

INDICTMENT OF THE FEDERAL GOVERNMENT OF THE UNITED STATES OF AMERICA, THE FEDERAL GOVERNMENT OF CANADA, DESIGNATED AGENCIES OF THE GOVERNMENTS OF THE UNITED STATES OF AMERICA AND CANADA, REPRESENTATIVES OF THE BRITISH CROWN AND NAMED CHURCHES RESIDENT IN THE UNITED STATES OF AMERICA AND CANADA*

FOR THE COMMISSION OF INTERNATIONAL CRIMES AND CRIMES AGAINST BLACKFOOT LAW

AND PETITION FOR ORDERS MANDATING THE PROSCRIPTION AND DISSOLUTION OF NAMED INTERNATIONAL CONSPIRACIES AND THEIR ORGANIZATIONS

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INTRODUCTION

I. EXISTENCE, STATUS AND SOVEREIGNTY OF THE BLACKFOOT NATION

Long before there were recognized nations called The United States of America and Canada, and for many years since the genesis and recognition of those nations, Blackfoot People lived as and formed a Whole People and Nation. By any and all criteria under international law that legitimate and mandate recognition of The United States of America and Canada as sovereign nations, that have the unalienable right to recognition, security and self-determination as nations, Blackfoot People have collectively constituted a "People" and Nation. Specifically, Blackfoot People, historically have possessed, and in the present-day possess:

- 1) Recognized and Commonly-shared Territory;
- 2) Recognized and Commonly-shared History, Culture, Spirituality and Language;
- 3) Recognized and Commonly-shared Legal and Political Institutions, Processes and Traditions;
- 4) Recognized and Commonly-shared Economic Institutions, Processes and Traditions;
- 5) Recognized and Commonly-shared Mechanisms and Institutions for Determination of Membership in and Leadership/Composition of the Nation;
- 6) Recognized and Commonly-shared Ancestors and Ties of Blood--Family, Clan and Tribe;
- 7) Recognized Capacity to Enter Into Relations With Other Nations;
- 8) Recognized and Expressed Common Will of Blackfoot Individuals to Live Together in Collectives Forming Whole Societies Greater Than the Sums of the Parts;
- 9) Close Attachment to Ancestral Lands and their Resources;
- 10) Self-identification and Identification by Others as Members of a Distinct Nation or Cultural Group;

11) a Recognized and Expressed Desire to Remain Distinct as Blackfoot and Not to be Assimilated;

As in the case of any Nation, the status and legitimacy of the Blackfoot Nation and the unalienable rights of the Blackfoot Nation and its members to security, peace, prosperity and self-determination do not depend upon any degree or kind of recognition or non-recognition by any other Nation or entity. The objective reality and status (under international law and as a defacto reality) of Blackfoot People as a Nation, and the derivative rights of the Blackfoot Nation to security, peace, prosperity and self-determination demand--rather than depend upon--recognition by all those Nations seeking or asserting similar recognition (often with less authority) for themselves.

Further, it is established and customary practice, and explicitly codified in international law, that no members of one nation can be summarily declared to be members or citizens of another nation without their consent. Blackfoot Peoples and members of the Blackfoot Nation were summarily declared to be "citizens" of the United States of America in 1924 without their consent and were summarily declared to be "citizens" of Canada in 1963 without their consent. Further, it is established and customary practice, and explicitly codified in International law, that no nation or representative government of any nation makes "treaties" with its own citizens; treaties are instruments and agreements between and among sovereign nations. Further, it is established and customary practice, and explicitly codified in international law, that nations have the right to seek, expose and indict those who commit crimes in the name of/against members of a nation and/or against international law, and to prosecute, on their soil, or in recognized international venues, those alleged to have committed such crimes.

Prior to the precedents set at the Nuremberg and other International Tribunals, it was thought that "established and customary" practice of international law, and the whole of international law itself, applied only between nations. It was the "customary and established practice" in international law that what governments or parties of nations did or didn't do to their "own citizens" or their "own national minorities" that caused harm to these "citizens" or "national minorities" was not a matter for or concern of international law. Documents of and research on, the periods during which the U.S. and Canadian Governments summarily declared Blackfoot Peoples to be "citizens" of the United States and Canada without their consent, reveal that one of the clear and stated motives and intent of summary declaration of citizenship was to summarily declare removed--and to remove--certain "national minorities" of the United States and Canada (including Blackfoot People) from any protection, coverage or application of international law or conventions or treaties to which the U.S. and Canada were signatories and were bound by summarily changing their status to that of "citizens" and thus making their status and treatment an "internal matter" and supposedly not subject to international law; this is in violation of Article 15 of the Universal Declaration of Human Rights.

