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December 31, 2012

Information and Evidence Unit
Office of the Prosecutor
Post Office Box 19519
2500 CM The Hague
The Netherlands

Via otp.informationdesk@icc-cpi.int

Communication re: War Crimes and Crimes against Humanity in the British Indian Ocean Territories (BIOT)

Dear Sir/Madam:

I am writing to you as the Legal Representative for the United Micronations Multi-Oceanic Archipelago (UMMOA) (see *infra*). I have the authorization of my client to send this communication to you to request that you use your good offices and position to investigate allegations of the unlawful detention, torture, and black ops in Diego Garcia BIOT. Our intent is to support the request for an investigation of the use of the Diego Garcia military base as a place of international extrajudicial detention, torture, and execution.

The United Kingdom is a state party to the Rome Statute of the International Criminal Court.

Under Article 17 of the Rome Statute, the Court is a court of last resort, expected to exercise its jurisdiction only if a state party is unwilling or unable to investigate and prosecute international crimes.



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According to the Rome Statute, the Prosecutor has the discretionary power to intervene in a situation under the jurisdiction of the ICC Court if reliable information is provided to it.

There have been numerous instances of verified detention, rendition, and torture in Diego Garcia, with no remedy provided by the United Kingdom or its leaseholder the United States. As such, Diego Garcia constitutes an international menace as being a place outside the law of nations, where war crimes may be committed with impunity.

The United Micronations Multi-Oceanic Archipelago (UMMOA) is a territorial nation and state, and community of nations and states, as well as a multi-oceanic archipelago accredited with, and incorporated in, the International [States] Parliament for Safety and Peace, intergovernmental organization (IGO) of states juridically recognized under international law.

The UMMOA is also recognized by, and affiliated with, IGOs and NGOs such as Sicurezza e Cooperazione Diplomatica Internazionale (aka INTERDIPCO), the Organization of Emerging African States, the International Human Rights Commission, Chamber of Computer Logistics People Worldwide (which has *Special Consultative Status* with United Nations Economic and Social Council), the World Organization of Natural Medicine, the Federation of International Blue Cross & Blue Crescent Organisations, The Multipurpose Inter-Parliamentary Union, and Associazione Internazionale Mondo Animali–Corpo Internazionale Vigilanza Ecozoofilia.

The UMMOA can be compared to a state, but it was created with a different mission statement, and with a different philosophical premise — the stewardship of uninhabited islands in the Pacific Ocean, Caribbean Sea, Red Sea, and Indian Ocean.



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On 22 July 2008, the UMMOA achieved the recognition of the International [States] Parliament for Safety and Peace (I[S]PSP), intergovernmental organization of states, and thus the UMMOA's claim to all the following islands has been recognized by the I[S]PSP: Navassa Island, Bajo Nuevo Bank, Serranilla Bank, Jarvis Island, Palmyra Atoll, Kingman Reef, Johnston Atoll, Baker Island, Howland Island, Midway Atoll, and Wake Island.

On 5 May 2012, the Organization of Emerging African States (OEAS) also recognized an additional ten allodial title UMMOA claims beyond the Banc du Geysier claim. This decision brought the total number of recognized African and Ummoagian insular claims to eleven: Banc du Geysier, Aphrodite Island (a new Red Sea island which formed through a volcanic eruption, which took place between December 2011 and January 2012, and which was never claimed by any other state), Bassas da India, Europa Island, Glorioso Islands, Juan de Nova Island, Tromelin Island, Amsterdam Island, Saint Paul Island, Crozet Islands, and Kerguelen Islands.

Based on the UMMOA's stewardship ethic of responsible planning and management of resources, the OEAS also recognized the UMMOA's land tenure claim to another two islands or archipelagos — Mayotte and the Chagos Archipelago — so the UMMOA can fulfill its mission there not as Governor, but as Protector to the African islands.

Areas of concern about the BIOT

The Chagossians are the previous inhabitants of the Chagos Islands. The Chagossians resided in the islands of Diego Garcia, Peros Banhos, and the Salomon island chain, and had settled in other parts of the Chagos Archipelago.



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In 1965, as part of a deal to grant Mauritian independence, the Chagos Archipelago was split off from the colony, and came to form the British Indian Ocean Territory (BIOT). The territory's new constitution was imposed unilaterally without any referendum or consultation with the Chagossians, and it envisaged no democratic institutions.

Between 1967 and 1973 the Chagossians, then numbering some 2,000 people, were expelled by the British government, first to the island of Peros Banhos, 160 km away from their homeland, and then, in 1973, to Mauritius. A number of Chagossians who were evicted reported they were threatened with being shot or bombed if they did not leave the island. Food stores on the island were allowed to deplete in order to pressure the remaining inhabitants to leave. The forced expulsion and dispossession of the Chagossians was for the purpose of establishing a United States air and naval base on Diego Garcia, with a population of between 3,000 to 5,000 U.S. soldiers and support staff, as well as a few troops from the United Kingdom.

Most of the Chagossians today live in Mauritius and the United Kingdom. There are no Chagossians that live on the island of Diego Garcia, as it is now the site of the military base Camp Justice.

