Harmon L. Wilfred

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5 November, 2007

Dougal Ellis
Refugee Status Officer
280 Queen Street
Auckland
New Zealand

Re: Review and reply to Refugee Status Interview Report

Dear Mr. Ellis,

The following is my written review and reply to your Refugee Status Interview Report dated 6 September, 2007. The interview was held in Christchurch on 17 & 18 July, 2007. This review and reply addresses the Interview Report by Part, subparagraph chronology and subtitles as listed in the Contents of the Report.

REFUGEE STATUS INTERVIEW REPORT – Review and Reply

Date:	31 October 2007
Name:	Harmon Lynn Wilfred
Date of Birth:	29 May, 1949
Client Number:	26473577
Claim Number:	7440099
Interview Dates:	17 and 18 July, 2007
Start Time:	9:00 AM
Finish Time:	3:00 PM
Breaks:	10:30 -11:00 AM, 12:30 – 1:30 PM
Location	DoL Offices, Kilmore Street, Christchurch
Present:	
Mr. Wilfred:	Claimant (Interviewee)
Dougal Ellis:	Refugee Status Officer (Interviewer)
Mr. J Gillanders	Observer on 17 July, 2007

This review and reply to the above referenced Interview Report contains some correction, commentary (clarification) and rebuttal to certain suggested conclusions and potentially prejudicial issues on the part of the DoL interviewer, Mr. Dugall Ellis. All information contained herein is referenced as per the Interview Report's listed Contents, by Part, chronology, and titled subparagraph.

Part 1 – Information provided by the Claimant

CHRONOLOGY OF EVENTS AS STATED BY THE CLAIMANT

29 May 1949

Correction / Comment:

This dated section states that "*Mr. Wilfred was the second child born to his father"…* In fact I am the third child born to my father out of **5** children. In the last paragraph, it also states that *"Mr. Wilfred … wandered away from the church for a time and then recommitted as a Christian."* I would first like to add that I discontinued attending my mother's Baptist church and did not further recommit to any church or Christian denomination until my late 30's, at which time I became a Lutheran with my wife Sandra as a part of the process of adopting our son Tyler. In my early 40's I joined an evangelical church for a short time. As of the last 15 plus years or so, I have had no religious or denominational affiliations.

1954 to 1967

Comment:

In fact I completed my primary and secondary school education successfully, followed by a successful completion of a University degree.

June, 1967

Information correct

September 1967 to March 1969

Information correct

1969

Additional Information:

My military service as aircraft weapons specialist with the US Air Force required a comprehensive background check that resulted in successfully obtaining the Top Secret security clearance required for the position.

1972

Correction - 1971:

I met my first wife, Margaret Ann Naylor in 1969 at my first UK military assignment at RAF Weathersfield, England in November, 1969. Margaret was attending Cambridge University teaching courses at the nearby village of Saffron Walden where she eventually gained a teaching degree. After my transfer to RAF Upper Heyford, near Oxford, England in 1971, we were married in St Edberg's Anglican Church, Bicester, England on 3 July, 1971.

March 1973

Information Correct

June 1976 (approximately)

Additional Information

When I entered the US Military in 1969, I was working for the Goodyear Tire and Rubber Company and thereby was given military leave to return to my job after the honorable completion of my military service. Upon my return to Akron, Ohio in 1973, I recommenced my employment at Goodyear while attending Akron University full time and completed a BSBA degree with majors in both finance and marketing in 1976. My wife, Margaret also attended Akron University and obtained her qualifying teaching certificate for the US in 1974.

July 1976

Correction – June 25, 1976

My loving wife, Margaret passed away from a self induced overdose of prescription anti-depressants and alcohol. Her death was officially deemed suicide by the county coroner's report. This was her third attempt at suicide, within a one year period. I personally intervened and saved her life in the first two attempts. She had been on medical treatment for clinical depression for over a year through a local psychiatrist when her death occurred.

December 1976

Additional Information

I decided to leave Ohio along with all of the memories of my first wife and accepted an offer of employment from the IBM Corporation in Denver, Colorado. I relocated to Denver in December, 1976 and officially started my new position in January, 1977.

8 August 1982

Information Correct

10 January 1988

Information Correct

1988

Correction / Additional Information

At this time I was experiencing some significant financial challenges through my then commercial real estate development and properties services businesses / partnerships, with the market in Denver literally collapsing and many investors and developers losing everything. During this hardship, that also included some marital challenges due to financial pressures at home between my then wife Sandra, I returned to my spiritual roots for some suggested marital counseling and

thereby joined a local evangelical Christian church. I also began viewing other Christian television ministries, such as the 700 Club and the Kenneth Copeland Ministries.

27 October 1988

Additional Information

As general partner and owner of the Regatta shopping centre in Aurora, Colorado, I was forced to take over the Regatta Infant Care Centre, a tenant and business located in the building due to non-payment of rent. Having had no experience in the business, I decided to take on an experienced partner, Mr. Thomas Jones who was a member of my church and an existing daycare owner for pre-school children also located in the Regatta Centre. Mr. Jones and I created a new corporation under Regatta Infant Care Inc as equal share holders and commenced the new business on 17 October, 1988. (Web site, Section 2: Sandra divorce)

2 March 1989

6 March 1989

9 March 1989

16 March 1989

29 March 1989

18 April 1989

29 June 1989

Information is Correct from 2 March 1989

17 July 1989

Additional Information

The referenced “other owners” of Regatta Infant Care Inc. was Thomas Jones amounting to 50% ownership of the shares of the corporation. Mr. Jones filed for Chapter 7 personal bankruptcy and reported the assets of Regatta Infant Care Inc (“Regatta”) as essentially valueless. In fact, subsequent to this filing in August, 1991, Mr. Jones converted Regatta without my knowledge or approval (as a director and shareholder) in cooperation with my then ex-wife Sandra as a director of Regatta (not a shareholder), to another corporation (Real Life Vision) under his ownership and control and then sold the illegally converted business for $70,000. Regatta was an occupied 5,000 square foot infant care centre with all equipment and facilities. Simultaneously, Sandra received a “deal” from Mr. Jones for her purchase of a 10,000 square foot occupied and also operating day care centre then owned by him for the price of $5,000 and a note for $1,575, including all furniture, equipment and the leased facility. Sandra then commenced operating the purchased day care center for profit. (Website Section 2, Sandra divorce) As mentioned in the Refugee Status Interview, when Sandra was approached as a defendant in the legal action against her for participation in this fraudulent conversion, both Phil Freytag and I agreed to set her aside as a defendant with possible criminal charges as long as she cooperated with the case against Mr. Jones. For a period of 7 years until mid 1997, Sandra made her annual profit from the

day care center “deal” she purchased from Tom Jones and therefore did not pursue the divorce judgment. I believe that the net profit made from this business was at least equal to or greater than the divorce child support and maintenance judgment of $5,500 per month. During this time I remarried to Dearna Garcia Wilfred, had two children and continued living and doing business in Colorado with a registered commercial real estate license. Neither Sandra nor the Colorado child support services pursued the original Sandra judgment until it was revealed by my wife Dearna and her mother that I was involved in a multi-million dollar international commission deal and such was also revealed to John Suthers and the El Paso County District Attorney’s office. I believe at that point, the new motivation was retribution by DA John Suthers and overall greed.

29 September 1989

Information Correct

30 November 1989

Information Correct

26 January 1990

Correction / Additional Information

I originally retained Mr. Epstein as the primary divorce attorney and thereby he recommended Mr. Hinds as co-counsel specializing in custody in May, 1989. Mr. Hind’s withdrawal in January 1990 from representing me on my divorce case was due to my inability to make further payment after I filed for bankruptcy under chapter 11 reorganization in July 1989 and progressed to a final chapter 7 bankruptcy just before Mr. Epstein’s sudden death and his firms withdrawal from the case in April, 1990 leaving me without legal counsel and without sufficient funds to obtain same. The divorce trial was already scheduled for 5 June, 1990. My motion for continuance to obtain new counsel was denied (web site Transcripts Section 8)

28 February 1990

12 April 1990

8 May 1990

Information Correct from 28 February 1990

10 May 1990

Correction / Additional Information

Attorney, Mr. Lloyd Pearcy was a friend who agreed to be retained only if he could obtain a continuance of the case to properly prepare and also agreed to payment over time as I did not have the money to provide a proper financial retainer. A telephone hearing was held on May 22, 1990 before judge Steinhardt wherein Mr. Pearcy requested a continuance to prepare the case. Judge Steinhart denied this second request for a continuance to obtain and prepare new counsel (Web site, Transcript Section 9).

4 June 1990

4 through 7 June, 1990

12 June 1990

Information Correct from 4 June 1990

27 June 1990

Additional Information / Clarification

It must be noted that all information and evidence taken from the final orders and the case transcripts for the purpose of this report was provided by the Plaintiff (Sandra Wilfred) and Plaintiff's witnesses without regard to any legal rebuttal or due process opportunity by the Defendant (me). In fact, my case in this regard has never been heard in a proper legal tribunal venue. This was the basis of my complaint regarding the multiple violations of my civil rights in this case and part of Mr Pearcy's argument in the 22 May 1990 hearing for request for a continuance that was denied.

5 October 1990

11 October 1990

15 October 1990

25 October 1990

8 November 1990

10 December 1990

11 December 1990

Information is Correct from October 5 1990

28 August 1990

Correction / Additional Information

The name of the business noted in this section is corrected to Regatta Infant Care Inc. This business was listed for sale only after it was illegally converted from the above named corporation to Real Life Visions Inc. The sale price that was ultimately realized was $70,000 in total and not $25,000.

