

II STATE(S) CONCERNED / ARTICLE(S) VIOLATED

Name of **The Offending State(s)** that is either party to the optional protocol (in the case of a complaint to the Human Rights Committee), or has ratified the relevant Convention Treaty declaration:

The Government of Canada
(Declared and Ratified under the OP ICCPR, CESCRC and CAT) and

and

The United States of America
State of Colorado
(Declared and Ratified under CESCRC and CAT)

Articles of the Covenants or Conventions alleged to have been violated:

The alleged violations of the Human Rights of Harmon Wilfred as defined by the relevant Convention Treaties and the Articles of the International Covenant on Civil and Political Rights:

- 1. the violation of the civil and political rights of Harmon Lynn Wilfred under the ICCPR;**
- 2. the violation of the human rights of Harmon Wilfred under The Convention against Torture and other Cruel, Inhumane or Degrading Treatment or Punishment (CAT)**
- 3. the violation of Harmon Wilfred's human rights under the International Covenant on Economic, Social and Cultural rights;**
- 4. the violation of the ICCPR Article 6, Clause 1;**
- 5. the violation of the ICCPR Article 9, Clause 1, 2, 3, 4 and 5;**
- 6. the violation of the ICCPR Article 12, Clause 1, 2, 3, and 4;**
- 7. the violation of the ICCPR Article 13**
- 8. the violation of the ICCPR Article 14, Clause 1, 2, 3, 3a, 3b, 3c, 3d**
- 9. the violation of the ICCPR Article 15, with Special Emphasis;**
- 10. the violation of the ICCPR Article 16;**
- 11. the violation of the ICCPR Article 17;**
- 12. the violation of the ICCPR Article 26**

III EXHAUSTION OF DOMESTIC REMEDIES APPLICATION TO OTHER INTERNATIONAL PROCEDURES

Steps taken by or on behalf of the alleged victim(s) to obtain redress within the state(s) concerned for the alleged violation(s). Detail procedure(s) pursued, including recourse to the courts or to other public authorities; claims you have made; at which times and with what outcomes:

Exhibits are Attached from Exhibit A through Exhibit WW

**Further documented evidence is hereby submitted by reference at
www.luminadiem.com**

If you have not exhausted these remedies on the basis that their application would be unduly prolonged, that they would be ineffective, that they are not available to you, or for any other reason, please explain your reason in detail:

It is not possible for Harmon Wilfred to return to the United States or Canada to seek further remedies. He strongly believes that because he has blown the whistle with documented and credible evidence and result against the Canadian Government as well as US State and Federal high level political figures and government and judicial agencies, including the US Central Intelligence Agency and the Canadian Securities Intelligence Service, over judicial and political corruption including the alleged embezzlement of billions of dollars of public funds, with many of the perpetrators still at large, and some in high level positions of political authority, Harmon is justifiably and genuinely apprehensive for his freedom and personal safety should he ever return or be returned to Canada or the United States.

Have you submitted the matter for examination under another procedure of International Investigation or settlement? **NO**

PETITION AND COMPLAINT

TO: THE UNITED NATIONS OFFICE OF THE HIGH COMMISSIONER FOR HUMAN RIGHTS

UNDER UN Economic and Social Council
Resolution 1503 (XLVIII)

IN THE MATTER A Petition and Complaint for the
Violation of Human Rights
Dated and submitted 12 June, 2007

BETWEEN **HARMON LYNN WILFRED** of
Christchurch, New Zealand

Petitioner

AND

THE GOVERNMENT OF CANADA

AND

THE UNITED STATES OF AMERICA
STATE OF COLORADO

Defendants

Petitioner's Counsel:

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CASE BACKGROUND

Harmon Lynn Wilfred is presently married to Carolyn Dare Wilfred, a Canadian citizen, who resides with him in New Zealand. Carolyn is in New Zealand on an approved long term business visa to residency. Although this background submission is a summarized account with attached exhibits of the multiple violations of Harmon's human rights as committed by the Canadian Government and the United States Governments at the state and federal levels over a collective period of 20 years; a full and complete case history is also hereby submitted through Harmon Wilfred's chronologically indexed documentary web site, www.luminadiem.com (hereinafter referred to as "Lumina Diem"). The Lumina Diem web site includes 34 fully documented Case History Sections and Transcript Sections with scanned and printable PDF documents to be comprehensively included as evidence in support of this petition. The relevant Lumina Diem Case History and Transcript Sections for each main topic are referenced at the end of the text.

Carolyn and Harmon arrived in New Zealand in August 2001 and since that time have been lawfully in New Zealand on visitor's permits, visas, and work permits. They came to New Zealand to commence a new life together and to avoid the on-going retribution, harassment and injustices that he was personally facing in Canada and the United States legal systems as a direct result of having been a government whistleblower at both the US state and federal levels. Having renounced his US citizenship on March 1, 2007 followed by two failed court proceedings in New Zealand to obtain legal residency, Harmon filed a confirmation of claim to refugee status in New Zealand on May 11, 2007.

Harmon has three children from his previous marriages; his son, Tyler Jonathon Wilfred, born on 31 December 1987 and adopted at 10 days old with his now ex-wife, Sandra Wilfred and his two other children from his subsequent marriage to Dearnna Wilfred in 1990, Danielle Marie Wilfred born 16 October 1991, and Isaac Arthur Wilfred, born 6 December 1993. [See Lumina Diem, Case History Sections 1 and 2.](#)

RIGHTS VIOLATED, 18TH JUDICIAL DISTRICT, ARAPAHOE COUNTY COLORADO

Harmon was divorced from Sandra Wilfred in July, 1990 after a highly contested two year divorce proceeding, during which he was forced into bankruptcy and his attorney died just before the final divorce hearing. This resulted in the presiding judge, Judge Joyce Steinhardt (head judge for the 18th judicial district), denying Harmon sufficient time to obtain new council and illegally ordering him to represent himself in the proceeding or go to jail. When he refused to cooperate on the basis that his due process rights were being violated, he was jailed for 6 days for contempt and the hearing proceeded, during which the court forced him to appear under guard and in handcuffs, while continuing to violate Harmon's constitutional rights including: denial of due process, illegal search and seizure, attorney client privilege and religious persecution. During the hearing he was even forced to undergo the public humiliation of constant mocking of his religious beliefs and practices by the presiding judge. A final judgment was entered against him that included the voiding of all his parental rights, a prohibition to having any contact whatsoever with his son and a prohibitive \$5,500 per month support requirement; even though at that time he was in bankruptcy and without employment. Thereafter he immediately filed in State Court, and subsequently Federal Court to set aside the judgment due to the violation of his rights. Both requests were summarily declined. On October 25, 1990, with no funds for an attorney, Harmon filed a complaint Pro Se in the Federal District Court against the divorce judgment that was later summarily dismissed. The Federal dismissal provided the following justification, "It is axiomatic that federal courts should decline jurisdiction in domestic relations cases." Essentially, the US Federal Government will not protect civil rights violated in any state family courts. Harmon has since been forced to live with this judgment without remedy. [See: Lumina Diem, Case History Section 3 / Transcripts: Sections 1-16, With Emphasis, Sections 11 and 12](#)

EL PASO COUNTY PENSION FUND EMBEZZLEMENT

On December 11, 1990 Harmon married Dearnna Garcia Wilfred. Approximately one year after marrying Dearnna, when their first child, Danielle, was 3 months of age, he moved the entire family to Colorado Springs, Colorado, where he was initially employed as a commercial property broker. In 1992 he was employed by commercial real estate contractors to support the renovation and sale of commercial properties obtained by the El Paso County Pension Fund ("Pension Fund"). These properties were purchased by the fund through the Resolution Trust Corporation, a federal government banking and property foreclosure agency of whom Harmon had previous dealings through his past property interests. At that time he had in excess of 10 years experience with commercial property brokerage, development, and construction in the greater Denver, Colorado market. In this particular instance he provided consulting services for construction management, property management and brokerage of recently purchased distressed commercial properties. In the process of leasing, restoring and selling these properties on behalf of the Pension Fund he discovered that significant amounts of Pension Fund moneys were being skimmed and embezzled by the Fund Administrator, Mr. Michael Witty, and by the contractors engaged in the scheme.

In 1994 he reported this information with documented evidence to the District Attorney's office under District Attorney John Suthers and Assistant District Attorney Jeanne Smith. The District Attorney's office failed to conduct a proper investigation and initially no charges were brought. Harmon continued to persist in providing evidence to the District Attorney's office and also apprised the Colorado State Attorney General's office, about the factual position. However, Harmon later discovered that the District Attorney's office, through a number of its members led by DA John Suthers, was involved with intentionally resisting any investigation or prosecution of the parties involved in the embezzlement scheme. In his view this was a deliberate decision to put a shroud of secrecy over the embezzlement.

