zealand move into Alert Level 4.

#### **LEGISLATIVE FRAMEWORK**

11.3 In explaining the provisions of s 70(1) of the Act, it is helpful to first explain the Public Health Provisions that preceded the key provisions of the Act. The history of Public Health Legislation shows that generally, officials have responded to pandemics by relying on general provisions such as those contained in s 70(1) of the Act. Bespoke legislation has only been invoked

on the rare occasions that general powers, such as those in s 70(1), have proven to be inadequate.

11.4 The first efforts in New Zealand to manage the spread of infectious diseases can be traced to the Harbour Regulations Ordinance 1842.<sup>100</sup>

More wider measures were incorporated into the Public Health Acts of 1872 and 1876, which authorised a Central Board of Health to issue regulations to guard against the spread of disease.<sup>101</sup>

11.5 In 1900, the Bubonic Plague Prevention Act 1900 was passed. It conferred upon the Governor a wide range of powers “to promptly and effectively deal with bubonic plague.”<sup>102</sup> That Act was repealed by the Public Health Act 1900.

11.6 The Department of Public Health was created by the Public Health Act 1900. The same Act established the roles of the Chief Health Officer and District Health Officers and authorised the making of regulations for “preventing or checking the spread of infectious disease”,<sup>103</sup> including regulations “[f]or the isolating or disinfecting of persons, houses, buildings, places, and things”.<sup>104</sup>

11.7 District Health Officers were, if authorised by the Governor to do so, able to exercise special powers, including the ability to “forbid persons to leave the ... place in which they [were] isolated or quarantined until they [had] been medically examined and found to be free from dangerous infectious disease”.<sup>105</sup>

#### **POWERS OF ATTORNEY GENERALS CONSENT TO PROSECUTION**

12. For the purposes of ensuring a just, expeditious and economical disposal of proceedings a Judge may at any time, either on the application of any party or without such application on such terms as the Judge thinks fit, direct or issue the following:<sup>106</sup>

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<sup>100</sup> Harbour Regulations Ordinance 1842 5 Vict 15, cls 3–6. This is also referred to as the Harbours Act 1842.

<sup>101</sup> Public Health Act 1872, s 21; and Public Health Act 1876, s 20.

<sup>102</sup> Bubonic Plague Prevention Act 1900, s 4(8).

<sup>103</sup> Public Health Act 1900, s 14.

<sup>104</sup> Section 14(5)

<sup>105</sup> Section 19(8).

<sup>106</sup> International Crimes and Internal Criminal Court Act 2000, s13 (1) (9-10-11), ss2 (9-10-11), ss22 (1-2);

- (1) Proceedings for an offence against section 9-10-11 of the International Crime and International Criminal Law 2000 may not be instituted in any New Zealand Court without the consent of the Attorney-General.
- (2) Despite subsection (1) of the International Crime and International Criminal Law 2000, a person charged with an offence against section 9-10-11 may be arrested, or a warrant for his or her arrest may be issued and executed, and the person may be remanded in custody or on bail, even though the consent of the Attorney-General to the institution of a prosecution for the offence has not been obtained, but no further proceedings can be taken until that consent has been obtained.

### **JURISDICTION TO TRY OFFENSES AGAINST ADMINISTRATION OF JUSTICE**

13. In determining the jurisdiction in respect of offences in breach and in violation of the administration of justice, proceedings<sup>107</sup> may be brought for an offence against any of sections 15 to 21 if—

- (a) The act or omission constituting the offence charged is alleged to have occurred in New Zealand on board a ship or aircraft that is registered in New Zealand; or
- (b) The person charged is a New Zealand citizen.

### **CO-OPERATION RELATING TO OFFENSES AGAINST ADMINISTRATION OF JUSTICE**

14. Co-operation relating to offences against administration of Justice

- (1) If the ICC makes a request for assistance in an investigation or proceeding involving an offence against the administration of justice, that request must be dealt with—
  - (a) In the case of a request for surrender, in the manner provided in Parts 3 and 4, and those Parts apply accordingly and with the necessary modifications, subject to any contrary provision in the Statute or the Rules; and
  - (b) In the case of a request for enforcement of an order requiring reparation or the payment of a fine or a forfeiture order, in the manner provided in Parts 3 and 6, and those Parts apply accordingly

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<sup>107</sup> Ibid; s14 (15-16-17-18-19-20-21)

and with the necessary modifications, subject to any contrary provision in the Statute or the Rules; and;

(c) In the case of a request for transit, in the manner provided in sections 136 to 138 and 150 to 156, and those sections apply accordingly and with the necessary modifications, subject to any contrary provision in the Statute or the Rules; and

(d) In the case of a request for any other type of assistance, in the manner provided in Parts 3 and 5, and those Parts and, if applicable, Part 8, apply accordingly and with the necessary modifications, subject to any contrary provision in the Statute or the Rules.