Any extent to which any of the core elements of the Blackfoot Nation have been diminished or extinguished as a result of conquest, occupation, and ethnocidal/genocidal

policies and practices, does not, and should not, in any way call into question the existence, legitimacy, or fundamental rights to sovereignty and self-determination of the Blackfoot Nation and its members. Were it so, those who sought to eliminate Indigenous Peoples in general and Blackfoot in particular, would be rewarded for and assisted in the commission of the very genocidal crimes against Blackfoot Peoples and International Law for which they are being legitimately brought to a Tribunal of Blackfoot Justice.

Indigenous Nations in general and Peoples of the Blackfoot Nation in particular have recognized, established and codified rights to national recognition, national sovereignty, national preservation and protection of lands and resources, national self-determination and the national right to take any and all measures necessary to preserve and protect the Nation against genocide, wars of aggression, crimes against humanity, war crimes or any other kinds of crimes or threats against the existence and survival of the Nation as a whole or its members.

Legal support for and/or codification of these fundamental rights are to be found in:

- The Nuremberg Charter; The 1948 UN Convention on Genocide;
- Convention on the Rights and Duties of States adopted by the Seventh International Conference of American States Dec. 26, 1933 (to which Canada was not a signatory);
- Charter of the United Nations, Article I (2) and Article 55
- United Nations International Covenant on Civil and Political Rights (ICCPR), Articles I and 27
- The International Covenant on Economic, Social and Cultural Rights (ICESCR), Article I
- UN General Assembly Declaration of Principles of International Law Concerning Friendly Relations and Co-operation Among States in Accordance With the Charter of the United Nations
- UN General Assembly's Declaration on the Occasion of the Fiftieth Anniversary of the United Nations
- Supreme Court of Canada Decisions (e.g. "the right of colonial peoples to exercise their right to self-determination by breaking away from the 'imperial power' is 'now undisputed'.")
- UN General Assembly Resolution on Permanent Sovereignty over Natural Resources (GA Res. 1803, XVII, 17 U.N. GAOR Supp. No. 17 at 15 U.N. Doc. A/5217, 1962)
- Universal Declaration of Human Rights, Articles 15 and 17
- UN General Assembly Resolutions 1514, XV (Declaration on the Granting of Independence of Colonial Countries and Peoples of 14.12.1960) and 1541
- UN GA Res. 2625 (XXV) of 24.10.1970, Annex, "Declaration on Principles of International Law Concerning Friendly Relations and Co-operation Among States in Accordance with the Charter of the United Nations
- Basket I, Final Act, Article VIII of the Helsinki Conference on Cooperation and Security in Europe
- Article 38 no. 1 b of ICJ Statute (two elements needed to create valid customary law in international law: general customary practice and opinio juris)

- Article 38 para. 1 d) of the ICJ Statute (judicial decisions can be used as “subsidiary means for the determination of rules of law”)
- The ICJ Advisory Opinion on Namibia in 1971 (“Legal Consequences for States of the Continued Presence of South Africa in Namibia)
- ICJ Advisory Opinion on the Western Sahara (Order of 22 May 1975, ICJ Rep. 1975)
- ICJ Judgment on U.S. Military and Paramilitary Activities Against Nicaragua, ICJ Rep. 1986
- ICJ Judgment on East Timor (Portugal v Australia), ICJ Rep. 1995
- Permanent ICJ Ruling in the Case of Greco-Bulgarian Communities, P.C.I.J. [1930], Series B, No. 17,21
- International Commission of Jurists, East Pakistan Staff Study, 1972 (“a people begins to exist only [and] when it becomes conscious of its own identity and asserts its will to exist”, p. 47)
- International Labor Organization Convention 107
- The draft “Inter-American Declaration on the Rights of Indigenous Peoples” by the Organization of American States
- Declaration of President Richard Nixon, 1973(“self-determination as the key concept that would govern relations between Indian tribes [sic] and the government of the U.S.”)
- Declaration of President Ronald Reagan in 1983 (“...the government-to-government relationship between the U.S. and Indian tribes had endured...consistently recognized a unique political relationship between Indian Tribes and the U.S. which this Administration pledges to uphold”)
- Declaration of President William Clinton in 1994 (“This is our first principle: respecting your values, your religions, your identity, and your sovereignty...[We want to]...become full partners with the tribal nations.”)
- Memorandum of the U.S. Department of Justice (opinio juris) ([Clinton’s position] “builds on the firmly established federal policy of self-determination for Indian tribes.”)
- Helsinki Final Act
- “Fulfilling Our Promises: The United States and the Helsinki Final Act” by the Commission on Security and Cooperation in the U.S., 1979
- “Compact of Self-governance Between the Duckwater Shoshone Tribe and the United States of America”
- Article I, Section 10 and Article VI Section 2 of the Constitution of the United States