Today Mauritius, which still claims the Chagos Islands, allows a convenient myth to persist. The Mauritian government says that the Chagossians do exist, but they are Mauritians just like any other Mauritian, and are in no way the Chagos Islands' indigenous population. However, this is not the truth. If Chagossians are Mauritians like all other Mauritians, why are the Chagossians the only ones entitled to a BIOT passport, unlike the other Mauritians? Also, when the Chagossians moved to Mauritius, they were characterized as (foreign) Zulus. The Chagossian children were laughed at and teased by Mauritian kids, and school therefore turned into a nightmare for them. In reality, the Mauritian government was a willing accomplice to



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the Chagossian deportation and successive exile. It cannot be trusted any longer with anything relating to the Chagos Archipelago. As part of its 1968 U.N.-mandated independence demands, Mauritius agreed to sell the archipelago to the U.K., which became the new British Indian Ocean Territory (BIOT).

The U.K. has also fostered its own myths in order to hide even more embarrassing truths. When decolonization was ordered by the U.N., it came with the international law requirement that the whole of a colonial territory should be granted independence. But the U.S. wanted the Chagos Islands for a Cold War base, and secretly offered the Harold Wilson government a discount on the cost of Polaris missiles if it excised Chagos from Mauritius, and got rid of the Chagossians. So Britain lied to the U.N. by pretending that there were no permanent inhabitants on the islands. The 2,000 native Chagossians, who settled there for almost 200 years, were described as “itinerant laborers”. Then, claiming ownership of the archipelago, Britain deported them to Mauritius, and leased all the islands to the U.S. until 2016, permitting it to construct a massive military base on Diego Garcia.

On 11 May 2006, the Chagossians won their case in the British High Court of Justice, which found that they were entitled to return to the Chagos Archipelago. However, after a failed attempt, the British government successfully appealed to the Judicial Committee of the House of Lords, and on 22 October 2008 the Law Lords were found in favor of the British government in a 3-2 verdict, ending the legal process in the U.K., and dashing any Chagos Islanders’ hopes of return.

In April 2010, the British government established a marine nature reserve in the 210,000 sq km area in the Indian Ocean around the Chagos Islands known as the Chagos Protected Area, the world’s largest marine reserve. Even more controversially, this decision was announced during a period when the U.K. Parliament was in recess.



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News of the U.K. government's proposal to turn the Chagos Archipelago into a protected area, and the preposterous backing of the decision by several environmental and science bodies, provided clear evidence that not only the Fourth World agricultural model which is very popular today — i.e. based on heavily regulated, large scale certified organic farming — is unsustainable, but also Fourth World environmentalism, the kind of environmentalism that piggybacks on governments and intergovernmental organizations just like the most despicable bank, corporation, or protected interest group; the kind that turns weekend fishermen into people who now ludicrously need a license for a hobby; the kind which places the careers of professional environmentalists ahead of the human rights of indigenous peoples like the Chagossians. This, in turn, led to the founding of the Girlpeace organization on 4 April 2010, and its incorporation into the UMMOA.

As if the violations of the Chagossians were not enough, while Diego Garcia is used by the U.S. military as a long range bomber base, the CIA uses it for extra-judicial rendition, and for the purposes of illegal detention and torture. Manfred Nowak, one of five of the United Nations Special Rapporteur on torture, says that credible evidence exists supporting allegations about the use of Diego Garcia as a prison black site for alleged terrorists. The human rights group Reprieve alleges that U.S.-operated ships moored outside the territorial waters of Diego Garcia, were used to incarcerate and torture detainees.

The expulsion of the Chagossians in the late 1960s and early 1970s was illegal. This is a violation of at least Article 13.2 of Universal Declaration of Human Rights, which is part of customary international law. This is also a violation of Article 9 and Article 11 of the Montevideo Convention, another part of customary international law.



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The U.K. Government's declaration of the British Indian Ocean Territory (BIOT) as a Marine Protected Area, with fishing and extractive industry (including oil and gas exploration) prohibited, is also another crime, and the greatest form of hypocrisy. This is green-washing of human rights violations on the largest scale since the Holocaust, and the very reason why the UMMOA started the Girlpeace Fifth World environmental organization in April 2010.

Finally, the European Court of Human Rights (ECHR) ruling on 20 December 2012, which has dismissed a case brought by Chagos Islanders claiming the right to return to their home in the Indian Ocean, is definitely another form of U.K.-washing. The ECHR in Strasbourg declared that the Islanders' case is inadmissible, on the grounds that the applicants previously received compensation from the British government, and that in accepting it had "effectively renounced" their right to bring any further claims. This is blatant neocolonialism at its worst. Imagine for a moment being able to buy a huge island chain, and an exclusive economic zone, and collecting military base rents, and all for a few million quid!

It should be noted that the action of the British government is also a violation of Article 10 of the Montevideo Convention: the primary interest of states is the conservation of peace, and not the conservation of the environment — all while using indigenous peoples as a whipping boys. Any environmental crimes committed in the BIOT prior to the creation of the Marine Protected Area were, and are, solely the responsibility of the U.K. and U.S. governments. The Chagossians exiled on Mauritius argue that the wildlife haven was created principally to prevent Islanders' from returning, as it contains a ban on all types of fishing, which would be vital to any of the returnees' survival. So the Marine Protected Area is actually an illegal measure designed to effectively deny any Chagos Islanders the right to return to their homeland.



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The cases of illegal rendition and torture, therefore, are just the icing on top of an already well-decorated cake, made of human blood, and the trampling of human rights.

Yours respectfully,

Dr. Jonathan Levy, PhD
Legal Representative for UMMOA
International Criminal Bar / Barreau Pénal
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