

Princess Carmen Ka'anā'anā
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B. ROY, CLERK
CIRCUIT COURT OF
THE THIRD CIRCUIT
STATE OF HAWAII

IN THE CIRCUIT COURT OF THE THIRD CIRCUIT
STATE OF HAWAII

CARMEN KA'ANĀ'ANĀ, in her official
capacity as Princess of the Hawaiian Kingdom;
MAUNA A WĀKEA; PROTECTED PERSONS
of the Hawaiian Kingdom; HAWAIIAN
KINGDOM,

Plaintiffs,

v.

DAVID IGE, in his official capacity as Governor
of the State of Hawaii; STATE OF HAWAII et al.,

Defendants.

) Civil No. 19 - 1 - 0268 :
) (Other Civil Action)
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) SUPPORTING AFFIDAVIT
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SUPPORTING AFFIDAVIT

I. The Parties

- A. Plaintiffs are the *de jure* owners of Mauna a Wākea and of all the land of the Hawaiian Kingdom.
- B. Plaintiff Carmen Ka'anā'anā is a Princess of the Hawaiian Kingdom as a descendant of its founder King Kamehameha I and Kauhilanimaka, High Chiefess of Hilo. Is the lawful representative of the Hawaiian Kingdom. Is the Temporarily Ousted Sovereign. Is the Returning Sovereign. Is the Head of State. Is the Head of Heiau as Kahuna Nui Pa'ao. Exhibit 1, documentations of royal genealogy.

- C. Plaintiff the Hawaiian Kingdom is a Constitutional Hereditary Monarchy under Belligerent Military Occupation of the United States of America (USA) since 1893.
- D. Plaintiff Protected Persons of the Hawaiian Kingdom are the Ali'i and Maka'āinana thereof.
- E. Plaintiff Mauna a Wākea is an Elder Sibling of the Ali'i and Maka'āinana. Is a Cultural, and Religious, Private Property. "Mauna a Wākea" means "Wākea's Mountain" as it belongs to Wākea the Sky Father and progenitor of the Protected People, and is the piko connecting them. Mauna a Wākea is the meeting place of Earth Mother and Sky Father to create all the Hawaiian Kingdom and its people. It is the most sacred. All the islands of the Hawaiian Kingdom were birthed by Papa-nui-hanau-moku the Earth Mother, and are living sentient beings, for which Plaintiffs are charged to be loving Stewards. (For clarification, "Mauna a Wākea" is the name of the Plaintiff, "Maunakea" is its nickname, and "Mauna Kea" means any white mountain.) (Plaintiffs are entitled, in all circumstances, to respect for their religious convictions and practices, and their manners and customs.)
- F. Defendant the State of Hawaii is the provisional governing organization administering the Belligerent Military Occupation on behalf of the USA.
- G. Defendant David Ige is the Governor of the State of Hawaii.

II. Jurisdiction

H. The Court has jurisdiction under:

1. HRS §603-21.5 (1)(3) criminal offences and civil actions and proceedings.
2. Kingdom of Hawai'i Constitution GRANTED BY HIS MAJESTY KAMEHAMEHA V, BY THE GRACE OF GOD, KING OF THE HAWAIIAN ISLANDS, ON THE TWENTIETH DAY OF AUGUST, A.D. 1864. (KC)
 - a. Article 4. All men shall have the right, in an orderly and peaceable manner, to assemble, without arms, to consult upon the common good, and to petition the King or Legislative Assembly for redress of grievances.
 - b. Article 67. The Judicial Power shall extend to all cases in law and equity, arising under the Constitution and laws of this Kingdom, and Treaties made, of which shall be made under their authority, to all cases affecting

Public Ministers and Consuls, and to all cases of Admiralty and Maritime jurisdiction.

3. Convention (IV) relative to the Protection of Civilian Persons in Time of War.

Geneva, 12 August 1949 (Geneva Convention) (GC)

- a. **ARTICLE 12 CONCILIATION PROCEDURE** In cases where they deem it advisable in the interest of protected persons, particularly in cases of disagreement between the Parties to the conflict as to the application or interpretation of the provisions of the present Convention, the Protecting Powers shall lend their good offices with a view to settling the disagreement. For this purpose, each of the Protecting Powers may, either at the invitation of one Party or on its own initiative, propose to the Parties to the conflict a meeting of their representatives, and in particular of the authorities responsible for protected persons, possibly on neutral territory suitably chosen. The Parties to the conflict shall be bound to give effect to the proposals made to them for this purpose. The Protecting Powers may, if necessary, propose for approval by the Parties to the conflict, a person belonging to a neutral Power or delegated by the International Committee of the Red Cross, who shall be invited to take part in such a meeting.
- b. **ARTICLE 30.** — Protected persons shall have every facility for making application to the Protecting Powers, the International Committee of the Red Cross, the National Red Cross (Red Crescent, Red Lion and Sun) Society of the country where they may be, as well as to any organization that might assist them.
- c. **ARTICLE 149.** — At the request of a Party to the conflict, an enquiry shall be instituted, in a manner to be decided between the interested Parties, concerning any alleged violation of the Convention. If agreement has not been reached concerning the procedure for the enquiry, the Parties should agree on the choice of an umpire who will decide upon the procedure to be followed. Once the violation has been established, the Parties to the conflict shall put an end to it and shall repress it with the least possible delay.

4. DEPARTMENT OF DEFENSE LAW OF WAR MANUAL JUNE 2015 (LOW)

- a. 10.32.3 Actively Working to Improve the Welfare of Protected Persons. In other instances, the GC contemplates that the Protecting Power will actively work to improve the welfare of protected persons, such as by: ... lending its good offices with a view towards settling disagreements to application or interpretation of the provisions of the GC between parties to the conflict.

b. 11.2 WHEN MILITARY OCCUPATION LAW APPLIES The law of military occupation applies when a military occupation exists in fact. Even if the requirements of the law of belligerent occupation do not apply as a matter of law, general law of war principles and rules, such as those for the conduct of hostilities, continue to apply.

c. 11.2.1 The legal consequences arising from the fact of occupation (i.e., that this fact is the basis for both rights and duties) illustrates how the law of war may be viewed as both permissive and restrictive in nature. The fact of occupation is the basis for the Occupying Power to exercise authority over the occupied territory. The fact of occupation, as a requirement for the exercise of authority over the occupied territory, prevents a State from simply claiming the authorities of military government over an enemy territory without actually controlling such territory.

The fact of occupation also imposes certain duties on the Occupying Power with respect to occupied territory. The fact of occupation, as a requirement for triggering the duties of an Occupying Power, means that a State that does not, in fact, occupy an area, does not incur the obligations of an Occupying Power. Once an occupation exists in fact, regardless of whether the invasion was lawful or unlawful under *ius ad bellum*, the rights and duties of the Occupying Power and the population in relation to each other apply.

d. 11.5.2 Duty to Respect, Unless Absolutely Prevented, the Laws in Force in the Country. The duty to respect, unless absolutely prevented, the laws in force in the country prohibits the Occupying Power from arbitrarily exercising its authority to suspend, repeal, or change the municipal law applicable to occupied territory. The duty to respect, unless absolutely prevented, the laws in force in the country has been interpreted not to apply to local administrative laws, such as regulations, executive orders, ordinances, and decrees.

e. 11.18.6.4 Municipal, Religious, Charitable, and Cultural Property. The property of municipalities, that of institutions dedicated to religion, charity, and education, and the arts and sciences, even when State property, shall be treated as private property. All seizure of, destruction of, or willful damage done to institutions of this character, historic monuments, works of art, and science, is forbidden, and should be made the subject of legal proceedings.