From the fundamental right of the Blackfoot Nation to survival and self-determination, other facts and conclusions flow inexorably. For example, Canada’s Indian Act, and the Indian Reorganization Act of the U.S., strip recognized Indigenous sovereign nations, such as the Blackfoot Nation, with its recognized right to self-determination, of the power to govern the internal affairs of the Nation and transfer that power to entities of a foreign power (DIA , Minister of Indian Affairs and their “Tribal Council” creations in Canada and the BIA, Department of the Interior and their “Tribal Council” creations of the U.S. Government) thus summarily eliminating the right of self-determination as a prelude to

and instrument of elimination of the Nation itself. The paternalistic policies of the Canadian and U.S. Governments purporting to “protect” Indigenous Peoples through a “trustee relationship”, have demonstrably created, and inexorably create, not “protecting powers”, but rather, powers, exploitative relationships and indeed genocidal policies from which Indigenous Peoples *need protection* through the exercise of the right of self-determination and through international law.

For the above-mentioned and other clear reasons, agencies such as the BIA and DIA, and their creations the “Tribal Councils”, whose policies and actions are all subject to final approval and ratification by the BIA and DIA, can never be recognized as the legitimate leadership and political authority of the Blackfoot Nation. The mechanisms through which the Blackfoot Tribal Councils are selected are non-Blackfoot in nature and in terms of the “final authority” conducting and sanctioning them. Indeed historically and in the present, corrupt Tribal Councils (not an indictment of every person serving or who has served on a Tribal Council) have been selected, used and run by the Canadian and U.S. governments as key instruments of genocide. It would be absurd and inherently illogical to suppose that only those same Tribal Councils could have the authority standing to bring charges against those who have committed crimes against the Blackfoot Nation—crimes in which they were often intimately involved as co-conspirators and key instruments of genocide.

II. PRECEDENTS, STANDING AND LEGAL AUTHORITY OF THE TRIBUNAL

It was clearly established and accepted, by the parties participating in prosecution and judgment at the Nuremberg and later International Tribunals (which included the U.S. and Canada), that their findings would constitute binding precedents adding to the corpus of evolving international law to which the parties prosecuting and sitting in judgment themselves also would be bound. Specifically, in his opening argument at Nuremberg, the U.S. Chief Prosecutor Justice Robert Jackson noted:

Never before in legal history has an effort been made to bring within the scope of a single litigation the developments of a decade, covering a whole continent, and involving a score of nations, countless individuals, and innumerable events...Unfortunately, the nature of these crimes is such that both prosecution and judgment must be by victor nations over vanquished foes [but] we must never forget that the record on which we judge these defendants today is the record on which history will judge us tomorrow. To pass these defendants a poisoned chalice is to put it to our own lips as well. We must summon such detachment and intellectual integrity to our task that this trial will commend itself to posterity as fulfilling humanity’s aspirations to do justice. (Nuremberg transcript)

The findings, arguments and judgments of the Nuremberg and later International Tribunals and Conventions clearly established, and incorporated into the corpus of evolving international law that:

- 1) universal jurisdiction exists with respect to crimes against humanity and genocide (no nation can claim immunity from international law or a “sovereign right” to conduct crimes against humanity and genocide against persons living under the control of that nation);
- 2) no nation may legally arrogate the “sovereign right” to selectively and conveniently meet or not meet the terms of legitimate treaties or international conventions it has ratified and accepted; nor may any nation summarily assert primacy of national law over international law, treaties or conventions in the event of conflicts between national laws and policies and international laws;
- 3) even when certain crimes against humanity and genocidal acts against persons and groups have been traditionally practiced and accepted by members of dominant exploiting groups, and even in the absence of certain explicit laws prohibiting such crimes, established principles against retroactivity or ex-post-facto prosecution and punishment (punishing someone for violating laws that did not exist when the crime was committed on the basis the person (s) had no warning that they were culpable for their conduct) may not preclude prosecution and punishments in present circumstances when it can be shown, that alleged perpetrators violated established and customary practices, sensibilities, laws and principles that nations commonly recognized, asserted and obeyed for themselves for their own protection;
- 4) individuals and organizations may be held to be criminal and culpable and prosecuted/punished even when acting as agents of broader governmental entities and policies, and, the argument of “only following orders” would no longer be acceptable;
- 5) *mens rea*, intentions, motives and interests may be inferred and considered “proved” on the basis of the highly probable, clearly foreseeable (by an average and reasonable prudent person) or inexorable consequences of given actions or policies even in the absence of witnesses to or recordings of specific utterances or documents explicitly detailing *mens rea*, intentions, motives and interests;
- 6) common plans to wage aggressive wars (crimes against peace), war crimes or crimes against humanity constitute criminal conspiracies and are in violation of international law and established treaties to which the U.S. and Canada were bound even before Nuremberg;
- 7) waging aggressive wars and barbaric practices against other nations or groups within a nation constitute “Crimes Against Peace” and “Crimes Against Humanity” in violation of international law and treaties existing even before Nuremberg and to which the U.S. and Canada were bound;
- 8) even in all-out war there are limits in terms of outlawed barbaric practices and outlawed targets of those practices that constitute “War Crimes” and “Crimes Against Humanity”;
- 9) any “designated authorities”, collaborators or “contrived institutions” placed in control by occupiers over the occupied victims of crimes and aid in the commission of crimes (--e.g. Vichy Government in France during World War II) by those being prosecuted, are also criminal and can never be held to be or recognized as the legitimate and representative authorities and institutions of those seeking prosecution of and punishment for any crimes or violations of international law;

