

Puerto Rico and the Puerto Ricans Versus 115 Years of Yankee Imperialism and Colonialism

By [Global Research News](#)

Global Research, September 22, 2013

Region: [Latin America & Caribbean, USA](#)

Theme: [History](#)

Address at the University of Puerto Rico, September 20, 2013

In order to commemorate the 500th anniversary of Columbus's invasion of the Americas, in early 1992 I was asked by the Organizers of the International Tribunal of Indigenous Peoples and Oppressed Nations in the U.S.A. to serve as Special Prosecutor of the United States of America for committing international crimes against Indigenous Peoples, People of Color, and Oppressed Nationalities, including and especially Puerto Rico and the Puerto Ricans.

The Tribunal was initiated by the American Indian Movement (AIM) with the support of representatives of the Puerto Rican People, the New Afrikan People, the Mexicano People, and "progressive White North Americans." Of course, I do not consider myself to be a "White North American." I was born Irish. During the past 850 years of resisting one of the most brutal and cruel colonial occupations in the history of humankind, we Irish know what the denial of self-determination, genocide, and gross violations of our most fundamental human rights are all about in our beloved Ireland and abroad, which atrocities still continue as of today. We Irish still fondly remember and greatly appreciate that Pedro Albizu Campos stood up for us at Anglophile Harvard a century ago.

In my capacity as Special Prosecutor of the United States Federal Government, I drew up an Indictment under international law that was served upon the Attorney General of the United States and the United States Attorney in San Francisco prior to the convening of the Tribunal in that city just before "Columbus Day" on October 2-4, 1992 with a demand that they appear to defend the United States government from the charges. I take it they saw no point in trying to defend the indefensible because no one showed up to defend the United States government, though they did publicly acknowledge receipt of our service of process. I will not go through all 37 charges of my Indictment here. But the proceedings of this pathbreaking International Tribunal have been recorded in a formal Verdict by the Tribunal; in a Video of the Tribunal; and in a Book on the Tribunal—all under the title U.S.A. On Trial: The International Tribunal on Indigenous Peoples and Oppressed Nations in the United States.

Six months after the conclusion of these San Francisco Tribunal proceedings, I was the Lawyer and Ambassador for the Republic of Bosnia and Herzegovina arguing its case for genocide against Yugoslavia before the International Court of Justice in The Hague, the World Court of the United Nations System. There I would single handedly win two World Court Orders overwhelmingly in favor of Bosnia against Yugoslavia to cease and desist from committing all acts of genocide against the Bosnians on 8 April 1993 and 13 September 1993. I treated the San Francisco Tribunal proceedings with as much care, attention, dignity, respect, and professionalism as I did the World Court proceedings for Bosnia. And the

results were the same: massive, overwhelming, crushing victories for my clients at both the World Court and the San Francisco Tribunal!

For the purpose of this Lecture, I want to briefly discuss the eight charges that I filed against the United States government for committing international crimes against the People and State of Puerto Rico. I believe that these eight charges succinctly state the fundamental principles of international law concerning Puerto Rico and the Puerto Ricans. Obviously, these eight charges of my Indictment cannot answer all the questions the Puerto Rican People might have with respect to international law. But I do submit that these eight charges provide a solid foundation for providing guidance to the Puerto Rican People as to your basic rights under international law that can be used in the future in order to navigate problems and issues as they arise to confront you.

The distinguished Judges composing this International Tribunal consisted of seven independent Experts on human rights drawn from all over the world. In their Verdict, Preliminary Findings, and Order of 4 October 1992, the Indigenous Peoples' Tribunal did not accept all of the 37 charges that I filed in my Indictment against the United States government for perpetrating international crimes against Indigenous Peoples, People of Color, and Oppressed Nations. But most strikingly, when it came to the Puerto Rican People, the International Tribunal accepted all of my charges against the United States government, and by a unanimous vote at that. In its own words, the exact findings of this Tribunal on the People and State of Puerto Rico were as follows:

Puerto Rican People

With respect to the charges brought by the Puerto Rican People, the Defendant, the federal Government of the United States of America is, by unanimous vote, guilty as charged in:

Since its illegal invasion of Puerto Rico in 1898, Defendant has perpetrated innumerable Crimes Against Peace, Crimes Against Humanity and War Crimes against the People and State of Puerto Rico as recognized by the Nuremberg Charter, Judgment, and Principles.

The Defendant has perpetrated the International Crime of Genocide against the Puerto Rican People as recognized by the 1948 Genocide Convention.

The Defendant has perpetrated the International Crime of Apartheid against the Puerto Rican People as recognized by the 1973 Apartheid Convention.

The Defendant has perpetrated a gross and consistent pattern of violations of the most fundamental human rights of the Puerto Rican People as recognized by the 1948 Universal Declaration of Human Rights and the two aforementioned United Nations Human Rights Covenants of 1966.

The Defendant has perpetrated a gross and consistent pattern of violations of the 1965 Racism Convention against the Puerto Rican People.

The Defendant has denied and violated the international legal right of the Puerto Rican People to self-determination as recognized by the United Nations Charter, the two United Nations Human Rights Covenants of 1966, customary international law, and jus cogens.

The Defendant has illegally refused to apply the United Nations Decolonization Resolution of

1960 to Puerto Rico. Pursuant thereto, the Defendant has an absolute international legal obligation to decolonize Puerto Rico immediately and to transfer all powers it currently exercises there to the Puerto Rican People.