III. Venue

- I. Pursuant to HRS §603-36, venue is proper in the Third Circuit, State of Hawaii, because property is situated therein, and the action for claim for relief occurred therein.

IV. Facts

- J. The Hawaiian Kingdom is a Constitutional Hereditary Monarchy. A Monarchy, according to Black's Law, is "a government in which the supreme power is vested in a single person. ... It is hereditary where the regal power descends immediately from the possessor to the next heir by blood,..". Only "a single person" is the *de jure* representative of the Hawaiian Kingdom, that person is the Temporarily Ousted Returning Sovereign.

1. KC Article 21. The Government of this Kingdom is that of a Constitutional Monarchy, under His Majesty Kamehameha V, His Heirs and Successors.
2. S.J.Res.19 - A joint resolution to acknowledge the 100th anniversary of the January 17, 1893 overthrow of the Kingdom of Hawaii, and to offer an apology to Native Hawaiians on behalf of the United States for the overthrow of the Kingdom of Hawaii. 103rd Congress (SJR)

- a. Whereas a unified monarchical government of the Hawaiian Islands was established in 1810 under Kamehameha I, the first King of Hawaii;

3. What is KINGDOM? A country where an officer called a "king" exercises the powers of government, whether the same be absolute or limited. Wolff, Inst. Nat. thelawdictionary.org/kingdom/
4. What is COUNTRY? The portion of the earth's surface occupied by an independent nation or people; ... *Stairs v. Peaslee*. 18 How. 521, 15 L. Ed. 474; *U. S. v. Recorder*, 1 Blatchf. 218. 225, 5 N. Y. Leg. Obs. 280, Fed. Cas. No. 16,129. In pleading and practice. The inhabitants of a district from which a jury is to be summoned ; pais ; a jury. 3 Bl. Comm. 349; Steph. PL 73, 78, 230. thelawdictionary.org/country/

- K. Plaintiff Carmen Ka'anā'anā is a Princess of the Hawaiian Kingdom, and is its temporarily ousted returning Sovereign. To the extent of Plaintiff's knowledge, Princess Carmen Ka'anā'anā is the highest ranking Ali'i and is thus the *de jure* returning Sovereign, and the single person who is the legal representative of the Hawaiian Kingdom. For the entirety of their administration of the occupation, the State never tried

to identify the returning Sovereign. And as far as Plaintiffs know, no other person has ever submitted into record a legal proclamation of documented genealogy for hereditary succession. The State cannot disprove that the Plaintiff is the *de jure* returning Sovereign. The Princess is in fact the temporarily ousted returning Sovereign of the Hawaiian Kingdom, and is the single *de jure* representative of the Kingdom. Defendants may not alter her status, and she is entitled to respect for her honor and family rights. Exhibit 1, documentations of royal genealogy.

1. GC - ART. 54. — The Occupying Power may not alter the status of public officials.
2. DEPARTMENT OF DEFENSE LAW OF WAR MANUAL JUNE 2015
 - a. LOW - 11.6.1 General Protections, Including Humane Treatment, of the Population of an Occupied Territory. The population of an occupied territory, like other protected persons under the GC, are entitled, in all circumstances, to respect for their persons, their honor, their family rights, their religious convictions and practices, and their manners and customs.
 - b. 11.21.1 Continued Service of Judges and Other Public Officials. The Occupying Power may not alter the status of public officials or judges in the occupied territories, or in any way apply sanctions to or take any measures of coercion or discrimination against them, should they abstain from fulfilling their functions for reasons of conscience.

Public officials may be understood to include officials at both the national and local levels who fulfill public duties.

This prohibition does not prejudice the application of the second paragraph of Article 51 of the GC. Thus, a public official may be compelled to work to meet the needs of the army of occupation or for the public utility services, such as water, electricity, or sanitation. Similarly, a public official may be compelled to provide certain police services.

This prohibition does not affect the right of the Occupying Power to remove public officials from their posts. For example, the Occupying Power may remove the political leadership and other political agents from their posts to prevent them from undermining the Occupying Power's administration.

- L. The State of Hawaii is the *de facto* provisional governing organization administering the Belligerent Military Occupation for the USA. It offers neither impartiality nor efficacy, and is the opposite. It is not a lawfully formed State. It's a corporation with the business

credit monitoring service Dun & Bradstreet D-U-N-S® number: 077676997. And it has a corporation counsel that represents them in legal matters.

M. The Laws of War apply because the Kingdom has been under belligerent military occupation by the USA since 1893, provisionally governed by the State. Belligerent military occupation is governed by the USA Department of Defense Law of War Manual 2015, the Law of Belligerent Occupation, Geneva Convention, and customary international law.

1. S.J.Res.19 - A joint resolution to acknowledge the 100th anniversary of the January 17, 1893 overthrow of the Kingdom of Hawaii, and to offer an apology to Native Hawaiians on behalf of the United States for the overthrow of the Kingdom of Hawaii. 103rd Congress.
 - a. Whereas, in a message to Congress on December 18, 1893, President Grover Cleveland reported fully and accurately on the illegal acts of the conspirators, described such acts as an "act of war, committed with the participation of a diplomatic representative of the United States and without authority of Congress", and acknowledged that by such acts the government of a peaceful and friendly people was overthrown;
 - b. Whereas, in pursuance of the conspiracy to overthrow the Government of Hawaii, the United States Minister and the naval representatives of the United States caused armed naval forces of the United States to invade the sovereign Hawaiian nation on January 16, 1893, and to position themselves near the Hawaiian Government buildings and the Iolani Palace to intimidate Queen Liliuokalani and her Government;
 - c. Whereas, on January 24, 1895, while imprisoned in Iolani Palace, Queen Liliuokalani was forced by representatives of the Republic of Hawaii to officially abdicate her throne;
 - d. Whereas, through the Newlands Resolution, the self-declared Republic of Hawaii ceded sovereignty over the Hawaiian Islands to the United States;
 - e. Whereas the Republic of Hawaii also ceded 1,800,000 acres of crown, government and public lands of the Kingdom of Hawaii, without the consent of or compensation to the Native Hawaiian people of Hawaii or their sovereign government;