As the pension fund was also partially funded by the Federal Government, Harmon decided to report these indiscretions to the Federal Bureau of Investigation ("FBI"). He also complained publicly on a local radio station by invitation about the conduct of District Attorney John Suthers and his deputy DA Jeanne Smith. Eighteen months after the submission of his report and supporting evidence to the District Attorney, when no action was initiated, the FBI finally forced the El Paso County District Attorney's office to reopen the investigation due to Harmon's relentless persistence. As a result, Mr Witty and the County Treasurer were named in the embezzlement scheme and the Treasurer and certain Pension Fund Board members were fired and fined. The DA's office suffered embarrassment because it had previously denied publicly the existence of any such embezzlement. Mr. Witty pleaded guilty and was given a prison sentence of 18 years. Annexed hereto and marked Exhibit "**A**" is a copy of the transcript of his original statement to John Kramer, an investigator with the Colorado El Paso County District Attorney's office dated 9 September 1994. Annexed hereto and marked Exhibit "**B**" is a copy of his letter to Special Agent David Bailey of the FBI dated 27 January 1995. Also annexed hereto and marked Exhibit "**C**" is a copy of the threatening letter dated 14 August 1995 from the District Attorney after he was made aware of Harmon's complaints to the FBI.

Several hundred thousand dollars of the stolen money was retrieved. However, additional millions reported and evidenced by Harmon alleged to have been taken by Witty's contractors remained un-recovered / outstanding. Harmon continued his efforts to trace out the rest of the money and also the involvement of other persons, if any. But was unsuccessful in getting the Colorado State Government or the El Paso County District Attorney's John Suthers or Jeanne Smith to unveil the truth.

Harmon believes that the action he took in blowing the whistle to the FBI on the El Paso County District Attorney's deliberate and prolonged cover-up of the Pension Fund embezzlement scheme; and resulting embarrassment of DA's John Suthers, Jeanne Smith and

other county and state officials resulted in the District Attorney's office deliberately causing grave difficulties for him in relation to his previous and subsequent Family Court matters in El Paso County under the same Colorado County Court jurisdiction. [See Lumina Diem, Case History Sections 4, 5 and 6](#)

INTERNATIONAL FINANCE

In 1996, with Harmon's experience in International finance and commercial property development, he incorporated Arcore International Funding LLC ("Arcore") and commenced working as an International Financial Consultant.

In the summer of 1996 he was introduced to two European financial trusts, the Alpha & Omega Trust and Bay State Trust, both of which are registered in Lichtenstein with substantial banking and contacts through the Bank of Lichtenstein and Credit Suisse Bank of Zurich, Switzerland.

He was also introduced to members of the US Central Intelligence Agency ("CIA"), through Mr. Michael Austin, a former US Navy Seal and CIA operative. Mr. Austin engaged the services of Harmon, under Arcore on behalf of the CIA to act as a financial advisor and intermediary in an international finance transaction involving what was purported to be humanitarian assistance to the country of Guatemala.

Harmon was able to obtain security clearance to work as a financial contractor for the CIA because he had previously served for four years in the US military service as a weapons specialist under a Top Secret security clearance. He was with the United States Air Force from March 1969 to March 1973.

The primary transaction in which Arcore was involved was known as the Mitsubishi Note transaction. This involved Mitsubishi Bank Certificate #47029, one of a number of certificates privately issued by the Mitsubishi Bank of Tokyo, Japan in 1969 on behalf of certain Central American governments. The subject certificate had an accumulated value at that time of USD 6 billion dollars. In 1996 Harmon was told that the subject bank instrument was one of the first of 11 of these certificates that had been covertly assigned to the US CIA to be transacted on behalf of Guatemala for the purpose of financing much needed humanitarian projects. As these notes were previously used to finance covert CIA controversial arms operations, the Mitsubishi Bank of Japan only agreed to confirm the note and proceed with the first transaction on the basis that the entire transaction was to be completed privately and covertly.

When these types of notes are issued by an international Bank, they are issued with coupons which entitle the bearer to claim interest as time passes. These instruments are then purchased at a discount by governments, usually to assist smaller nation states for the building of infrastructure and other humanitarian projects. In this case the notes were originally issued to assist the governments in Central America. Harmon was told that there were originally 36 notes in all. The CIA desired to transact the 11 notes in its control. Harmon was involved with the processing only of the first of these notes. As per the instructions from the CIA, this transaction was commenced to be completed through private European trusts. This was highly unusual because governments are normally exclusively the bodies responsible for transacting such instruments. The CIA contracted Michael Austin, who in turn contracted Harmon's services. Harmon contacted the principals of the Alpha and Omega Trust, and Bay State Trust and they contacted their respective banks and presented the opportunity. These entities are wealthy, privately owned trusts typically contracted to privately arrange and transact major international financial deals through the top 25 Western European banks. Mr. Sergio Arcineagas and Ms I. Marilyn Perry as the respective trustees of the Trusts combined their

resources and made the arrangement with Arcore to introduce the parties and assist in coordinating the transaction for a fee of 20 million US dollars to be equally split with an entity controlled by CIA agent Michael Austin. Annexed hereto and marked Exhibit "[D](#)" is a copy of the Bay State Trust Irrevocable Pay Order to Arcore International Funding, LLC dated 28 April 1997.

The US Securities and Exchange Commission ("SEC") reportedly obtained knowledge of the transaction as it was introduced to the US Federal Reserve for final deliberation and funding in 1998. The SEC thereby commenced a public investigation and asserted that the note was not legitimate, based upon statements provided by the Mitsubishi Bank of Japan. John Hunter, the Assistant Chief Trial Counsel for the SEC had sought Harmon's cooperation in the investigation. Harmon had an interview with SEC representatives, including Mr. Hunter, at his attorney's office in Toronto, Canada where Harmon attempted to provide them with all information evidencing that the Mitsubishi transaction was indeed legitimate. The SEC then refused to receive any of his documented information or proceed with the interview, returned to Washington DC and would not answer any of Harmon's or his attorney's calls or subsequent letters thereafter attempting further to submit his evidence. The investigation in which Harmon was not involved had already resulted in an SEC complaint being filed against certain principal individuals involved in the transaction for attempting to transact what the SEC considered to be a fraudulent instrument. Their information indicated that the note was never processed. Annexed hereto and marked Exhibit "[E](#)" is a copy of the SEC Complaint to the United States District Court for the Southern District of New York dated 5 June 1998. Annexed hereto and marked Exhibit "[F](#)" is a copy of a facsimile recording the minutes of Harmon's interview with the SEC on 6 August 1998 dated 12 August 1998.

THREATS TO LIFE

At the time subsequent to, and during the SEC investigating the Mitsubishi Note Transaction, Harmon started receiving threats to his life from people and agents, whom he knew to be connected with the CIA; thereby warning him of dire consequences in the event he reveal anything regarding the Mitsubishi Note Transaction. This was especially concerning while he was being held in an underground prison for a period of 120 days by order of a Canadian judge.

These threats were very real, especially in the light of Harmon learning that the CIA had actually been monitoring all of his communications for over a year; including fax, e-mail and phone activity involving the transaction. It was purported that the CIA had over 300 hours of Harmon's recorded phone conversations

Harmon had considered Michael Austin to be his friend but knew that if he provided too much information to the SEC or anyone on the outside, then his life would be in danger.

Harmon is in the possession of email sent to him from his friend and business associate Philip Freytag which clearly contains threats to his life by Michael Austin. Annexed hereto and marked Exhibit "[G](#)" is an email dated 18 April 1998 containing clear instructions that he is not to admit to the deal existing. Also annexed hereto and marked Exhibit "[H](#)" is an email from Michael Austin dated 21 April 1998 containing references to him being in jail and that if he screwed up they would go as far as to "eliminate the problem". The email ends with an instruction that the message should be conveyed directly to Harmon.

Harmon was and is still genuinely concerned that he will face retribution and physical danger if he is removed from New Zealand and sent to the USA. In spite of the threats to his live in the event of any disclosure of the transaction, he was ultimately forced to cooperate with a Canadian court proceeding involved in a US Department of Justice order for Harmon's extradition from Canada on family court matters in the State of Colorado. As a result,

Ms Perry, Trustee of Bay State Trust, fled to Liechtenstein. Annexed hereto and marked Exhibit [“I”](#) is a copy of an email dated 26 July 1998 from Mike Austin to Philip Freytag recording, in Mike’s words that “Harmon has not had the balls to call me personally”. He further annexes and marks Exhibit [“J”](#) a copy of an email dated 10 November 1998 indicating that Ms Perry fled to Liechtenstein and that “There are people waiting for her to return. They want to have some words with her”. Finally annexed hereto and marked Exhibit [“K”](#) is an email from Philip Freytag dated 12 November 1998 demonstrating that he had been informed that the “Company”, that is the CIA, was monitor the movements of everyone involved in the transaction.