16 October 1991

Late 1991

9 February 1992

Information Correct from 16 October 1991

March 1992

Correction

The total value of the sale of Regatta Infant Care Inc was $70,000 as noted above

10 to 16 June 1992

Correction / Additional Information

Although the referenced Englewood property was listed by the mortgage holder, it was in fact pre-sold at the amount of $1,250,000 by the loan purchaser and the deal was closed on the date of title transfer once the foreclosure was completed. I was not notified as per the statutes that a foreclosure was filed until it was too late to stop the procedure of the illegal sale.

24 September 1992

Information Correct

16 October 1992

Correction

I did not represent myself, as this case was a class action suit. I represented the class as a member thereof.

17 October 1992

11 November 1992

20 January 1993

14 May 1993

25 May 1993

30 September 1993

6 December 1993

1994

August 1994

Late August 1994

7 September 1994

21 September 1994 (approximately)

22 September 1994

24 September 1994

November 1994

January 1995

27 January 1995

29 June 1995

16 July 1995

25 July 1995

14 August 1995

Information Correct from 17 October 1992

30 January 1995

Correction

The penalty in the document I was forced to sign in order to be paid settlement in the suit was $50,000 per event of mentioning any of the names of the people involved in the Pension Fund embezzlement scheme. This was at the time that Suthers was continuing to hide the fact that Michael Witty and his contractor friends were indeed involved in embezzlement of pension fund monies as per the evidence that I had previously presented to the DA's office.

May 1996 (Approximately)

March to May (Spring) 1996 (Approximately

Information Correct from May 1996

June to August (Summer) 1996

Correction

I personally never met or had a conversation with Daniel Todt. Mr. Todt was Marilyn Perry's contact and my understanding is that he worked directly with her and the CIA on the Mitsubishi transaction. I flew to Zurich and not Geneva as noted, where I met with Ms Perry. The balance of the information in this section is essentially correct.

1997

January 1997

March 1997

April 1997

June 1997

6 June 1997

August 1997

10 October 1997

14 October 1997

16 October 1997

17 October 1997

After 17 October 1997

23 October 1997

7 November 1997

22 November 1997

14 February 1998

18 February 1998

18 April 1998

21 April 1998

27 April 1998

14 May 1998

Information Correct from 1997

1 June 1998

Correction

The attorney representing me at the extradition hearing in Canada was James Marintette. Canadian attorney Alan Gold was retained to file the extradition appeal after the loss of the extradition hearing. Freytag had not only not been arrested at the time of the report during the extradition hearing, but had also not been charged, again, as falsely reported by the Colorado authorities at that time. Freytag was not charged or arrested until approximately 3 weeks after the extradition hearing and then the charges against him were was subsequently dismissed and the record sealed due to insufficient evidence.

5 June 1998

18 June 1998

26 July 1998

2 August 1998

6 August 1998

Information Correct from 5 June 1998

14 September 1998

Correction / Comment

There are some key points in this section that MUST be addressed and corrected as follows:

1. *"A final orders hearing… Mr. Wilfred did not attend and was not represented"…* I of course did not attend as I was still in Canada on extradition appeal. I had no representation because my previous attorney, Wheelock had exited the case with psychological problems and I did not have the resources at that time to retain new counsel.
2. *"…affidavits filed by Mr Wilfred's former attorney regarding Dearna's abuse or neglect of the children had not been pursued by Mr. Wilfred either personally or through his attorney….* This statement, although taken from the transcripts is completely false. My former attorney did in fact pursue the abuse and neglect from the first hearing by both presenting witnesses as to Dearna's abuse and neglect as well as later presenting affidavits from these same witnesses and more. (See web site Section 15). All of these attempts to enter the abuse into the record were blatantly rejected by the court as against Colorado case law regarding a judge's responsibility as to assignment of custody to be "in accordance with the best interest of the child" (web site, Case History Section 8). The statutes provide that a change or assignment of custody requires notice to be served so that testimony and affidavits may be impartially considered to fairly determine the best interest of the children. This did not happen. In fact, I was not even given notice of the hearing that determined final custody in this case. Add to that all of the correspondence sent out to Congressmen, Senators (both state and federal) and social service agencies (state and federal) as well as state officials including the Colorado State attorney Generals office and even the Governor (See website Sections 6, 10 and then thereafter Section16). The question is, Why would this judge take it upon himself to break these most hallowed rules when it comes to custody assignment? I believe there was undue influence by the DA's office to continue the retribution against me for blowing the whistle.
3. *Ciccolella deposed that Mr Wilfred had been charged with kidnapping the children and fraud in relation to the Mitsubishi Note.* In fact let the record show that I was NEVER charged with either kidnapping or fraud under any circumstances what so ever. This man was lying and as such continued to lie when he told the court that he did not know where he obtained the Sandra Transcripts which provided him an unfair and conflicting advantage in the case from which he was eventually forced to step down due to "conflict of interest". He had in fact met with me and received all of my information (including the Sandra transcripts) with an agreement to take the case on my behalf just previous to taking the case on behalf of Dearna. (See website Section 9, Ciccolella Conflict Issues and Evidence).

10 November 1998

12 November 1998

2 February 1998

June 1999

1 September 1999

8 September 1999

Information Correct from 10 November 1998

19 October 1999

Additional Information

I wrote to Mr Craig for assistance as per the recommendation of my Canadian attorney Alan Gold. Mr Gold had been contacted by Craig who at that time had expressed interest in the case and in having a meeting with me in Toronto. The question is, "why would the personal attorney of the US president be interested in my case or in having a personal meeting?

October or November 1999

December 1999

10 December 1999

20 March 2000

25 January 2000

7 March 2000

Correction

So as not to confuse the expression "waive extradition" with "abandoning the extradition appeal", this must be clarified. I did not waive the extradition but did agree to drop the extradition appeal and be extradited subject to the agreement with the DA to return without an escort for the purpose of filing a dismissal of all charges. This agreement was completely reneged upon by the DA in assistance with the Canadian authorities.

31 March 2000

5 April 2000

Information Correct from 31 March 2000

6 April 2000

Additional information

Upon return to El Paso County in belly chains and handcuffs, and then incarcerated, I was told that I was being transferred to Arapahoe county for further charges unrelated to the extradition. When I produced a letter from my Canadian attorney quoting the Rule of Specialty disallowing any further charges under the Extradition Treaty, only then was I taken before the televised hearing and bonded out without an opportunity to present a dismissal of the original custody related charges, only after being extorted into to pay my own extradition charges, and then sent back to Canada under a $10,000 bond with the requirement to return at a later date. Upon my required return in May 2000, I was again arrested on unrelated charges (against the Rule of Specialty) and only released after 3 weeks of hell in a federal prison and the Denver county jail; all a complete and continued violation of my civil and human rights as per the rule of specialty and by other UN human rights treaties.

7 April 2000

11 May 2000

23 May 2000

26 May 2000

30 May 2000

Information Correct from 7 April 2000

31 May 2000

Correction

I was in fact brought before the Arapahoe County Court (not El Paso County where the extradition charges had been filed) on May 30, 2000 for the purpose of enforcing a previous Rule 69 financial examination for the purpose of determining my ability to pay child support. This was not a charge and again was unrelated to the extradition, therefore it was illegal and against the Rule of Specialty. I was released pending my forced agreement to return for the Rule 69 financial examination. I repeat, there were no charges in this instance and therefore no pending trial.

I returned to Canada upon my release only after attending my father's funeral in Akron, Ohio (he died the day I was released from incarceration on May 30, 2000). I then traveled by car back to Canada through the Niagara Falls border crossing.

20 June 2000

Correction / Additional Information

The summons referenced and received by me on June 28, 2000 was for the Rule 69 financial examination (see above 31 May 2000). As the Rule 69 examination requirement along with the bail of $750,000 were further violations of the rule of specialty, both were subsequently invalidated and rescinded by the court as per the Motions entered into the record on 26 June, 2000.

4 and 24 October 2000

26 October 2000

3 to 13 December 2000

Additional Information

The trip to the Bahamas was also to satisfy my visitor's visa requirement in Canada to leave the country and return for another 6 month renewal.

14 December 2000

18 December 2000

Information Correct from 4 and 24 October 2000

20 December 2000

Comment / Correction

My father-in-law, Mr Carl Dare refused to further finance my US court actions if I returned to Colorado again. His reasons were not that he suspected that I would be extradited again, but that Colorado and the US would continue to break the law and get away with it at his expense. He had literally had enough, as had I.

19 January, 2001

Comment / Additional Information

The one conversation that I had with my children at that time was ordered by the court to be supervised by the special advocate. Deana phoned me without supervision and abused both me and the children during the call before she abruptly disconnected the line. My attorney attempted to get her sanctioned for this behaviour but as stated, she abruptly relocated without notice and neither she nor her attorney would reveal her location as supported also by the court by omission. As the court would not support the order, the previous order of no contact continued to take precedent.