- f. Whereas the Congress, through the Newlands Resolution, ratified the cession, annexed Hawaii as part of the United States, and vested title to the lands in Hawaii in the United States;
 - g. Whereas the indigenous Hawaiian people never directly relinquished their claims to their inherent sovereignty as a people or over their national lands to the United States, either through their monarchy or through a plebiscite or referendum;
2. Memorandum, Exhibit 2, from the United Nations Independent Expert, Office of the High Commissioner for Human Rights, Dr. Alfred deZayas:
- a. "I have come to understand that the lawful political status of the Hawaiian Islands is that of a sovereign nation-state in continuity; but a nation-state that is under a strange form of occupation by the United States resulting from an illegal military occupation and a fraudulent annexation."
3. DEPARTMENT OF DEFENSE LAW OF WAR MANUAL JUNE 2015
- a. 11.1 INTRODUCTION This Chapter addresses military occupation. The GC provides specific rules for the internment of protected persons in occupation, which are addressed in Chapter X. Military occupation is a temporary measure for administering territory under the control of invading forces, and involves a complicated, trilateral set of legal relations between the Occupying Power, the temporarily ousted sovereign authority, and the inhabitants of occupied territory. The law of belligerent occupation seeks to account for both military and humanitarian imperatives. The Occupying Power's primary objective in conducting military occupation is to further the purpose of the war in which the occupying forces are engaged and to ensure the maintenance and security of those forces, but the Occupying Power is also bound to provide for the interests and welfare of the civilian population of the occupied territory. The Occupying Power has obligations related to the maintenance of public order and safety, and the protection of civilians and property in occupied territory.
 - b. 11.1.2.6 Occupation and the ICCPR and Other Human Rights Treaties ...In addition, the law of belligerent occupation is specially crafted to address the situation of belligerent occupation. Thus, in cases of apparent conflict with other provisions of law that are not intended to address the situation of belligerent occupation, there might be a presumption that such provisions would not conflict with occupation law, or that occupation law likely would prevail when addressing the situation of belligerent occupation. ...

- c. 11.2 WHEN MILITARY OCCUPATION LAW APPLIES The law of military occupation applies when a military occupation exists in fact. Once an occupation exists in fact, regardless of whether the invasion was lawful or unlawful under jus ad bellum, the rights and duties of the Occupying Power and the population in relation to each other apply.
- d. 11.2.2 Standard for Determining When Territory Is Considered Occupied. Territory is considered occupied when it is actually placed under the authority of the hostile forces. This standard for when the law of belligerent occupation applies is reflected in Article 42 of the Hague IV Regulations and is regarded as customary international law.
- e. 11.2.2.1 “Actually Placed” – Effectiveness of Occupation. Military occupation must be actual and effective; that is, the organized resistance must have been overcome, and the Occupying Power must have taken measures to establish its authority.
- f. 11.2.2.2 “Under the Authority” – Suspension and Substitution of Governmental Authority. Occupation also requires the suspension of the territorial State’s authority and the substitution of the Occupying Power’s authority for the territorial State’s authority.
- g. 11.2.2.3 “Of the Hostile Army” – Belligerent Occupation Applies to Enemy Territory. Occupation occurs when territory is actually placed under the authority of the hostile army. Thus, the existence of an occupation presupposes a hostile relationship between the invading force’s State and the State of the occupied territory, although the occupation need not be met with armed resistance.
- h. 11.4.1 Right of the Occupying Power to Govern the Enemy Territory Temporarily. The right to govern the territory of the enemy during its military occupation is one of the incidents of war. By the fact of occupation (i.e., the Occupying Power’s established power over occupied territory), the Occupying Power is conferred the authority to exercise some of the rights of sovereignty. The exercise of these sovereign rights also results from the necessity of maintaining law and order, indispensable both to the inhabitants and to the occupying force, and the failure or inability of the legitimate government to exercise its functions, or the undesirability of allowing it to do so.
- i. 11.4.2 Limitations on the Power of the Occupying Power Stemming From Its Lack of Sovereignty Over Occupied Territory. Belligerent occupation in a foreign war, being based upon the possession of enemy territory, necessarily implies that the sovereignty of the occupied territory is not vested in the Occupying Power. Occupation is essentially provisional.

Because sovereignty is not vested in the Occupying Power, the fact of military occupation does not authorize the Occupying Power to take certain actions. For example, the Occupying Power is not authorized by the fact of belligerent occupation to annex occupied territory or to create a new State. In addition, the Occupying Power may not compel the inhabitants of occupied territory to become its nationals or otherwise to swear allegiance to it. Similarly, in view of the provisional nature of belligerent occupation, the authority of the Occupying Power under occupation law has been interpreted as being subject to limitations on the ability of the Occupying Power to alter institutions of government permanently or change the constitution of a country.

- j. 11.5 DUTY OF THE OCCUPYING POWER TO ENSURE PUBLIC ORDER AND SAFETY The authority of the legitimate power having in fact passed into the hands of the Occupying Power, the latter shall take all the measures in its power to restore, and ensure, as far as possible, public order and safety, while respecting, unless absolutely prevented, the laws in force in the country. This principle has been recognized as customary international law. The Occupying Power has a general duty to maintain public order and to provide for the preservation of rights of the inhabitants, including rights to their private property.
- k. 11.5.1 Authority Conferred by the Occupying Power's Duty to Ensure Public Order and Safety. The Occupying Power's duty to take all the measures in its power to restore and ensure, as far as possible, public order and safety also provides it authority take such actions. For example, the Occupying Power may enact provisions to maintain the orderly government of the territory.
- l. 11.5.2 Duty to Respect, Unless Absolutely Prevented, the Laws in Force in the Country. The duty to respect, unless absolutely prevented, the laws in force in the country prohibits the Occupying Power from arbitrarily exercising its authority to suspend, repeal, or change the municipal law applicable to occupied territory. The duty to respect, unless absolutely prevented, the laws in force in the country has been interpreted not to apply to local administrative laws, such as regulations, executive orders, ordinances, and decrees.
- m. 11.8.6 Civilian or Military Nature of the Occupation Government. It is immaterial whether the government over an enemy's territory consists in a military or civil or mixed administration. Its character is the same and the source of its authority the same. It is a government imposed by force, and the legality of its acts is determined by the law of war. For example, the governing authority established by the Occupying Power may be composed of civilian personnel.

n. 18.13 NATIONAL INVESTIGATIONS OF ALLEGED VIOLATIONS OF THE LAW OF WAR The duties to implement and enforce the law of war also imply duties to investigate reports of alleged violations of the law of war. In addition to taking measures to meet the requirements of DoD policy, commanders may also take other measures they deem appropriate to ensure appropriate investigation and reporting of alleged violations of the law of war within their command.

4. GC - APPLICATION OF THE CONVENTION - ARTICLE 2 In addition to the provisions which shall be implemented in peacetime, the present Convention shall apply to all cases of declared war or of any other armed conflict which may arise between two or more of the High Contracting Parties, even if the state of war is not recognized by one of them. The Convention shall also apply to all cases of partial or total occupation of the territory of a High Contracting Party, even if the said occupation meets with no armed resistance. Although one of the Powers in conflict may not be a party to the present Convention, the Powers who are parties thereto shall remain bound by it in their mutual relations. They shall furthermore be bound by the Convention in relation to the said Power, if the latter accepts and applies the provisions thereof.

a. **Although not a party to the present Convention, on behalf of the Hawaiian Kingdom and its Protected Persons and myself, I, Princess Carmen Ka'anā'anā, accept and apply the provisions thereof.**

N. Plaintiff's title originates from Princess Carmen Ka'anā'anā's Great⁶ Grandfather King Kamehameha I, the founder of the Hawaiian Kingdom. The entire Kingdom is private property entrusted to the Sovereign, and thus protected under the law from seizure and pillage. Papa-nui-hanau-moku the Earth Mother birthed all the Land before us, the Land is our Elder Sibling. Since the first Mother La'ila'i, Hawaiians were created as Stewards of our Land and the laws of the Hawaiian Kingdom have been the laws of our Creator. We are all equally charged to be Stewards of the Land, the Monarch is the Chief Steward, no person owns any of it. One cannot own one's elder sibling nor Creation.