- 10) citizens of a given nation are also citizens of a World Community, and since reckless, genocidal and aggressive crimes, policies and actions by parties of one nation have spillover effects on the World Community, and since no one is free and all are threatened when anyone is oppressed, all human beings of the World Community have both the unalienable right and sacred duty to sit in judgment of (and attempt to stop) genocidal and other criminal acts and policies by or against any members of that World Community;
- 11) racial stereotyping and caricatures, racial policies objectively create environments that make genocide and crimes against humanity more likely and easier to conduct and accept, and are themselves crimes, even without a specific nexus between a specific policy or polemics on the one hand and the death of specific persons on the other hand;

The governments of Canada (represented by the British government) and the United States were both participants (as prosecutors and sitting in judgment) at the Nuremberg Tribunals. In his opening address, the U.S. Prosecutor, Justice Robert Jackson noted:

The privilege of opening the first trial in history for crimes against the peace of the world imposes a grave responsibility. The wrongs, which we seek to condemn and punish, have been so calculated, so malignant, and so devastating that civilization cannot tolerate their being ignored, because it cannot survive their being repeated. That four great nations, flushed with victory and stung with injury, stay the hand of vengeance and voluntarily submit their captives to the judgment of the law is one of the most significant tributes that Power has even paid to reason.

There was more than grotesque irony and hypocrisy in this statement. The architect (Hitler) of many of the very crimes and policies committed by the nazis and their collaborators for which they were being tried at Nuremberg, had been directly “inspired” by aspects of U.S. and Canadian histories, policies and actions related to Indigenous Peoples. According to James Pool in his “Hitler and His Secret Partners”:

Hitler drew another example of mass murder from American history. Since his youth he had been obsessed with the Wild West stories of Karl May. He viewed the fighting between cowboys and Indians in racial terms. In many of his speeches he referred with admiration to the victory of the white race in settling the American continent and driving out the inferior peoples, the Indians. With great fascination he listened to stories, which some of his associates who had been in America told him about the massacres of the Indians by the U.S. Calvary.

He was very interested in the way the Indian population had rapidly declined due to epidemics and starvation when the United States government forced them to live on the reservations. He thought the American government’s forced migrations of the Indians over great distances to barren reservation land was a deliberate policy of extermination. Just how much Hitler took from the American example

of the destruction of the Indian nations his hard to say; however, frightening parallels can be drawn. For some time Hitler considered deporting the Jews to a large 'reservation' in the Lubin area where their numbers would be reduced through starvation and disease. (p. 273-274).

And:

The next morning Hitler's 'plan' was put in writing and sent out to the German occupation authorities as 'The Fuehrer's Guidelines for the Government of the Eastern Territories: ' the Slavs are to work for us. Insofar as we don't need them, they may die. Therefore compulsory vaccination and German health services are superfluous. The fertility of the Slavs is undesirable. They may use contraceptives And practice abortion, the more the better. Education is dangerous. It is sufficient... if they can count up to a hundred. At best an education is admissible which produces useful servants for us. Every educated person is a future enemy. Religion we leave to them as a means of diversion. As to food, they are not to get more than necessary. We are the masters, we come first.'

