

STATE OF NEW YORK  
COUNTY OF KINGS  
COUNTY CLERK'S OFFICE

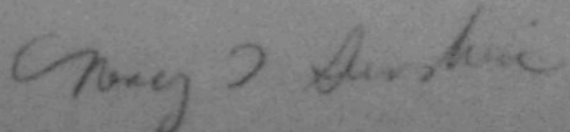
SS:

I, Nancy T. Sunshine, County Clerk of the County of Kings, State of New York and also Clerk of the Supreme Court in and for said County and State, the same being a Court of Record and having a seal;

DO HEREBY CERTIFY THAT HUSBANDS, ANTHONY RUDOLPH 01HU6306390  
Term 6/23/2014 to 6/23/2018

Whose name is subscribed to the annexed affidavit, deposition, certificate of acknowledgment or proof, was at the time of taking the same a NOTARY PUBLIC in and for the State of New York, duly commissioned and sworn and qualified to act as such throughout the State of New York; that pursuant to law a commission, or a certificate of their official character, and autograph signature, have been filed in my office; that as such the Notary Public was duly authorized by the laws of the State of New York to administer oaths and affirmations, to receive and certify the acknowledgment or proof of deeds, mortgages, powers of attorney and other written instruments for lands, tenements and hereditaments to be read in evidence or recorded in this State, to protest notes and to take and certify affidavits and depositions; and that I am well acquainted with the handwriting of such Notary Public or have compared the signature on the annexed instrument with their autograph signature deposited in my office,

IN WITNESS WHERE OF, I have hereunto set my hand and affixed my official seal at Brooklyn, Kings County, New York on July 14, 2016



NANCY T. SUNSHINE  
KINGS COUNTY CLERK

BASHIRI KWAME COLEMAN  
c/o 300 W. 142nd Street Apt. # 3  
New York, New York  
United States of America, Republic

Nunc Pro Tunc May 9, 2016

### **AFFIDAVIT OF STATUS, for**

BASHIRI KWAME COLEMAN, TIFFANY RICHMAN, BASHIRI KHALFANI COLEMAN JR., NO GIVEN NAME  
RICHMAN (BOY), NO GIVEN NAME RICHMAN (GIRL)

Ref: (a) Peace and Friendship Treaty, which was signed at Meccanez September 16, 1836, Entered  
into force January 28, 1837, 8 Stat. 484; TS 244-2; 9 Bevans 1286;

(b) Resolution 75, Sundry Free Moors Act, 1933, Legislative Journal, House 5759

(c) Declaration on the Rights of Indigenous Peoples hereinafter (DRIP), G.A. Res. 61/295, U.N.

Doc. A/RES/61/295 (Sept. 13, 2007), 46 I.L.M. 1013 (2007)

(d) LAW N. IX: AMENDMENTS TO THE CRIMINAL CODE AND THE CODE OF CRIMINAL PROCEDURE  
(11 July 2013) THE PONTIFICAL COMMISSION FOR THE VATICAN CITY STATE

(e) APOSTOLIC LETTER ON THE JURISDICTION OF JUDICIAL AUTHORITIES OF VATICAN CITY STATE  
IN CRIMINAL MATTERS

(f) RERUM NOVARUM ENCYCLICAL OF POPE LEO XIII ON CAPITAL AND LABOR

### **NATIONALITY**

To All Elected United States Republic Officials and Public Servants of Federal, State, City, and  
Municipal Governments, Personnel and Corporate Entities: Concerning the Constitution and all  
Statutory and Civil Law Codes of the Land, etc., Know All Men by These Presents:

I, Bashiri Kwame Coleman, issue of Creator/Supreme Being, a World Citizen pledging allegiance to the  
World Government, in full life domiciling on the land, am the Heir and Beneficiary to the Estate, being of  
the full age of majority (nunc pro tunc), and of sound mind, and competent, (from now on in this  
document, I means we) do affirm as follows:

Indigenous affiant expresses that my Kin being, Tiffany Coleman Bey, Bashiri Coleman-Bey Jr., Khalfani Coleman Bey aka on Live Birth Record NO GIVEN NAME Richman DOB November 23, 2013, Mensa Musa Coleman Bey aka on Live Birth Record NO GIVEN NAME Richman DOB July 12, 2015 are Living, Breathing, Divine Beings with no record of death and are not chattel, intestate or decedents

2. I repudiate, rescind, revoke and remove our signature from any contract to include residency, adhesion contracts and contracts lacking full disclosure especially those of SLAVERY whether expressed or implied. We are unaware of the existence of any such contracts, and therefore the existence of such contract is held to be unconscionable and unenforceable against us, as per UCC 2-302

3. The courts of the United States and the several states and others doing business are obligated to afford customary and treaty based rights to Moors under the , U.S. Const. art. 6, cl. 2, and whereas the **Treaty of Peace**, incorporated by **reference (a)** remains in effect within the United States of America and the several states; If the U.S. and it's agencies do not fulfill their obligation then they are participating in Conspiracy against rights 18 USC code Sec. 509B and possibly 18 U.S. Code Chapter 96 – RACKETEER INFLUENCED AND CORRUPT ORGANIZATIONS

4. Wife and Children nationality is that of Moorish American, descendants of the Ancient Moabites/Moors, which are the lost tribe of Judah, who are descendants of The Al Moroccan Empire; We're American Nationals with Jus Sanguines ties to the land, without 14<sup>th</sup> Amendment Citizenship, and that

5. The Indigenous Affiant, wife and children is of the family name Coleman-Bey, whereas the courts and others concerned, doing business or have been noticed are obligated to acknowledge the noble title of Moors native to America under Resolution 75, incorporated by **reference (b)**; and that

6. The court is obligated to recognize human rights of **Nationality** and **Self Determination**, without prejudice and the civil and political rights afforded therewith as set forth in the Declaration on the Rights of Indigenous Peoples, incorporated by **reference (c)**; and that,

## RIGHTS AND FREEDOMS

7. Reservation of Rights as per UCC 1-308 or other applicable statutes, rules, or regulations existing in domestic, international, customary and/or treaty based international law, including international human rights law: I reserve rights not to be compelled to comply with the provisions of any regulation, rule, statute, resolution or any other regulatory pronouncement or edict, from any colonial source, that assigns to itself, or others, any power or authority to interfere with the free exercise and full and effective enjoyment of any constitutional right, universally recognized human right or fundamental freedom

### 8. UNIVERSAL DECLARATION OF HUMAN RIGHTS Article 25

Everyone has the right to a standard of living adequate for the health and well-being of himself and of his family, including food, clothing, housing and medical care and necessary social services, and the right to security in the event of unemployment, sickness, disability, widowhood, old age or other lack of livelihood in circumstances beyond his control.



(2) Motherhood and childhood are entitled to special care and assistance. All children, whether born in or out of wedlock, shall enjoy the same social protection.

9. **UNIVERSAL DECLARATION OF HUMAN RIGHTS Article 23**

Everyone has the right to work, to free choice of employment, to just and favourable conditions of work and to protection against unemployment.

(2) Everyone, without any discrimination, has the right to equal pay for equal work.

(3) Everyone who works has the right to just and favourable remuneration ensuring for himself and his family an existence worthy of human dignity, and supplemented, if necessary, by other means of social protection.

