

Joint Report on the Situation of Human Rights Defenders in the Americas

**Questionnaire prepared by the Office of the UN High Commissioner for Human Rights
and the Inter-American Commission on Human Rights**

May 2019

The Office of the UN High Commissioner for Human Rights (OHCHR) and the Inter-American Commission on Human Rights (IACHR) invite you to share information on the situation of human rights defenders in the Americas. The information gathered through this questionnaire will contribute to the joint OHCHR-IACHR report on the subject, which will be launched late in 2019.

This report will be publicly available on the [website of OHCHR](#) and on the website of the IACHR.

Your responses will be made public and attributed to you in the report, unless you indicate otherwise. Where possible please limit the response to each question to 500 words.

National Human Rights Institutions, civil society and human rights defenders are invited to send their responses in Word format by e-mail to adesouza@ohchr.org with an address where they can receive a reply to their submissions if necessary. For this purpose, a downloadable version of the questionnaire in English, French and Spanish is available on the OHCHR website.

The deadline for submitting the completed questionnaire is **10 June 2019**.

Please provide your contact details in case we need to contact you regarding this questionnaire. (Note that this is optional).

Indigenous Peoples and Nations Coalition (IPNC) is non-ECOSOC but accredited to the United Nations World Conference Against Racism and the Durban Review Conference

International Human Rights Association of American Minorities (IHRAAM) ECOSOC NGO

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Alaska – North America . Ronald F. Barnes is appointed as Ambassador for the región of Alaska and has represented Alaska. IPNC is a free political institution under Article 73 of the United Nations Charter. IPNC is supported by Alaska Inter-Tribal Council resolution 2005-10 adopted by the majority of Tribal Governments from Alaska.

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- Can we attribute these responses to you or your organization publicly?

- Yes you can.

Questions:

- **Situation of human rights defenders:**

What do you consider to be the contextual factors - positive and/or negative - that have had the greatest impact on the situation of human rights defenders in your country and/or region since 2016?

The background is that Alfred de Zayas as the Independent Expert on the promotion of a democratic and equitable international order called for Alaska to be sent to the United Nations Decolonization Committee for review and re-enlistment. This was backed by the Islamic Republic of Pakistan in 2015 during the 2nd cycle Universal Periodic Review of the United States of America.

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Near the end of the mandate of Professor de Zayas the Independent Expert signed a Memo declaring apartheid in Alaska due to the discriminating law and political in place on 30 April 2018 (attachment I). The paragraph declaring apartheid is the following:

The United States Supreme Court instituted doctrines of superiority and racial discrimination in law and policy by the *Tee-Hit-Ton v United States of America* (348 U.S. 272, 1955) making it clear in footnote 18 that "This purpose in acquisition and its effect on land held by the natives [of the Philippines] was distinguished from the settlement of the white race in the United States where the dominant purpose of the whites in America was to occupy the land." Further, the Tee-Hit-Ton judgment relies on the precedent of the *Johnson v McIntosh*, (21 U.S. (8 Wheat.) 543, 1823) case which held that the character and religion of the native inhabitants of America justified "considering them as a people over whom the superior genius of Europe might claim an ascendancy." The denial of the right of self-determination on grounds of racial discrimination and the application of doctrines of superiority constitutes a crime against humanity tantamount to a form of Apartheid.

What are the main causes and/or risk situations that contribute to a situation of violence and vulnerability against human rights defenders?

The United States of America Government, its puppet institutions, include the corporations adopted into apartheid law and legislation entitled the Alaska Native Claims Settlement Act (ANCSA) of 1971, similar to the national legislation of the apartheid regimes of the Union of

South Africa, the former Rhodesia and South West Africa. This became apparent when reviewing the Petitions at the Fourth Committee on Decolonization in the 1950s. The Bureau of Indian Affairs (formerly named the Department of War) placed the so-called « native affairs » institutions or puppet tribal governments under the 1934 Indian Reorganization Act (IRA), to ensure the grant of « white privilege » under the state of Alaska. These institutions are still in existence and are the cornerstone for status quo apartheid and political manipulation in Alaska. The Indigenous Peoples and Nations Coalition (IPNC) is recognized by Tribal Governments of Alaska as the free political institution in Alaska Inter-Tribal Council (AITC) resolution 2005-10 **(Attachment II)**. The Indigenous Peoples of Alaska are recognized as a state of peoples upon being enlisted to the list of Non-Self-Governing Territories under General Assembly resolution 66 (I) in 1946 under Article 73 of the Charter of the United Nations. The 1982 Alaska Statehood Commission Report concluded that the status of the Indigenous Peoples of Alaska was international in scope since that original status is equal to that of the Philippines. Alaska was removed from the list of Non-Self-Governing Territories by granting whites only and the United States military the right to create the occupying constitution of the state of Alaska. Upon further research and realizing the removal of Alaska was an irregular process, the grassroots of Indigenous Peoples started the movement since the puppet institutions allowed the report to lay dormant on the shelf.