Always contemptuous of the Russians, Hitler said: 'For them the word 'liberty' means the right to wash only on feast-days. If we arrive bringing soft soap, we'll obtain no sympathy...There's only one duty: to Germanize this country by the immigration of Germans, and to look upon the natives as Redskins.' Having been a devoted reader of Karl May's books on the American West as a youth, Hitler frequently referred to the Russians as 'Redskins'. He saw a parallel between his effort to conquer and colonize land in Russia with the conquest of the American West by the white man and the subjugation of the Indians or 'Redskins'. 'I don't see why', he said, 'a German who eats a piece of bread should torment himself with the idea that the soil that produces this bread has been won by the sword. When we eat from Canada, we don't think about the despoiled Indians.'" (James Pool, Ibid, pp. 254-255)

And from a speech by Heinrich Himmler (date not given):

I consider that in dealing with members of a foreign country, especially some Slav nationality...in such a mixture of peoples there will always be some racially good types. Therefore I think that it is our duty to take their children with us, to remove them from their environment, if necessary, by robbing or stealing them... (Telford Taylor "Anatomy of the Nuremberg Trials", Alfred A Knopf, N.Y. 1992, p. 203)

And from John Toland, preeminent biographer of Adolf Hitler:

Hitler's concept of concentration camps as well as the practicality of genocide owed much, so he claimed, to his studies of English and United States history. He admired the camps for Boer prisoners in South Africa And for the Indians in the Wild West; and often praised to his inner circle the efficiency of America's

extermination—by starvation and uneven combat—of the ‘Red Savages’ who could not be tamed by captivity. (John Toland, “Adolf Hitler” Vol II, p 802, Doubleday & Co, 1976)

Scholars such as Charles Higham, Christopher Simpson, John Loftus, Mark Aarons and others have thoroughly documented that the U.S. and British Governments that prosecuted and sat in judgment at Nuremberg and at other war crimes trials of Japanese war criminals, and certain companies of the U.S. and Britain, were actively complicit in some of the crimes of the nazi and Japanese fascists through various economic and political relationships that continued throughout the war between U.S. and British Governments and companies and German and Japanese Governments and companies. These scholars have also documented that many of the wanted war criminals of Germany and Japan were sheltered, employed, placed in post-war political positions and aided in escape by the U.S. and British Governments that prosecuted and sat in judgment of other Japanese and German war criminals. Despite the myriad and naked forms of hypocrisy and duplicity on the part of the U.S. and British Governments at Nuremberg and at other war crimes trials, the precedents and judgments they set were nonetheless valid and incorporated into international law.

We have and will present, solid evidence that many of the genocidal practices and policies for which German and Japanese fascists were put on trial and punished at Nuremberg and other International Military Tribunals, were inspired by and directly paralleled, U.S. and Canadian histories, policies and practices (past and present) with respect to Indigenous Peoples in general and Blackfoot People in particular. Specifically, and not limited to:

- 1) forced relocations and transfers of Indigenous children and adults;
- 2) coerced/deceptive sterilizations of Indigenous children and adults;
- 3) coerced and deceptive uses of Indigenous children and adults for medical experimentation;
- 4) coerced and deceptive uses of “blood-quantum” criteria and categories to establish categories of “status” (versus non-recognized and “non-status”) Indians specifically designed and intended to define Indigenous Peoples (and eliminate the ‘persistent Indian problem’) out of existence;
- 5) arrogating to summarily eliminate traditional Indigenous institutions and ways of determining Indigenous leadership (Chiefs) and membership/composition of Indigenous Nations and replacing those traditional Indigenous institutions and ways with non-Indigenous organizations, entities, mechanisms and criteria designed to impose compliant and collaborationist/sell-out agents of the non-Indigenous forces intent on policies and practices defined as “genocide” under Article II of the 1948 UN Convention on Genocide;
- 6) outright thefts and takings of traditional Indigenous lands and resources and making and summarily breaking treaties constructed and imposed through unconscionable relationships, threats, fraud, deception etc;

- 7) designating and using Indigenous Reserves/Reservations as dump sites for highly toxic wastes and causing a wide range of diseases and disease trends that served as instruments of genocide;
- 8) calculated uses of various instruments of chemical and biological warfare designed to exterminate large populations of Indigenous Peoples;
- 9) practicing and/or knowing about and/or tolerating and/or covering-up and/or being willfully blind to: routine murder, sexual and physical abuse, mind control, torture, illegal confinement, starvation, unsanitary conditions, deleterious non-Indigenous diets, abductions, illegal “adoptions”, forced assimilation into non-Indigenous cultures, denial of basic due process, coerced abortions and forced religious conversions in Residential and Boarding Schools and other institutions;
- 10) establishing and/or knowing about and/or tolerating and/or covering-up and/or being willfully blind to corrupt Government-sanctioned “Tribal” authorities, institutions, policies and practices that resulted in losses/misappropriations of billions of dollars of desperately-needed and owed Nation/Tribal resources
- 11) systematic refusal to ratify and apply various precedents, Conventions and principles of international law as they relate to Indigenous Peoples.

These are but some of the issues and particulars that we propose to charge and prove in this Tribunal.