(4) Everyone has the right to form and to join trade unions for the protection of his interests

### **NOTICE REGARDING STATE AND FEDERAL OBLIGATIONS**

10. , "...where any state proceeds against a private individual in a judicial forum it is well settled that the state, county, municipality, etc. waives any immunity to counters, cross claims and complaints, by direct or collateral means regarding the matters involved." --Luckenback v. The Thekla, 295 F 1020, 226 U.S. 328; Lyders v. Lund, 32 F2d 308; Dexter v. Kunglig J., 43 F2d 705, 282 US 896; U.S. v. N.C.B.N.Y., 83 F2d 236, 106 ALR 1235, affirmed; Russia v. BTC, 4 F Supp 417, 299 U.S. 563; and that

11. All courts in the United States are operating under: Trading with the Enemy Act of 1917, Act Oct 6, 1917 Ch.106, 40 Stat. 411 (**TWEA**), as codified in Title 50 USC; Title 28 USC, Chapter 176, Federal Debt Collection Procedure; Fed. R. Civ. P. 4(J); Title 28 USC §1608 making the courts "Foreign States" to the people by congressional mandate; and that

12. Those holding Federal or State public office, county or municipal office, under the Legislative, Executive or Judicial branch, including Judges, Prosecutors, Law Enforcement Department employees, Officers of the Court, etc., before entering into these public offices, are required by the U.S. Constitution and statutory Law. 1 to take an oath of office. State Officials are also required to meet this same obligation, according to State Constitution and State statutory law; and that

13. Public Official is considered a foreign agent 2., and has further "Loss of nationality by native-born or naturalized citizen; voluntary action; burden of proof; presumptions." 3. In order to hold public office, the candidate must file a true and complete registration statement with the State Attorney General as a foreign principle; and that

14. The Oath of Office requires the public official in his / her foreign state capacity to uphold the constitutional form of government or face consequences; and that

15. "The Constitution of these United States is the supreme law of the land. Any law that is repugnant to the Constitution is null and void of law." **Marbury v. Madison (1803)**; and that

1 Title 5 USC, Sec. §3331, "Oath of office

2 Title 22 USC, Foreign Relations and Intercourse, Section §611



## NOTICE REGARDING LIABILITY

16. I will obtain violators of the constitutions oath of office creating a binding and enforceable security agreement in their Bond, per UCC 9-203; and that
17. Piracy and Infringement of the Trust Property/Collateral are subject to charges in accord with Fee Schedule or **\$1,000,000.00** per violation, per each violation; and that
18. There is a general rule that a ministerial officer who acts wrongfully, although in good faith, is nevertheless liable in a civil action and cannot claim the immunity of the sovereign. *Cooper v. O'Conner*, 99 F.2d 133; and that
19. Any judge who does not comply with his oath to the Constitution of the United States wars against that Constitution and engages in acts in violation of the supreme law of the land. The judge is engaged in acts of treason. *Cooper v. Aaron*, 358 U.S. 1, 78 S. Ct. 1401 (1958); and that
20. A State shall not be immune under the Eleventh Amendment of the Constitution of the United States from suit in Federal court for a violation of the Civil Rights Act of 1964, or the provisions of any other Federal statute prohibiting discrimination by recipients of Federal financial assistance; and that
21. "No state legislature or executive or judicial officer can war against the Constitution without violating his undertaking to support it." *Marbury v. Madison*, 5 US 137; and that
22. I reserve the right to file a commercial lien against any person, resident, or citizen of the USA or one of the several states, in both public and private capacities for their violations and breach of trust, after the commercial grace period of 90 days has expired; and that

## NOTICE REGARDING THE WAIVER OF IMMUNITY

23. The Admiralty Extension Act extends the admiralty jurisdiction inland. All states by law have access to the sea.<sup>5</sup> ; and that
24. Any foreign sovereigns are liable for damages while doing business in the United States. (the judges, clerks, etc.) that operate on the behalf of a de facto foreign fiction government. Officials are liable for the damages that they commit while doing business in the country.<sup>6</sup> ; and that
25. When a judge knows that he lacks jurisdiction, or acts in the face of clearly valid statutes expressly depriving him of jurisdiction, judicial immunity is lost. *Zeller v. Rankin*, 101 S.Ct. 2020, 451 U.S. 939, 68 L. Ed 2d 326; and that

<sup>4</sup> 42 U.S.C. 2000d et seq.

<sup>5</sup> Title 46 U. S. A. Appendix, Ch. 19-A § 740

<sup>6</sup> Title 28 U. S. codes § 1605

26. An un rebutted affidavit is presumed to be true and Respondent(s) is/are required to timely respond and to rebut the truths expressed in each paragraph, categorically and on a point for point basis with an affidavit that is signed and sworn to on respondent's commercial liability and witnessed by a third party public witness, e.g. notary public, or other person qualified to attest to foreign bills or the matters expressed in this affidavit that rebuts this affidavit, or the truths expressed in this affidavit shall constitute the final truth and commercial judgment.

By Nature we are free and independent and we have an inalienable right to be free, and not slaves. Furthermore, the Law provides that man should not be surety for the debts of a Person, Proverbs 22:26.

Biblical Law at "Common Law" supersedes all laws, and "Christianity is custom, custom is Law. Robin v. Hardaway 1790, whereas Congress also agrees that it's necessary to apply it's teachings to the United States of America Pub. L. no 97-280 96 STAT. 1211, Also, see references (d), (e), and (f) for divine rights expressed by the Vatican City

Coleman-Bey, Tribe/Family have the Divine right to exercise a Raw Food and African Bio-Mineral Balance as a dietary program that is consistent with the African genetic structure, for we are Indigenous and have the right to eat, heal and live in accord with our Native/Aboriginal customs and not be forced to put foreign elements into our systems. That would be unhealthy and possibly fatal. The dietary program consists of natural herbal compounds, fresh fruits, vegetables and Juices. No other remedy for health or presumed illness is acceptable as an aid for any member of the Coleman-Bey tribe mentioned herein or to be born in the future. This right is not to be infringed upon by any agency, profit, non profit, public, private collective or individually etc. If this occurs then all involved will be held liable for genocide etc. if they had prior knowledge of our diet, which doesn't approve of Western medicine. This is not limited to vaccines, injections, pills, liquid solutions, sprays, vaporizers, anesthesia or a diet prescribed by a Dr., medical assistant or anyone else. Our eating way of life is NOT unhealthy or a crime. See Brooklyn Supreme Court trial involving Dr. Sebi (Alfredo Bowman) in the Amsterdam Newspaper article titled, "Herbalist found not guilty in *fake* healing case," where Dr. Sebi was found not Guilty, also see CBS NEWS etc. At the creation of this document the case number for reference has not been published on the books. Fortunately the Amsterdam News has copyrights to the article, unfortunately it would be a crime to enclose a physical reference.

At no time did we willingly or knowingly consent or agree to be surety under bond(age) contract, which was applied without consent and if anything was signed in accord it was do to lack of full disclosure, or under threat, duress, and coercion and not between the parties in the spirit of good faith and fair dealing.

I question to what extent the Constitution authorizes, or provisions that any Agent of Government, Organization or Corporation may force an Indigenous, Native American, American National to service a contract, which has the effect of creating money and profit. I further question whether or not such activity can be defined in any other terms not covered by the definition of slavery.

For one, a public officer to remain silent on the matter of Constitutional Violations, and the institution of slavery, being protected under a covert system of forced statutes, to create false crimes, or commercial crimes, that are in fact outside of the elements required by Law, makes apparent the extent of the silent fraud of slavery and genocide of the Americans of African Origin.