The official report is that the Mitsubishi certificate has never been retrieved by the SEC or the CIA. If the note was in fact a fraud, then the CIA were also duped by the persons involved in the transaction. The SEC ultimately reported the note “lost”. It was later reported to Harmon, by an agent of Bay State Trust that the subject bank certificate was in fact not lost, but subsequently converted to US Treasury Bills valued at 15 billion US dollars and the transaction was indeed completed covertly by the CIA; 5 billion was funded to Guatemala and the balance of 10 billion remained in question. [See Lumina Diem, Case History Section 7](#)

FAMILY COURT / CUSTODY ISSUES, COLORADO

During the same period as the above events involving the Mitsubishi transaction, in 1997 Harmon’s then wife, Dearna Wilfred began to physically and emotionally abuse their children with physical bouts of punishment including hitting and severe spankings. Once, she threw her daughter against a door in their home so hard that she drove the door knob into the wall. Harmon contacted his attorney, Mr. Seymour Wheelock, (“Mr. Wheelock”) for help and he recommended that Harmon should contact Social Services. He filed a report of Dearna’s child abuse with the El Paso County Social Services during April 1997.

Mr. Wheelock agreed to assist him and at the same time Dearna requested some time away from the children in order to get some rest and regain her self control. It was agreed with El Paso County Social Services to attempt to work out a private solution. As part of that private solution, Dearna agreed to obtain professional counseling and to hire Mrs. Janet Reinhard, a professional nanny, to be at the home with Dearna full time; and especially during Harmon’s intermittent absences on business. It was agreed that the children would continue to be monitored by Social Services.

Dearna did not pursue psychological help as agreed and fired the nanny in August 1997 while Harmon was in Canada on business. The abuse recommenced.

When Harmon learned of Dearna’s action, he was extremely concerned for the welfare of his children, particularly considering the high level of Dearna’s mental and emotional instability, and abusive tendencies. He then realized that he has no choice but to take custody of the children and file for a divorce. In October 1997 when Dearna met with Harmon in Phoenix, Arizona, while there on business, Dearna insisted that Harmon take possession of the children due to her inability to further cope without a significant rest. He did so and at the same time seized the opportunity to have Dearna served with a divorce summons and thereby took formal custody of the children pending the final outcome of the divorce proceeding. Annexed hereto and marked Exhibit [“L”](#) is a copy of Mr. Wheelock’s letter to Dearna dated 10 October 1997.

Harmon then began the process of relocating his home to Stratford, Ontario, Canada with the children during the on-going divorce proceedings. This was where many of his business dealings were occurring and it was also where his then new friend Carolyn Dare lived.

While he was in the air on a return flight to Stratford, Ontario to carry on his business, an ex-parte emergency Court hearing was called by Dearna’s attorney in Colorado Springs. His Colorado attorney attended on his behalf but without knowledge or sufficient notice, Harmon

was unable to attend. Because he was absent at that hearing, Harmon later learned that the Judge refused to permit any testimony from witnesses in attendance on his or his children's behalf regarding Dearn's incompetence and extreme abusive behaviour towards the children. Instead, weeks later, he was informed to his shock and dismay, that the Judge had awarded temporary custody of the children to Dearn.

This emergency ex-parte hearing also resulted in Harmon being automatically deemed in violation of a custody order due to his absence, which in Colorado is a felony criminal offense. On 17 October, 1997 a charge was laid by the court against Harmon of "violation of a custody order" and a warrant for his arrest was issued.

Without knowledge of the custody charge or arrest warrant (Harmon was unable to reach Mr. Wheelock for several weeks after the hearing due to Mr. Wheelock's untimely nervous breakdown and admission to a psychiatric hospital), Harmon had contacted their long standing family friend and professional mediator in Colorado, Mr. Phillip Freytag who then made contact with Dearn to commence divorce mediation. With Dearn's consent, they began formal mediation to resolve all custody and property issues.

The acting El Paso County District Attorney at that time, Assistant District Attorney Ms Jeanne Smith (covering for DA John Suthers while he was campaigning for Colorado State Attorney General), and Dearn's attorney, Mr. John Ciccolella, collaborated in bringing a second charge against Harmon in regard to the divorce mediation in progress, for criminal extortion; while at the same time participating in the "good faith" divorce mediation spearheaded by Phillip Freytag. This provided the opportunity for DA Smith to contact the US Justice Department and gain approval to seek extradition of Harmon from Canada by invocation of the Hague Commission Treaty between Canada and the US.

CANADIAN EXTRADITION

On 14 February 1998 the Canadian authorities arrived at Harmon's home in Canada, seized the children and forced them into an unmarked Police van while they were on a walk with their nanny. They were then taken directly to the airport and immediately returned back to Colorado to their abusive mother without question or regard to Dearn's record of child abuse.

The Canadian authorities then arrested Harmon at his home during which, when he enquired as to why he was being arrested, the officer did not read him his rights and stated that he did not have any documentation or evidence from the United States as yet to confirm or substantiate any charges. He was simply executing an arrest order.

Harmon was then incarcerated in a maximum security underground prison in Kitchener, Ontario for an initial period of 89 days before he was finally able to obtain bail with great resistance and objection from the US authorities on 14 May 1998. The obtaining of bail was dependent upon his revealing all details before the court of his business activities in Canada involving the CIA and the Mitsubishi note transaction because this was considered relevant to the setting of an appropriate bail sum. The revealing of such information was completely contrary to the demands and instructions provided by the CIA; however, he had no choice. Annexed hereto and marked Exhibit **"M"** is a copy of the Employment and Immigration Canada bail conditions dated 14 May 1998.

While Harmon was being held in the Canadian prison, Dearn's attorney, John Ciccolella initiated two processes against him in the Colorado Family Court. The first was a motion to waive mediation regarding their divorce because he was "incarcerated in Canada on criminal charges". The second was her filing of an uncontested, ex parte divorce for the same reason. Unfortunately, Mr. Wheelock, his Attorney, had a complaint filed against him by the District Attorney, Jeanne Smith, with the Colorado Supreme Court for his part in representing Harmon in his divorce proceedings. He was accused of committing misconduct in his assisting

Harmon in the removal and rescue of his children from child abuse. Mr. Wheelock was virtually harassed and chased out of the case by the Colorado authorities, who attempted to have him disbarred from the moment he arrived at the first emergency ex-parte hearing. He then had a nervous breakdown and was admitted to a psychiatric hospital. As a result, he was either highly impaired or completely unable to communicate or represent Harmon during this period due to his mental and emotional difficulties. Harmon remained incarcerated in Canada during the divorce proceeding.

Harmon was highly skeptical of DA's Smith and Suthers acting without an obvious conflict of interest from the moment of his arrest in Canada because of his having previously blown the whistle to the FBI publicly exposing their participation in the alleged cover-up of the aforementioned Pension Fund Embezzlement scheme; forcing the prosecution and imprisonment of Suthers associate, Mike Witty.

On 27 April 1998, while still incarcerated in Canada with no competent legal representation in Colorado, Harmon was declared legally divorced from Dearnia by the Colorado family court. Annexed hereto and marked Exhibit "**N**" is a copy of the final orders sent to him under cover of Dearnia Wilfred's attorney's letter dated 14 May 1998 affirming the orders made on 27 April 1998.

On 1 June 1998 he was brought before the Canadian Court again in Kitchener, Ontario for an extradition hearing. Canadian Justice Glithero allowed Harmon's extradition solely on the basis of last minute hearsay evidence purportedly received by the Crown from the El Paso County DA confirming the charging and arrest of the Family Mediator, Phillip Freytag as Harmon's co-conspirator in the charge of extortion. In fact Mr. Freytag had not been charged or arrested at that time. When Mr. Freytag was finally charged and arrested 3 weeks later, the charges were withdrawn by the District Attorney uncontested at the first hearing in Colorado on the grounds of insufficient evidence; but prior to that, having already been committed to the extradition because of the false co-conspirator evidence with no redress, Harmon was re-incarcerated by the Canadian Judge for an additional 31 days, awaiting his extradition to Colorado.

Following the decision by Canadian Justice Glithero dated 1 June 1998; Harmon lodged an appeal against the extradition order decision with the Court of Appeal for Ontario through his new attorney, Mr. Alan Gold. Mr. Gold immediately moved an application for bail and Harmon was subsequently released on bail in July, 1998. There after followed a lengthy period when Harmon remained in Canada on bail while gathering evidence on his case to win the appeal and ultimately remove the charges in Colorado. Harmon was required by the Canadian Court bail conditions to reside with Carolyn Dare, one of his guarantors for the bail sum during this period. He was also disallowed to work by Canadian Immigration while under charges in the US.