The Hawaiian Kingdom is a nation of communal land tenure, wherein every Ali'i and Maka'āinana and the Monarch, equally and indivisibly, privately own all the land. Communal land tenure is equal and indivisible, therefore there are no divisions of title but only one Title to all the lands of the Kingdom, held in trust and administered by the Monarch. The only lawful land title is of a single Communal Land Tenure vested equally

in every Ali'i, Maka'āinana, and the Monarch of the Hawaiian Kingdom, and any divisions into kuleana, māhele, crown, royal patent, award, fee simple, leasehold, or any other title or deed is illegal and thus invalid.

- O. Communal land tenure is private, not public property. Collective ownership is private, like a condominium, wherein the entire property is communally owned with private individual areas and designated public areas.
1. Reiterated in SJR - Whereas, prior to the arrival of the first Europeans in 1778, the Native Hawaiian people lived in a highly organized, self-sufficient, subsistent social system based on communal land tenure with a sophisticated language, culture, and religion;
 2. KC - Article 34. The King is Sovereign of all the Chiefs and of all the People; the Kingdom is His.
 3. LOW - 11.6.1 General Protections, Including Humane Treatment, of the Population of an Occupied Territory. The population of an occupied territory, like other protected persons under the GC, are entitled, in all circumstances, to respect for their persons, their honor, their family rights, their religious convictions and practices, and their manners and customs.
- P. Defendants have not provided, and Plaintiffs cannot find within the Official Land Records in the Bureau of Conveyances any legal ownership title vested in the Defendant's names for Mauna a Wākea, nor for any of the real property of the Kingdom. The Hawaii County Real Property Tax Department online records show ownership of various Mauna a Wākea land divisions as "STATE OF HAWAII Fee Owner". Exhibited is 1 of those records, it also details previous illegal construction and destruction, and illegal special agreements of lease perpetrated by the Defendants. Exhibit 3. And "HAWAIIAN HOME LANDS Fee Owner", exhibit 4. Fee simple title is neither legal nor valid in the Hawaiian Kingdom, and neither are land divisions, because there is only a single communal land tenure title and its vested equally and indivisibility in Plaintiffs ownership.
- Q. Defendant's titles originate from illegal acts of war and pillage, and are thus illegal and invalid. The Newlands Resolution is a resolution illegally ratifying an illegal land cession

and an illegal annexation. And it illegally vested title to Plaintiff's real property to the USA.

Defendants are prohibited from annexing Plaintiff, and from making Plaintiff into a State. Defendants did all these illegal activities and more with impunity, pillaging the real private property of the entire Kingdom, approximately 1,800,000 acres, and specifically Mauna a Wākea, annexing Plaintiffs, and then making them into the "50th State".

- 1) SJR - A joint resolution to acknowledge the 100th anniversary of the January 17, 1893 overthrow of the Kingdom of Hawaii, and to offer an apology to Native Hawaiians on behalf of the United States for the overthrow of the Kingdom of Hawaii.
 - a. Whereas the Republic of Hawaii also ceded 1,800,000 acres of crown, government and public lands of the Kingdom of Hawaii, without the consent of or compensation to the Native Hawaiian people of Hawaii or their sovereign government;
 - b. Whereas the Congress, through the Newlands Resolution, ratified the cession, annexed Hawaii as part of the United States, and vested title to the lands in Hawaii in the United States;
 - c. Whereas, on August 21, 1959, Hawaii became the 50th State of the United States;
- 2) 4th Geneva Convention
 - a. ARTICLE 33 ... Pillage is prohibited. ...
 - b. ARTICLE 47 Protected persons who are in occupied territory shall not be deprived, in any case or in any manner whatsoever, of the benefits of the present Convention by any change introduced, as the result of the occupation of a territory, into the institutions or government of the said territory, nor by any agreement concluded between the authorities of the occupied territories and the Occupying Power, nor by any annexation by the latter of the whole or part of the occupied territory.
- 3) DEPARTMENT OF DEFENSE LAW OF WAR MANUAL JUNE 2015
 - a. 11.3.1 End of Occupation. However, an Occupying Power is not permitted, under the law of belligerent occupation, to annex occupied territory.

- b. 11.4.2 Limitations on the Power of the Occupying Power Stemming From Its Lack of Sovereignty Over Occupied Territory. Belligerent occupation in a foreign war, being based upon the possession of enemy territory, necessarily implies that the sovereignty of the occupied territory is not vested in the Occupying Power. Occupation is essentially provisional. Because sovereignty is not vested in the Occupying Power, the fact of military occupation does not authorize the Occupying Power to take certain actions. For example, the Occupying Power is not authorized by the fact of belligerent occupation to annex occupied territory or to create a new State. In addition, the Occupying Power may not compel the inhabitants of occupied territory to become its nationals or otherwise to swear allegiance to it. Similarly, in view of the provisional nature of belligerent occupation, the authority of the Occupying Power under occupation law has been interpreted as being subject to limitations on the ability of the Occupying Power to alter institutions of government permanently or change the constitution of a country.
- c. 11.6.3 Occupying Power's Duty to Respect the Rights of Protected Persons Secured by the GC. The Occupying Power has certain obligations to respect the rights of protected persons secured by the GC. Protected persons who are in occupied territory shall not be deprived, in any case or in any manner whatsoever, of the benefits of the GC by any change introduced, as the result of the occupation of a territory, into the institutions or government of the occupied territory, nor by any agreement concluded between the authorities of the occupied territories and the Occupying Power, nor by any annexation by the latter of the whole or part of the occupied territory. For example, an Occupying Power may not purport to annex occupied territory in order to avoid its responsibilities as an Occupying Power. The Occupying Power may not enter into any special agreements that would adversely affect the situation of protected persons, as defined by the GC, nor restrict the rights that the GC confers upon them. The Occupying Power may also not evade its responsibilities through the purported renunciation by protected persons of the rights secured to them by the GC and by any special agreements referred to in Article 7 of the GC. In certain cases, a protected person's rights of communication under the GC may be forfeited for security reasons.

- 4) What is PILLAGE? Plunder; the forcible taking of private property by an invading or conquering army from the enemy's subjects. *American Ins. Co. v. Bryan*, 26 Wend. (N. Y.) 573, 37 Am. Dec. 278. thelawdictionary.org/pillage/

R. Defendants are prohibited by law from seizing private property, including religious and cultural property, and from destroying property, except when imperatively demanded by

the necessities of war, and the stated reason for construction of TMT is for scientific knowledge. And Mauna a Wākea was never legally requisitioned for military necessity.