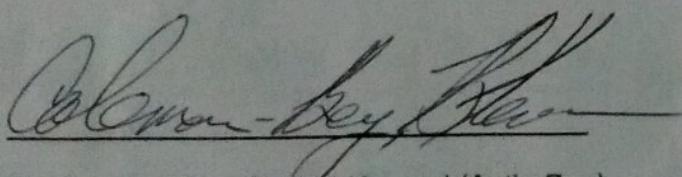
Silence can only be equated with fraud when there is a legal and moral duty to speak or when an inquiry left unanswered would be intentionally misleading. We cannot condone this shocking conduct... If that is the case we hope our message is clear. This sort of deception will not be tolerated and if this is routine it should be corrected immediately. U.S. v. Tweel, 550 F. 2d. 297, 299, 300 (1977)

Respondents shall be afforded seven (7 days) to present evidence of it's Contract and its commercial setting, purpose, and effect to make a final determination on it's validity and legitimacy. Respondent(s) is/are required to timely respond to, and to rebut the truths expressed in each paragraph, categorically and on a point for point basis with an affidavit, proving by what authority they're bringing claims (Quo Warranto), providing an oath of office, and the response must be signed and sworn to on respondent's commercial liability and witnessed by a third party public witness, e.g. notary public, or other person qualified to attest to foreign bills or the matters expressed herein that rebuts this affidavit; Or, the truths expressed in this affidavit shall constitute the final truth and commercial judgment against them.

FURTHER AFFIANT SAYETH NOT

#### WITNESSES

We, Carlos Gonzalez, Brian Haywood, and Bashiri Kwame' Coleman-Bey, the testator and the witnesses, respectively, whose names are signed to the foregoing instrument, being first duly sworn, do hereby declare to the undersigned authority that the testator signed and executed the instrument as the testator's will and that he had signed willingly and that he executed it as his free and voluntary act for the purposes therein expressed, and that each of the witnesses, in the presence and hearing of the testator, signed the will as witness and that to the best of his knowledge the testator was at that time 18 years of age or older, of sound mind, and under no constraint or undue influence.



By: Coleman-Bey, Bashiri-Kwame' (Auth. Rep)

BASHIRI K. COLEMAN

c/o 300 W. 142st Apt. 3

NEW YORK, NEW YORK [10030]





hearing of the testator, signed the  
e 18 years of age or older, of sound

ep)





Carlos Gonzalez

By: Gonzalez, Carlos (Auth. Rep.)

CARLOS GONZALEZ

c/o 300 W. 142st. Apt. 3

New York, New York [10030]

Brian Haywood

By: Haywood, Brian (Auth. Rep)

BRIAN HAYWOOD

c/o 300 W. 142st. Apt. 3

New York, New York [10030]

State of New York

County of New York

Subscribed, sworn to and acknowledged before me by Bashiri Kwame' Coleman-Bey, the testator, and subscribed and sworn to before me by, Carlos Gonzalez and Brian Haywood, witnesses, this 18<sup>th</sup> day of

MAY 2016.

WITNESS my hand and official seal.

Signature Anthony Husbands (Seal)

ANTHONY RUDOLPH HUSBANDS  
Notary Public, State of New York  
No. 01HU6306390  
Qualified in Kings County  
Commission Expires June 23, 2018






LIBRARY OF CONGRESS

Office of Business Enterprises  
Duplication Services Section

THIS IS TO CERTIFY that the collections of the Library of Congress contain a publication entitled **JOURNAL OF THE HOUSE OF REPRESENTATIVES OF THE COMMONWEALTH OF PENNSYLVANIA FOR THE SESSION BEGUN AT HARRISBURG ON THE THIRD DAY OF JANUARY, 1933 (PART IV)**, and that the attached photocopies – the title page, the date-stamped verso of the title page, and page 4367 on which appears Resolution No. 75, read April 17, 1933, adopted May 4, 1933 – are a true representation from that work.

THIS IS TO CERTIFY FURTHER, that the work is marked with a Library of Congress stamp that bears the date November 16, 1934.

IN WITNESS WHEREOF, the seal of the Library of Congress is affixed hereto on December 5, 2014.

  
\_\_\_\_\_  
Gregory Cooper  
Duplication Services, Section Head  
Office of Business Enterprises  
Library of Congress





# JOURNAL OF THE HOUSE OF REPRESENTATIVES

OF THE

Commonwealth of Pennsylvania  
*Documents*

FOR THE

SESSION BEGUN AT HARRISBURG ON THE  
THIRD DAY OF JANUARY, 1933

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PART IV

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Harrisburg, Pa.  
1933

J87  
P4  
1933c

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DIVISION OF DOCUMENTS

May 4.]

HOUSE OF REPRESENTATIVES

4367

Mr. Peters moved that the vote by which Resolution No. 80 passed the House be reconsidered.

Mr. Forrest seconded the motion.

The motion was agreed to.

Mr. Peters moved that this resolution be laid upon the table.

The motion was agreed to.

Mr. Witkin called up resolution No. 75.

The resolution was read as follows:

In the House of Representatives, April 17, 1933.

Many sons and daughters of that proud and handsome race which inspired the architecture of Northern Africa and carried into Spain the influence of its artistic temperament have become citizens of this Nation.

In the City of Philadelphia there exists a Moorish-American Society made up of Moors who have found here the end of their quest for a home and of the children of those who journeyed here from the plains of Morocco.

This Society has done much to bring about a thorough absorption by these people of those principles which are necessary to make them good American citizens.

These Moorish-Americans have since being here missed the use of the titles and name annexations that were so familiar at home and which are used in accordance with the doctrines of the religious faith to which they are adherents therefore be it

Resolved, That this House commends the Moorish-American Society of Philadelphia for the efficient service it has rendered the Nation in bringing about a speedy and thorough Americanization of these former Moors and that in accordance with the fullest right of religious independence guaranteed every citizen we recognize also the right of these people to use the name affixes El or Ali or Bey or any other prefix or suffix to which they have heretofore been accustomed to use or which they may hereafter acquire the right to use.

On the question,

Will the House adopt the resolution?

It was adopted.

Mr. Root offered the following resolution which was twice read, considered and adopted.



Accepted  
For  
Value



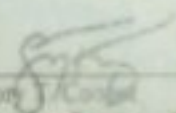
LIBRARY OF CONGRESS

Office of Business Enterprises  
Duplication Services Section

THIS IS TO CERTIFY that the collections of the Library of Congress contain a publication entitled **THE PUBLIC STATUTES AT LARGE OF THE UNITED STATES OF AMERICA** from March 1933 to June 1934, and that the attached photocopies from Volume XLVIII - the title page, the publisher's page, and pages 484 through 487 on which appears the **TREATY WITH MOROCCO**, September 16, 1836 - are a representation from that work.

THIS IS TO CERTIFY FURTHER, that the publisher's page is marked with a Library of Congress Order Division stamp that bears the date Jan 28 1991.

IN WITNESS WHEREOF, the seal of the Library of Congress is hereunto on September 4, 2014.

  
Gregory A. Condit  
Duplication Services, Section Head  
Office of Business Enterprises  
Library of Congress



THE  
STATUTES AT LARGE  
OF THE  
UNITED STATES OF AMERICA

FROM

MARCH 1933 to JUNE 1934

CONCURRENT RESOLUTIONS  
RECENT TREATIES AND CONVENTIONS, EXECUTIVE PROCLAMATIONS  
AND AGREEMENTS, TWENTY-FIRST AMENDMENT  
TO THE CONSTITUTION

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EDITED, PRINTED, AND PUBLISHED BY AUTHORITY OF CONGRESS  
UNDER THE DIRECTION OF THE SECRETARY OF STATE

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VOL. XLVIII

IN TWO PARTS

PART 1—Public Acts and Resolutions.

PART 2—Private Acts and Resolutions, Concurrent Resolutions,  
Treaties and Conventions, Executive Proclamations  
and Agreements, Twenty-first Amendment to the  
Constitution.

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PART 1

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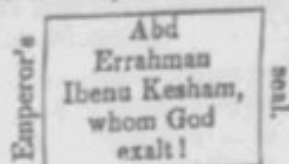
UNITED STATES  
GOVERNMENT PRINTING OFFICE  
WASHINGTON : 1934

Sept. 16, 1836.