Throughout this process the welfare of Harmon's children was never considered by the Canadian or the US authorities. During his incarceration in Canada, from February through July 1998, his good friend Carolyn Dare approached The Hague Commission, the US Embassy, other state and Federal agencies and the Colorado Department of Social Services in Colorado Springs in an attempt to rescue his children from further child abuse. She also collected affidavits from key witnesses as to Dearnia's past violent and abusive behaviour towards the children. Despite Harmon and Carolyn's efforts, Harmon was prevented from having any contact with his children and in fact to this day he cannot even confirm how they are or where they live.

Full custody of the children was determined in Dearnia's favour on 14 September 1998 while Harmon was in Canada appealing the extradition proceedings.

While the Canadian appeal of the extradition proceeding was pending in the Court of Appeal for Ontario, Harmon decided to try and resolve matters in the USA once and for all by engaging Colorado Attorney, Dale Parrish to re-open all family court matters in Colorado. Subject to the arrangement of an acceptable agreement with the Colorado District Attorney, Harmon would be willing to return to Colorado to challenge the charges and file for a motion for dismissal. He also instructed his Canadian attorney, Alan Gold, that he would be willing to abandon the Canadian extradition appeal subject to an acceptable arrangement with the Colorado DA. In December, 1999, Mr. Parrish entered and re-opened both of Harmon's family court cases for support and custody mediation, as well as entering the criminal case in El Paso County. Thereafter Mr. Parrish reached an acceptable verbal arrangement with the El Paso County Deputy DA, Robert Harward and scheduled the first hearing for April 5, 2000. Annexed hereto and marked Exhibit "[O](#)" is a copy of the Notice of abandonment of Harmon's Canadian appeal dated March 31, 2000, with attached Letter from Canadian Attorney Alan Gold, providing notice to DA Harward regarding the Extradition Treaty Rule of Specialty restricting prosecution to the extradition charges only.

The Canadian appeal was abandoned on 31 March 2000 based upon a verbal assurance by the El Paso County DA that Harmon would be allowed to return to Colorado and appear before the Court without escort or incarceration with the understanding that he would be permitted to present his evidence and submit for a dismissal of the charges. Annexed hereto and marked Exhibit "[P](#)" is a letter dated 25 January 2000 from Deputy DA Robert Harward indicating his willingness to consider his evidence for a resolution by "agreement of the parties". Preparations were then made thereafter for his return to Colorado.

Harmon's Canadian attorney, Alan Gold notified El Paso County Deputy DA Robert Harward, in writing at that time that Harmon was specifically ordered returned under the Extradition Act and in accordance with the US-Canada Extradition Treaty and the Rule of Specialty, Harmon could only be confronted in the United States solely for the extradition offences for which he was ordered to be extradited and could not be detained or arrested for any other cause, including amendments made subsequent to the extradition order (if any) and listed on the information of the District Court in El Paso County, Colorado. In spite of these instructions and the DA's original assurances, the Colorado DA Jeanne Smith completely reneged on the agreement with Deputy DA Harward by:

- Ordering Harmon's re-arrest in Canada to prepare for extradition with Canada's full cooperation and without protest
- Provide for a Federal Marshal and a Colorado Detective to escort Harmon to Colorado in handcuffs and belly chains, again, assisted by the Canadian authorities
- Harmon was then ordered by the Colorado Court to pay for all related airfares and costs of his extradition, including the Federal Marshal escort.
- He was re-incarcerated upon arrival at the El Paso County jail with an order to transport him to another county jail on other matters unrelated to the extradition.

On 5 April 2000 Harmon was taken by US Federal Marshall escort from the underground Canadian maximum security prison and transported by air in belly chains, and handcuffs to El Paso County, Colorado. Upon arrival at El Paso County, Harmon was re-incarcerated in the County jail on the subject of extradition matters and then ordered transferred to Arapahoe County on other family court matters. When Harmon produced a copy of the letter from his Canadian attorney detailing the extradition laws, the transfer order was immediately rescinded. On 6 April 2000 Harmon was taken before a televised Judge while in maximum security, pleaded not guilty and released on a cash bond of \$10,000 on the condition that he had to agree to pay the full costs of his extradition. Harmon had no option but to agree with this stipulation. He was also denied the opportunity to present his evidence with a motion

for dismissal of the charges. Annexed hereto and marked Exhibit **“Q”** is a copy of the bail documentation and bond receipt dated 6 April 2000.

On 7 April 2000 Harmon returned to Canada until his next scheduled court date of 11 May 2000.

Upon his second scheduled return to El Paso County, Colorado to go before the court with a motion for dismissal, secret federal charges were illegally laid against Harmon and Federal Marshals were awaiting his arrival with a sealed and sequestered arrest order in cooperation with the Colorado District Attorney for non-payment of child support. Due to the original extradition charges that had been laid against him by the Colorado DA, Harmon was prohibited from working in Canada under his bail requirements by Canadian Immigration. Therefore, he was unable to pay any of the accumulated \$10,500 per month court ordered child support during his extradition case over a period of two years. The El Paso County DA had actually cooperated in first; laying the original charges assuring that Harmon could not work and therefore could not pay child support, and second; seeking to lay the federal charges against him for the non-payment that they created.

On 11 May 2000 Harmon returned to Colorado on his own volition to comply with the Court order to attend a pre-trial hearing to finally address the extradition matters and file a motion for dismissal as indicated above. However, just prior to the commencement of the hearing, the sequestered federal arrest order was unsealed at the Court house doors and Harmon was arrested on non-payment of child support charges previously unknown to him and therefore again he was unable to attend the ordered hearing in El Paso County to enter his Motion for Dismissal for the original extradition charges. Despite the original letter referencing his US / Canada Extradition Treaty rights from his Canadian Counsel and the previous failed attempt by the Colorado District Attorney to bring other charges at the state level, Harmon was arrested by Federal Marshals and taken to Denver, Colorado before a Federal Magistrate where he learned about the new non-payment of child support charges for the previous two years; again, a time when Harmon was prohibited to work due to the original extradition charges. Harmon was ordered by the Federal Magistrate to be released on a \$150,000 cash bond. However, because he could not pay this huge amount, Harmon was detained in custody in the Denver federal prison.

On 23 May 2000 a pre-trial conference was held before a US Federal Magistrate on the federal charges regarding the back child support issues. At that time, a motion for dismissal was argued on the basis of a violation of the US / Canadian Treaty. This motion was dismissed. The matter was then put over to 12 June for presentation and indictment before a Grand Jury. Annexed hereto and marked Exhibit **“R”** and Exhibit **“S”** respectively are copies of the criminal dockets containing the records of complaint filed and dated 10 May 2000 and 26 May 2000 respectively.

On 26 May 2000 US Judge Walker Miller was again presented the case for dismissal of the federal charges against Harmon due to violation of the US / Canada Extradition Treaty. Harmon chose not to file any diplomatic protest at that time or to file a civil suit against US Federal Government for a breach of International law on the basis that he wanted to try and get some co-operation from the authorities and did not want to be in the position of further complicating the issue of being able to see his children. He also had no resources for such a legal battle.

US Judge Walker Miller dismissed the federal charges involving non-payment of child support on the ground of violation of the US / Canada Treaty. Annexed hereto and marked Exhibit **“T”** is a copy of the Order dismissing the complaint dated 26 May 2000.

FOLLOWING the federal charges being dismissed a Federal Court Order was issued for Harmon's immediate release from the Federal Detention Centre. However, prior to his leaving the prison with his wife, she having been called to the front lobby to receive him; Harmon was illegally re-arrested, handcuffed, belly chained, shackled and exited out of the back entrance of the federal prison by two Federal Marshals (with the Federal Court Order to release him without further detention in their possession), and was transported to the maximum security drug detention centre of the Denver City Jail (locally known as "the Killing Fields") and placed on 24 hour lockdown for the four day holiday weekend; during which time there was no opportunity to object or appear before a judge. Harmon was not told on what grounds he was being arrested, nor were his rights read to him. Even his wife was also not advised as to where he had been taken or why. Annexed hereto and marked Exhibit "[U](#)" is a copy of the Denver jail computer record dated 26 May, 2000 demonstrating that Harmon was held there under order of the US Marshall with no charges being laid and no bail available.

ON 30 May 2000 Harmon was transferred in shackles, belly chains and handcuffs from the Denver City jail and again illegally re-incarcerated in the Arapahoe County Jail. On that same day he was brought before the court filthy, haggard and without counsel (his counsel was not notified) and forced to argue his own case or be returned to jail. As a result of pleading his own case by informing the judge of the Federal Court Order providing for his release without further detention, the county judge released him, but not without illegally ordering a \$750,000 bond, requiring no deposit, with the condition that Harmon return on 29 June 2000 for a Rule 69 financial examination hearing in Arapahoe County. Annexed hereto and marked Exhibit "[V](#)" is a copy of the Motion by Harmon's counsel to invalidate and rescind the \$750,000 personal recognizance bond and the requirement for the rule 69 financial examination Dated 26 June, 2000. Annexed hereto and marked Exhibit "[W](#)" is a copy of the Motion to vacate orders re Rule 69 proceeding. The orders were subsequently vacated due to a further violation of the Extradition Treaty.