(2) In addition to the grounds of refusal or postponement specified in Parts 4 and 5, a request for surrender or other assistance that relates to an offence involving the administration of justice may be refused if, in the opinion of the Minister of Justice or Attorney-General, as the case may be, there are exceptional circumstances that would make it unjust or oppressive to surrender the person or give the assistance requested.

14.1. In this section party, in relation to any proceedings relevant including any intended party to those proceedings:

(1) An urgent request<sup>108</sup> for assistance may be made or transmitted to the ICCJ in the manner specified in section 26(1).

(2) A request may be made under this Part for any assistance<sup>109</sup> that the ICCJ may lawfully give including, without limitation—

(3) the transmission of statements, documents, or other types of evidence obtained in the course of an investigation or a trial conducted by the ICC; and

(4) the questioning of any person detained by order of the ICC.

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<sup>108</sup> International Crime and International Criminal Law Act 2000, s174 (26)(1) related to ICC Criminal Procedures in making a request.

<sup>109</sup> Ibid s175 (a) (b)- related to Urgent Requests related to investigations and or sittings of ICC in New Zealand.

A Prosecutor may conduct investigations<sup>110</sup> in New Zealand territory—

- (a) in accordance with the provisions of Part 9 of the Statute and as specified in section 27; or
- (b) as authorised by the Pre-Trial Chamber under Article 57(3)(d) of the Statute.

## **MUTUAL ASSISTANCE IN CRIMINAL MATTERS**

**15.** Part 2 of the Mutual Assistance in Criminal Matters Act 1992<sup>111</sup> applies, with any necessary modifications, in relation to the request for assistance of the kind specified in that Act, and any assistance provided as a result, as if the ICC were a foreign country within the meaning of that Act, subject to any contrary provision in the Statute or the Rules.

**15.1** If the Attorney-General receives a request for assistance from the ICC to which Part 5<sup>112</sup> relates, the Attorney-General may give a certificate<sup>113</sup> certifying all or any of the following:

- (a) that a request for assistance has been made by the ICC;
- (b) that the request meets the requirements of this Act;
- (c) that the acceptance of the request has been duly made in accordance with this Act.

(2) In any proceeding under this Act, a certificate purporting to have been given under subsection (1) is, in the absence of proof to the contrary, sufficient evidence of the matters certified by the certificate.

**15.2** The Governor-General may, by Order in Council, make regulations<sup>114</sup> for all or any of the following purposes:

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related to Investigations and or sittings of ICC in New Zealand.

<sup>111</sup> Ibid s176-Related to mutual assistance in Criminal Matters Act 1992 applies to requests.

<sup>112</sup> Ibid, s178 related to Miscellaneous Provisions-Certificates given by the Attorney General.

<sup>113</sup> Ibid-s178 (1) PART 5, (A)(B)(C) (2).

<sup>114</sup> Ibid s179 (a) (b) (c) (d) (e) (f), s2 PART related to Regulations under this section are secondary legislation (see Part 3 of the Legislation Act 2019 for publication requirements).

- (a) prescribing the procedure to be followed in dealing with requests made by the ICC, and providing for notification of the results of action taken in accordance with any such request:
- (b) prescribing the procedures for obtaining evidence or producing documents or other articles in accordance with a request made by the ICC:
- (c) providing for the payment of fees, travelling allowances, and expenses to any person in New Zealand who gives or provides evidence or assistance pursuant to a request made by the ICC:
- (d) prescribing conditions for the protection of any property sent to the ICC pursuant to a request made under this Act, and making provision for the return of property in New Zealand in accordance with a request:
- (e) prescribing the forms of applications, notices, certificates, warrants, and other documents for the purposes of this Act, and requiring the use of such forms:
- (f) providing for any other matters contemplated by this Act, necessary for its administration, or necessary for giving it full effect.