Proclamation  
of the President  
of the U. S.,  
an. 30, 1837.

## TREATY WITH MOROCCO. (a)

In the name of God, the merciful and clement!



PRaise BE TO God!

This is the copy of the Treaty of Peace which we have made with the Americans and written in this book; affixing thereto our blessed seal, that, with the help of God, it may remain firm forever.

Written at Meccanez, the city of Olives; on the 3d day of the month Jumad el ahhar, in the year of the Hegira 1252. (Corresponding to Sept. 16. A. D. 1836.)

Mutual agree-  
ment of the  
parties to the  
treaty.

ART. 1. We declare that both parties have agreed that this treaty, consisting of twenty-five articles, shall be inserted in this book, and delivered to James R. Leib, agent of the United States, and now their resident consul at Tangier, with whose approbation it has been made, and who is duly authorized on their part, to treat with us, concerning all the matters contained therein.

Neither party  
to take commis-  
sions from an  
enemy.

ART. 2. If either of the parties shall be at war with any nation whatever, the other shall not take a commission from the enemy, nor fight under their colors.

Persons, &c.  
of one party,  
captured in an  
enemy's vessel,  
to be released.

ART. 3. If either of the parties shall be at war with any nation whatever, and take a prize belonging to that nation, and there shall be found on board subjects or effects belonging to either of the parties, the subjects shall be set at liberty, and the effects returned to the owners. And if any goods, belonging to any nation, with whom either of the parties shall be at war, shall be loaded on vessels belonging to the other party, they shall pass free and unmolested, without any attempt being made to take or detain them.

Vessels to have  
passports.

ART. 4. A signal, or pass, shall be given to all vessels belonging to both parties, by which they are to be known when they meet at sea; and if the commander of a ship of war of either party shall have other ships under his convoy, the declaration of the commander shall alone be sufficient to exempt any of them from examination.

Visit of vessels  
at sea.

ART. 5. If either of the parties shall be at war, and shall meet a vessel at sea belonging to the other, it is agreed, that if an examination is to be made, it shall be done by sending a boat with two or three men only: and if any gun shall be fired, and injury done, without reason, the offending party shall make good all damages.

American citi-  
zens and effects  
to be restored.

ART. 6. If any Moor shall bring citizens of the United States, or their effects, to his Majesty, the citizens shall immediately be set at liberty, and the effects restored; and, in like manner, if any Moor, not a subject of these dominions, shall make prize of any of the citizens

(a) For the treaty with Morocco of January 1787, see ante, page 100.



of America or their effects, and bring them into any of the ports of his Majesty, they shall be immediately released, as they will then be considered as under his Majesty's protection.

ART. 7. If any vessel of either party, shall put into a port of the other, and have occasion for provisions or other supplies, they shall be furnished without any interruption or molestation.

Vessels in port to be supplied.

ART. 8. If any vessel of the United States, shall meet with a disaster at sea, and put into one of our ports to repair, she shall be at liberty to land and reload her cargo, without paying any duty whatever.

No duty in case of vessels putting in to repair.

ART. 9. If any vessel of the United States, shall be cast on shore on any part of our coasts, she shall remain at the disposition of the owners, and no one shall attempt going near her without their approbation, as she is then considered particularly under our protection; and if any vessel of the United States shall be forced to put into our ports by stress of weather, or otherwise, she shall not be compelled to land her cargo, but shall remain in tranquillity until the commander shall think proper to proceed on his voyage.

Stranded vessels to be protected.

ART. 10. If any vessel of either of the parties shall have an engagement with a vessel belonging to any of the Christian Powers, within gun-shot of the forts of the other, the vessel so engaged, shall be defended and protected as much as possible, until she is in safety: and if any American vessel shall be cast on shore, on the coast of Wadnoqn, or any coast thereabout, the people belonging to her, shall be protected and assisted, until by the help of God, they shall be sent to their country.

Vessels engaged within gunshot of forts to be protected.

ART. 11. If we shall be at war with any Christian Power, and any of our vessels sails from the ports of the United States, no vessel belonging to the enemy shall follow, until twenty-four hours after the departure of our vessels: and the same regulations shall be observed towards the American vessels sailing from our ports, be their enemies Moors or Christians.

Enemy's vessels not allowed to follow for 24 hours.

ART. 12. If any ship of war belonging to the United States, shall put into any of our ports, she shall not be examined on any pretence whatever, even though she should have fugitive slaves on board, nor shall the governor or commander of the place compel them to be brought on shore on any pretext, nor require any payment for them.

Ships of war not to be examined in port.

ART. 13. If a ship of war of either party shall put into a port of the other, and salute, it shall be returned from the fort with an equal number of guns, not more or less.

Salutes to be returned.

ART. 14. The commerce with the United States, shall be on the same footing as is the commerce with Spain, or as that with the most favored nation for the time being; and their citizens shall be respected and esteemed, and have full liberty to pass and repass our country and sea-ports whenever they please, without interruption.

American commerce on the most favored footing.

ART. 15. Merchants of both countries shall employ only such interpreters, and such other persons to assist them in their business, as they shall think proper. No commander of a vessel shall transport his cargo on board another vessel; he shall not be detained in port longer than he may think proper; and all persons employed in loading or unloading goods, or in any other labor whatever, shall be paid at the customary rates, not more and not less.

Employment of interpreters, &c.

ART. 16. In case of a war between the parties, the prisoners are not to be made slaves, but to be exchanged one for another, captain for captain, officer for officer, and one private man for another; and if there

Exchange of prisoners.

shall prove a deficiency on either side, it shall be made up by the payment of one hundred Mexican dollars for each person wanting. And it is agreed, that all prisoners shall be exchanged in twelve months from the time of their being taken, and that this exchange may be effected by a merchant, or any other person, authorized by either of the parties.

No compulsion  
in buying or  
selling.

ART. 17. Merchants shall not be compelled to buy or sell any kind of goods but such as they shall think proper: and may buy and sell all sorts of merchandise but such as are prohibited to the other Christian nations.

No examina-  
tion of goods on  
board, except,  
&c.

ART. 18. All goods shall be weighed and examined before they are sent on board; and to avoid all detention of vessels, no examination shall afterwards be made, unless it shall first be proved that contraband goods have been sent on board; in which case, the persons who took the contraband goods on board, shall be punished according to the usage and custom of the country, and no other person whatever shall be injured, nor shall the ship or cargo incur any penalty or damage whatever.

No detention  
of vessels.

ART. 19. No vessel shall be detained in port on any pretence whatever, nor be obliged to take on board any article without the consent of the commander, who shall be at full liberty to agree for the freight of any goods he takes on board.

Disputes be-  
tween Ameri-  
cans, &c. to be  
decided by the  
consul, &c.

ART. 20. If any of the citizens of the United States, or any persons under their protection, shall have any dispute with each other, the consul shall decide between the parties; and whenever the consul shall require any aid, or assistance from our Government, to enforce his decisions, it shall be immediately granted to him.

Killing, &c.  
punishable by  
the law of the  
country.

ART. 21. If a citizen of the United States should kill or wound a Moor, or, on the contrary, if a Moor shall kill or wound a citizen of the United States, the law of the country shall take place, and equal justice shall be rendered, the consul assisting at the trial; and if any delinquent shall make his escape, the consul shall not be answerable for him in any manner whatever.

Persons dying  
intestate; care  
of their effects.