On May 30, 2000 Harmon was released with the right to return to Canada, without being convicted of any offence; but once again, without any opportunity to challenge the original extradition family court related charges in El Paso County with a motion for dismissal. Also on May 30, 2000 Harmon's father passed away from heart failure before he could be at his bedside. By July, 2000 all charges and requirements in Arapahoe County were dismissed due to multiple violations of the Extradition Treaty.

On total Harmon has spent 145 days incarcerated on charges that were dismissed, withdrawn or not proceeded with and thereby expired by statute of limitation. All of his incarcerations in Canada and the US were a direct result of the unlawful actions of the county and federal enforcement authorities and the judiciary in Colorado; the forwarding Federal orders into Canada and the Canadian government's cooperation with these illegal actions without question. These were gross violations of the Human Rights of an individual.

On 2 August 1998 during the midst of the extradition appeal proceedings in Canada and upon his release from incarceration Harmon married Carolyn Dare at Stratford, Ontario, Canada. Harmon first met Carolyn when he was in Canada on a business trip on 6 June 1997 in Guleph, Ontario through his friend, and business partner, Donald Gillmore.

During the period that ensued Carolyn and Harmon unceasingly lobbied with various public bodies for an investigation into the welfare of his children, which had been exacerbated by Harmon's multiple detentions on spurious charges by Canada and the US. Eventually all these efforts to restore Harmon's relationship with his children, or even to insure their safety proved to be futile. In spite of everything that has happened, Harmon has always been extremely concerned about the probable continuance of child abuse on the part of his ex-wife Dearna Wilfred.

Following Harmon's release from the Denver Jail on 30 May 2000, as previously stated, he was provided permission by the court to return to his home in Canada. After having experienced so many ordeals with the authorities in his effort to clear his name of the multiple charges that were laid and dismissed; including the constant humiliation and trauma of his multiple incarcerations, threats to his life and freedom, the loss of his children back to child abuse, enduring the cruelty of constantly being transported and restrained in handcuffs, belly chains and shackles; the physical and emotional stress had taken a significant toll on his health. It became impossible for Harmon, either physically, emotionally or financially, to continue to battle with the El Paso County authorities or to trust that they would ever allow him a fair opportunity to return and resolve further family related matters justly in Colorado. There are no outstanding family court criminal matters against Harmon in the USA at this time. All previous charges have been absolutely confirmed as dismissed, withdrawn or have expired due to the statute of limitation by inaction. **In spite of this, Harmon has been advised by his NZ solicitor through his discussions with the US State Department and the Colorado authorities, should he ever return to the US, the District Attorney in Colorado will continue to pursue allegations of breaches in custody orders from 1997 as this relates to the original extradition charges. See Lumina Diem, Case History Sections 8-28**

FRESH START IN NEW ZEALAND

In 2001, after enduring constant harassment by the Canadian and US authorities, Carolyn and Harmon ultimately decided to leave Canada and make a fresh start in New Zealand. As the Family Court matters relating to child support were ongoing, just before leaving Canada and upon their arrival in New Zealand they had sought the appointment of a special advocate for the protection and welfare of Harmon's children and the Court agreed. This was to ensure that the children's best interests were looked after and to protect them against further abuse. The hope was that this examination would also lead to the opportunity for Harmon to have contact with his children. Unfortunately, after several reportedly successful counseling sessions, Dearn removed the children from the jurisdiction and refused to cooperate further with the court order. Annexed hereto and marked Exhibit "**X**" is a copy of the Motion to appointment of special advocate executed by both parties dated 19 January 2001.

Upon reaching New Zealand, the Wilfred's were introduced to business and local political leaders and completed an assessment of the investment opportunities. As a result, they decided to settle in Christchurch, New Zealand. They presently reside at 68, The Esplanade, Sumner, Christchurch. Annexed hereto and marked Exhibit "**Y**" is a copy of the certificate of title CB12F/327.

As a former member of the US Air Force from 1969 to 1973, Harmon served as a fighter bomber and tactical long range aircraft computer electronics and weapons specialist, including nuclear weapons. His rank upon honourable discharge was Sergeant, Aircraft Weapons Specialist. His experience with computer electronics as well as his subsequent 5 year employment with IBM has enabled him to successfully develop and direct a cutting edge information technology business in New Zealand.

Carolyn has personal assets and investments available to her (her "estate") because of her interest in her family's ownership of Dare Foods Incorporated, a Canadian global producer and manufacturer of food products. Dare Foods is privately owned and operated by majority interests involving Carolyn, her two brothers, and her father. The company web site can be viewed at www.darefoods.com. The Wilfred's decided to invest a portion of Carolyn's estate in New Zealand to establish a home and business. Harmon currently manages Carolyn's estate on her behalf. Since 2002, they have founded the following companies and charitable organizations, of which Harmon is either a Director or Trustee:

Combined Technology NZ Limited: An internet Telco specializing in VoIP (Voice over Internet Protocol), or making calls on the internet.

<http://www.combined-tech.com>

La Famia Foundation NZ ("La Famia"): A Family Charitable Trust for contributing to the New Zealand family and community at large

<http://www.lafamia.com>

Powerline Communications Limited: A telecommunications company specializing in transmitting data, voice, and broadband over the power lines.

www.powerlinecom.net

Wilfred Investments Limited: The primary family investment entity.

Light of Day Limited: Exploring media investment opportunities.

Lumina Diem Limited: Focusing on Harmon's biography and 20 year struggle with the US government to restore his rights.

Documentary Web site: www.luminadiem.com

Interactive Court / Media site: www.courttopublicjustice.com

Harmon's personal and family web site, including an expose' on his marriage, family and children, global projects, businesses and a 12 chapter introduction to his biography:

Personal and Family Web Site: www.harmonwilfred.com

CHILD SUPPORT

Once Harmon and his wife Carolyn left North America to establish a home in New Zealand in December, 2001, as mentioned earlier, he was appointed as the investment manager of his wife's trust in April of 2002. From his annual compensation of US \$50,000 paid as an advance against future dividends on company shares, he has paid in excess of US \$200,000 in child support payments over a period of four years in cooperation with Child Support Services in Colorado. When he attempted to renew his US passport in August 2004 he was declined due to "hits" on his passport as a result of what was described as unresolved court matters in Colorado. Harmon was left with the untenable situation of being in New Zealand without a passport and could not continue his application in concert with his wife's long term business visa to residency. Harmon has continuously maintained contact with the Child Support Enforcement Authorities in Colorado since his arrival in New Zealand and has made every attempt possible to more than comply with their instructions. Annexed hereto and marked Exhibit "**TT**" are copies of correspondence with the authorities commenced shortly after his arrival in New Zealand to address Child Support issues. Also annexed hereto and marked Exhibit "**UU**" is a table detailing the child support payments that he has made since moving to New Zealand up to December 2005 when he could no longer legally maintain a work permit or earn an income in New Zealand without a passport and a legal status.

On 7 July 2005, Harmon's NZ solicitor forwarded information to the El Paso County Child Support Enforcement Unit, including a financial affidavit seeking an adjustment to his child support payments. He has reason to believe that his former two wives, Dearnna and Sandra, may now have stable incomes and have remarried. On 27 July 2005 Child Support Services of Colorado advised that in their view the proper amount to be paid should be adjusted for his wife Dearnna from the current \$6,000 per quarter to \$50.00 per month, due to

her unwillingness to cooperate in providing her current marital or financial circumstances. Harmon attorney was forwarded a Court Stipulation to sign and return to Child Support Services for approval of the adjustment by Court order to insure that he would no longer be obligated to pay the impossible sum issued in the original judgment. The documents were forthwith completed and returned as instructed. His attorney was then subsequently advised on 31 October 2005 that Child Support Services would not proceed to obtain approval of the stipulation because Harmon had renounced his United States citizenship and he would therefore, be required to come to Colorado and directly petition the El Paso County Courts for the modification. Ms Muzzipapa of Child Support Services explained that this had been at the direction of the Deputy District Attorney of El Paso County.

Harmon is confident after two attempts at returning to Colorado from Canada with the result of his life, safety and freedom being continuously threatened in Canada and the US that if he ever returns to or is deported from New Zealand to Canada or the US, he will be at least incarcerated and may never be able to clear his name, support his children or be free of further retribution by the US and Canadian governments, their politicians and covert agencies. Without being granted the right to lawfully reside and be gainfully employed in New Zealand or at least somewhere outside of the United States, Harmon clearly cannot continue his efforts to provide for his children's financial welfare or fight for their freedom from further abuse. [See Lumina Diem, Case History Sections 29 and 30](#)

RENUNCIATION OF CITIZENSHIP

In July, 2004 Harmon instructed Mr. Allan Manco, his solicitor in Christchurch, to assist him and his wife in obtaining long term business visas and work permits to residency.