15.3 Without limiting section 179, the Governor-General may, by Order in Council, make regulations to implement any obligation that is placed on State Parties by the Rules of Evidence and Procedure<sup>115</sup> if that obligation is not inconsistent with the provisions of this Act.

#### **ISSUANCE OF WARRANTS TO ARREST**

16. The issuance of a warrant of arrest is premised on the fulfilment of any or all of the requirements under article 58(1)(b) of the Statute, in particular if the arrest of the person[s] appears necessary: (i) to ensure the person[s] appearance at trial; (ii) to ensure that the person does not obstruct or endanger the investigation or the court

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<sup>115</sup> Ibid; s180 (1) (2) Related to Regulations to implement rules of Evidence and Procedure- Regulations under this section are secondary legislation (see Part 3 of the Legislation Act 2019 for publication requirements).

proceedings; (iii) or to prevent the person from continuing with the commission of that crime or a related crime which is within the jurisdiction of the Court and which arises out of the same circumstances.

**INVESTIGATION OF WORLD LEADERS-OFFICIALS AND DIRECTOR-GENERAL OF WORLD HEALTH ORGANISATION OF CRIMES AGAINST HUMANITY**

17. In light of the current pandemic, the Canadian Institute for International Law Expertise (CIFILE) submitted a complaint before the International Criminal Court (ICC) for the alleged crimes committed by some world leaders and officials as well as the Director-General of the World Health Organization for withholding and suppressing crucial information about COVID-19 (coronavirus) which have caused hundreds of thousands of deaths and health issues as well as severe economic crises as a result.
18. On May 27, 2020, a complaint was filed to request from the office of the Prosecutor of the International Criminal Court (ICC) to open an investigation and prosecution to determine whether one or more specific persons as mentioned in the complaint should be charged with the commission of alleged crimes.
19. Dr. Abbas Poorhashemi, the president of the Canadian Institute for International Law Expertise (CIFILE), stated that some victims affected by the COVID-19 coronavirus pandemic from around the world believe that the investigation and prosecution of the Prosecutor of the ICC would have an essential and vital role as a response to the alleged crimes that the victims have suffered.
20. The Complaint further stated that the gravity of the alleged crimes and the interests of victims are substantial reasons to believe that an investigation and prosecution of the Prosecutor of the ICC regarding the alleged crimes committed under the COVID-19 would serve the interests of justice.

21. In addition, the investigation and judgment of the ICC regarding the alleged crimes could be evolving de novo rules, which make a significant contribution to the development and evolution of international criminal law.

#### **JURISDICTION OF INTERNATIONAL CRIMINAL COURTS TO INVESTIGATE**

22. The alleged crimes fall within the jurisdiction of the ICC under Article 7(k) of the Statute. According to Article 7 (k), "Crimes against humanity" means any of the following acts when committed as part of a widespread or systematic attack directed against any civilian population, with knowledge of the attack... other inhumane acts of a similar character intentionally causing great suffering, or serious injury to body or mental or physical health. Based on these facts, scientific and experts reports and the available information, there is a reasonable basis to believe that crimes against humanity have been committed.

23. In respect of Articles 12 and 13 of the Statute of the ICC, the Court may exercise its jurisdiction over international crimes if its jurisdiction has been accepted by the State on the territory in which the crimes were committed. In this case, Canada signed the Rome Statute on December 18, 1998, and deposited its instrument of ratification of the Rome Statute on July 7, 2000. Furthermore, in many countries around the world, including the countries members of the International Criminal Court, the alleged crimes could be committed.

24. The complaint further states that some victims affected by the coronavirus COVID-19 from around the world including countries which are members states of the ICC believe that their rights under the Rome Statute 1998, specifically Articles 7.1(K), 25, 27, 26 and 30, Charter of the United Nations (1945), Constitution of the World Health Organization (1946-2006), International Health Regulations (2005), Convention on Biological Diversity (Rio 1992), Universal



Declaration of Human Rights (1948), International Covenant on Economic, Social and Cultural Rights (1966), International Covenant on Civil and Political Rights (1966), Convention on the Rights of the Child (1989), Convention on the Rights of Persons with Disabilities (2006) have been violated.