What are the main advances and strengths concerning the protection and promotion of the work of human rights defenders in your country or in the region? What are the main setbacks and obstacles/challenges?

There is fear of the lack of or denial of justice in the apartheid courts, both by the state of Alaska and by the Federal courts of the United States of America. When we did non-violent civil resistance in June of 1992 by opening up hunting, trapping and fishing by our sovereign laws, we were informed that the White House under President George Bush Sr. ordered them not to arrest us. This effectively denied justice. We raised the violation of Article 73 of the United Nations Charter and invoked our international legal and political status and put the state of Alaska and the Federal United States Government on notice that we will charge the United States of America with crimes against humanity and the genocide convention if they harm us in any way.

As a human rights defender in Europe many States are afraid to assist or to address the grave violations that are tantamount to crimes against humanity and genocide in Alaska. This fear and refusal to assist in legal assistance or to implement already existing calls to implement the calls to send Alaska to be re-enlisted is due to lack of political will, fear of retaliation or simple knowledge that other States have self-determination problems.

What should be changed in your country or region to contribute to a safe and conducive environment for the defence of human rights?

The United States of America must implement the recommendation to have Alaska be sent to the United Nations Special Committee on decolonization with a direct order by the United Nations OHCHR, the Human Rights Council and the General Assembly allowing for not only the admissibility of our Petition to be reviewed but also to be re-enlisted to the list of Non-Self-Governing Territories since the “white race” as stated in the Tee-Hit-Ton case and the McIntosh Case stated that we had to adhere to the doctrines of superiority to effectively deny us our right to self-determination as the “peoples concerned” under Article 1,2, 10, 55,56, 73 and 74 of the Charter of the United Nations. The United Nations did not monitor the 1958 referendum. The “white race” effectively created the constitution of the state of Alaska without our consent. As stated under international law and the Declaration on Friendly Relations, Alaska did not exercise or consent to the change in status therefore our status as separate and distinct from the United States of America remains.

- **Defenders most at risk:**

What are the groups or sectors of human rights defenders most at risk? Please explain the distinct nature of the risks and threats faced by women human rights defenders, indigenous peoples, Afro-descendants and other groups.

The Indigenous Peoples of Alaska as a whole are the “peoples concerned” under serious risk on many fronts. Alfred de Zayas declared that the Indigenous Peoples of Alaska and still subjects of international law. IPNC asserts our status under Article 73, the Declaration of Non-Self-Governing Territories, of whom the United States of America failed to decolonize. Alaska was placed on the list of Non-Self-Governing Territories under General Assembly resolution 66 (I) in 1946, the USA removed us without the peoples of Alaska exercising their right to self-determination or knowing anything about the status at the United Nations and international law. To this day

Concerning groups or sectors of human rights defenders in a situation of greater risk, do you see any change since 2016?

What are the main protection concerns and challenges faced by human rights defenders when carrying out activities in both the public and private spheres, including through digital means?

The communications in Alaska and interfered with, including phone calls and emails are either tampered with or disappeared from our servers.

- **Attacks or restrictions:**

What are the most recent statistics on attacks and restrictions against human rights defenders in the country or region? Please indicate the source of the information and indicate the period covered.

What are the main types of attacks and restrictions against human rights defenders in the country or region? Do you see any change since 2016? If possible, identify if there is a geographic area that needs to be highlighted in particular.

Within the last two years the pressure put on Ambassador Ronald F. Barnes in Geneva, Switzerland are related to the increased attention and realization that Alaska is a real case in accordance with the violations of Article 73 of the Charter of the United Nations and international law. The most obvious attacks are related to the Memo that Alfred de Zayas

Could you identify one or more patterns in the type of aggressors/perpetrators? Are these state or non-state actors?