20 February 2001

Correction / Additional Information

Contrary to the Canadian authorities advice that the charging of the costs of extradition was my suggestion for the purpose of attending my father's funeral; this is preposterous! (See website, Section 25) I was compelled to agree to pay the extradition charges on my forced and escorted return to Colorado in April 2000 by federal marshals. With then further violations of the treat Rule of Specialty upon my return in May 2000, I was not informed of my father's death until my wife told me on the evening of May 30, 2000 after my release from incarceration (he had passed away that same day). How could I possibly have made such an agreement on the basis of attending my father's funeral at any time previous to this knowledge? The fact is I never agreed to pay these

charges until I was told at the hearing that either I agree to pay these expenses or not be granted bail in April 2000 (while still in custody), and then again reminded of this at my hearing to agree to these expenses or have my bail revoked and remain in custody. Not only did I never agree to pay such charges without this coercion, but as previously mentioned, the original agreement allowed me to return on my own without the need or expense of a federal marshal escort.

17 May 2001

Information Correct

2001

Correction

This should read, “Mr Wilfred and his Canadian wife *Carolyn* (Not Sandra)

March 2001

June 2001

Correction

The 6 month statue of limitation for the extradition charges that were pleaded out as *not guilty* in April 2000 lapsed by statute of limitation 6 months later in **October 2000** due to inaction on the part of the DA and the court**.** My refusal to return for the next hearing was not until December 2000, after the statute of limitation on the charges had expired. Since that time the DA and the court has continued to remain inactive as to these previous charges.

30 June 2001

11 August 2001

Information Correct from 30 June 2001

January 2002

Additional Information

It had been reported by the Ontario police that Dearna was so paranoid she had also requested that the Denver police escort the children to and from school.

April 2002

28 June 2002

28 June 2004

August 2004

24 October 2004

Information Correct from April 2002

1 November 2004

Correction / Clarification

After my visitor's visa expired in New Zealand, I was advised by counsel that I had 40 days to lodge an appeal with the Removal Review Authority before becoming illegal. My attorney lodged the appeal within the statutory time and therefore I was not then nor have I ever been illegally in New Zealand. I have always remained within the time limits and rules for filing for various opportunities to remain in New Zealand as I am today within the Refugee Status Claim authority's process.

18 November 2004

10 December 2004

Information Correct from 18 November 2004

1 March 2005

Additional Information

I renounced my US citizenship upon advice from and accompanied by legal counsel in the presence of the US Consulate offices in Auckland as per the formal requirements of the US State Department.

31 March 2005

Additional Information

All charges and information listed in this section were researched and examined by Ms Linda Sanders of Equity Solutions, a certified paralegal organization in Colorado. The following is an excerpt from Ms Sanders resultant affidavit dated, signed and notarized on March 19, 2007 (see website Section 33, Exhibit W W that includes the entire affidavit and exhibits):

The Colorado Bureau of Investigation[1] and subsequently, the Federal Bureau of Investigation, has a record on Mr. Wilfred purporting a history with a charge of alleged Failure to Appear, referencing a charge of Domestic Violence. The Failure to Appear Offence Date is listed as May 30, 2000. It is identified as Arapahoe County, Colorado arrest # 0006783, attached as ***Exhibit 1***. When investigating the records pertaining to the May 30, 2000 incident, I discovered that the charge of Domestic Violence is reported in error. The correct charge for that date (May 30, 2000) is for Failure to Appear on August 8, 1997. See Court Docket Record, ***Exhibit 2.*** That failure to appear on August 8, 1997 was dismissed on May 30, 2000 because Mr. Wilfred promised to appear to address questions regarding his financial status under Rule 69, re: Financial Examination in a Family Court Civil Action number 89 DR 477, (Sandra Wilfred v. Harmon Wilfred).

[1] 690 Kipling Street, #3000, Denver CO 80215 (303-239-4208)

In fact, the record shows that there is not now, nor has there ever been, a charge of Domestic Violence served or brought against Mr. Wilfred.

The Charging Document on record referenced by the Colorado Bureau of Investigation relating to Arrest # 0006783 pertains to charges brought on January 14, 1998, and is attached as ***Exhibit 3.*** It must be noted that this charging document has nothing to do with a "failure to appear to answer to charges of domestic violence" as suggested by the erroneous record on file with the Colorado Bureau of Investigation and also with the Federal Bureau of Investigation[2]. An examination of the Charging Document dated January 14, 1998 reveals that it charges Mr. Wilfred with 2 *counts*, but also cites 4 statutes. Two of the statutes are *charges* – and two of the statutes are merely *citations* to sentencing laws that have nothing to do with the charges identified in the "Information/Charging Document". The exact language of the criminal charges are attached ***Exhibit 4*** and the citations are attached as ***Exhibit 5***. A review of the two irrelevant *citations* explains how the Colorado Bureau of Investigation and the Federal Bureau of Investigation received false information regarding "domestic violence" regarding Mr. Wilfred. The citations are NOT crimes – but their appearance on the Information/charging document as "Domestic Violence" serves to create confusion and to provide police authorities with a pretext for arresting Mr. Wilfred should he ever appear in the relative jurisdiction again. If anyone had looked up the citations – it would have been impossible to characterize these statutes as "crimes" being charged.

INCONSISTENTENCIES IN CHARGING DOCUMENT:

The Charging Document's case caption ***[Exhibit 3]*** in this case appears to have been deliberately and incorrectly customized to cite C.R.S. 18-6-801 and C.R.S. 16-21-103. The first statute (18-6-801) pertains only to sentencing after a conviction and the second statute (16-21-103) pertains to registration of convicted offenders of sexual abuse. No such charges – let alone convictions have ever taken place against Mr. Wilfred. The erroneous citation of these statutes has resulted in reporting false information against Mr. Wilfred. The only entity that could voluntarily correct the erroneous information is the El Paso County District Attorney. However, it was the El Paso County District Attorney's Office that made the "mistake" in the first instance and requests to that office for a correction have not been fruitful due to what Mr. Wilfred describes as long standing political animosity between himself and the El Paso County District Attorney's office. Mr. Wilfred blew the whistle on the El Paso County District Attorney's alleged deliberate cover-up of an embezzlement scheme in 1994 and 1995 involving the El Paso County Pension Fund that when reported to the local FBI office by Mr. Wilfred, resulted in the imprisonment of the Pension Fund Administrator and the firing and fining of the County Treasurer and certain other pension fund board members. The only way Mr. Wilfred can vindicate his name against these erroneous citations on the charging document is to prove that no disposition was ever entered for such crimes. That proof is provided by the Colorado Bureau of Investigation record, ***Exhibit 1***.

CONVICTIONS:

[2] One agency supplies the other – duplicating errors, if any. Here, the agency records mix up a failure to appear for an examination of financial status with an old – now void – charge of "extortion" and a violation of a "child custody" matter.

Mr. Wilfred was never convicted as charged. He suffers only a judgment in a *civil* matter for unpaid child support.

STATUTE OF LIMITATIONS:

The charges brought against Mr. Wilfred, (C.R.S. 18-3-207(1) and C.R.S. 18-3-304(2)) cited above, are expired, pursuant to C.R.S. 24-60-501. Additionally, the Speedy Trial statute has precluded prosecuting on the charges brought under 98 CR 215, Rule 48, Uniform Rules of Criminal Procedure, State of Colorado.

16 June 2005

7 July 2005

27 July 2005

9 August 2005

16 August 2005

22 August 2005

Information Correct from 16 June 2005

7 October 2005

Correction

I was not included on Carolyn's application because I was advised by my attorney that I could not apply for further visas without a passport, although I was listed as her husband residing with her in New Zealand. This had nothing to do with the charges on record in Colorado. In any case, I have also provided evidence that all such past charges had been dismissed, or have long since expired due to statute of limitation, (see website Section 33, Exhibit W W).

31 October 2005

14 November 2005

22 August 2006

1 September 2006

Information Correct from 21 October 2005

21 September 2006

Correction

The NZ High Court judge, Justice Gendall did not decline the appeal; he dismissed the appeal without consideration of the evidence presented, as per the Motion to Dismiss presented by the Crown at the outset of the appeal and judicial review hearing on the grounds that the evidence presented could not technically be considered based upon the specific criteria for non-removal outlined by the Removal Review Authority. Although my legal counsel disagreed, the matter was dismissed on that basis. Declining an appeal would be with consideration as to the evidence presented. Herein is the final excerpt to the High Court dismissal:

[116] There may be other avenues open to the appellant to explore, if he wishes, including a long-term business visa application under certain rigorous investment conditions, and of course the Minister always retains the ultimate, albeit highly discretionary, power to give a "special direction" in respect of any permit or visa. But the appellant cannot succeed in the appeal or judicial review proceedings in this Court.
[117] For the foregoing reasons the appeal is dismissed, as is the application for judicial review. The first respondent is entitled to costs in respect of the appeal and the judicial review proceedings. These are fixed on a Category 2B basis.

25 October 2006

November 2006

28 November 2006

19 March 2007

12 April 2007

17 April 2007

11 May 2007

Information Correct from 21 September 2006

17 July 2007

Correction

I stated clearly during the interview that I am **not** a traditional Christian or otherwise, but do however believe in and follow traditional biblical values.

18 July 2007

Correction

On page 38 of the DOB Interview Summary it states that "It was put to Mr Wilfred that his multiple arrests were explicable given the charges he faced in different countries". The previous family related custody charges were never in different countries, but in Colorado only.

Basis of Claim

Documents Presented at Interview

Information Correct

Part II – Issues for comment by the Claimant

Questions

In Sanders memorandum [affidavit] she stated that attempts by Mr Wilfred to have the criminal record corrected had not been fruitful due to long standing animosity between that office and Mr Wilfred.