ART. 22. If an American citizen shall die in our country, and no will shall appear, the consul shall take possession of his effects; and if there shall be no consul, the effects shall be deposited in the hands of some person worthy of trust, until the party shall appear who has a right to demand them; but if the heir to the person deceased be present, the property shall be delivered to him without interruption; and if a will shall appear the property shall descend agreeably to that will, as soon as the consul shall declare the validity thereof.

Residence of  
consul. (It is  
generally at  
Tangier.)

ART. 23. The consul of the United States of America, shall reside in any seaport of our dominions that they shall think proper: and they shall be respected, and enjoy all the privileges which the consuls of any other nation enjoy: and if any of the citizens of the United States shall contract any debts or engagements, the consul shall not be in any manner accountable for them, unless he shall have given a promise in writing for the payment or fulfilling thereof; without which promise in writing, no application to him for any redress shall be made.

No appeal to  
arms until refu-  
sal of friendly  
arrangement.

ART. 24. If any differences shall arise by either party infringing on any of the articles of this treaty, peace and harmony shall remain notwithstanding, in the fullest force, until a friendly application shall be made for an arrangement; and until that application shall be rejected, no appeal shall be made to arms. And if a war shall break out between the parties, nine months shall be granted to all the subjects of both parties, to dispose of their effects and retire with their property. And

shall prove a deficiency on either side, it shall be made up by the payment of one hundred Mexican dollars for each person wanting. And it is agreed, that all prisoners shall be exchanged in twelve months from the time of their being taken, and that this exchange may be effected by a merchant, or any other person, authorized by either of the parties.

No compulsion  
in buying or  
selling.

ART. 17. Merchants shall not be compelled to buy or sell any kind of goods but such as they shall think proper: and may buy and sell all sorts of merchandise but such as are prohibited to the other Christian nations.

No examina-  
tion of goods on  
board, except,  
&c.

ART. 18. All goods shall be weighed and examined before they are sent on board; and to avoid all detention of vessels, no examination shall afterwards be made, unless it shall first be proved that contraband goods have been sent on board; in which case, the persons who took the contraband goods on board, shall be punished according to the usage and custom of the country, and no other person whatever shall be injured, nor shall the ship or cargo incur any penalty or damage whatever.

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## General Assembly

Distr.: General  
2 October 2007

Sixty-first session  
Agenda item 68

### Resolution adopted by the General Assembly on 13 September 2007

[without reference to a Main Committee (A/61/L.67 and Add.1)]

#### 61/295. United Nations Declaration on the Rights of Indigenous Peoples

*The General Assembly,*

*Taking note* of the recommendation of the Human Rights Council contained in its resolution 1/2 of 29 June 2006,<sup>1</sup> by which the Council adopted the text of the United Nations Declaration on the Rights of Indigenous Peoples,

*Recalling* its resolution 61/178 of 20 December 2006, by which it decided to defer consideration of and action on the Declaration to allow time for further consultations thereon, and also decided to conclude its consideration before the end of the sixty-first session of the General Assembly,

*Adopts* the United Nations Declaration on the Rights of Indigenous Peoples as contained in the annex to the present resolution.

*107th plenary meeting  
13 September 2007*

#### Annex

#### United Nations Declaration on the Rights of Indigenous Peoples

*The General Assembly,*

*Guided* by the purposes and principles of the Charter of the United Nations, and good faith in the fulfilment of the obligations assumed by States in accordance with the Charter,

*Affirming* that indigenous peoples are equal to all other peoples, while recognizing the right of all peoples to be different, to consider themselves different, and to be respected as such,

*Affirming also* that all peoples contribute to the diversity and richness of civilizations and cultures, which constitute the common heritage of humankind,

<sup>1</sup> See *Official Records of the General Assembly, Sixty-first Session, Supplement No. 53 (A/61/53)*, part one, chap. II, sect. A.



*Affirming further* that all doctrines, policies and practices based on or advocating superiority of peoples or individuals on the basis of national origin or racial, religious, ethnic or cultural differences are racist, scientifically false, legally invalid, morally condemnable and socially unjust.

*Reaffirming* that indigenous peoples, in the exercise of their rights, should be free from discrimination of any kind,

*Concerned* that indigenous peoples have suffered from historic injustices as a result of, inter alia, their colonization and dispossession of their lands, territories and resources, thus preventing them from exercising, in particular, their right to development in accordance with their own needs and interests,

*Recognizing* the urgent need to respect and promote the inherent rights of indigenous peoples which derive from their political, economic and social structures and from their cultures, spiritual traditions, histories and philosophies, especially their rights to their lands, territories and resources,

*Recognizing also* the urgent need to respect and promote the rights of indigenous peoples affirmed in treaties, agreements and other constructive arrangements with States,

*Welcoming* the fact that indigenous peoples are organizing themselves for political, economic, social and cultural enhancement and in order to bring to an end all forms of discrimination and oppression wherever they occur,

*Convinced* that control by indigenous peoples over developments affecting them and their lands, territories and resources will enable them to maintain and strengthen their institutions, cultures and traditions, and to promote their development in accordance with their aspirations and needs,

*Recognizing* that respect for indigenous knowledge, cultures and traditional practices contributes to sustainable and equitable development and proper management of the environment,

*Emphasizing* the contribution of the demilitarization of the lands and territories of indigenous peoples to peace, economic and social progress and development, understanding and friendly relations among nations and peoples of the world,

*Recognizing in particular* the right of indigenous families and communities to retain shared responsibility for the upbringing, training, education and well-being of their children, consistent with the rights of the child,

*Considering* that the rights affirmed in treaties, agreements and other constructive arrangements between States and indigenous peoples are, in some situations, matters of international concern, interest, responsibility and character,

*Considering also* that treaties, agreements and other constructive arrangements, and the relationship they represent, are the basis for a strengthened partnership between indigenous peoples and States,

*Acknowledging* that the Charter of the United Nations, the International Covenant on Economic, Social and Cultural Rights<sup>2</sup> and the International Covenant on Civil and Political Rights,<sup>2</sup> as well as the Vienna Declaration and Programme of

<sup>2</sup> See resolution 2200 A (XXI), annex

Action,<sup>3</sup> affirm the fundamental importance of the right to self-determination of all peoples, by virtue of which they freely determine their political status and freely pursue their economic, social and cultural development,

*Bearing in mind* that nothing in this Declaration may be used to deny any peoples their right to self-determination, exercised in conformity with international law,

*Convinced* that the recognition of the rights of indigenous peoples in this Declaration will enhance harmonious and cooperative relations between the State and indigenous peoples, based on principles of justice, democracy, respect for human rights, non-discrimination and good faith,

*Encouraging* States to comply with and effectively implement all their obligations as they apply to indigenous peoples under international instruments, in particular those related to human rights, in consultation and cooperation with the peoples concerned,

*Emphasizing* that the United Nations has an important and continuing role to play in promoting and protecting the rights of indigenous peoples,

*Believing* that this Declaration is a further important step forward for the recognition, promotion and protection of the rights and freedoms of indigenous peoples and in the development of relevant activities of the United Nations system in this field,

*Recognizing and reaffirming* that indigenous individuals are entitled without discrimination to all human rights recognized in international law, and that indigenous peoples possess collective rights which are indispensable for their existence, well-being and integral development as peoples,

*Recognizing* that the situation of indigenous peoples varies from region to region and from country to country and that the significance of national and regional particularities and various historical and cultural backgrounds should be taken into consideration,

*Solemnly proclaims* the following United Nations Declaration on the Rights of Indigenous Peoples as a standard of achievement to be pursued in a spirit of partnership and mutual respect:

#### *Article 1*

Indigenous peoples have the right to the full enjoyment, as a collective or as individuals, of all human rights and fundamental freedoms as recognized in the Charter of the United Nations, the Universal Declaration of Human Rights<sup>4</sup> and international human rights law.