The Defendant has illegally refused to accord full-scope protections as Prisoners-of-War to captured Puerto Rican independence fighters in violation of the Third Geneva Convention of 1949 and Additional Protocol I thereto of 1977. The Defendant's treatment of captured Puerto Rican independence fighters as "common criminals" and "terrorists" constitutes a "grave breach" of the Geneva Accords and thus a serious war crime.

As Special Prosecutor for the Tribunal, it came as no surprise to me that the Judges unanimously accepted all of my charges against the United States government with respect to the People and State of Puerto Rico. This is because the principles of international law with respect to Puerto Rico and the Puerto Ricans are incontestable, and thus so glaringly obvious for the entire world to see. I most respectfully submit that the Puerto Rican People must use this analysis and the Tribunal's Verdict, Preliminary Findings, and Order in order to support, promote, and defend your basic rights under international law, including your right to self-determination and establish the independent state of Puerto Rico if that is your desire.

In the final section of its Verdict, the San Francisco Tribunal also rendered the following unanimous decision that directly concerns the international legal rights of the People and State of Puerto Rico:

ADDITIONAL FINDINGS

In light of the foregoing findings, this Tribunal also, by unanimous vote, finds the Defendant guilty as charged in paragraph 37, which, as amended, reads:

In light of the foregoing international crimes, the Defendant constitutes a Criminal Conspiracy and a Criminal Organization in accordance with the Nuremberg Charter, Judgment, and Principles and the other sources of public international law specified above, and the Federal Government of the United States of America is similar to the Nazi government of World War II Germany.

This powerful Finding speaks for itself and requires no explanation by me.

The Tribunal concluded its Verdict with the following Order to the United States government: "Now therefore, it is ordered, adjudged and decreed that the Defendant cease and desist from the commission of the crimes it has been found guilty of herein." Pursuant thereto, I then filed a copy of this San Francisco Verdict with its Cease and Desist Order upon the Attorney General of the United States of America in Washington, D.C.

In return, I later received a 5 February 1993 Letter from the U.S. Department of Justice that acknowledged the receipt of the San Francisco Tribunal Verdict and its Cease and Desist Order against the United States government. This U.S. D.O.J Letter then advised me: "If you, or the Tribunal, have any evidence of the violation of federal criminal law, we ask that you provide that information to your local office of the Federal Bureau of Investigation."

As I saw it at the time, and still see it as of today, historically this would be analogous to the Nazi Ministry of "Justice" advising a German lawyer representing the Jews to file his Complaint of criminal law violations by the Nazi government against the Jews with the

Gestapo. The F.B.I is and has always been the American Gestapo — especially for all Peoples of Color living within its imperial domain.

Nevertheless, the Verdict, Preliminary Findings, and Order of this San Francisco Tribunal qualify as a “judicial decision” within the meaning of Article 38(1)(d) of the Statute of the International Court of Justice. Pursuant thereto, this Verdict, Preliminary Findings, and Order constitute “subsidiary means for the determination of rules of law” for international law and practice. Furthermore, the Statute of the International Court of Justice is an “integral part” of the United Nations Charter under Article 92 thereof. Hence the San Francisco Tribunal’s Verdict, Preliminary Findings, and Order can be relied upon by the International Court of Justice itself, by the International Criminal Court, by some other International Tribunal, or by any other Court in the world today, as well as by any People or State of the World Community — including and especially by Puerto Rico and the Puerto Ricans. The Verdict of the San Francisco Tribunal still serves as adequate notice to the appropriate officials in the United States Federal Government that they bear personal criminal responsibility under international law and the domestic legal systems of all Peoples and States in the World Community for designing and implementing these illegal, criminal and reprehensible policies and practices against Indigenous Peoples and Peoples of Color living in North America, and especially against Puerto Rico and the Puerto Ricans.

Obviously, in my brief presentation here today, I do not have the time to go through each and every one of these eight charges; to discuss all of the factual evidence that supported these eight charges; or to provide you with an analysis of the international legal bases for each one of these eight charges. For that type of information, I refer you to the Video and the Book on the San Francisco Tribunal as well as to its Verdict, Preliminary Findings, and Order itself. But in the discussions that follow today, I will be happy to respond to any questions you might have.

Thank you.

The original source of this article is Global Research
Copyright © [Global Research News](#), Global Research, 2013

[Comment on Global Research Articles on our Facebook page](#)

[Become a Member of Global Research](#)

Articles by: [Global Research News](#)

Disclaimer: The contents of this article are of sole responsibility of the author(s). The Centre for Research on Globalization will not be responsible for any inaccurate or incorrect statement in this article. The Centre of Research on Globalization grants permission to cross-post Global Research articles on community internet sites as long the source and copyright are acknowledged together with a hyperlink to the original Global Research article. For publication of Global Research articles in print or other forms including commercial internet sites, contact: publications@globalresearch.ca

www.globalresearch.ca contains copyrighted material the use of which has not always been specifically authorized by the copyright owner. We are making such material available to our readers under the provisions of "fair use" in an effort to advance a better understanding of political, economic and social issues. The material on this site is distributed without profit to those who have expressed a prior interest in receiving it for research and educational purposes. If you wish to use copyrighted material for purposes other than "fair use" you must request permission from the copyright owner.

For media inquiries: publications@globalresearch.ca