Could Mr Wilfred please provide a copy of any correspondence between himself and the DA's office with respect to correcting the mistakes in his criminal record?

With respect to evidence of my attempt to get the record corrected and/or the criminal matters resolved, if any, there is no direct correspondence as such. However there is a written record of phone contact being made to the El Paso County DA's office on my behalf in early 2005 by my New Zealand attorney, Mr Al Manco to determine whether or not there were any charges on record. The following is an excerpt from Mr. Manco's Memorandum affidavit dated 18 April, 2005 outlining this direct communication:

> HW believes and has documented evidence to show that the District Attorney's office involved is acting in a conflict of interest in this matter. This conflict is due to HW, as a former county contractor, having blown the whistle on this DA's deliberate cover-up of a county pension fund embezzlement scheme in 1994 through 1996, that resulted in the embarrassment of the DA and the ultimate conviction of the pension fund administrator and punitive action against other high level county officials. As a result, HW believes that the DA has deliberately failed to take account of his civil rights and due to the DA's lack of evidence and circumstances beyond HW's control, the matters were unable to be heard within the statutory time and therefore were never resolved.
>
> In a further attempt to resolve the matter, while residing in New Zealand, the District Attorney of Colorado was contacted by this office. The DA advised that the matters could not be resolved until HW returned to Colorado yet again, and upon arrival at any United States port of entry, he would be instantly detained and incarcerated until such time as the matters could be heard. At the same time, the District Attorney also stated that the State of Colorado did not warrant the matter to be serious enough to initiate extradition proceedings in New Zealand. In effect, it would appear that Mr. Wilfred is being discouraged from returning to deal with the matters at hand by a deliberately unfair and draconian legal system without due process of law.

The entire Memorandum affidavit may be viewed on the web site, Case History Section 31.

Issues

The following matters are potentially prejudicial to Mr Wilfred's claim and are set out below for any written responses he may wish to make.

Sandra Divorce

1. *Mr Wilfred had over three weeks to obtain legal advice between the death of Mr Epstein, and the pre-trial conference and another three weeks until the hearing on 6 June 1990. As such, it may be considered that he did have time to obtain legal advice and the court's decision to proceed with the hearing in the absence of his legal representative was reasonable.*

From the time that attorney Fred Epstein died in April, 1990 and his firm withdrew from the case, I made many inquiries in an attempt to retain further legal counsel. The difficulties were two fold. First the case was very complicated and therefore very foreboding financially for any attorney to get involved without a significant retainer of $10,000 USD or more. Fred Epstein had used up the original retainer paid, and his firm knew at the time of Mr. Epstein's death that I was in chapter 7 bankruptcy with virtually no funds to continue the case at any realistic level. This is why I attended the pre-trial hearing on 08 May, 1990 representing myself and asking for a continuance to find suitable legal representation. At that time I implored the judge to give me the continuance as it was not fair to pit me against a seasoned attorney. The following is an excerpt from the official 08 May, 1990 court transcript:

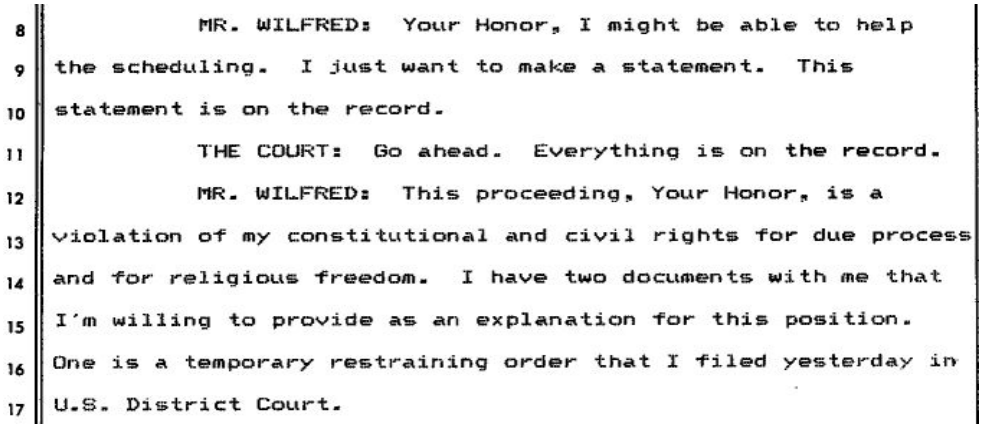
THE COURT: Mr. Wilfred?

MR. WILFRED: Your Honor, if it please the Court. I'm not an attorney. I cannot possibly stand her and represent myself in any way. Ms. Edinburg is very professional, very good at what she does. I don't want to put myself to any disadvantage. I prefer to not make any comments until I can get legal representation.

THE COURT: Well, you may end up trying this case without legal representation, Mr. Wilfred.

Shortly thereafter, having obtained an agreement with a lawyer friend of mine, Mr Lloyd Pearcy, to take the case on credit, subject to him being able to obtain a continuance to properly prepare for what he deemed as a very complicated and in-depth case, he submitted a motion for continuance and arranged to have a telephone hearing to hear the motion on 22 May, 1990. Although Mr Pearcy gave more than a compelling argument, including issues of civil rights violations due to my religious practices, the court again denied this second attempt at a continuance to allow proper counsel to be retained. With this denial, Mr Pearcy refused to take the case. The entire transcript for the above referenced hearings may be viewed on the web site under Select a Transcript, Section 8 and 9.

Mr Pearcy was my last chance to get an attorney retained, therefore I attended the divorce trial starting 5 June 1990 (not 6 June) without counsel, announced my refusal to participate on the basis of my rights being violated and was thereby incarcerated for contempt for the duration of the trial and until 11 June, 1990. The following was my opening statement at the hearing:



MR. WILFRED: Your Honor, I might be able to help the scheduling. I just want to make a statement. This statement is on the record.

THE COURT: Go ahead. Everything is on the record.

MR. WILFRED: This proceeding, Your Honor, is a violation of my constitutional and civil rights for due process and for religious freedom. I have two documents with me that I'm willing to provide as an explanation for this position. One is a temporary restraining order that I filed yesterday in U.S. District Court.

2. *In addition, the International Convention on Civil and Political Rights ("ICCPR") refers to the right to be given the opportunity to obtain legal advice and have sufficient time to prepare a defense in criminal cases. However, the ICCPR does not require such rights "in a suit at law" where a person is entitled to "a fair and public hearing by a competent, independent and impartial tribunal". In essence, those accused of criminal charges enjoy a higher standard of legal rights than those in a suit of law. Thus, there may be no international human right to have a lawyer or legal counsel in a law suit.*

In the ICCPR, Article 14, paragraph 1 it states "*All persons shall be equal before the courts and tribunals. In the determination of any criminal charge against him, or of his rights and obligations in a suit at law, everyone shall be entitled to a fair and public hearing by a competent, independent and impartial tribunal established by law.*

I have highlighted the above excerpt not to establish an absolute precedent in my case, but to point out the principle from which the courts and tribunals must practice in order to avoid violating human rights. In my case and in all cases in US state family courts it is also important to point out that custody and child support issues as well as civil and human rights are treated differently when it comes to the standard protections prescribed by law. In effect, violations of any custody and child support orders are criminalized in the US to the extent that the state family court judges are free to issue criminal charges without any of the rules that would apply to the formal US criminal court system. In an article printed in July, 2000 (web link: http://www.ejfi.org/Courts/Courts-11.htm) by Dr Stephan Baskerville, Professor at Howard University, Washington DC writing about civil rights in US family courts states in part:

…*"What we are seeing today in fact is nothing less than the criminalization of fatherhood: criminal penalties imposed on citizens who have committed no act but are made outlaws through the actions of others. This phenomenon proceeds largely from involuntary divorce and is affected by family courts.*

Family courts are the arm of the state that routinely reaches farthest into the private lives of individuals and families. '*The family court is the most powerful branch of the judiciary*,' *writes Robert W. Page, Presiding Judge of the New Jersey Family Court. By their own assessment,* 'the power of family court judges is almost unlimited.' *One father was told by a New Jersey judicial investigator:* '*The provisions of the US Constitution do not apply in domestic relations cases*.'

A father brought before these courts in the absence of any civil or criminal wrongdoing will immediately have his movements, finances, personal habits, conversations, purchases, and contact with his children all subject to inquiry and control by the court. He must submit to questioning about his private life that author Jed Abraham has termed an 'interrogation.' He must surrender personal papers, diaries, correspondence, and financial records. His home can be entered at any time. His

visits with his children can be monitored by court officials and restricted to a 'supervised visitation center,' for which he must pay an hourly fee and where he and his children will be observed and overheard throughout their time together. Anything he says to his spouse or children, as well as family counselors and personal therapists, can be used against him in court, and his children can be used to inform on him. Fathers are questioned about how they 'feel' about their children, what they do with them, where they take them, how they kiss them, how they feed and bathe them, what they buy for them, and what they discuss with them. He will be forced, on pain of incarceration, to pay for lawyers and psychotherapists he has not hired. His name will be entered on a federal registry, his wages will be garnished, and the federal government will have access to all his financial records. If he refuses to cooperate he can be summarily incarcerated or ordered into a psychiatric examination…."