Because Harmon's passport was due to expire on 14 December 2005 and it was completely full of stamps to the extent that it was unusable for further required NZ permits and visas in New Zealand, he forwarded his passport to the American Consulate in Auckland for renewal in July, 2004.

Harmon's attorney was notified by the American Consulate in August, 2004 that his passport would not be renewed and that it would not be returned. The reason given was that a routine check revealed two "hits", indicating unresolvable matters arising out of custody and Family Court issues in El Paso County, Colorado.

Harmon was advised that he could only be issued with a temporary passport to enable his exclusive passage back to the USA to face possible charges again in El Paso County, Colorado. Harmon instructed Mr. Manco to make a further inquiry with the District Attorney's office as to these outstanding matters. Mr. Manco, advised Harmon that the El Paso County District Attorney was quite firm in his position that should he return to the USA he would be incarcerated upon arrival for an indefinite period until all outstanding matters in Colorado were resolved to his satisfaction.

BY March 1, 2005 Harmon had become so outraged both with US foreign policy in Iraq and elsewhere in the world, and also with the way he personally had been treated by his country of birth, that he made the decision on principle and for his personal safety to end his connection with the United States of America by the irrevocable renouncing of his citizenship. Annexed hereto and marked Exhibit ["VV"](#) is a copy of the document executed to effect renunciation of his United States citizenship, including his certificate of loss of nationality of the United States of America dated and signed by the American Consulate on April 15, 2005.

Harmon wants no further association with the USA. In his words, *“My new home, life and business are now in New Zealand. While I will never quit my endeavors to make it possible to have contact with and/or see my children, I will not do so in circumstances where I can be threatened, incarcerated or my life endangered because of the continuing trumped up charges born out of political retribution in the United States.*

FURTHERMORE in a very real sense it simply has been impossible for me to return to the USA for the last 9 years because of the physical danger. There are people whom I have exposed in the government and within the CIA who would want to exact harsh and even deadly retribution. As evidenced by my attorney’s latest communication with the Colorado District Attorney, there would undoubtedly be further difficulties with the authorities in Colorado which could result at the very least in my being detained for charges which would ultimately be again dismissed or withdrawn.”

Harmon is clearly justified in believing that upon any future agreement to return to Colorado to confront and adjust any or all outstanding custody and support issues, the authorities would mistreat him in a similar fashion following his extradition from Canada to the USA in 2000 when he returned two times to be illegally confronted with further spurious charges, incarcerated, humiliated and ultimately released at great cost and to no avail.

IT is simply not an option for Harmon to return to Canada or the US where the authorities have violated his rights to the extent of having him placed in custody for in excess of 145 days, and having now violated multiple international treaties only to have the judiciary in both Canada and the US subsequently order his release and / or charges dropped on numerous occasions with no restitution or apology. His wife’s estate has already expended over US\$250,000 on legal fees and costs in Canada and the US in an attempt to resolve these issues to no avail. Enough is enough.

The emotional impact on Harmon’s wife, Carolyn has been horrifying and would be further devastating should he ever again be placed back into custody in the US under such egregious and dangerous circumstances. This is exacerbated by her justified belief and certainty based upon past experience that he would never be physically safe in or out of US custody to face not US justice, but government sponsored retribution and even vengeance from those involved in the Pension Fund embezzlement scheme; especially Michael Witty, who has now been released early, as well as the CIA and the politicians, agencies and individuals associated with the Mitsubishi Note Transaction.

It is especially outrageous that the charges brought against Harmon Wilfred are in total contradiction with the official records of which we have now received independent verification through Ms Linda Sanders, Paralegal, Anderson & Jahde, PC. With a full due diligence check regarding any pending criminal matters against Harmon Wilfred in the United States and the State of Colorado, the conclusion in the resultant notarized report and affidavit documents is that there are no criminal convictions and all charges originally and subsequently brought against him have either been falsely represented by “mistake”, dismissed, or have long since expired due to inaction by Statute of Limitation. See Linda Sanders Affidavit Memorandum dated 19 March 2007 annexed, attached hereto and marked Exhibit [“WW”](#).

CONCLUSION

Because of Harmon Wilfred’s personal credo and conviction toward truth and justice, and thereby his willingness to stand up for himself, his children and his fellow man; even against the seeming impossible odds of corrupt government agencies, law enforcement, judicial and executive branches of the US and Canada; since 1997 Harmon Wilfred has endured tortuous and unlawful incarcerations, degrading treatment, and unlawful punishment while constantly

living under death threats by the US Central Intelligence Agency. Since 1997 he has been illegally incarcerated for 120 days in an underground maximum security prison in Canada, by order of a Canadian judge; 21 days in a US Federal prison, and four days in the Denver city jail by order of Federal Marshals without charges or bail. The Canadian maximum security underground prison was a smoke filled, single cell, concrete congregate jail where he was forced to live with up to 40 hostile and emotionally distraught inmates in abject filth. He has been openly paraded through airports and other public places in handcuffs, belly chains and shackles, kept in 24 hour lockdown without justification, put through sleep deprivation and forced court hearings in a physically exhausted and mentally confused state and in many cases without legal representation and / or due process.

As a direct result of this long standing US and Canadian government sponsored political, law enforcement, judicial and covert agency abuse since 1990, Harmon has lost all of his parental rights, including a court ordered prohibition of any contact with his three children for over 9 years with no opportunity for redress. Although Harmon and Carolyn now reside in New Zealand, they have continued to live in a constant state of anxiety for fear of further political and covert retribution every time someone comes to their door; a strange car is parked outside their home; an unmarked package is delivered to their mail box, or a phone call that results in an immediate hang-up. Their condition has been medically described as a form of mental and emotional torture; a paranoia that goes beyond post traumatic stress syndrome; post being past. Harmon and Carolyn's continuous and torturous trauma is indeed sourced from the past and will continue to be ever in the present and the future until their case is won and the Canadian and US Government perpetrators are neutralized.

Harmon Wilfred has no criminal convictions, no legitimate charges outstanding and has been advised by the US State Department that the US Government is not seeking his extradition. Upon the retaining of his passport by the US Embassy in New Zealand, he renounced his US citizenship on principle on March 1, 2005 and applied for residency in New Zealand as a stateless person.

After being refused residency by the New Zealand Removal Review Board on August 15, 2005; and again being denied residency through a long and expensive New Zealand High Court Appeal process ending in the dismissal of his case in September, 2006; Harmon filed an unprecedented Claim for Political Asylum in New Zealand under the UNHCR on May 11, 2007.

With the misgivings of a judicial process to obtain his residency in New Zealand as a stateless persona non grata, that has thus far been exorbitantly expensive, and dismally unsuccessful; Harmon's hope and prayer in this petition to the United Nations Office of the High Commissioner for Human Rights is to gain international condemnation of the human rights violations having been, and being committed against him and his children by Canada and the United States, and thereby restore his freedom as a loving father and sovereign individual on planet earth. **See documented evidence throughout the entire Lumina Diem Case History, with emphasis on Sections 31, 32, 33 and 34**

PRAYER AND FINAL SUBMISSION

Introduction

As per the Preamble of the Universal Declaration of the Human Rights, the recognition of the inherent dignity and of the equal inalienable rights of all members of the human family is the foundation of freedom, justice and peace in the world. The people of United Nations have reaffirmed their faith in fundamental human rights, in the dignity and worth of the human person and that human rights should be protected by the rule of law.

The subject case is a classic example of a nexus between Canadian and United States Politicians / Government agencies and a judiciary authority pursuing multiple false criminal cases against an innocent citizen of the United States; who in his true nationalist spirit and credo of truth and justice challenged a head judge for the violation of his constitutional rights in a State family court; and at great risk to himself, investigated and exposed the embezzlement of public funds at the local, state and federal levels, committed by powerful elected and appointed public officials and private individuals. As a result, Harmon, as a faithful and patriotic citizen and public servant was falsely charged with criminal offences; forced into multiple incarcerations in the United States and Canada; has endured over a decade of tortuous physical, emotional and financial hardship and humiliation of the worst order through actions of the United States and Canada; including the complete loss of his rights as a father with no contact, information or knowledge of his three children's whereabouts, health, welfare, living conditions, or even so much as a photograph for over 9 years.

1. The Violation of Civil and Political Rights: In Harmon's 1990 family court divorce hearing, upon his refusal to cooperate with the proceeding on the basis that he was refused the opportunity of legal counsel; he was jailed for 6 days for contempt. The hearing then proceeded during which the court attempted to force Harmon under guard and in handcuffs to represent himself; resulting in multiple violations of his constitutional rights including; denial of due process, illegal search and seizure, attorney client privilege and religious persecution.