**FAILURE OF GOVERNMENT-HEALTH PROFESSIONALS TO INVESTIGATE HARMFUL EFFECTS AND DEATHS OF FORCED VACCINES**

25. The Plaintiffs submit that in review of extensive evidence since the introduction of COVID-19 Vaccines has posed a significant threat and harm to the lives of all living men, woman, child and unborn.
26. The Plaintiffs further submit that since 2019, it was also allegedly reported a total of 1, 979, 614 cases of Coronavirus that resulted in 3,337, 00 deaths (notwithstanding those who died had other underlying Health issues) and approximately 1, 942, 897 cases of recovery<sup>116</sup>.
27. In comparison to alleged the New Zealand Government, Public Health Officials and Scientists failed a fundamental ethical duty and responsibility to fully investigate the vulnerability level of trusted, reliable sources and information prior to testing medical experiments and provide true accurate accounts to report the high numbers of fatalities of death, irreversible long-terms effects of harm and injuries sustained as a result of the introduction of illegal Covid vaccines and deliberately withheld the information by creating deception and false data to reduce the high risk levels, considering and or re-examining the vulnerability level of trusted, reliable information sourced.

**IN REVIEW OF AGRAVATING FACTORS**

28. **AGREE:** that similar Cases presided by the International Criminal Courts of Justice to determine what constitutes the necessities of life for the

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<sup>116</sup> Ibid

purposes of assessing the alleged, purported SARS Virus and delegated authority of the Minister of Health related to Orders set-out in accordance with provisions of the Health Act 1956 is a breach and violation of circumstances warrants questions covering jurisdiction, admissibility of application in pursuant to Subsection 2: Preliminary Objections Articles 79 ss1-2.

29. **AGREE:** that COVID 19 Vaccines are experimental gene therapies that were designed with Bat Coronavirus “Gain-of function-research” (that refers to “viruses taken from animals before they are genetically altered in a lab) are synonymous to illegal and human medical experiments in contrary to the principles set-out in accordance with the Nuremberg Code (1947).

30. **AGREE:** that Part 1 Establishment of the Court-Article 1—Jurisdiction of the Court shall:

- have the power to exercise its jurisdiction over persons for the most serious crimes of international concern, as referred to in this

Statute, and shall be complementary to national criminal jurisdictions and;

- exercise its functions and powers, as provided in this Statute, on the territory of any State Party and, by special agreement, on the

territory of any other State.

31. **AGREE:**

**NOTE:**

that Rome Statute-Part 2 Jurisdiction, Admissibility and Applicable Law in relation to Article 5—Crimes within the jurisdiction of the Court historical precedence of crimes since time of immemorial in addition to the fraudulent global pandemic was deployed to extinguish the First Nations people.

32. **AGREE:**

**NOTE:**

that data released from the Government and Public Health officials was misleading and deliberately intended to cause serious grievously bodily injury and premature deaths (still born babies), mental and physical harm by creating fear and exaggerating Covid Cases reports by

collaborating with WHO and other Public Health officials as a commodity for commercial economic purposes at the expense of unlawful, inhumane medical experiments to depopulate the First Nations peoples.

**33. AGREE**

**NOTE:**

that the covering of face masks has proven to be more harmful and is known to cause “Hypoxia a severe asthma attack, or flare in adults and kids and “Hypercapnia” normally caused by hypoventilation of the body which leads to CO2 retention by either reducing the amount of air that reaches the lungs or blocking proper gas exchange between the lungs and the bloodstream.

**34 .AGREE:**

**NOTE:**

that the PCR COVID-19 tests are completely unreliable and have proven to contain “carcinogenic ethylene oxide” and that the Government failed to provide accurate, reliable data concerning and or determining safe thresholds of ethylene oxide residue on NHS Covid Lateral Flow (LFT) test swabs currently distributed by Public Health officials including manufacturers who proclaim that its products are safe for human use is misleading.

**35. AGREE:**

**NOTE:**

that World-wide Governments failed to inform its citizens about the alleged viral outbreak quickly and provide timely, accurate and sufficiently detailed and available public health information to every living persons primarily based on the principles such as prevention, precaution, cooperation and good faith, prior to being forced into mandatory lockdowns without adequate consent, permission and or agreement.