In effect, a US family court, and in my case a Colorado family court also practices as a quasi-criminal court readily violating all manners of civil and human rights to include the unfair practice of disallowing a fair opportunity to have competent legal counsel (due process) in what would seem to be a civil case, but in fact becomes a unbridled criminal case where denial of what would otherwise be obvious constitutionally protected civil rights becomes the norm. In my divorce proceeding there are documented violations of my civil rights such as denial of due process (the denial of proper legal counsel even after charged with contempt for refusing to participate because my rights were being violated), Illegal search and seizure, attorney client privilege and religious freedom (mocking my religious beliefs in open court) to name a few (web site, section 3).

Such treatment has also been my fate in subsequent attempts to return to the US to confront the past custody issues and family court criminal charges, and as stated by NZ attorney, Al Manco's Memorandum affidavit (web site section 30):

…"While it must be accepted in normal circumstances due process and procedure must be abided by and followed correctly, it is our opinion that HW [Harmon Wilfred] has been placed in what is commonly known as a Catch 22 within the US legal system. Ultimately from the prospective of the DA in Colorado, to resolve the family court issues at hand HW is left with only one option; to return to the United States for what would be a third time, only to be detained and incarcerated indefinitely in the first instance, pending any resolution. In my opinion, this is morally and legally unjust, unfair and unacceptable."…

The family court venue has become the perfect opportunity for continued political retribution against me as a whistleblower having publicly exposed both Colorado and US Federal officials and participants in the recorded embezzlement of public funds through my personal investigations. In effect, as stated by President Clinton's personal attorney, "If you take your evidence to the US Justice Department, you will never see your children again".

3. *According to the court transcripts, Mr Wilfred refused to provide evidence requested by the court concerning his financial situation. The ICCPR speaks of a person's rights to not be required to impugn him or herself in a criminal trial. However, a divorce is a civil matter and in the circumstances it does not seem unreasonable that the court require parties to fully disclose their financial situation to its satisfaction.*

I do not believe you will find that I ever "refused" to provide evidence of my financial situation to the court. Initially, when the Sandra Wilfred case proceeded in 1990, I was overwhelmed with property foreclosures and partnership demands at the same time that Sandra filed for divorce, disappeared with our one year old son for over 7 weeks, and then reappeared to make demands for all personal and business financials. At that time, I was

also financially impaired and therefore could not order the accountants to provide such instant summaries without up front payment. During this process, I was forced into bankruptcy where extensive financials were provided by affidavit on all family and business assets and such was publicly available to the family court by request through the bankruptcy court up to and including the date of the divorce hearing. I stated this at subsequent hearings while still incarcerated for contempt after the divorce trial. Thereafter, when I was able, I also provided for a full audit of my financial circumstances in November and December, 1990 through the bankruptcy proceeding, including all personal and business assets and such was also available to the family court. The final result of this audit was consistent with my original testimony of having never hidden any assets or committed any improprieties. (Web site, transcripts section 16)

4. *The court awarded Sandra half of the value of the marital property – (USD 500,000) which does not appear unreasonable given Mr Wilfred owned several commercial properties against which he had borrowed USD 3 million.*

   In fact, the three properties that were owned through my various partnerships had financing of in excess of 24 million USD. Unfortunately, by the time the divorce was in process, all properties had been foreclosed with all income assigned to the respective mortgage banks. There was negative equity and negative cash flow (significant losses) being incurred at that time. My only income was amounts that I could justify to the lenders to maintain the properties until such time as the ownership was transferred by foreclosure or negotiated mortgage settlement. At the time of the divorce, I was collecting approximately $2,500 USD per month for maintenance fees from the final property that had yet to be transferred (the referenced 3 million dollar vacant property), wherein the loan was sold by the RTC for $500,000 USD and that income was discontinued.

   As to the $500,000 USD quoted as half the value of the estate by the court, this was admittedly an estimate by the judge, without considering any of the bankruptcy records or affidavits (by the judges admission) with no evidence to support such a figure and only speculation as to what I “may” have available in her opinion (unsupported by my personal bankruptcy audit). As previously stated, all assets at that time were in a negative value as shown by the bankruptcy records which were available. (Web site transcripts section 12)

5. *Mr Wilfred was able to appeal the first district court decision to a higher tribunal where his allegations over the judge’s misconduct were considered. Although the appeal court did not find in Mr Wilfred’s favour, there was an avenue for appeal and his claim was considered. It could be said that due process was followed.*

   The higher tribunal you reference was the Colorado Supreme Court under a Writ of Mandamus to disqualify the proceeding and provide for a new trial due to the violations of my civil rights. The Writ of mandamus was summarily dismissed and therefore my next step was the Federal District (High) Court. I did indeed follow through to file suit at the Federal Court with the result of again being dismissed due to the Federal Courts refusal to get involved with civil rights violations committed in a state family court. I would say that being forced to go back to the court that violated your due process rights in the first instance is hardly due process. This is especially true when being forced to follow such procedures to what amounts to a dead end as a pro se litigant who really cannot afford an attorney for this “civil” procedure.

6. *Mr Wilfred stated that the “default” outcome of the disagreement over financial support was that Sandra took the child care centre in lieu of the USD 500,000 and monthly support*

payments. However, this arrangement was not communicated to the court, which only knew that Mr Wilfred was required to pay certain amounts and had not done so. If Mr Wilfred was unable to meet the support payments, there was a process for making his income known to the court so that it could be reassessed. He did not appear to request such a reassessment. Thus, it is difficult to apportion blame on the courts for support payments being disproportionate to his income, given that Mr Wilfred made no attempt to rectify the situation.

At a public hearing before the court held on 7 November, 1990 I presented evidence of the full audit of my financial circumstances in process that would ultimately provide proof of my financial circumstances before, during and after the divorce trial. During this hearing I also detailed my current financial circumstances which at that time were dire with no immediate prospects of improvement. I made it quite clear that there were no assets available and no income left from previous assets. I would have to proceed to find a job to support myself and as such could not come close to supporting the then current requirement of USD 5,500 per month. In fact, I challenged the original judgment as totally incorrect based upon incorrect information. The judge in this hearing refused to consider changing or challenging the original financial orders and continued the order unchanged with a threat of jail if I did not pay. Thereafter, the arrangement you referenced was made with Sandra regarding the child care centre she had fraudulently obtained and as evidenced, a period of 7 years ensued without further incident, challenge or payment. More recently, and after the multiple Extradition Treaty violations in 2000, once I left North America and could legally work in New Zealand; I made contact with the authorities in Colorado in 2001and came to an agreed amount to be paid. I exceeded the agreed amount with up front good faith payments and regular quarterly payments until my passport was taken and I could again no longer work legally.

DEARNA DIVORCE

7. *Mr Wilfred arranged to meet Dearna in Arizona where he served her with divorce papers and removed the children to Canada. Even if it were allowed that Dearna was a poor and disinterested mother, she did have certain rights as a parent that were protected by law and which required, in cases of a dispute, that Mr Wilfred and Dearna go through legal divorce and custody processes. By summarily taking the children, Mr Wilfred opened himself up to legal action by Dearna.*

I have never disputed that Dearna had legal rights with respect to the children and as such was willing from the beginning to enter into the legal process to not only respect such rights, but also to protect our children from further abuse in the process (as would be required by law). When I later discovered that the family court legal process in place was being prejudiced by not only the attorney Dearna hired who was in a clear conflict of interest (Ciccolella Conflict, web site section 9); my attorney, Wheelock had been challenged with the loss of his legal license for his advice in representing me in the divorce, and as a result had been admitted to a psychiatric hospital with a nervous breakdown; Judge Kane (known friend of DA John Suthers) had given Dearna temporary custody of the children without any consideration of 6 witnesses present at the emergency hearing to testify of Dearna's child abuse; I became understandably cautious and as a result, decided to call upon a family friend and professional mediator to open custody and property discussions from Canada with an offer of equal property and custody. During this process, Mr Freytag and I also directly involved Dearna's attorney, Ciccolella in spite of his obvious conflict. Although Mr Ciccolella was at that time cooperating with the DA to bring charges against me as an entrapment, this was not revealed as we proceeded in

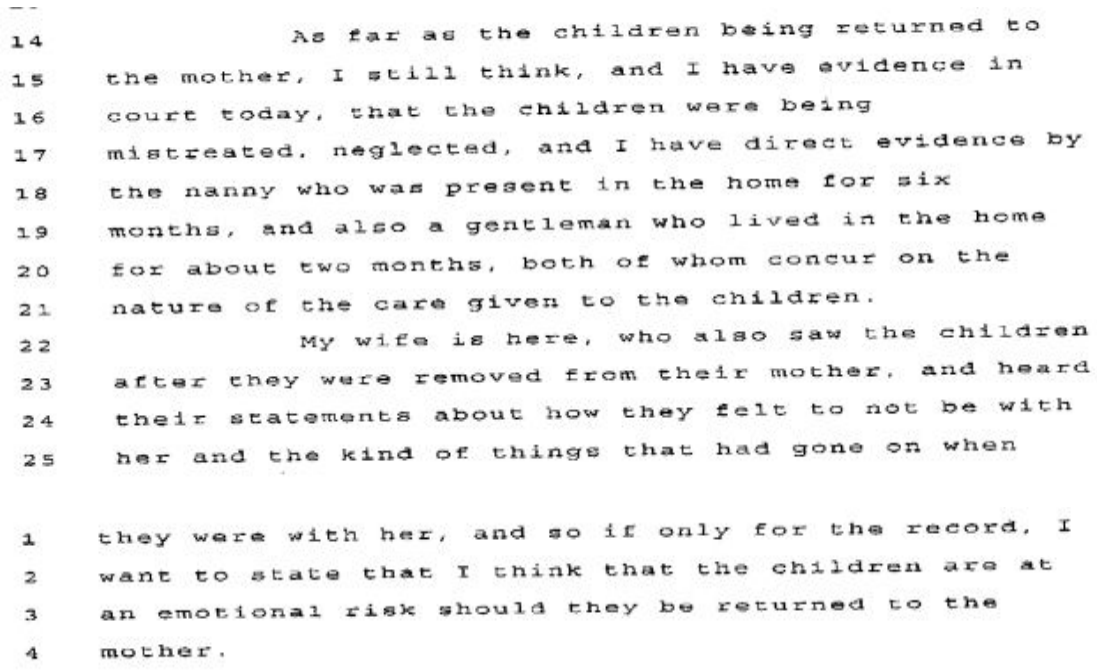
good faith with mediation. In effect, I was being deliberately set up by Ciccolella and the DA.