2. The Violation of the UN Convention against Torture and other Cruel, Inhuman and Degrading Treatment: *"For the purposes of this Convention, torture means any act by which severe pain or suffering, whether physical or mental, is intentionally inflicted on a person for such purposes as obtaining from him or a third person information or a confession, punishing him for an act he or a third person has committed or is suspected of having committed, or intimidating or coercing him or a third person, or for any reason based on discrimination of any kind, when such pain or suffering is inflicted by or at the instigation of or with the consent or acquiescence of a public official or other person acting in an official capacity. It does not include pain or suffering arising only from, inherent in or incidental to lawful sanctions."*

By every definition of the *UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment*, Harmon's entire case history has become a documentary indictment against the Governments of Canada and the United States.

The aforementioned statement in the conclusion of the body of this complaint above bears repeating as the best concluding statement for the violation of the UN Convention on Torture as follows:

Because of Harmon Wilfred's personal credo and conviction toward truth and justice, and thereby his willingness to stand up for himself, his children and his fellow man; even against the seeming impossible odds of corrupt government agencies, law enforcement, judicial and executive branches of the US and Canada; since 1997 Harmon Wilfred has endured tortuous

and unlawful incarcerations, degrading treatment, and unlawful punishment while constantly living under death threats by the US Central Intelligence Agency. Since 1997 he has been illegally incarcerated for 120 days in an underground maximum security prison in Canada, by order of a Canadian judge; 21 days in a US Federal prison, and four days in the Denver city jail by order of Federal Marshals without charges or bail. The Canadian maximum security underground prison was a smoke filled, single cell, concrete congregate jail where he was forced to live with up to 40 hostile and emotionally distraught inmates in abject filth. He has been openly paraded through airports and other public places in handcuffs, belly chains and shackles, kept in 24 hour lockdown without justification, put through sleep deprivation and forced court hearings in a physically exhausted and mentally confused state and in many cases without legal representation and / or due process.

As a direct result of this long standing US and Canadian government sponsored political, law enforcement, judicial and covert agency abuse since 1990, Harmon has lost all of his parental rights, including a court ordered prohibition of any contact with his three children for over 9 years with no opportunity for redress. Although Harmon and Carolyn now reside in New Zealand, they have continued to live in a constant state of anxiety for fear of further political and covert retribution every time someone comes to their door; a strange car is parked outside their home; an unmarked package is delivered to their mail box, or a phone call that results in an immediate hang-up. Their condition has been medically described as a form of mental and emotional torture; a paranoia that goes beyond post traumatic stress syndrome; post being past. Harmon and Carolyn's continuous and torturous trauma is indeed sourced from the past and will continue to be ever in the present and the future until their case is won and the Canadian and US Government perpetrators are neutralized.

Harmon Wilfred has no criminal convictions, no legitimate charges outstanding and has been advised by the US State Department that the US Government is not seeking his extradition. Upon the retaining of his passport by the US Embassy in New Zealand, he renounced his US citizenship on principle on March 1, 2005 and applied for residency in New Zealand as a stateless person.

3. The violation of the UN International Covenant on Economic Social and Cultural Rights: "All peoples have the right of self-determination. By virtue of that right they freely determine their political status and freely pursue their economic, social and cultural development..."

In the aforementioned 1990 family court proceeding, a final judgment was entered against Harmon that included the permanent voiding of all his parental rights, a prohibition to having any contact whatsoever with his son and a prohibitive \$5,500 per month support requirement; even though at that time he was in bankruptcy and without employment. Thereafter his filings in State Court, and subsequently Federal Court to set aside the judgment due to the violation of his rights were summarily dismissed. The Federal dismissal provided the following justification, "It is axiomatic that federal courts should decline jurisdiction in domestic relations cases." Essentially, the US Federal Government will not protect civil rights violated in any state family court creating a mock criminal court system without accountability and in conflict with itself. Harmon has since been forced to live with this judgment without remedy.

The above case and illegal support judgment was the basis for equally unfair and exorbitant claims against Harmon in a subsequent family court proceeding which was utilized in a 1997 request for Harmon's extradition submitted to the Canadian Justice Department. Because of the charges brought in the extradition, the Canadian authorities not only knowingly consented to the extradition on the basis of what were ultimately proven as false charges under fraudulent evidence presented by the US, but he was either jailed or under a prohibition to work in

Canada during his two year Canadian extradition appeal. During the two year work prohibition, Harmon's accumulated child support was then subsequently utilized by the US Federal authorities to lay criminal charges against him for back child support. Although these charges were a blatant violation of the US / Canadian Extradition Treaty under the rule of Specialty; the Canadian authorities continued to support the US in all actions. When Harmon formally complained in writing to the Canadian Justice Department in 2000, their reply in part dated February 20, 2001 included the following statement:

"Accordingly, in so far as the proceedings in the United States were taken under a misapprehension as to the applicability of the rule, there is no indication of bad faith by the US authorities."

This deliberately complicit and outrageous reply and all other documentation pertaining to the violations of the Hague Commission Extradition Treaty between the US and Canada can be view at www.luminadiem.com, **Case History Sections 25, 26 and 27.**

If there was no bad faith by the US authorities, then why did a Federal Judge rule that the Treaty was indeed violated and then immediately seal the case to avoid the embarrassment of a diplomatic incident. This case and Canada's complicit support of the illegal acts of the US served to further significantly erode and even destroy Harmon's economic opportunities and his reputation and social well being throughout North America and beyond.

The following are specific human rights violations committed in this case as quoted from the International Covenant on Civil and Political Rights:

4. Violation of Article 6: "Every human being has the right to life..."

Having blown the whistle with credible evidence and result on high level US political figures, government and judicial agencies, the CIA and the complicit agencies and judiciary of the Canadian Government over judicial and political corruption including the embezzlement of billions of dollars of public funds with many of the perpetrators still at large and some in positions of political authority; Harmon is justifiably and genuinely apprehensive for his freedom and personal safety should he ever return or be returned to the United States or Canada.

5. Violation of Article 9, Clause 1: "Everyone has the right to liberty and security of person..."

Harmon's rights to liberty and security as well as natural justice were involuntarily forfeited by the acts of the Colorado State, US Federal and Canadian governments and law enforcement and judicial systems through:

- **ex-parte hearings** without proper representation;
- **multiple and improper arrests** and incarcerations without informing him of his rights;
- **spurious charges** that were ultimately dismissed without evidence, dismissed as a direct violation of his Hague Commission rights or not acted upon beyond the statutes of limitations;
- **entrapment to charge and arrest** him on criminal extortion while feigning to work with him in good faith family mediation on property and custody issues;
- **conspiracy** between State and Federal law enforcement agencies and the Government of Canada to arrest Harmon at the county court with a sealed federal arrest order in direct violation of the Hague Commission Treaty when he was obeying a lawful court order to appear in family court;

- **deliberately and knowingly violating a federal order** to release Harmon without further detention, Federal Marshals unlawfully re-arrested him without charges or the reading of his rights, and incarcerated him in a maximum security drug detention facility on 24 hour lock-down for four days without charges and no opportunity of bail, and no ultimate objection or support by the Canadian Government;
- **forced self representation** in a court hearing while Harmon was in belly chains, handcuffs and shackles. All matters pertaining to the issues brought before the court were later dismissed as in violation of the Hague Commission Treaty; again with no objection from the Canadian authorities;
- **the legalized kidnapping of Harmon's children in Canada by the Canadian police** on request of the US Federal authorities and the El Paso County, Colorado justice system upon which when he inquired of the Canadian authorities as to the welfare and whereabouts of his children, he was told that his children were returned to their abusive mother (registered child abuser in Colorado) without examination or question. Harmon was arrested by the Canadian police without the reading of his rights or knowledge of any evidence of charges by the arresting officers;
- **multiple incarcerations for a total period of 145 days** in maximum security prisons on spurious charges with unreasonable bail bonding requirements of up to \$600,000 for non violent family court custodial "criminal" charges that were ultimately dismissed, withdrawn or not proceeded with and having long since expired by statute of limitation. Such incarcerations were a direct result of the unlawful actions of the state and federal enforcement authorities and the judiciary in Colorado as well as the complicit actions of the government of Canada.

6. Violation of Article 9, Clause 5: "Anyone who has been the victim of unlawful arrest or detention shall have an enforceable right to compensation."

Harmon Wilfred was detained and unjustifiably and illegally arrested and incarcerated on multiple occasions in Maximum Security prisons in the US, and placed in a Maximum Security Underground opened and overcrowded congregate prison in Canada without apology or compensation. Although a monetary value can never be placed upon the loss of one's freedom, or the resultant loss of family, reputation, financial security, and even homeland as a result of the unlawful arrests and accompanying sufferings and torturous horror experienced; I hereby pray a minimum restitution for Harmon Wilfred from the offending governments of Fifty Million US dollars (\$50,000,000 USD) and such other relief that the commission may deem proper.