The U.S. Government and the Canadian Government (represented by the British Government) were major forces initiating and conducting the International Military Tribunals at Nuremberg and those Tribunals were a major force in the origination and content of the 1948 UN Convention on Genocide. Yet the U.S. Government did not ratify the UN Convention on Genocide until 1988, forty years after the original UN Convention on Genocide. Further, the U.S. government summarily placed a “restriction” on its ratification of the UN Convention on Genocide known as the “Lugar-Helms-Hatch Sovereignty Package” which stated in Article I (2):

Nothing in the Convention requires or authorizes legislation or other action by the United States of America prohibited by the Constitution of the United States as interpreted by the United States.

This is a clear violation of Article 27 of the 1969 Vienna Convention on the Law of Treaties (recognized by the U.S. Supreme Court as the definitive international law on treaties) as it is in violation of Article VI, Section 2 of the U.S. Constitution itself:

[treaties are] the supreme law of the land, and the judges in every State shall be bound thereby, anything in the Constitution or laws of any State to the contrary notwithstanding.

Documents of the U.S. Government reveal clearly consciousness of guilt on the part of the Government and its agencies. Debates in the U.S. Senate reveal that there was a general awareness of and fear that the U.S. Government could/would be charged with

genocide and related acts for historical and present-day policies and actions related to African-Americans and American Indians.

The Government of Canada was even more ingenuous in its duplicity and attempts to appear to ratify the 1948 UN Convention on Genocide while effectively obstructing its recognition and application. The government of Canada put the crime of genocide in the criminal code of Canada as a crime. However, of the five specific acts mentioned as constituting genocide in Article II of the UN Convention on Genocide, three were deleted from the definition of genocide in the Canadian criminal code. So from Article II of the Genocide Convention, b) "Causing serious bodily or mental harm to members of the group", and d) "Imposing measures intended to prevent births within the group", and e) "Forcibly transferring children of the group to another group" were deliberately not included in the Canadian criminal code definition of the crime of genocide. Only a) [deliberate] killing members of the group, and part of c) an intentional plan to "bring about the physical destruction the group in whole or in part" were retained. The clear intent was to make the definition of "intent" very narrow and the proving of *mens rea* or intent next to impossible--and therefore prosecution next to impossible to pursue. Indeed there has been only one case of anyone being charged with the Canadian Criminal Code's "genocide" and that resulted in an acquittal.

For these and other clearly calculated, duplicitous and obstructionist machinations on the part of the Canadian and U.S. Governments and some of their agencies, they are also in violation of the following articles of the United Nations Convention on the Prevention and Punishment of the Crime of Genocide:

Article I:

The contracting parties confirm that genocide, whether committed in time of peace or in time of war, is a crime under international law for which they undertake to prevent and to punish.

Article III

The following acts shall be punishable:

Genocide;

Conspiracy to commit genocide;

Direct and public incitement to commit genocide;

Attempt to commit genocide;

Complicity in genocide;

Article IV

Persons committing genocide or any of the other acts enumerated in Article III shall be punished, whether they are constitutionally responsible rulers, public officials or private individuals.

Article V

The Contracting parties undertake to enact, in accordance with their respective Constitutions, the necessary legislation to give effect to the provisions of the present Convention, and, in particular, to provide effective penalties for persons guilty of genocide or any of the other acts enumerated in Article III

Article VI

Persons charged with genocide or any other acts enumerated in Article III shall be tried by a competent tribunal of the State in the territory of which the act was committed, or by such international penal tribunal as may have jurisdiction with respect to those Contracting Parties which shall have accepted its jurisdiction.

Article VII

Genocide and the other acts enumerated in Article III shall not be considered as political crimes for the purpose of extradition. The Contracting Parties pledge themselves in such cases to grant extradition in accordance with their laws and treaties in force.

Article VIII

Any Contracting Party may call upon the competent organs of the United Nations to take such action under the Charter of the United Nations as they consider appropriate for the prevention and suppression of acts of genocide or any of the other acts enumerated in Article III.

Article IX

Disputes between the Contracting Parties relating to the interpretation, application or fulfillment of the present Convention, including those relating to the responsibility of a State for genocide or for any of the other acts enumerated in Article III, shall be submitted to the International Court of Justice at the request of any of the parties to the dispute.

The calculated, systematic and ongoing violations of Articles I to IX of the UN Convention on the Prevention and Punishment of the Crime of Genocide, by the Governments of the United States of America and Canada, along with Articles I to IX themselves, and all authority under international law recognizing/supporting the sovereignty and self-determination of the Blackfoot Nation and People, legitimate and give “standing” and authority to this Tribunal of the Blackfoot Nation. The Governments

of the United States of America and Canada have refused to recognize, and have sought to exterminate, the traditional elements, authorities and institutions of the Blackfoot Nation and replace them with collaborationist elements and institutions that would/could never charge those Governments of crimes against international law or with crimes against their own laws even if they were so inclined and the evidence mandated such charges. The Governments of the United States and Canada have refused to allow their own genocidal policies and actions to be submitted to the ICJ and have refused to recognize traditional