1. Kingdom of Hawai'i Constitution GRANTED BY HIS MAJESTY KAMEHAMEHA V, BY THE GRACE OF GOD, KING OF THE HAWAIIAN ISLANDS, ON THE TWENTIETH DAY OF AUGUST, A.D. 1864.
 - a. Article 12. Every person has the right to be secure from all unreasonable searches and seizures of his person, his house, his papers and effects; and no warrants shall issue but on probable cause supported by oath or affirmation and describing the place to be searched, and the persons of things to be seized.
 - b. Article 14. Each member of society has a right to be protected by it, in the enjoyment of his life, liberty, and property, according to law; and, therefore, he shall be obliged to contribute his proportional share to the expenses of this protection, and to give his personal services, or an equivalent when necessary; but no part of the property of any individual shall be taken from him, or applied to public uses, without his own consent, or the enactment of the Legislative Assembly, except the same shall be necessary for the military operation of the Kingdom in time of war or insurrection; and whenever the public exigencies may require that the property of any individual should be appropriated to public uses, he shall receive a reasonable compensation therefor.
2. Geneva Convention
 - a. ARTICLE 33 ... Pillage is prohibited.
 - b. ARTICLE 53 Any destruction by the Occupying Power of real or personal property belonging individually or collectively to private persons, or to the State, or to other public authorities, or to social or cooperative organizations, is prohibited, except where such destruction is rendered absolutely necessary by military operations.
3. DEPARTMENT OF DEFENSE LAW OF WAR MANUAL JUNE 2015
 - a. 11.18 ENEMY PROPERTY DURING OCCUPATION Pillage is prohibited. Enemy property in occupied territory may not be seized or destroyed unless imperatively demanded by the necessities of war. The Occupying Power may take certain control measures with respect to property in occupied territory. Other rules apply to the treatment of public enemy property and private enemy property in occupied territory.

- b. 11.18.2 Seizure or Destruction of Property During Occupation – Application of the Military Necessity Standard. The general rule that enemy property may not be seized or destroyed unless imperatively demanded by the necessities of war also applies to property during the occupation of enemy territory. In particular, any destruction by the Occupying Power of real (immovable) or personal (movable) property belonging individually or collectively to private persons, to the State of the occupied territory, to other public authorities, or to social or cooperative organizations, is prohibited, except where such destruction is rendered absolutely necessary by military operations.
- c. 11.18.2.1 Assessment of Military Necessity for Seizure or Destruction. The evaluation of whether destruction of property is militarily necessary in the context of occupation is undertaken by applying the standards that also are applied in the context of combat operations. For example, the evaluation of whether the destruction of property is militarily necessary is made by the responsible commander or other authority of the Occupying Power. However, such assessment must be made in good faith based on the information available at the time.
- d. 11.18.4 Determination Whether Property Is Public or Private. The rules for the treatment of enemy property may depend on whether the property is public or private. For example, private property may not be confiscated, and there is an obligation to pay compensation for requisitions of private property. On the other hand, public property generally may be seized or captured without any obligation to pay compensation.
- e. 11.18.6 Treatment of Enemy Private Property. Private property may not be confiscated. Other private property may be subject to requisition, with payment in cash given as soon as possible.
- f. 11.18.6.1 Prohibition on Confiscation of Private Property in Occupied Territory. Private property may not be confiscated. The prohibition against confiscation of private property extends not only to outright taking in violation of the law of war, but also to any acts that, through the use of threats, intimidation, or pressure, or by actual exploitation of the power of the Occupying Power, permanently or temporarily deprive the owner of the use of such property without the owner's consent, or without authority under international law. The prohibition against confiscation of private property does not extend to takings by way of contribution, requisition, or the valid imposition of penalties.
- g. 11.18.6.3 Private Real (Immovable) Property. Private real (immovable) property may under no circumstances be seized. It may, however, be requisitioned.

S. Defendants are prohibited from changing the land tenure in the Hawaiian Kingdom from communal to fee simple. And they cannot vest ownership in themselves.

1. DEPARTMENT OF DEFENSE LAW OF WAR MANUAL JUNE 2015

- a. 11.5.2 Duty to Respect, Unless Absolutely Prevented, the Laws in Force in the Country. The duty to respect, unless absolutely prevented, the laws in force in the country prohibits the Occupying Power from arbitrarily exercising its authority to suspend, repeal, or change the municipal law applicable to occupied territory. The duty to respect, unless absolutely prevented, the laws in force in the country has been interpreted not to apply to local administrative laws, such as regulations, executive orders, ordinances, and decrees.
- b. 11.9.2 Authority for the Occupying Power to Suspend, Repeal, or Change the Municipal Law Applicable to Occupied Territory. The duty of the Occupying Power to respect, unless absolutely prevented, the laws in force in the country prohibits it from arbitrarily exercising its authority to suspend, repeal, or change the municipal law applicable to occupied territory. As with other authorities under the law of war, the Occupying Power must use its power with respect to the municipal law of occupied territory in good faith and not for the purpose of oppressing the population.
- c. 11.18.2.3 Capture or Seizure and Vesting of Title in the Occupying Power. In the case of real (immovable) property that is captured or seized, the Occupying Power may use such property for the duration of the occupation but does not take title to the property. Public property captured or seized from the enemy, as well as private property validly captured on the battlefield and abandoned property, is the property of the capturing State. Valid capture or seizure of property requires both an intent to take such action and a physical act of capture or seizure. The mere presence within occupied territory of property that is subject to appropriation under international law does not operate to vest title thereto in the Occupying Power.

T. The entirety of the Hawaiian Kingdom is indivisible private property under communal land tenure. However, if there is a question that some of the land is of public nature, specifically Mauna a Wākea, then Mauna a Wākea is still protected under the law from seizure and destruction because if it was determined to be public land, then it would be a

Religious Property and a Cultural Property. And it's the duty of the State as far as possible to support the competent national authorities of the occupied country in safeguarding and preserving its cultural property from theft, pillage, or misappropriation, and any acts of vandalism.

The State has no legal relations with the lawful "competent national authorities" of the Hawaiian Kingdom. Plaintiffs are the *de jure* competent national authorities and have the right to the support of the State in safeguarding and preserving its cultural property by ceasing construction of TMT but the State is unilaterally causing the imminent destruction, pillage, misappropriation, and vandalism of Plaintiff's religious and cultural immovable property.

And if determined to be public land, then the State shall appoint a special representative for cultural property situated in that territory and submit an application for immovable cultural property to be entered into the International Register of Cultural Property Under Special Protection.

1. DEPARTMENT OF DEFENSE LAW OF WAR MANUAL JUNE 2015

- a. 11.18.4 Determination Whether Property Is Public or Private. The rules for the treatment of enemy property may depend on whether the property is public or private. For example, private property may not be confiscated, and there is an obligation to pay compensation for requisitions of private property. On the other hand, public property generally may be seized or captured without any obligation to pay compensation.
- b. 11.18.6.4 Municipal, Religious, Charitable, and Cultural Property. The property of municipalities, that of institutions dedicated to religion, charity, and education, and the arts and sciences, even when State property, shall be treated as private property. All seizure of, destruction of, or willful damage done to institutions of this character, historic monuments, works of art, and science, is forbidden, and should be made the subject of legal proceedings.
- c. 11.19.3 Special Representative for Cultural Property in Occupied Territory and Application for Special Protection. An Occupying Power shall appoint a special representative for cultural property situated in that territory. The Occupying Power is competent to submit an application for immovable cultural property to be entered into the International Register of Cultural Property Under Special Protection.

U. Defendants are obligated to safeguard and preserve Plaintiff's cultural property but instead illegally destroyed 4 religious and cultural shrines during a premeditated armed sneak attack under the cloak of night on June 20, 2019, and a library and learning center for the children who are Kia'i of Mauna a Wākea on September 6, 2019. They used excessive armed forces authorized to use deadly force upon the Protected Persons and their property Mauna a Wākea, to prevent the legal property owners from stopping the Defendant's destruction.