7. Violation of Article 10 Clause 1: "All persons deprived of their liberty should be treated with humanity and with respect for the inherent dignity of the human person..."

Harmon Wilfred was placed in maximum security prisons in Canada and the US while being transported and paraded about publicly and openly in belly chains, handcuffs and shackles as if he were a mad man, murderer or a terrorist who had committed heinous crimes against humanity. His alleged and now non-existent charges simply involved a non violent matrimonial dispute of which the officials and law enforcement agents of the El Paso County District attorney's office and judicial system took the opportunity to inflate this dispute into the criminal arena with false charges for the purpose of political retribution. Harmon believes the evidence clearly shows at least a conflict of interest on the part of the DA in presenting these charges against him, and at most these actions were taken to satiate the personal appetites of the DA and certain other politicians and officials for vengeance against Harmon for exposing their involvement either directly in, or in a cover-up of the El Paso County Pension Fund Embezzlement scheme. This entire process was supported and acted upon by the government of Canada without question.

8. Violation of Article 12: “Every one has the right to liberty of movement and the freedom to choose his residence within the territory of a state... and per clause 2: every one should be free to leave any country including his own ...4. No one shall be deprived of the right to enter his own country.”

By the multiple aforementioned false charges, arrests, harassment and the continuing commitment by the Colorado authorities to arrest and incarcerate Harmon indefinitely upon his arrival anywhere within the borders of the US or Canada; he was forced out of his country and even North America in 2001, without the freedom to ever return without risking his life and liberty under the threat of further retribution from the El Paso County DA, the CIA, and others with the continuing cooperation of the Canadian Government.

9. Violation of Article 13: “An alien in the territory of the State Party to the present Covenant may be expelled there from only in pursuance of a decision reached in accordance with the law and shall, except where compelling reasons of National Security otherwise require, be allowed to submit the reasons against his expulsion and to have his case reviewed by and be represented for the purpose before the competent authority or a person or persons, especially designated by the competent authority.”

In Harmon's case there was never an issue of National Security whereas on the contrary, his act of exposing embezzlement of public funds and political corruption, being in the interest of the Public Trust should have been applauded; and not set him up for ultimate and effective expulsion from both the US and ultimately Canada. His extradition was solely on the basis of an alleged violation of a custody order and criminal extortion through family mediation, charged through the Colorado El Paso County family court system. **Harmon's good faith is evident from the fact that he agreed to the verbal assurances by the El Paso County DA to return to Colorado on two occasions to present his case for the dismissal of the charges. But on each occasion, the agreement was broken in cooperation with the Canadian Government; he was re-arrested and placed into handcuffs, belly chains and shackles on other multiple charges that were ultimately dismissed as violations of the US / Canada Extradition Treaty. These cruel and exorbitantly expensive diversions ultimately discouraged and disabled Harmon's ability and opportunity to return for any further challenges to the charges or to resolve his family court matters and free his children of further subjection to child abuse. This resulted in effectively, expulsion from North America, let alone his home land, by default and without compelling reasons, or the opportunity of due process of law.**

10. Violation of Article 14: “All persons shall be equal before the courts and tribunals with the rights of... a fair and public hearing... the presumption of innocence... promptly informed of charges... tried without delay... legal counsel...”

In Harmon's case, there are obvious and gross violations of Article 14 in at least Clause 1, 2, 3, 5 and 6:

- **multiple and improper arrests** and incarcerations without informing him of his rights by the US Government and Canada;
- **ex-parte hearings** without proper representation;
- **deliberately barred** from any opportunity to confront the original family court charges with the diversion of manufactured charges in other jurisdictions in cooperation with the Canadian Government;
- **sealed arrest warrants** with surprise charges and subsequent incarcerations with no opportunity to prepare a defense outside of unwarranted incarcerations;

- **broken promises** and entrapment by law enforcement and prosecutors with the clear intent to punish on the presumption of guilt in cooperation with the Canadian Government;
- **lengthy periods of being under criminal charges** without the opportunity to confront his accusers or participate in court proceedings due to deliberate delays and inaction beyond the statutes of limitation;
- **the complete inability to confront his accusers** by virtue of the constant threat of arrest and bodily harm should he return or be returned to Colorado for that purpose;
- **forced representation without counsel** by judges in proceedings where the threat of incarceration was used to gain cooperation as such; again, supported by Canada by default.

11. Violation of Article 15: “No one shall be guilty of any criminal offence on account of any act or omission which did not constitute a criminal offence, under national or international law, at the time it was committed.”

Harmon has no criminal convictions and has never committed any criminal offence; nor does he have any active cases pending throughout North America that have not been dismissed, withdrawn, or expired by non-action / statute of limitation (See Exhibit WW). The continuing actions of the US Government and the Colorado Authorities in cooperation with the Government of Canada in threatening to arrest Harmon upon his return to the US or North America; but at the same time, not request his extradition for any offence whatsoever, is a total violation of Article 15. The sole purpose of the Colorado and US authorities maintaining this presumption of guilt and constant threat of arrest and even threats to life, is for the purpose of continuing to cover up the truth regarding the participation of certain employed and/or elected individuals within the US and the Colorado political system as well as, judicial, law enforcement, and investigative bodies in the embezzlement of public funds. All of this has been with covered up and unchallenged partly due to the Cooperation of the Canadian Government.

12. Violation of Article 16: “Everyone has the right to recognition everywhere as a person before the law.”

Harmon has clearly never been recognized in all proceedings relevant since 1990 as a person before the law. This recognition would at least provide him the acknowledgement of his basic sovereign rights and the opportunity to exercise such rights before the law. As evidenced by the complete lack of due process afforded Harmon in all cases relevant in the US and Canada and the cruel and debasing treatment as a caged and chained animal instead of a person is most certainly a gross violation of Article 16.

13. Violation of Article 17: “No one should be subjected to arbitrary or unlawful interference with his privacy, family, home or correspondence. Not to unlawful attacks on his honour and reputation.”

Harmon was wrongfully accused, charged and incarcerated on multiple occasions in both Canada and the US. His parental rights have been cancelled and his children taken from his home and returned to child abuse by the Canadian and the US authorities. He was placed under constant surveillance, by the recordings of hundreds of hours of his telephone conversations by the CIA. **He was extradited from Canada to the US on the basis of specific charges but when he consented to the extradition, he was charged by US authorities and illegally arrested in cooperation with the Canadian authorities for additional matters that were dismissed as illegal. These facts alone constitute a gross violation of Article 17.**

14. Violation of Article 26: “All persons are equal before law and are entitled to equal protection of law...”

In Harmon's case there was complete disregard of his entitlement of equal protection of the law by being persistently denied due process of law, protection from abuse, and being falsely charged for criminal offences with complete disregard to the credibility of the charges or the opportunity to confront the charges without prejudice. He was brought under an extradition for specific charges, and once extradited, illegally rearrested by the US and in Cooperation with Canada on different charges. Harmon was a staunch Patriot, a true American who always gave his best effort to serve his country. National interest for him was above every thing. His faithfulness is clearly exhibited in his fearlessly exposing the embezzlement of billions of dollars by the CIA with a report to the US Justice Department. In return he has suffered at the hands of the nexus of state and federal politicians, the judiciary system, the CIA, the Government of Canada and even the US State Department with the confiscation of his US Passport.

Since 1997 Harmon has endured death threats by the CIA, been incarcerated for 120 days in an underground maximum security prison in Canada, 21 days in a US Federal prison, and four days in the Denver city jail by order of Federal Marshal's without charges or bail. As a result of this long standing US government sponsored abuse and cooperation of the government of Canada, he has lost all of his parental rights, including a court ordered prohibition of any contact with his three children for over 9 years. He was forced to abandon a successful business in the US and has lost nearly twenty years of his life and family, and yet he continues to endure the status of “persona non grata” as an alien with no civil rights or even the right to travel.

Final Prayer

TO THE UNITED NATIONS OFFICE OF THE HIGH COMMISSIONER FOR HUMAN RIGHTS ON BEHALF OF HARMON LYNN WILFRED

NOW THEREFORE, It is hereby respectfully and humbly prayed, keeping in view the aforementioned gross violations of the UN Declaration of Human Rights, the Articles of the International Covenant on Civil and Political Rights, the UN Convention against Torture and other Cruel, Inhuman and Degrading Treatment and the UN International Covenant on Economic Social and Cultural Rights committed by the governments of Canada and the United States of America, against Harmon Lynn Wilfred; this United Nations Human Rights tribunal must internationally condemn said violations and thereby demand the restoration of Mr. Wilfred's and his children's inalienable rights to life, liberty and the pursuit of happiness. In restitution for Harmon's sufferings, we pray that you award him the minimum compensation of Fifty Million United States Dollars (\$50,000,000 USD), and such other relief that the United Nations Office of the High Commissioner may deem proper.

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