8. *Mr Wilfred did not attend the emergency hearing or any later hearing, because he feared being arrested for non-payment of support charges from his earlier divorce from Sandra. Although it is understandable that Mr Wilfred did not want to return to Colorado and be arrested due to the bench warrant issued from the Arapahoe Court, at some point, Mr Wilfred must have realized he would have to go before a court in Colorado to have the custody issue determined. Instead, he took the children to Canada, where Deana could not assert her legal rights as a parent. In this context, it is not surprising that the US courts awarded temporary custody to Dearna and required them to be returned to Colorado.*

   At that time (1997), to my knowledge, non-payment of child support had not been criminalized in the US and as such any possible arrest would have been simply to compel a financial examination under Rule 69. This was not an issue and in fact I had been communicating with Arapahoe County through Mr Wheelock to gain time to complete my business transaction in progress (Mitsubishi deal) so that the family financial obligation could be fulfilled. My greatest concerns for returning to Colorado at that time were four fold. 1. First to protect my children from any further possible child abuse. Finding out that the judge in the emergency hearing (a friend of Suthers) gave custody to Dearna without hearing the witnesses present with regard to child abuse was a grave concern. 2. Gain a fair and generous agreement with Dearna through mediation regarding custody and property to show good faith to both her and the court, without involving the DA. 3. Complete the Mitsubishi transaction that brought me to Canada in the first place so that I could pay all back child support and provide ample settlement for all family matters. 4. To avoid being further mistreated by the El Paso County DA's office including Suthers, Smith and a cadre of good old boys.

9. *Mr Wilfred claims that during the emergency custody hearing on 17 October 1997, the judge refused to hear his witness's testimony. The court transcript shows that as Mr Wilfred was not present,* the hearing was adjourned. No evidence was called and no witnesses were heard from either party as to the issue of who should ultimately have custody. Mr Wilfred's representative, Wheelock, did not ask the court to hear the witnesses; he merely asked that the presence of the witnesses be noted in the record, which was done. As such, the allegation that Mr Wilfred's witnesses were denied opportunity to speak does not appear to be supported.

Mr Wheelock did in fact point out to the judge during the subject hearing the following information that should have prompted the witnesses to be heard and custody not be assigned at that time as to the best interest of the children as per Ashlock v District Court, Fifth Judicial District (web site, section 8 and 9)



As far as the children being returned to the mother, I still think, and I have evidence in court today, that the children were being mistreated, neglected, and I have direct evidence by the nanny who was present in the home for six months, and also a gentleman who lived in the home for about two months, both of whom concur on the nature of the care given to the children.

My wife is here, who also saw the children after they were removed from their mother, and heard their statements about how they felt to not be with her and the kind of things that had gone on when they were with her, and so if only for the record, I want to state that I think that the children are at an emotional risk should they be returned to the mother.

10. *Mr Wilfred claims that his attorney Wheelock was mentally unwell and committed to a psychiatric hospital following the trial and thus did not keep him abreast of developments in the courts. However, Mr Wilfred has provided some evidence of Wheelock's incapacity, and the affidavit of Jenene Kelly, Wheelock's wife, is silent on that matter (Website Section 21).*

Mr Wheelock's mental condition disabled him from being available or communicate properly following the initial 17 October, 1997 emergency hearing (not "the trial") and continued throughout the series of hearings that took place up to and including the final divorce hearing in May, 2008. Wheelock's condition was also well documented by attorney, Dale Parrish's affirmative evidence Affidavit Status Report filed with the Court on 6 March, 2000 (web site, section 21). Mr Parrish's report also included Jenene Kelley's affidavit confirming Dearna's child abuse. Ms Kelley was not requested to comment on Wheelock's mental condition at that time of her affidavit and in fact I was eventually informed that Ms Kelley had separated from Mr Wheelock after his bout in the psychiatric hospital, and they divorced later in the year.

BAIL AND SUPPORT PAYMENTS

11. *Mr Wilfred claimed that the bail and support amounts he was required to pay were too high. Nevertheless, at the time of his divorce from Sandra, Mr Wilfred owned commercial property against which he has secured a large loan, which would tend to indicate Mr Wilfred was quite wealthy. With respect to his divorce from Dearna, Mr Wilfred stated that he believed he stood to make "millions" from the Mitsubishi note transaction. As such, the bail and support amounts do not seem disproportionate to Mr Wilfred's projected income and assets.*

As earlier mentioned, at the time of the Sandra divorce the properties carried by the entities that I owned all or part of were either in bankruptcy or foreclosure or both due to the disastrous commercial real estate market downturn. The loans that had been approved years earlier were at a time when property values could justify same. My entire net worth and real estate success was based upon values and the business climate that had virtually

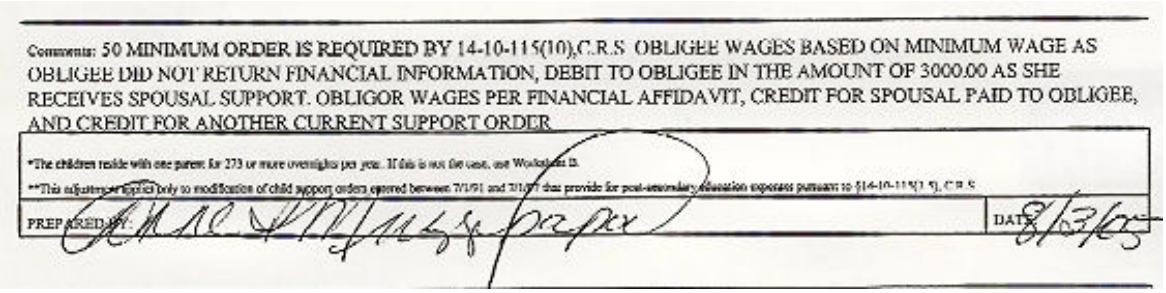
disappeared placing the entire market in the US in dire straights to the point of most of the lending institutions, especially the savings and loans, to become insolvent and be taken over by an agency of the US government known as the Resolution Trust Corporation. Any and all projections for the future based upon a past successful market are not realistic. Nor are projections based upon a covert and very unusual international note transaction slotted to pay "millions". Income projections should be based on actual income being made in the present and not past, or to be made projections. This is especially true when creating realistic family support projections that must be fairly calculated and relied upon by all parties.

12. *The bail set following Mr Wilfred's extradition was designed to ensure that the cost of the exercise was not lost to the Colorado State and to ensure Mr Wilfred appeared for the custody hearing. This seems reasonable in the circumstances that Mr Wilfred had previously resisted returning to Colorado from Canada.*

If you are referring to the US $10,000 bail issued by the criminal court, then I would say that your information is confused. Certainly I was always sufficiently motivated as a father to return to Colorado to deal with the custody issues and the safety of my children. The first issue however, was my own personal safety, as children without a father either through incarceration or otherwise is not tenable. This is why I waited to set aside the extradition appeal and returned to Colorado with an attorney having reopened the custody cases for mediation and settlement, with also the accumulated evidence of my innocence in the custody related criminal charges for dismissal. As to the court extorted extradition expenses relating to the unnecessary federal marshal escort; this was caused by the DA when they reneged on their own proposed arrangement for my return. As further evidence of my sincerity, integrity and continued desire to resolve all issues, I did indeed return from Canada without an escort for the next hearing, even though I was betrayed the first time; only to be betrayed and arrested illegally for a second time.

13. *Mr Wilfred stated at interview that after contacting the Colorado social services from New Zealand he was able to reduce support payments to USD 50 per month because his ex-wives were not cooperating in disclosing their financial situations. The documents submitted by Mr Wilfred suggest that his support payments were calculated on his income, not on the absence of financial information from his ex-wives.*

When I received the court stipulation and work sheet with a request to sign and notarize and return to be filed by the support officer on my behalf, I was surprised to see the $50 per month amount on the order (Web site Section 30). When I studied the order carefully, the only thing that made sense to me that caused this order to default to $50 was the Comments entry on the second page of the work sheet as follows:


Comments: 50 MINIMUM ORDER IS REQUIRED BY 14-10-115(10),C.R.S. OBLIGEE WAGES BASED ON MINIMUM WAGE AS OBLIGEE DID NOT RETURN FINANCIAL INFORMATION, DEBIT TO OBLIGEE IN THE AMOUNT OF 3000.00 AS SHE RECEIVES SPOUSAL SUPPORT. OBLIGOR WAGES PER FINANCIAL AFFIDAVIT, CREDIT FOR SPOUSAL PAID TO OBLIGEE, AND CREDIT FOR ANOTHER CURRENT SUPPORT ORDER

*The children reside with one parent for 273 or more overnights per year. If this is not the case, use Worksheet B.