These were ahu, simple rock and stick shrines of worship and reverence to our Divine Creator, and of no threat to security. The library and education center was described as a "tiny house" which could have quickly, and easily, and respectfully been dismantled and hauled away. But Defendants used about 100 armed forces, one of whom destroyed Plaintiffs national flag instead of respectfully removing it, and a bulldozer was used, amid cries of suffering from the Protected People, to ensure total destruction.

The State is required to have but has no legal relations with the "competent national authorities" of the Hawaiian Kingdom, and do the opposite of supporting them in safeguarding and preserving their cultural property.

1. GC ARTICLE 33 ... Reprisals against protected persons and their property are prohibited.
2. DEPARTMENT OF DEFENSE LAW OF WAR MANUAL JUNE 2015
 - a. 1.4.2.1 Nature of War – Violence and Suffering. War has been described as a violent clash of interests characterized by the use of force. The fact that violence is an essential element of war has been viewed as important in understanding the nature of war. The violent nature of war has also meant that suffering has been an unfortunate and tragic, but unavoidable consequence of war. Law of war treaties such as the Hague and Geneva Conventions have been negotiated with the understanding that suffering and destruction are unavoidably part of war. But these treaties and the principle of humanity seek to reduce unnecessary suffering and destruction.
 - b. 11.6.1 General Protections, Including Humane Treatment, of the Population of an Occupied Territory. The population of an occupied territory, like other protected persons under the GC, are entitled, in all circumstances, to respect for their persons, their honor, their family rights, their religious convictions and practices, and their manners and customs.

c. 11.18.6.4 Municipal, Religious, Charitable, and Cultural Property. The property of municipalities, that of institutions dedicated to religion, charity, and education, and the arts and sciences, even when State property, shall be treated as private property. All seizure of, destruction of, or willful damage done to institutions of this character, historic monuments, works of art, and science, is forbidden, and should be made the subject of legal proceedings.

d. 11.19.1 Obligation With Respect to the Safeguarding and Preservation of Cultural Property. Any Party to the 1954 Hague Cultural Property Convention in occupation of the whole or part of the territory of another Party to the 1954 Hague Cultural Property Convention shall as far as possible support the competent national authorities of the occupied country in safeguarding and preserving its cultural property.

Should it prove necessary to take measures to preserve cultural property situated in occupied territory and damaged by military operations, and should the competent national authorities be unable to take such measures, the Occupying Power shall, as far as possible, and in close co-operation with such authorities, take the most necessary measures of preservation.

V. The Ali'i and Maka'āinana (Protected Persons) who are Kia'i at Mauna a Wākea are personal engaged in the protection of cultural and religious property and should be allowed to safely maintain their protection because they pose no threat to security. No "TRAVEL PERMIT" should be issued restricting Plaintiff's access.

1. LOW - 4.14.1 Personnel Engaged in the Protection of Cultural Property. As far as is consistent with the interests of security, personnel engaged in the protection of cultural property shall, in the interests of such property, be respected and, if they fall into the hands of the opposing party, shall be allowed to continue to carry out duties whenever the cultural property for which they are responsible has also fallen into the hands of the opposing party. Such personnel are analogous to military medical and religious personnel who also shall continue to carry out their medical and spiritual duties when they have fallen into the hands of the enemy.

W. Defendants illegally entered into special agreements with the Department of Hawaiian Homelands, the University of Hawaii, and TMT, to lease and destroy, religious and cultural, private property of the Plaintiff's, but may not enter into any special agreements that would adversely affect the situation of protected persons nor restrict the rights that the Geneva Convention confers upon them.

1. GC - SPECIAL AGREEMENTS ARTICLE 7 - In addition to the agreements expressly provided for in Articles 11, 14, 15, 17, 36, 108, 109, 132, 133 and 149, the High Contracting Parties may conclude other special agreements for all matters concerning which they may deem it suitable to make separate provision. No special agreement shall adversely affect the situation of protected persons, as defined by the present Convention, nor restrict the rights which it confers upon them. Protected persons shall continue to have the benefit of such agreements as long as the Convention is applicable to them, except where express provisions to the contrary are contained in the aforesaid or in subsequent agreements, or where more favourable measures have been taken with regard to them by one or other of the Parties to the conflict.

2. LOW - 11.6.3 Occupying Power's Duty to Respect the Rights of Protected Persons Secured by the GC. The Occupying Power has certain obligations to respect the rights of protected persons secured by the GC. Protected persons who are in occupied territory shall not be deprived, in any case or in any manner whatsoever, of the benefits of the GC by any change introduced, as the result of the occupation of a territory, into the institutions or government of the occupied territory, nor by any agreement concluded between the authorities of the occupied territories and the Occupying Power, nor by any annexation by the latter of the whole or part of the occupied territory. For example, an Occupying Power may not purport to annex occupied territory in order to avoid its responsibilities as an Occupying Power. The Occupying Power may not enter into any special agreements that would adversely affect the situation of protected persons, as defined by the GC, nor restrict the rights that the GC confers upon them. The Occupying Power may also not evade its responsibilities through the purported renunciation by protected persons of the rights secured to them by the GC and by any special agreements referred to in Article 7 of the GC. In certain cases, a protected person's rights of communication under the GC may be forfeited for security reasons.

- X. Defendants did 13 times previously, illegally cause the utter destruction of many acres of land at Mauna a Wākea for construction of the 13 illegal telescopes already there, that were also all protested against.

- Y. Defendants held a press conference on September 12, 2019 over their urgent concern regarding one (1) vine that may or may not have been "cut" by the Kia'i protesters, and alleged damage done to several plants, but they have no problem with the impact of their bulldozing a small library using excessive and unreasonable force, nor with allowing an additional 6 acres to be utterly destroyed by TMT.

Z. Plaintiff Princess Carmen Ka'anā'anā is also the highest ranking religious leader of the Hawaiian Kingdom. And is the *de jure* Head of Heiau, the Kahuna Nui of the Kingdom. As a descendant of Pa'ao, she is the successor to the hereditary title Kahuna Nui Pa'ao. Pa'ao was the highest ranking Kahuna in history. The Princess' Great⁵ Grandmother was Princess Kahiwa Kānekapōlei, daughter of King Kamehameha I, and for her only a husband of comparable rank was chosen, he was Namiki-ai-o-kalani, Kahuna Nui Pa'ao. Rank is a basis of Plaintiff's culture and must be respected.

1. GC - ART. 54. — The Occupying Power may not alter the status of public officials.
2. LOW - 11.6.1 General Protections, Including Humane Treatment, of the Population of an Occupied Territory. The population of an occupied territory, like other protected persons under the GC, are entitled, in all circumstances, to respect for their persons, their honor, their family rights, their religious convictions and practices, and their manners and customs.

AA. Defendants are illegally issuing a "TRAVEL PERMIT" denying Plaintiffs their religious and cultural real private property Mauna a Wākea, and their Constitutional rights to assemble. Exhibit 5.

BB. Defendants acts constitute gross violations and grave breaches of; human rights, humanitarian principles, the Geneva Convention, the laws of war and their own laws. Defendant's 126 years of impunity and failure to comply with the laws and Constitutions of the USA and with customary international laws, cause irreparable injury to the Plaintiffs of incalculable amounts and amount to genocide.

The count and extent of violations is an enormous list with damages of incalculable value that this case addresses only a tiny portion thereof. The list includes compelling the Plaintiffs who are Ali'i and Maka'āinana to be their nationals, and compelling these Protected Persons to swear allegiance to them and fight and die in Defendant's military, and they use propaganda that aims at securing voluntary enlistment.