**36. AGREE:**

**NOTE:**

that if the exercise and exclusive suveran rights of the First Nations peoples are found to be prejudicially in breach of conventions, articles, declarations and or Treaties in pursuant to ss 17 of the attached Memorandum what mechanisms has the Courts provided if any, in

terms of remedies to prevent and compensate for injustices enforced by world-wide governments fraudulent global pandemic from re-occurring or arising in future.

**37. AGREE:**

**NOTE:**

that if such removal or failure to acknowledge that the exercise and exclusive rights and recognition of the First Nations people are found to be inconsistent in pursuant to ss 17 of the Memorandum, what recommendations should the Courts determine to ensure that such rights are protected in accordance with a compliant approach?

**38. AGREE:**

**NOTE**

that if the exercise and exclusive rights and rangatiratanga (self-governance) are guaranteed and protected beyond the Tiriti O Waitangi, including, rights in pursuant to ss 17 of the Memorandum are these rights adequately recognised and provided for today, if not why not?

**39. AGREE:**

**NOTE:**

that in the current circumstances or situation of on-going or continuing consequences of past and current breaches and violations of basic fundamental (already identified or found in established Waitangi Tribunal findings, case precedence etc) in relation to subsequent breaches were the basis of such assertions consistent with Treaty principles including legislative enactments and its amendments, mechanisms, policies, procedures and rights found in accordance with International instruments and or declarations?

**40. AGREE:**

**NOTE:**

That in determining whether or not world-wide Governments has failed its fundamental duties to actively protect the rights and interests of its Citizens, particularly, the First Nations peoples caused continuing prejudicial, irreversible harm sustained since time of immemorial, constitutes matters in violation of heinous crimes of genocide, crimes against humanity, crimes of aggression and war crimes is well-founded.

**41. AGREE:**

**NOTE:**

that without ascertaining or providing appropriate recognition and or acknowledgement of the caused on-going prejudices a further breach of or other breaches yet to be established, what recommendations and or orders should the Courts determine to protect the rights of the First Nations people from further prejudice re-occurring either by a) taking steps to fully recognise that such rights are recognised, acknowledged and consistent and or b) further ensuring that the customary rights and rangatiratanga of the First Nations people are reconciled fairly, reasonably and in good faith with other legitimate interests?

### **REMEDIES**

42. In granting interim relief on the questions posed and outlined in this Directive, what recommendations does the Courts suggest in determining whether a question of rights preserved in pursuant to ss17 of the Memorandum is valid, lawful and legally binding on State parties.
43. An order served on the Department State Services and Government to release Mazi Nnamdi Kanu immediately and without prejudice and; compensation paid by the government of 1N Million to the victims and their families for the genocide and mass killings of the IPOB in addition, the irreversible prejudicial harm and injury sustained in violation of fundamental human rights of Kanu since his arrest of 1N Billion.
44. With no alternate remedy, the First Nations persons will continue to face irreversible and irremediable prejudice as a subsequence's of the alleged statement of facts and as part of application for Interim relief; witnesses on behalf of the Applicant[s] are willing and ready to proceed without further delay, to hear submissions of evidence of a prime-facie case at a place, date and time as agreed to by both parties.
45. This will serve as your lawful notice to Cease and Desist all actions described above, effective immediately.

SWORN AT Embassy House of IO – District of Kaikohe,  
Opononi 0473, RD3 Kaikohe, Northland,  
[New Zealand] Aotearoha

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THIS DAY 28th OF MAY 2023

BEFORE ME Chief Justice Michelle Singh

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{REGISTER/DEPUTY REGISTER OF THE KINGDOM HOUSE OF IO}

SEAL *Michelle Singh*



SWORN AT Embassy House of IO – District of Kaikohe,  
Opononi 0473, RD3 Kaikohe, Northland,  
[New Zealand] Aotearoha

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THIS DAY 28 OF MAY 2023

BEFORE ME Chief Justice Ariki-nui-Kawenata :Marsich-  
Crown:

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{REGISTER/DEPUTY REGISTER OF THE KINGDOM HOUSE OF IO}

SEAL *Ariki-nui-Kawenata :Marsich-Crown:*