Blackfoot authorities or institutions as having “standing” or authority to bring charges at the ICJ and have been refused/obstructed in any real exercises in Blackfoot self-determination that would result in the Blackfoot Nation and its traditional authorities and institutions having standing and becoming/being recognized as a “Contracting Party” able to bring charges at the ICJ. The U.S. Government has refused to accept the authority of the ICJ on any matters other than those related to “commercial affairs”. The narrow language of the UN Convention on Genocide has been selectively interpreted by the Governments of the United States of America and Canada in such ways as to allow those who practice genocide and other crimes against international law to either physically eliminate and/or summarily non-recognize any victims, evidence or traditional institutions that might bring charges against them. This is like the nazis recognizing only their puppet/collaborationist regimes in the occupied territories as being “Contracting Parties” or “competent authorities” with the “standing” to charge them with various crimes, and, recognizing only nazi courts as the legitimate venues in which any charges could be brought.

The long history of barbaric, criminal and genocidal activities committed by the Governments of the United States and Canada and their accomplices, against Indigenous Peoples in general and Blackfoot People in particular, continues today. Every attempt to expose, stop and obtain redress for various criminal activities through the institutions of the perpetrators has been met with more denial, cover-up and repression. Further, attempts to establish a World Court or International Criminal Court free of the biases and influences of the perpetrators of crimes against Indigenous Peoples, have been obstructed by those very perpetrators. We therefore assert this constituted Tribunal and its constituted authorities and procedures to be legitimate (in traditional Blackfoot Law and in International Law) in composition, location and standing. Any final decisions of this Blackfoot Tribunal will qualify as binding “judicial decisions” within the meaning of Article 38 (1) (d) of the Statute of the International Court of Justice and will therefore constitute a “Subsidiary Means For The Determination of Rules of Law” for international law and practice.

As the “Statute of the International Court of Justice” is an “integral part” of the United Nations’ Charter under Article 92 and to which both the U.S. and Canada are signatories, this Tribunal’s decision may be relied upon by some future International Criminal Court or Tribunal or by any People or State of the World Community. Were this not so, the nazis of World War II, for example, could never have been brought to justice for crimes in “occupied territories” as the “designated representatives” and “recognized authorities”

of the occupied nations and victims, supposedly charging and judging those nazis, would have been the very collaborators and accomplices of the nazis against whom also charges were also properly made and later proved. Indeed, not one of those “governments” or “governmental agencies” recognized by the nazis as “legitimate”, sat as judges and prosecutors at Nuremberg; they all sat as defendants.

As to the standing, fairness and legitimacy of this Blackfoot Tribunal, composed of potential victims judging alleged victimizers, A. L. Goodheart in his “The Legality of the Nuremberg Trials”, “Juridicial Review”, April 1946 took on this argument succinctly:

It has been argued that the Tribunal cannot be regarded as a court in the true sense because, as its members represent the victorious Allied Nations, they must lack that impartiality which is an essential in all judicial procedure. According to this view only a court consisting of neutrals, or, at least, containing Some neutral judges, could be considered to be a proper tribunal. As no man can be a judge in his own case, so no allied tribunal can be a judge in a case in which members of the enemy government or forces are on trial. Attractive as this argument may sound in theory, it ignores the fact that it runs counter to the administration of law in every country. If it were true then no spy could be given a legal trial, because his case is always heard by judges representing the enemy country. Yet no one has ever argued that in such cases it was necessary to call on neutral judges. The prisoner has a right to demand that his judges shall be fair, but not that they shall be neutral. As Lord Writ has pointed out, the same principle is applicable to ordinary criminal law because ‘ a burglar cannot complain that he is being tried by a jury of honest citizens.

III. SPECIFIC CRIMES AND VIOLATIONS OF INTERNATIONAL LAW

The traditionally recognized and responsible authorities of the Blackfoot Nation, present at this Tribunal and acting on behalf of the Blackfoot Nation and whole People, specifically charge that the Government of the United States of America and its agencies, the Government of Canada and its agencies, the British Crown authority in Canada and named Church or religious organizations resident on Blackfoot lands and/or in which Blackfoot were placed (Catholic Church, United Church, Anglican Church, LDS or Mormon Church, Presbyterian Church) directly committed, and/or conspired to commit, and/or sanctioned and tolerated, and/or facilitated, and/or covered-up, and/or refused to prosecute and/or obstructed the prosecution of and/or were willfully blind to the following crimes specified further in the following:

- 1) Article I of the UN Convention on Genocide;
- 2) Article II of the UN Convention on Genocide;
 - a) Killing Blackfoot persons as Blackfoot;
 - b) Causing serious bodily or mental harm to Blackfoot persons as Blackfoot;