1. On October 2-4, 1992, the eve of the 500th anniversary of Columbus's invasion of the Americas', an historic International Tribunal of Indigenous Peoples and Oppressed Nations, convened in San Francisco, California, U.S.A. Verdict (in part) of the International Tribunal of Indigenous Peoples and Oppressed Nations in the USA.

- a. The Federal Government of the United States of America has perpetrated crimes of genocide against the Kanaka Maoli (the Indigenous Hawaiian People) and has engaged in actions constituting gross violations of their human rights and their right to self-determination, all of which threaten to render the Kanaka Maoli extinct.
2. LOW - 11.20.1.1 Prohibition on Compulsory Service in an Occupying Power's Armed Forces. The Occupying Power may not compel protected persons to serve in its armed or auxiliary forces. No pressure or propaganda that aims at securing voluntary enlistment is permitted. Compelling protected persons to serve in its armed or auxiliary forces would in most cases also violate the prohibition against compelling inhabitants of occupied territory to swear allegiance to the hostile State. Compelling a protected person to serve in the forces of a hostile Power is a grave breach of the GC.

CC. The nature of belligerent occupation is temporary and the law specifically provides for the "Returning Sovereign". By failing to ever recognize and have the required legal relations with the Returning Sovereign, Defendants deny the rights of the Returning Sovereign, and indefinitely prolong this *temporary* state of war, thus denying the Hawaiian Kingdom and all its Protected People a conciliation procedure, an avenue for peace, and an end to the Defendant's war against them.

Defendants are required to have legal relations with the temporarily ousted sovereign authority of the occupied territory but do not now have nor ever attempted to have any. They are unable to even name the returning Sovereign to whom they are legally obligated.

1. LOW - 11.4 LEGAL POSITION OF THE OCCUPYING POWER Military occupation of enemy territory involves a complicated, trilateral set of legal relations between the Occupying Power, the temporarily ousted sovereign authority, and the inhabitants of occupied territory. The fact of occupation gives the Occupying Power the right to govern enemy territory temporarily, but does not transfer sovereignty over occupied territory to the Occupying Power.
2. LAW OF BELLIGERENT OCCUPATION J.A.G.S. TEXT No. 11 The Judge Advocate General's School (JAGS) CHAPTER XI THE RETURNING SOVEREIGN The *jus postliminii* of the Romans was a legal fiction by which persons, and, in some cases, things, taken by an enemy, were restored to their original legal status immediately on coming under the power of the nation to which they formerly belonged. Writers of international law engrafted the term *postliminy* to describe the legal inference by which persons, property, and

territory, captured by an enemy, were presumed to revert to their former condition on the withdrawal of enemy control. Broadly speaking, the doctrine indicates that mere possession by a belligerent in the course of war of property or territory of the enemy in itself is insufficient to transfer title or sovereignty, as the case may be, against the enemy owner or sovereign who regains possession during the continuance of the war.' Oppenheim uses the term postliminy to indicate the fact that territory, individuals, and property, after having come in time of war under the authority of the enemy, return during the war or at its end, under the rule of their original sovereign. This definition does not purport to give the legal effects the postlimin has; it simply indicates the return to the legitimate sovereign of that which has been for a time under the control of the enemy.

The varied concepts evoked by the term post-liminium complicate the problems arising from the return of the sovereign. These may be resolved on principle without reference to that doctrine. In effect, says Hall, the doctrine of postliminium amounts to a truistic statement that property and sovereignty cannot be regarded as appropriated until their appropriation has been completed in conformity with the rules of international law.

Military occupation of enemy territory does not transfer sovereignty to the occupant. The territory remains under the sovereignty of the legitimate government until subjugation or cession by treaty of peace. Hence the moment the occupant evacuates the territory and the sovereign returns, the territory and its inhabitants at once come under his rule. The liberation of occupied territory by an ally of the legitimate sovereign does not necessarily re-establish the authority of the sovereign. Military necessity may require the ally of the liberated country to establish military government therein.

Certain questions relating to domestic law are excluded from this discussion. Thus whether the Constitution of the State or its laws are automatically revived on the return of the sovereign is a problem of domestic law and not international law. Similarly, whether criminal sentences imposed during the occupation by the enemy should be set aside is a domestic question." As a general rule, however, the returning sovereign will annul sentences imposed by the occupant for acts affecting the security of the occupant and not criminal by the domestic law of the occupied state; e.g., war treason. Questions between the subjects and the government of the same State are matters of domestic law. Issues between the government of one State and the subjects or the government of another State, are international. The return of the sovereign raises many problems but "international law can deal only with such effects as are international.

The returning sovereign must recognize the validity of acts done (*faits accomplis*) by the occupant which the latter was competent to perform according to international law. Oppenheim says :

Indeed, the State into whose possession such territory has reverted must recognise these legitimate acts, and the former occupant has by International Law a right to demand this. Therefore, if the occupant has collected the ordinary taxes, has sold the ordinary fruits of immovable property, has disposed of such moveable State property as he was competent to appropriate, or has performed

other acts in conformity with the laws of war, this may not be ignored by the legitimate sovereign after he has again taken possession of the territory.

According to Birkhimer, no nation recognizes the right of its subjects pecuniarily to assist the enemy by becoming purchasers of property appropriated by the enemy as booty since such an act is at variance with the obligations of good citizenship. Huber poses this problem: One may, however, wonder whether the State to whose prejudice the booty was taken, should protect in his rights one who without good faith acquires directly from the captor objects or securities. There would be no infraction on the part of the occupant of the principle of the inviolability of private property guaranteed by international law, if the injured State declared in advance that it will not recognize such alienations, because nobody is obliged and can never be forced to acquire such property.

If the occupant has performed acts which, according to international law, were in excess of his rights, the returning sovereign may ignore these acts. Thus if the occupant has sold immovable state property, the sovereign may retake it from the purchaser, whoever he is, without compensation.

On January 4, 1943, the United States, the nations of the British Commonwealth, Russia, China, and other countries, issued a declaration that they-- reserve all their rights to declare invlaid any transfers of, or dealings with, property, rights and interest of any description whatsoever, (a) which are or have been situated in the territories which have come under the occupation or control, direct or indirect, of the Governments with which they are at war, or (b) which belong or have belonged to persons, including juridical persons, resident in such territories. This warning applies whether such transfers or dealings have taken the form of open looting or plunder or if transactions apparently legal in form even when they purport to be voluntarily effected.

IV. Fees, costs, salary, other relief

DD. Fees, costs, and other relief are requested pursuant to the law in a reasonable amount to be determined by the Court. Plaintiff Princess Carmen Ka'anā'anā is a public official of the Hawaiian Kingdom, incurring the costs of Court, and of expenses and time required to represent a nation in an official capacity, and as its Head of State. And she is a public official as a Princess, as its Temporarily Ousted Sovereign, and as its Returning Sovereign.

And as such, she is the only known legal representative of the Kingdom and its only known legal public official. And thus, Plaintiff is entitled to a salary commensurate with this highest public office and Head of State, and as the single legal representative of and heir to a Kingdom with land property worth trillions of dollars, and 126 years of

redress at 10% legal interest due from the USA, and with 170,000 tons of gold at Bank of Hawai'i (\$6.5 trillion).