**This adjustment applies only to modification of child support orders entered between 7/1/91 and 7/1/97 that provide for post-secondary education expenses pursuant to §14-10-115(1.5), C.R.S.

PREPARED BY: DATE: 8/13/05

14. *Mr Wilfred also implied at interview that the DA had intervened in the reduction in payments and that he had been advised to return to Colorado to petition the court. However, the letter does not mention that the decision not to reduce support payments*

was at the direction of the DA, and merely stated that he could apply directly to the court. There was no reference to Mr Wilfred having to return to Colorado and apply in person.

My attorney, Al Manco had been earlier advised by the child support authorities through our case worker, Ms Meganne Pence that subject to having to appear before the court for a motion to change the support order, the child support services would be willing to assist in the matter. As to the Child Support Services reference as to the DA, Mr Manco also received an e-mail from the family support division on 11 November, 2005 following the 31 October, 2005 letter from Ms Muzzipapa stating that *"I have discussed this case extensively with our Deputy District Attorney ….Ms Leone* [the DA] *has decided that we will not proceed with a modification review at this time.*

As indicated by Mr Manco's reply as to what was going on (web site section 30) and his continued attempts to reach Ms Pence as recommended, or anyone of authority at child services with no reply or cooperation, I was advised by Mr Manco not to attempt a direct motion to the court.

RESOLUTION TRUST CORPORATION

15. *Although the end result may have unnecessarily cost the US tax-payer, and may not have been the best solution with respect to Mr Wilfred's particular debt, neither the RTC nor the company which purchased the debt and foreclosed on Mr Wilfred's property appeared to do anything illegal or to have breached Mr Wilfred's human rights.*

This case was most certainly not about human rights, although to say that the RTC or the company that purchased the debt did anything illegal, is a stretch at best. As I have outlined in the suit, they at least foreclosed without proper notice and at most deliberately conspired with the RTC to gain benefit privately from a publicly owned and controlled loan and property, and such was shown in the suit to appear to be a pattern throughout the country. Certainly this was left for the court to determine, of which, again my right to due process on behalf of the class action suit in a civil proceeding was breached by not permitting me to proceed without counsel or indeed requiring that should I return with the suit, I could not do so without legal counsel that I could not afford. As this was clearly a public issue and not a personal suit, the result was even more surprising.

PENSION FUND

16. *Country information indicates that the Colorado DA did initially investigate the Pension Fund. An article by Darrel Preston in The Bond Buyer of 8 May 1996 that "Witty" gave up his job as administrator in 1994 after Suthers began his investigation of his dual role". According to an article in the Colorado Gazette of 28 March 2007, Witty resigned from the Pension Fund due to allegations of misappropriating funds to his Pinnacle Company in August of 1994. This would predate Mr Wilfred's interview with the investigator on 7 September 1994. Thus it does not appear that Mr Wilfred was the only person who was concerned at Witty's business practices, which were already a matter of public scrutiny. Mr Wilfred was not further involved as a witness in Witty's trial and eventual prosecution, as might be expected. No mention of Mr Wilfred in connection with the prosecution of Witty was found in the country information. Thus, the country information does not support Mr Wilfred's claim that he was a key or crucial whistle blower who caused Witty's downfall and provoked his friend, the DA, to exact revenge.*

In fact, Witty was the paid administrator until June 30, 1994 when he then arranged to resign and resume his same duties, as the fund's "real estate consultant". In reviewing all of the

evidence presented to the DA, the State Attorney General and the FBI, as well as the information forwarded to the Pension Fund members, it should be clear that Witty was not the only perpetrator in the embezzlement scheme, nor was the several hundred thousand dollars recovered even close to the total amount embezzled. In my investigation, I found external entities owned and controlled by Witty's contractors obtained with pension fund loans provided through Witty's continuing "consulting" authority being laundered through Paragon Properties that were valued in the millions. Of course the DA would not call upon me to reveal such information in Witty's trial if they were motivated to cover up these facts (as they did for over 18 months before finally charging Witty). Also, the facts will show that there was no trial, Witty simply pleaded guilty and the evidence against him thereby controlled (and limited) by the DA. See the below excerpt from the following Gazette article dated June 13, 2002: (http://findarticles.com/p/articles/mi_qn4191/is_20020613/ai_n10003916)

…Witty was the fund's paid administrator from 1988 to June 30, 1994. He later was the fund's real estate consultant, landing lucrative no-bid consulting contracts at the same time he was lending thousands of dollars privately to two board members.

> Those board members, County Treasurer Sharon Shipley and Carl Hatton Sr., were convicted of misdemeanor charges of official misconduct, fined $1,000 each and resigned their offices.
>
> As administrator, Witty set up secret bank accounts to hide hundreds of thousands of dollars in stolen money. He made risky investments to gain personal wealth.
>
> As a consultant, the more real estate the pension fund bought, the more money Witty made. In a few years, the fund invested one-third of its assets in local land and buildings - 30 times the amount most plans place in property because of the potential risk.
>
> Witty's crimes were revealed in late 1995, when prosecutors uncovered the secret bank accounts. He was charged with 46 counts of forgery and theft and pleaded guilty to three felonies in a plea agreement….

The continuing risk to me is the revealing of the entirety of the embezzlement scheme with all participants, including those public officials who have hidden the truth on the scope of the crime as it relates to the good old boys continuing to secretly share the wealth of their ill gotten gains.

17. *The DA's office was later replaced by a special investigator and prosecutor in the Witty case. This was not because of perceived collusion or corruption between Witty and Suthers, or misconduct on the DA's part, but because of the employees of the DA's office were beneficiaries of the Pension Fund, and thus there could have been a perception of bias.*

Suthers' influence throughout Colorado has been notorious for decades. In the 1990's he was head of the state DA's association in Colorado. Certainly his appointment as Federal Prosecutor and then ultimately his most recent appointment by the Governor and the obtaining of his subsequent position as now State Attorney General provides additional prospective on his influence and his control of the law enforcement and justice system.

18. *Country information concerning Mr Wilfred's allegations of collusion and cronyism between the DA and Witty was not uncovered. It appears therefore that his allegations of the DA protecting Witty did not gain much traction in the media in Colorado. There is a lack of evidence for Mr Wilfred's allegations in this respect.*

I would say, let the evidence that I have presented in my web site, section 6; PDF's Gregory Craig Summary, El Paso County Pension Fund embezzlement, Denver Post re Pension Fund speak for itself. Country information, including especially the media is absolutely controlled by the subject politicians and officials. Within these documents is information that could not be

controlled, not the least which is the prolonged hiding of the evidence provided to the DA regarding the activities of Witty and his contracting friends, the threatening letter from Suthers warning me against continuing my investigation of same, and the agreement I was forced to sign by Suthers own law firm, Sparks and Dicks prohibiting me from even mentioning Witty or the other defendants or individuals by name (including Suthers) in my suit to be paid wages or otherwise, as to their involvement in pension fund embezzlement or the cover-up of same. The penalty for mentioning any of their cronies was $50,000 per event.

19. DA Suthers career continued to prosper, and was not obviously impaired due to Mr Wilfred's public allegations of cronyism between he and Witty. As such, the supposition that the DA, who is now state attorney general, would be motivated to persecute Mr Wilfred in the manner alleged could be considered somewhat speculative.

The only obvious effect my whistle blowing had on Suthers' career occurred back in 1998 when Suthers lost the election for state attorney general. As he could not go back to the DA position in El Paso County at that time, he managed to get a less public assignment from the state governor as the head of the state prison system until his appointment as Colorado federal attorney in 2001 (also by the same state governor). There is no way to prove this connection, and if you look at this event alone, there is some question. However, taking into consideration the preponderance of all of my evidence, information and the actions taken against me, persecution becomes more self evident.

MITSUBISHI NOTE

20. Mr Wilfred's claim that the Mitsubishi note was genuine is not supported by country information which indicates that the SEC found that the Mitsubishi Note was fraudulent and that those trying to transact it were convicted and fined for attempting to use a fraudulent instrument.

The public information and official position of the SEC on the Mitsubishi note is well documented in my web site. However, extensive documentation is also provided on my web site, section 7 that shows that the Note was indeed real and as such this information was presented to the SEC at my attorney's office in Toronto in August, 1998 whereupon they refused to receive the information, left the offices abruptly and would not communicate further. Again, my evidence speaks for itself as to the deliberate cover-up of this originally covert operation having been exposed, and then as agreed in the original terms with the Mitsubishi Bank confirmation of the note, declared fraud. As a side note, no one was "convicted" in the SEC civil litigation (not criminal), but the court did find in favour of the SEC as plaintiff and the defendants were fined.

21. As noted at interview, the story of Daniel Todt indicates he was involved in other unusual schemes and may not have been mentally stable.

The operative word is "may" have been unstable. The more likely scenario as evidenced in my latest research in my web site, section 7, "Murder, the Mitsubishi Note and the "M-Fund" - A 2007 Update" along with PDF articles and evidence would indicate otherwise. This section also lends significant additional information and credibility to the fact that the Mitsubishi Note was real.

22. Even if it were allowed that the Mitsubishi Note was genuine, the events occurred some time ago and, according to Mr Wilfred, the CIA was able to complete the deal. The current risk to Mr Wilfred appears to have lessened considerably with the passage of time, and

there is no indication that the CIA still considers Mr Wilfred a threat due to his previous role.