- c) Deliberately inflicting on Blackfoot persons and the Blackfoot Nation conditions of life calculated to bring about the destruction of the Blackfoot People and Nation in whole or in part;
 - d) Imposing measures intended to prevent biological reproduction of the Blackfoot People and Nation;
 - e) Forcibly transferring Blackfoot children to other (non-Blackfoot) groups, lands and cultures;
- 3) Article III of the UN Convention on Genocide;
 - 4) Article IV of the UN Convention on Genocide;
 - 5) Article V of the UN Convention on Genocide;
 - 6) Article VI of the UN Convention on Genocide;
 - 7) Article VII of the UN Convention on Genocide;
 - 8) Article VIII of the UN Convention on Genocide;
 - 9) Article IX of the UN Convention on Genocide;
 - 10) Common Article 3 and Additional Protocol II of the Geneva Conventions of 1949;
 - 11) Charter of the International Military Tribunal at Nuremberg:
 - A) Article 6
 - a) Crimes Against Peace
 - b) War Crimes
 - c) Crimes Against Humanity
 - B) Article 7
 - C) Article 8
 - 12) Principles of International Law Recognized in the Charter of the Nuremberg Tribunal And in the Judgment of the Tribunal as adopted by the International Law Commission of the United Nations 1950 and UN General Assembly Resolution 177
 - a) Principle I
 - b) Principle II
 - c) Principle III
 - d) Principle IV
 - e) Principle V
 - f) Principle VI
 - g) Principle VII
 - 13) Articles of the Statute of the International Criminal Court for Former Yugoslavia Specifying the Acts Within the Court's Jurisdiction
 - a) Article 2
 - b) Article 3
 - c) Article 4
 - d) Article 5
 - 14) Articles of the Statute of the International Criminal Court for Rwanda Specifying the Acts Within the Court's Jurisdiction:
 - a) Article 2 (2,3)
 - b) Article 3
 - c) Article 4

CONCLUSION

The Blackfoot Nation and People are on the verge of extinction. Victims of and witnesses to the various charged crimes are dying. Blackfoot People individually and collectively cannot wait for the formation of an International Criminal Court (blocked by the U.S. Government) to hear Blackfoot charges against the Governments of the U.S and Canada and other named parties. The Blackfoot and People cannot wait for the U.S. and Canadian Governments to allow charges to be heard by the ICJ at the Hague. The Blackfoot Nation and People Blackfoot cannot wait for the traditional authorities, institutions and self-determination of the Blackfoot Nation to be recognized and respected by the very Governments of the U.S. and Canada intent on elimination of the Blackfoot Nation and People and their self-determination. The Blackfoot Nation and People cannot wait for the U.S. and Canadian Governments to “decertify” and de-recognize their puppet and complicit entities (Tribal Councils, BIA and DIA) and to recognize the traditional authorities and institutions of the Blackfoot Nation that are certified and legitimated by the recognized right of and international law governing self-determination of the Blackfoot Nation and People.

For all of the above-mentioned reasons, and under all of the above-mentioned legal authority (and more to be specified later) this Tribunal, structured and conducted by the competent and traditionally recognized authorities and institutions of the Blackfoot Nation, has standing and authority under international law and any decisions or findings of this Tribunal can be considered binding judicial decisions under Blackfoot Law and International Law.

The competent, legal and traditional authorities of the Blackfoot Nation propose that ultimate authority and power is truth, reason, law and evidence. Power pays no real ‘tribute to reason’ when the conquerors put on trial—rather than summarily executing or jailing without due process—the conquered. Power pays only a ‘tribute to reason’ and law when the powerful submit to the very laws, standards, precedents and morality to which they purport to hold others and to which the powerful purport to be bound--by their own words and deeds. We will hold these named Governments and agencies or entities to their own laws, words, precedents, deeds and professed values in addition to specific Blackfoot laws and values that they have violated and for which the Blackfoot Nation and People have sovereign rights to protect.

Finally, on the question of the amount of time that has lapsed since some or many of these alleged crimes have been committed (and we allege that many of the crimes continue in various forms today), we note that it is widely recognized in international law that there is no "statute of limitations" on gross violations of human rights (Article 1, "Convention on the Non-Applicability of Statutory Limitations on War Crimes and Crimes Against Humanity", Nov. 26, 1968 see "A Comprehensive Handbook of the United Nations", Vol. II, 1979) Also, under the U.S. Document "The Third Restatement of the Foreign Relations Law of the United States (Section 702):

"A state violates international law if, as a matter of State policy, it practices, encourages or condones: a) genocide; b) slavery or slave trade...g) a consistent pattern of gross violations of internationally recognized human rights"