#### *Article 2*

Indigenous peoples and individuals are free and equal to all other peoples and individuals and have the right to be free from any kind of discrimination, in the exercise of their rights, in particular that based on their indigenous origin or identity.

<sup>3</sup> A/CONF.157/24 (Part I), chap. III.

<sup>4</sup> Resolution 217 A (III).

they freely determine their political status and freely pursue their economic, social and cultural development.

#### *Article 4*

Indigenous peoples, in exercising their right to self-determination, have the right to autonomy or self-government in matters relating to their internal and local affairs, as well as ways and means for financing their autonomous functions.

#### *Article 5*

Indigenous peoples have the right to maintain and strengthen their distinct political, legal, economic, social and cultural institutions, while retaining their right to participate fully, if they so choose, in the political, economic, social and cultural life of the State.

#### *Article 6*

Every indigenous individual has the right to a nationality.

#### *Article 7*

1. Indigenous individuals have the rights to life, physical and mental integrity, liberty and security of person.

\* \* 2. Indigenous peoples have the collective right to live in freedom, peace and security as distinct peoples and shall not be subjected to any act of genocide or any other act of violence, including forcibly removing children of the group to another group.

#### *Article 8*

\* \* 1. Indigenous peoples and individuals have the right not to be subjected to forced assimilation or destruction of their culture.

\* \* 2. States shall provide effective mechanisms for prevention of, and redress for:

\* \* (a) Any action which has the aim or effect of depriving them of their integrity as distinct peoples, or of their cultural values or ethnic identities;

(b) Any action which has the aim or effect of dispossessing them of their lands, territories or resources;

\* \* (c) Any form of forced population transfer which has the aim or effect of violating or undermining any of their rights;

(d) Any form of forced assimilation or integration;

\* \* (e) Any form of propaganda designed to promote or incite racial or ethnic discrimination directed against them.

#### *Article 9*

Indigenous peoples and individuals have the right to belong to an indigenous community or nation, in accordance with the traditions and customs of the



community or nation concerned. No discrimination of any kind may arise from the exercise of such a right.

#### *Article 10*

★ ★ Indigenous peoples shall not be forcibly removed from their lands or territories. No relocation shall take place without the free, prior and informed consent of the indigenous peoples concerned and after agreement on just and fair compensation and, where possible, with the option of return.

#### *Article 11*

1. Indigenous peoples have the right to practise and revitalize their cultural traditions and customs. This includes the right to maintain, protect and develop the past, present and future manifestations of their cultures, such as archaeological and historical sites, artefacts, designs, ceremonies, technologies and visual and performing arts and literature.

★ ★ 2. States shall provide redress through effective mechanisms, which may include restitution, developed in conjunction with indigenous peoples, with respect to their cultural, intellectual, religious and spiritual property taken without their free, prior and informed consent or in violation of their laws, traditions and customs.

#### *Article 12*

1. Indigenous peoples have the right to manifest, practise, develop and teach their spiritual and religious traditions, customs and ceremonies; the right to maintain, protect, and have access in privacy to their religious and cultural sites; the right to the use and control of their ceremonial objects; and the right to the repatriation of their human remains.

2. States shall seek to enable the access and/or repatriation of ceremonial objects and human remains in their possession through fair, transparent and effective mechanisms developed in conjunction with indigenous peoples concerned.

#### *Article 13*

1. Indigenous peoples have the right to revitalize, use, develop and transmit to future generations their histories, languages, oral traditions, philosophies, writing systems and literatures, and to designate and retain their own names for communities, places and persons.

2. States shall take effective measures to ensure that this right is protected and also to ensure that indigenous peoples can understand and be understood in political, legal and administrative proceedings, where necessary through the provision of interpretation or by other appropriate means.

#### *Article 14*

★ 1. Indigenous peoples have the right to establish and control their educational systems and institutions providing education in their own languages, in a manner appropriate to their cultural methods of teaching and learning.

2. Indigenous individuals, particularly children, have the right to all levels and forms of education of the State without discrimination.

#### *Article 15*

1. Indigenous peoples have the right to the dignity and diversity of their cultures, traditions, histories and aspirations which shall be appropriately reflected in education and public information.

2. States shall take effective measures, in consultation and cooperation with the indigenous peoples concerned, to combat prejudice and eliminate discrimination and to promote tolerance, understanding and good relations among indigenous peoples and all other segments of society.

#### *Article 16*

1. Indigenous peoples have the right to establish their own media in their own languages and to have access to all forms of non-indigenous media without discrimination.

2. States shall take effective measures to ensure that State-owned media duly reflect indigenous cultural diversity. States, without prejudice to ensuring full freedom of expression, should encourage privately owned media to adequately reflect indigenous cultural diversity.

#### *Article 17*

1. Indigenous individuals and peoples have the right to enjoy fully all rights established under applicable international and domestic labour law.

2. States shall in consultation and cooperation with indigenous peoples take specific measures to protect indigenous children from economic exploitation and from performing any work that is likely to be hazardous or to interfere with the child's education, or to be harmful to the child's health or physical, mental, spiritual, moral or social development, taking into account their special vulnerability and the importance of education for their empowerment.

3. Indigenous individuals have the right not to be subjected to any discriminatory conditions of labour and, inter alia, employment or salary.

#### *Article 18*

Indigenous peoples have the right to participate in decision-making in matters which would affect their rights, through representatives chosen by themselves in accordance with their own procedures, as well as to maintain and develop their own indigenous decision-making institutions.

#### *Article 19*

States shall consult and cooperate in good faith with the indigenous peoples concerned through their own representative institutions in order to obtain their free, prior and informed consent before adopting and implementing legislative or administrative measures that may affect them.

*Article 20*

1. Indigenous peoples have the right to maintain and develop their political, economic and social systems or institutions, to be secure in the enjoyment of their own means of subsistence and development, and to engage freely in all their traditional and other economic activities.

2. Indigenous peoples deprived of their means of subsistence and development are entitled to just and fair redress.

*Article 21*

1. Indigenous peoples have the right, without discrimination, to the improvement of their economic and social conditions, including, inter alia, in the areas of education, employment, vocational training and retraining, housing, sanitation, health and social security.

2. States shall take effective measures and, where appropriate, special measures to ensure continuing improvement of their economic and social conditions. Particular attention shall be paid to the rights and special needs of indigenous elders, women, youth, children and persons with disabilities.

*Article 22*

1. Particular attention shall be paid to the rights and special needs of indigenous elders, women, youth, children and persons with disabilities in the implementation of this Declaration.

2. States shall take measures, in conjunction with indigenous peoples, to ensure that indigenous women and children enjoy the full protection and guarantees against all forms of violence and discrimination.

*Article 23*

Indigenous peoples have the right to determine and develop priorities and strategies for exercising their right to development. In particular, indigenous peoples have the right to be actively involved in developing and determining health, housing and other economic and social programmes affecting them and, as far as possible, to administer such programmes through their own institutions.

*Article 24*

1. Indigenous peoples have the right to their traditional medicines and to maintain their health practices, including the conservation of their vital medicinal plants, animals and minerals. Indigenous individuals also have the right to access, without any discrimination, to all social and health services.

2. Indigenous individuals have an equal right to the enjoyment of the highest attainable standard of physical and mental health. States shall take the necessary steps with a view to achieving progressively the full realization of this right.

*Article 25*

Indigenous peoples have the right to maintain and strengthen their distinctive spiritual relationship with their traditionally owned or otherwise occupied and used lands, territories, waters and coastal seas and other resources and to uphold their responsibilities to future generations in this regard.