The amount of that salary should also take into consideration her cousin of comparable rank, Princess Bernice Pauahi Bishop, whose estate is currently valued at approximately \$11.9 billion. And that salary should be of an amount comparable to the Princess' international peers.

The "public revenue" of the State is the General Fund Tax Revenues, from which the salary of occupied public officials shall be paid and is projected by the Department of Taxation for 2020 at \$7,434,603,000, exhibit 6 - Letter to Governor from Council of Revenues. The Plaintiffs suggest and request an immediate interum annual salary of 1% of the State's general fund tax revenue, until a proper salary can be agreed upon.

Furthermore, the salary of the Sovereign of the Hawaiian Kingdom has always included the official royal residence 'Iolani Palace and its compound. Plaintiff is entitled to immediate exclusive residency at the official royal residence 'Iolani Palace compound, the traditional home of the Sovereign. Contents and properties of the entire compound intact and inventoried. And along with staff and expenses paid by Defendants. And she is entitled to an appropriate office, with full paid staff and expenses.

Again, the State is required under the law to have legal relations with the highest Public Official and to pay their salary from the public revenue of the occupied territory, neither of which they are doing.

1. LOW - 11.21.3 Salaries of Public Officials. The salaries of civil officials of the hostile government who remain in the occupied territory and continue the work of their offices, especially those who can properly continue it under the circumstances arising out of the war – such as judges, administrative or police officers, and officers of city or communal governments – are paid from the public revenues of the occupied territory, until the military government has reason wholly or partially to dispense with their services.
 - a. GC - ART. 54. — The Occupying Power may not alter the status of public officials.
 - b. KC - Article 21. The Government of this Kingdom is that of a Constitutional Monarchy, under His Majesty Kamehameha V, His Heirs and Successors.

- c. KC - Article 34. The King is Sovereign of all the Chiefs and of all the People; the Kingdom is His.

EE. Princess Carmen Ka'anā'anā is a Foreign Head of State and representative of a foreign government, and is thus entitled to United States Secret Service protection. Plaintiffs request immediate Secret Service protection for the Princess under the law and because of imminent threat of harm Plaintiffs believe the Princess will face upon filing this Motion.

1. United States Code 18 U.S. Code § 3056. Powers, authorities, and duties of United States Secret Service (a) Under the direction of the Secretary of Homeland Security, the United States Secret Service is authorized to protect the following persons: (5) Visiting heads of foreign states or foreign governments.

FF. The Defendants shall transfer management and control of the island of Kaho'olawe and its waters to the sovereign native Hawaiian entity upon its recognition by the United States and the State of Hawaii. Plaintiff is the single sovereign native Hawaiian entity and requests immediate transfer.

1. Hawaii Revised Statutes §6K-9 Transfer. Upon its return to the State, the resources and waters of Kaho'olawe shall be held in trust as part of the public land trust; provided that the State shall transfer management and control of the island and its waters to the sovereign native Hawaiian entity upon its recognition by the United States and the State of Hawaii. All terms, conditions, agreements, and laws affecting the island, including any ongoing obligations relating to the clean-up of the island and its waters, shall remain in effect unless expressly terminated. [L 1993, c 340, pt of §2]

GG. Defendant's enumerated activities plus countless more, trigger the Geneva Convention SUBSTITUTES FOR PROTECTING POWERS ARTICLE 11. We the Plaintiffs do not benefit, and never have benefited, by the activities of the Defendants. Defendants offer neither impartiality nor efficacy in the duties incumbent on them as Protecting Powers by virtue of the Geneva Convention. Defendants shall request a neutral State, or organization, to undertake Defendant's duties to Plaintiffs.

1. When persons protected by the present Convention do not benefit or cease to benefit, no matter for what reason, by the activities of a Protecting Power or of an organization provided for in the first paragraph above, the Detaining Power shall request a neutral State, or such an organization, to undertake the functions

performed under the present Convention by a Protecting Power designated by the Parties to a conflict.

HH. Memorandum dated 25 February 2018 from Dr. Alfred deZayas to Members of the Judiciary for the State of Hawaii. Exhibit 2.

1. As a professor of international law, the former Secretary of the UN Human Rights Committee, co-author of the book, *The United Nations Human Rights Committee Case Law 1977-2008*, and currently serving as the UN Independent Expert on the promotion of a democratic and equitable international order, I have come to understand that the lawful political status of the Hawaiian Islands is that of a sovereign nation-state in continuity; but a nation-state that is under a strange form of occupation by the United States resulting from an illegal military occupation and a fraudulent annexation. As such, international laws (the Hague and Geneva Conventions) require that governance and legal matters within the occupied territory of the Hawaiian Islands must be administered by the application of the laws of the occupied state (in this case the Hawaiian Kingdom), not the domestic laws of the occupier (the United States). As such, international laws (the Hague and Geneva Conventions) require that governance and legal matters within the occupied territory of the Hawaiian Islands must be administered by the application of the laws of the occupied state (in this case the Hawaiian Kingdom), not the domestic laws of the occupier (the United States).

I have reviewed the complaint submitted in 2017 by Mme Routh Bolomet to the United Nations Office of the High Commissioner for Human Rights, pointing out historical and ongoing plundering of the Hawaiian's lands, particularly of those heirs and descendants with land titles that originate from the distributions of lands under that authority of the Hawaiian Kingdom. Pursuant to the U.S. Supreme Court judgment in the Paquete Habana Case (1900), U.S. courts have to take international law and customary international law into account in property disputes. The state of Hawaii courts should not lend themselves to flagrant violations of the rights of the land title holder and in consequence of pertinent international norms. Therefore, the courts of the State of Hawaii must not enable or collude in the wrongful taking of private lands, bearing in mind that the right to property is recognized not only in the U.S. law but also in Article 17 of the Universal Declaration of Human Rights, adopted under the leadership of Eleanor Roosevelt.

- II. President Grover Cleveland, regarding the illegal overthrow of the Hawaiian Kingdom by the United States of America, "... concluded that a `substantial wrong has thus been done which a due regard for our national character as well as the rights of the injured people requires we should endeavor to repair" and called for the restoration of the Hawaiian monarchy;". However, the provisional administration prior to the State of Hawaii defied

the President, the laws of the USA, the Geneva Convention, and customary international law. "Whereas the Provisional Government protested President Cleveland's call for the restoration of the monarchy and continued to hold state power and pursue annexation to the United States;". And the Defendants, the succeeding provisional governing organization of the Occupation, continue to defy the law with impunity for 126 years, SJR.

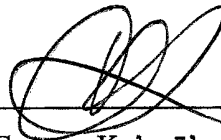
V. Prayer

For these reasons, Plaintiffs ask the Court to grant a temporary restraining order, temporary injunction and permanent injunction, and set for hearing at the earliest possible time. Plaintiffs ask the Court to declare the rights, status and other legal relations of the parties and applicable law, and grant Plaintiffs such remedies for Defendants breaches of law as are appropriate.

I, Princess Carmen Ka'anā'anā, do declare under penalty of law that the foregoing is true and correct.

SIGNED THIS 24th DAY OF September, 2019

Pāhoa, Hawaiian Kingdom.



Princess Carmen Ka'anā'anā, Petitioner Pro Se

PO Box 1912, Pāhoa, HI 96778