I was discretely warned by A UN Palais des Nations official, « Ron, once you lose State support, you are out of the Palais »; perhaps I was not supposed to know this inside knowledge.

The United States works diligently to remove me from the Palais des Nations and to essentially paralyze any effort to obtain recognition of the international legal and political status of Alaska. During the last half year of 2018 I was also warned by three different State representatives that the United States was engaged in heavy counter-intelligence activity against me and made me swear not to reveal their identity and which States they came from. I was warned during the Human Rights Council 39th session by State diplomats that I was under heavy surveillance. The United States warns others about working with Ronald Barnes.

One NGO had a meeting with a United States of America (USA) diplomat and another State inside the Palais des Nations where the USA made a specific request to stop accrediting me and/or working on Panel Events and on other issues with them. During a previous meeting the United States warned another NGO that if they had me on their panel during the Human Rights Council they would lose financial support from the United States. This NGO refuses to give me more specific information for fear of retaliation despite my requests for more information.

On two occasions previously the United States Mission in London called in the NGO and explained why they blocked him from entering the USA: he is working with Ronald Barnes who is against the interests of the United States. Another bi-lateral meeting convened by the Mission of the United States in Brussels requesting the same NGO to stop working with me. I began to notice more counter-intelligence activity after the release of the Diva International Diplomatic Article in August/September of 2018 (**Attachment III**).

Since I read about COINTELPRO or Counter Intelligence Programs used against peoples in the USA I realized this was being applied here in Geneva¹. Accordingly, Indigenous movements are subject to “intense surveillance, organizational infiltration...police harassment with “provocateurs” and “agitators” installed by the FBI and the CIA. The USA uses other State spies

¹ United States of America COINTELPRO Intelligence:

<https://www.britannica.com/topic/COINTELPRO> Program, counterintelligence program conducted by the Federal Bureau of Investigation (FBI) from 1956 to 1971 to discredit and neutralize organizations considered subversive to U.S. political stability. It was covert and often used extralegal means to criminalize various forms of political struggle and derail several social movements, such as those for civil rights and Puerto Rican independence.

that I am aware of to continuously undermine my human rights work since it is against their interests.

What are the consequences and impact of the attacks and restrictions at the individual and collective level (both in the scope of the organizational space and in broader social spaces)?

The most recent attempt was to falsely accuse Ronald F. Barnes of « attacking a woman » that was calculated and totally false. I was informed that this person was blanketing a rumour that I was « attacking her » and threatening her ». This person is not authorized to be in the CAGI NGO computer after 5 pm during its regular working hours. When I arrived and saw her at around 7 pm, I immediately left the building and called the police. I was afraid she was going to stage something so I stayed clear of her. On her exit before she went out the door she claimed I attacked since had spread the rumour to others using CAGI computers that I was attacking her which was totally false. When she realized I was actually on the phone with the Geneva police, she hastily exited the building. This accusation followed from previous claims that I was sleeping in the CAGI NGO room at the Palais des Nations, which was also totally false (I do not know if it was the same individual). The NGO Liaison Office refused to identify the perpetrators that claimed I slept in the NGO room and now the Officer claims they are unaware of such claims.

I have received death threats with systematic phone harassment, stakeouts, a number of drives by with a vehicle that would slow down and rev the engine so I would know they were watching me. The word KILL was placed with a knife in capital letters on my porch at 8301 Rangeview address in Anchorage, Alaska. My landlord (Régie) signed a witness statement (**Attachment IV**). I was also threatened by a United States diplomat in 2003 who said I would be arrested on any port of entrance into the United States so I did not return to Alaska. I also received death threats here in Geneva. I was advised by my attorney not to include my Witness Report but to mention these incidents.

I was defending myself against ghost accusations that I was never confronted with, only to hear from other NGO representatives that other NGOs are spreading false information about me. I was not allowed to know who falsely stated that I was sleeping the NGO room at the Palais des Nations. The Indian Council of South America (CISA) was informed by the NGO Liaison Office without notifying me. CISA then requested the NGO Liaison Office to remove my badge without my ability to defend myself. I am now with the NGO International Human Rights Association of American Minorities (IHRAAM). Neither CISA nor the NGO Liaison Office at the Palais des Nations treated me fairly.