#### *Article 26*

1. Indigenous peoples have the right to the lands, territories and resources which they have traditionally owned, occupied or otherwise used or acquired.
2. Indigenous peoples have the right to own, use, develop and control the lands, territories and resources that they possess by reason of traditional ownership or other traditional occupation or use, as well as those which they have otherwise acquired.
3. States shall give legal recognition and protection to these lands, territories and resources. Such recognition shall be conducted with due respect to the customs, traditions and land tenure systems of the indigenous peoples concerned.

#### *Article 27*

States shall establish and implement, in conjunction with indigenous peoples concerned, a fair, independent, impartial, open and transparent process, giving due recognition to indigenous peoples' laws, traditions, customs and land tenure systems, to recognize and adjudicate the rights of indigenous peoples pertaining to their lands, territories and resources, including those which were traditionally owned or otherwise occupied or used. Indigenous peoples shall have the right to participate in this process.

#### *Article 28*

1. Indigenous peoples have the right to redress, by means that can include restitution or, when this is not possible, just, fair and equitable compensation, for the lands, territories and resources which they have traditionally owned or otherwise occupied or used, and which have been confiscated, taken, occupied, used or damaged without their free, prior and informed consent.
2. Unless otherwise freely agreed upon by the peoples concerned, compensation shall take the form of lands, territories and resources equal in quality, size and legal status or of monetary compensation or other appropriate redress.

#### *Article 29*

1. Indigenous peoples have the right to the conservation and protection of the environment and the productive capacity of their lands or territories and resources. States shall establish and implement assistance programmes for indigenous peoples for such conservation and protection, without discrimination.
2. States shall take effective measures to ensure that no storage or disposal of hazardous materials shall take place in the lands or territories of indigenous peoples without their free, prior and informed consent.
3. States shall also take effective measures to ensure, as needed, that programmes for monitoring, maintaining and restoring the health of indigenous peoples, as developed and implemented by the peoples affected by such materials, are duly implemented.

*Article 30*

1. Military activities shall not take place in the lands or territories of indigenous peoples, unless justified by a relevant public interest or otherwise freely agreed with or requested by the indigenous peoples concerned.

2. States shall undertake effective consultations with the indigenous peoples concerned, through appropriate procedures and in particular through their representative institutions, prior to using their lands or territories for military activities.

*Article 31*

1. Indigenous peoples have the right to maintain, control, protect and develop their cultural heritage, traditional knowledge and traditional cultural expressions, as well as the manifestations of their sciences, technologies and cultures, including human and genetic resources, seeds, medicines, knowledge of the properties of fauna and flora, oral traditions, literatures, designs, sports and traditional games and visual and performing arts. They also have the right to maintain, control, protect and develop their intellectual property over such cultural heritage, traditional knowledge, and traditional cultural expressions.

2. In conjunction with indigenous peoples, States shall take effective measures to recognize and protect the exercise of these rights.

*Article 32*

1. Indigenous peoples have the right to determine and develop priorities and strategies for the development or use of their lands or territories and other resources.

2. States shall consult and cooperate in good faith with the indigenous peoples concerned through their own representative institutions in order to obtain their free and informed consent prior to the approval of any project affecting their lands or territories and other resources, particularly in connection with the development, utilization or exploitation of mineral, water or other resources.

3. States shall provide effective mechanisms for just and fair redress for any such activities, and appropriate measures shall be taken to mitigate adverse environmental, economic, social, cultural or spiritual impact.

*Article 33*

1. Indigenous peoples have the right to determine their own identity or membership in accordance with their customs and traditions. This does not impair the right of indigenous individuals to obtain citizenship of the States in which they live.

2. Indigenous peoples have the right to determine the structures and to select the membership of their institutions in accordance with their own procedures.

*Article 34*

Indigenous peoples have the right to promote, develop and maintain their institutional structures and their distinctive customs, spirituality, traditions, procedures, practices and, in the cases where they exist, juridical systems or customs, in accordance with international human rights standards.

Indigenous peoples have the right to determine the responsibilities of individuals to their communities.

*Article 36*

1. Indigenous peoples, in particular those divided by international borders, have the right to maintain and develop contacts, relations and cooperation, including activities for spiritual, cultural, political, economic and social purposes, with their own members as well as other peoples across borders.

2. States, in consultation and cooperation with indigenous peoples, shall take effective measures to facilitate the exercise and ensure the implementation of this right.

*Article 37*

1. Indigenous peoples have the right to the recognition, observance and enforcement of treaties, agreements and other constructive arrangements concluded with States or their successors and to have States honour and respect such treaties, agreements and other constructive arrangements.

2. Nothing in this Declaration may be interpreted as diminishing or eliminating the rights of indigenous peoples contained in treaties, agreements and other constructive arrangements.

*Article 38*

States in consultation and cooperation with indigenous peoples, shall take the appropriate measures, including legislative measures, to achieve the ends of this Declaration.

*Article 39*

Indigenous peoples have the right to have access to financial and technical assistance from States and through international cooperation, for the enjoyment of the rights contained in this Declaration.

*Article 40*

Indigenous peoples have the right to access to and prompt decision through just and fair procedures for the resolution of conflicts and disputes with States or other parties, as well as to effective remedies for all infringements of their individual and collective rights. Such a decision shall give due consideration to the customs, traditions, rules and legal systems of the indigenous peoples concerned and international human rights.

*Article 41*

The organs and specialized agencies of the United Nations system and other intergovernmental organizations shall contribute to the full realization of the provisions of this Declaration through the mobilization, inter alia, of financial cooperation and technical assistance. Ways and means of ensuring participation of indigenous peoples on issues affecting them shall be established.



*Article 42*

The United Nations, its bodies, including the Permanent Forum on Indigenous Issues, and specialized agencies, including at the country level, and States shall promote respect for and full application of the provisions of this Declaration and follow up the effectiveness of this Declaration.

*Article 43*

The rights recognized herein constitute the minimum standards for the survival, dignity and well-being of the indigenous peoples of the world.

*Article 44*

All the rights and freedoms recognized herein are equally guaranteed to male and female indigenous individuals.

*Article 45*

Nothing in this Declaration may be construed as diminishing or extinguishing the rights indigenous peoples have now or may acquire in the future.

*Article 46*

1. Nothing in this Declaration may be interpreted as implying for any State, people, group or person any right to engage in any activity or to perform any act contrary to the Charter of the United Nations or construed as authorizing or encouraging any action which would dismember or impair, totally or in part, the territorial integrity or political unity of sovereign and independent States.

2. In the exercise of the rights enunciated in the present Declaration, human rights and fundamental freedoms of all shall be respected. The exercise of the rights set forth in this Declaration shall be subject only to such limitations as are determined by law and in accordance with international human rights obligations. Any such limitations shall be non-discriminatory and strictly necessary solely for the purpose of securing due recognition and respect for the rights and freedoms of others and for meeting the just and most compelling requirements of a democratic society.

3. The provisions set forth in this Declaration shall be interpreted in accordance with the principles of justice, democracy, respect for human rights, equality, non-discrimination, good governance and good faith.