Members of the Orthodox Church said they were approached by the Central Intelligence Agency (CIA) or secret service of the United States of America to discredit and slander me. The persons informed them that I am loved and sing in the Choir; if anything happens to me they know the USA is responsible.

What types of attacks do you consider to particularly affect women human rights defenders (in urban and rural areas, members of indigenous and Afro-descendant communities, and other groups)?

- **Guarantees for the free exercise of the defense of human rights:**

The freedom of expression does not exist concerning the root cause of our problem of colonialism and foreign domination and occupation in Alaska and Hawaii. They are run by corporate entities that will not report on the international legal and political status of Alaska. We are defenseless when it comes to dissemination of information.

Do you consider there is any aspect of the normative, institutional and public policy framework that promotes or hinders the free exercise of the defense of human rights?

The denial or lack of initiative by the OHCHR to address grave violations of human rights in Alaska and Hawaii or other Indigenous cases that reportedly are vested with the international right to self-determination. The puppet institutions and individuals set up the colonizing or occupation forces are granted full impunity.

We recommend that the OHCHR receives and supports calls to address Indigenous cases that have the right to self-determination under international law, bearing in mind the maxim that you cannot use domestic law or its deficiencies to settle international obligations. The OHCHR must show courage and resolve to address our cases.

Have you identified as an existing problem in your country or in the region the misuse of criminal law to criminalize human rights defenders for their activity? If so, please indicate in which contexts it occurs, which actors are involved, and what would be the main causes or the factors that generate it.

If relevant, under what crimes are human rights defenders wrongly accused? If possible, provide concrete examples.

The United States Government uses its International Revenue Service (IRS) to put pressure on traditional or free political institutions in Alaska to subjugate them or to deter their development. The United States of America has not acquired title or jurisdiction to Alaska so they cannot claim it is the property of the United States of America. The USA and its political subdivision state of Alaska function as apartheid regimes.

The security risk is related to the activity with the Tununak Traditional Elders Council (TEEC) that was later changed to Tununak Traditional Council (TTC), who appointed me as Ambassador. TTC has called for the United States and Alaska to recognize the discrimination in law and policy in contrast to the grant of impunity and the so-called « rule of law » asserted by the USA. THE TTC can be considered one of the « free political institutions » as it refused to be under the

Indian Reorganization Act (IRA) puppet tribal government system that is part of the apartheid legislation of the United States of America. The Internal Revenue Service (IRS) is weaponized to pressure the TTC out of existence by asserting discriminating “whites” laws of occupation and with coercive measures applied by the state of Alaska and the Federal United States authorities. The IRS sent a picture of a bear with huge claws with the caption, « careful what you wish for » **(Attachment V is threat of IRS to TTC)** as a threat in violation of their taxation without representation principle in violation of the Constitution of the United States of America. I was ordered not to pay taxes as a form of resistance and to protest against the illegal occupation and violation of the Constitution of the United States of America under the “Indians not taxed” provision and international in the case of Alaska; the Act of State signed by the Elders of Tununak **(Attachment VI)**. At section III on pages 4 and 5 Ambassador Barnes is to deny title and jurisdiction to the United States of America of Alaska and its right to tax without representation with full sovereign immunity. Wikipedia contacted the IRA puppet council (not a free political institution) to gain false confirmation that I was not appointed. I was appointed by the TTEC who changed its name to the TTC. I would never have anything to do with the IRA puppet council.

- **Access to justice and reparation:**

Could you provide information on the state of investigations of crimes committed against human rights defenders?

The access to justice for Alaska must be based on the international obligations of the United States of America. Again, you cannot use domestic law or its deficiencies to settle the international legal and political status of Alaska.

What measures has the State taken to guarantee adequate reparation and guarantees of non-repetition? Please refer to concrete examples.

- **Preventive and reactive actions concerning attacks against human rights defenders:**

What measures, legislation, policies and mechanisms have had a positive or negative impact on generating safe contexts for human rights defenders? Do you know cases that could illustrate this?

If relevant, please include an assessment of national mechanisms for the protection of human rights defenders. What has been their real scope and effectiveness? Please indicate the reasons for this assessment.

Thank you for your participation in this questionnaire!

Please attach any documents that might be relevant and useful to the report (e.g., reports, flagship cases). You can send them by e-mail to adesouza@ohchr.org as well as any questions or observations to this questionnaire.