Accepted For  
Value

LAW N. IX: AMENDMENTS TO THE CRIMINAL CODE

AND THE CODE OF CRIMINAL PROCEDURE

(11 July 2013)

THE PONTIFICAL COMMISSION FOR

THE VATICAN CITY STATE

- bearing in mind the *Fundamental Law of the Vatican City State* of 26 November 2000;
- bearing in mind the *Act on Sources of Law* of 1 October 2008, N. LXXI;
- bearing in mind the *Decree of the President of the Governorate* of 25 January 2012, N. CLIX, promulgating amendments and additions to Law of 30 December 2010, N. CXXVII, on the Prevention and Countering of the Laundering of the Proceeds of Criminal Activities and the Financing of Terrorism, confirmed by Law of 24 April 2012, N. CLXVI;

considering that

- pursuant to articles 7 and 8 of the *Act on the sources of Law* of 1 October 2008, N. LXXI, the Italian Criminal Code and the Italian Code of Criminal Procedure received into the Vatican legal system by the Law of 7 June 1929, n. II, are currently in force in the Vatican City State;
- the time elapsed makes necessary the modernization of some provisions in order to render more effective the contrast of various criminal activities, including those having transnational connotations;
- over the years, the Holy See, acting also in the name and on behalf of the Vatican City State, has ratified various international conventions that require the suppression of certain criminal activities and the adoption of enhanced measures on international cooperation;

has promulgated the following

LAW

CHAPTER I

AMENDMENTS TO THE CRIMINAL CODE

Article 1

*(Offences committed in the territory of the State)*

The text of article 3 of the Criminal Code is entirely replaced by the following:

*Whoever commits an offence in the territory of the State is punished according to the Vatican law*

*An offence is deemed to be committed in the territory of the State when its constituting action or omission is carried out, as a whole or in part, in the territory, or if the consequence resulting from that action or omission takes place in the territory.*

*The offence committed on board a vessel that is flying the flag of the State or on an official aircraft, or on an aircraft that is registered under the laws of the State at the time that the offence is committed, is also deemed to be committed in the territory of the State.*

## **Article 2**

### **(Offences committed abroad)**

The text of **article 4** of the Criminal Code is entirely replaced by the following:

*"Whoever commits abroad one of the following offences:*

- a) offences against the security of the State;*
- b) offences of counterfeiting the seal of the State and the use of a counterfeited seal;*
- c) offences of counterfeiting currency, revenue stamps and Vatican public bonds;*
- d) offences committed by public officials in the service of the State, taking advantage of their powers or violating the duties inherent to their functions;*
- f) any other offence for which the laws or the ratified international conventions require the application of the Vatican law;*

*is punished according to Vatican law.*

*Whoever has committed an offence abroad whose prosecution is required by a ratified international agreement, is punished according to Vatican law if he is found in the territory of the State and is not extradited."*

## **Article 3**

### **(Offences committed by a citizen abroad)**

The text of **article 5** of the Criminal Code is entirely replaced by the following:

*"Outside the cases set forth in the previous paragraph, the citizen who commits abroad an offence for which Vatican law sets forth a penalty of no less than three years of imprisonment is punished according to the same law, if found in the territory of the State.*

*For the purposes of the present article, a stateless person who has his habitual residence in the State is assimilated to the citizen."*

## **Article 4**

### **(Offences committed abroad against the State or the citizens)**

The text of **article 6** of the Criminal Code is entirely replaced by the following:



Accepted  
For  
Value

APOSTOLIC LETTER  
ISSUED *MOTU PROPRIO*

OF THE SUPREME PONTIFF  
**FRANCIS**

ON THE JURISDICTION OF JUDICIAL AUTHORITIES OF VATICAN CITY STATE  
IN CRIMINAL MATTERS

In our times, the common good is increasingly threatened by transnational organized crime, the improper use of the markets and of the economy, as well as by terrorism.

It is therefore necessary for the international community to adopt adequate legal instruments to prevent and counter criminal activities, by promoting international judicial cooperation on criminal matters.

In ratifying numerous international conventions in these areas, and acting also on behalf of Vatican City State, the Holy See has constantly maintained that such agreements are effective means to prevent criminal activities that threaten human dignity, the common good and peace.

With a view to renewing the Apostolic See's commitment to cooperate to these ends, by means of this Apostolic Letter issued *Motu Proprio*, I establish that:

1. The competent Judicial Authorities of Vatican City State shall also exercise penal jurisdiction over:

a) crimes committed against the security, the fundamental interests or the patrimony of the Holy See;

b) crimes referred to:

- in Vatican City State Law No. VIII, of 11 July 2013, containing  
*Supplementary Norms on Criminal Law Matters*;

- in Vatican City State Law No. IX, of 11 July 2013, containing  
*Amendments to the Criminal Code and the Criminal Procedure Code*;

when such crimes are committed by the persons referred to in  
paragraph 3 below, in the exercise of their functions;

c) any other crime whose prosecution is required by an international agreement ratified by the Holy See, if the perpetrator is physically present in the territory of Vatican City State and has not been extradited.

2. The crimes referred to in paragraph 1 are to be judged pursuant to the criminal law in force in Vatican City State at the time of their commission, without prejudice to the general principles of the legal system on the temporal application of criminal laws.

3. For the purposes of Vatican criminal law, the following persons are deemed "*public officials*":

a) members, officials and personnel of the various organs of the Roman Curia and of the Institutions connected to it.

b) papal legates and diplomatic personnel of the Holy See.

c) those persons who serve as representatives, managers or directors, as well as persons who even *de facto* manage or exercise control over the entities directly dependent on the Holy See and listed in the registry of canonical juridical persons kept by the Governorate of Vatican City State;

d) any other person holding an administrative or judicial mandate in the Holy See, permanent or temporary, paid or unpaid, irrespective of that person's seniority.

4. The jurisdiction referred to in paragraph 1 comprises also the administrative liability of juridical persons arising from crimes, as regulated by Vatican City State laws.

5. When the same matters are prosecuted in other States, the provisions in force in Vatican City State on concurrent jurisdiction shall apply.

6. The content of article 23 of Law No. CXIX of 21 November 1987, which approves the *Judicial Order of Vatican City State* remains in force.

This I decide and establish, anything to the contrary notwithstanding.

I establish that this Apostolic Letter issued Motu Proprio will be promulgated by its publication in L'Osservatore Romano, entering into force on **1 September 2013**.

*Given in Rome, at the Apostolic Palace, on **11 July 2013**, the first of my Pontificate.*

**FRANCISCUS**

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## The Holy See

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### *RERUM NOVARUM*

ENCYCLICAL OF POPE LEO XIII  
ON CAPITAL AND LABOR

To Our Venerable Brethren the Patriarchs,  
Primates, Archbishops, Bishops, and other ordinaries  
of places having Peace and Communion with the Apostolic See.

#### Rights and Duties of Capital and Labor

That the spirit of revolutionary change, which has long been disturbing the nations of the world, should have passed beyond the sphere of politics and made its influence felt in the cognate sphere of practical economics is not surprising. The elements of the conflict now raging are unmistakable, in the vast expansion of industrial pursuits and the marvellous discoveries of science; in the changed relations between masters and workmen; in the enormous fortunes of some few individuals, and the utter poverty of the masses; the increased self reliance and closer mutual combination of the working classes; as also, finally, in the prevailing moral degeneracy. The momentous gravity of the state of things now obtaining fills every mind with painful apprehension; wise men are discussing it; practical men are proposing schemes; popular meetings, legislatures, and rulers of nations are all busied with it - actually there is no question which has taken deeper hold on the public mind.

2. Therefore, venerable brethren, as on former occasions when it seemed opportune to refute false teaching, We have addressed you in the interests of the Church and of the common weal, and have issued letters bearing on political power, human liberty, the Christian constitution of the State, and like matters, so have We thought it expedient now to speak on the condition of the working classes. (1) It is a subject on which We have already touched more than once, incidentally. But in the present letter, the responsibility of the apostolic office urges Us to treat the question of set purpose and in detail, in order that no misapprehension may exist as to the principles which truth and justice dictate for its settlement. The discussion is not easy, nor is it void of danger. It is no easy matter to define the relative rights and mutual duties of the rich and of the poor, of capital and of labor. And the danger lies in this, that crafty agitators are intent on making use of these differences of opinion to pervert men's judgments and to stir up the people to revolt.