The fact that you would consider such a premise goes toward the premise that my report and evidence on the Mitsubishi Note has at least some credibility. As to the premise that the deal being long since completed and the passage of time has now considerably lessened the risk is naive and based upon the fact that this note was the only one to be transacted. As mentioned in my web site, Section 7, this Note was but one of 36 notes altogether where 11 were assigned to the CIA. This first note was face valued with interest at 6 billion USD and was ultimately exchanged for 15 billion USD in US Treasury Notes. It was made clear to me at the time this note was introduced (and the others revealed) that the success of this transaction would logically be followed by the scheduled transacting of the balance of the 10 notes over a lengthy time period of no more than one per year so as not to expose this covert financial operation. Eventually, I discovered that the proceeds would be used to finance covert operations by the CIA with no accountability to any US authority, that I objected and began a process of asking questions and assembling documents to report this indiscretion to the US Justice Department. As long as it remains possible that my information can be used to launch a full investigation to expose the CIA and others in this matter, I am now and will continue to be at risk.

EXTRADITION

23. The Colorado court ordered that the children be returned from Canada and that Mr Wilfred be brought before it. Both actions would appear necessary for a full hearing and custody to be determined. The courts actions do not seem unreasonable in the circumstances.

Taken completely out of context and under any “normal” circumstances, I would agree; however given the background of this case spanning years of civil rights violations, whistle blowing, political persecution and the totally convoluted circumstances, including the lies and concocted charges used to justify the extradition, I do not believe the norm applies (web site all sections)

24. Even if it were allowed that the Colorado DA’s office were motivated to exact revenge on Mr Wilfred, and that the Colorado law enforcement authorities acted outside their jurisdiction in detaining him and laying additional charges following the extradition, the Colorado courts upheld the extradition agreement, ordered Mr Wilfred released on bail and dismissed the charges which were not part of the extradition agreement, as required by the law of specialty. As such Mr Wilfred’s legal rights appear to have been protected by the Colorado courts.

The Colorado authorities were confronted with the extradition Rule of Speciality both in a previous letter to the DA from my Canadian attorney, and again with my personal presentation of a copy of this same letter upon my first returning to Colorado (after agreeing to set aside my appeal) by Federal marshal escort in April, 2000. I must remind you that the federal marshal escort and the expense of same was as a result of the DA reneging on our agreement for me to return to face the court with a motion to dismiss the charges. It was revealed at that time that there was indeed a pre-plan to transfer me to another jurisdiction on other charges. This plan was immediately abandoned by the DA as a clear violation of the Rule of Specialty.

With full knowledge of the Rule of Specialty, upon my arrival in Colorado on May 11 for the second scheduled hearing to file a motion for dismissal of the original extradition charges, I was illegally arrested for unrelated charges (violation of the Rule of Specialty) and spent the

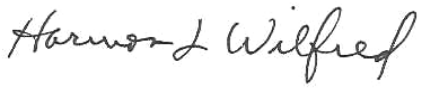
better part of 3 weeks incarcerated. My wife Carolyn was then compelled to spend tens of thousands of dollars on attorneys to confront the charges and obtain my release due to this obvious violation of the Rule of Specialty. Then, with rights restored for the second time by a federal judge, I was illegally secreted out of the back door of the prison by federal marshals with full knowledge that they were violating a judges order (my wife waiting at the front lobby to pick me up) to the Denver city jail (no charges and no bond) for another four days of yet another violation of the Rule of Specialty. Then on the fifth day I was transported to yet another jail in Arapahoe County and forced to appear without counsel for another violation of the Rule of Specialty. When I objected under the Rule of Specialty in order to obtain my release, the judge ordered that in order to be released I must agree to a $750,000 bond (violation of the Rule of Specialty) and the requirement to return to Colorado for a financial examination (violation of the Rule of Specialty). In the end, I was indeed released to return to Canada after attending my father's funeral in Ohio (he died on the day I was released) and only after agreeing to the forced illegal bond agreement. Thereafter, upon my wife having spent tens of thousands of additional USD for legal fees, the Rule of Specialty prevailed and my bond and requirement to return for unrelated issues to the extradition were dismissed as violations of the Rule of Specialty. Under the circumstances, I would say that although my rights were eventually recognized, it is clear that the Colorado law enforcement have no respect for the law and certainly none for the Rule of Specialty where my case is concerned. Rights restored? Who paid the price and who will continue to pay the price for these flagrant violations of the law in personal, emotional and financial sacrifice? What motivated the Colorado law enforcement to deliberately and with full knowledge of the Rule of Specialty, continue to flagrantly violate the federal judges order and therefore my rights?

PROSECUTION NOT PERSECUTION

25. It may be considered that Mr Wilfred fears returning to the US not because of a risk of being persecuted, but because he fears being prosecuted. Mr Wilfred faces a number of unresolved family support, custody and other issues some of which, as Mr Wilfred advised, are criminal charges in the US, and which could lead to fines or imprisonment. A summary of the matter of prosecution vs persecution is set out in Refugee Appeal No.29/91 (17 February 1992) at p 7.

It is not reasonable or logical to assume that a person who has already returned to the US voluntarily on two previous occasions (in the first instance through the voluntary abandonment of my Canadian extradition appeal and secondly, upon my own recognizance as ordered by the court) to answer to the subject extradition family related custody charges in Colorado would "fear prosecution". On the contrary, after experiencing multiple human rights violations in the form of over 3 weeks of illegal incarcerations, court required examinations, forced bail agreements and denial of due process to name a few; as well as tortuous and unwarranted mistreatment while in incarceration, with the ultimate punishment of tens of thousands of dollars spent on confirming that all of this treatment was indeed violations of the Extradition Treaty Rule of Specialty (previously know by the authorities who committed these violations); I would say that given my profile as a whistleblower on the same Colorado law enforcement and judicial agencies that committed these illegal acts and human rights violations, it is more reasonable to assume that I am refusing to return to the US because of the risk of "further persecution" from these same agencies. However, there is also a genuine and justified fear of returning to the US, both to my personal safety and freedom (the ultimate persecution) in regard to the threats made against me by the CIA as a result of my involvement in having blown the whistle on the Mitsubishi Note transaction to the US Justice Department (Web site, Section 7).

With the preponderance of evidence presented and upon justifiable information and belief, the alleged national and international political conspiracy surrounding my case and Refugee Claim chronicled and documented within the documentary web site, www.luminadiem.com and included within this refugee interview summary and rebuttal, including the illegal actions and human rights violations committed by the agents, individuals, law enforcement and justice systems representing the State of Colorado, The US Federal government, Canada and the Hague Commission are the factual basis for my Refugee Status Claim in New Zealand. I will present my answer and rebuttal for the final 3 issues of Statelessness, State Protection and Convention Ground by 30 November, 2007 as agreed.



Harmon L Wilfred
Refugee Claimant

Harmon L. Wilfred

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30 November, 2007

Dougal Ellis
Refugee Status Officer
280 Queen Street
Auckland
New Zealand

Re: Review and Reply to Refugee Status Interview Report, Final Issues
Notice of Citizenship Application

Dear Mr. Ellis,

The following is my written review and reply to the final issues of your Refugee Status Interview Report dated 6 September, 2007. The interview was held in Christchurch on 17 & 18 July, 2007. This review and reply addresses the Interview Report by Part, subparagraph chronology and subtitles as listed in the Contents of the Report.

REFUGEE STATUS INTERVIEW REPORT – Review and Reply

Date:	31 October 2007
Name:	Harmon Lynn Wilfred
Date of Birth:	29 May, 1949
Client Number:	26473577
Claim Number:	7440099
Interview Dates:	17 and 18 July, 2007
Start Time:	9:00 AM
Finish Time:	3:00 PM
Breaks:	10:30 -11:00 AM, 12:30 – 1:30 PM
Location	DoL Offices, Kilmore Street, Christchurch
Present:	
Mr. Wilfred:	Claimant (Interviewee)
Dougal Ellis:	Refugee Status Officer (Interviewer)
Mr. J Gillanders	Observer on 17 July, 2007

This review and reply to the final issues of the above referenced Interview Report contains some correction, commentary (clarification) and rebuttal to certain suggested conclusions and potentially prejudicial issues on the part of the DoL interviewer, Mr. Dugall Ellis. All information contained herein is referenced as per the Interview Report's listed Contents, by Part, chronology, and titled subparagraph.

STATELESSNESS

25. Although Mr Wilfred may be legally stateless, according to US law, he can still be removed to the US to face trial. As such, there is no barrier to his being returned there from New Zealand.

I am indeed legally stateless by the definition of Article 1, of the UN Convention relating to the status of stateless persons. I find nothing on the US State Department page you have referenced that indicates I can be removed from New Zealand as a stateless person to the US to face trial. Under paragraph D, Dual Nationality / Statelessness, the only reference to deportation states in the last sentence, *"Nonetheless, renunciation of U.S. citizenship may not prevent a foreign country from deporting that individual back to the United States in some non-citizen status".* The operative highlighted words are "may not" and "some non citizen status".

Further in paragraph E, Tax and Military Obligations / No Escape from Prosecution, it states, *"In addition, the act of renouncing U.S. citizenship will not allow persons to avoid possible prosecution for crimes which they may have committed in the United States, or escape the repayment of financial obligations previously incurred in the United States."* The operative highlighted words here are "possible prosecution" and "may have committed". The fact is, the US has not requested my extradition as there are no legitimate charges on record that have not been dismissed, or have expired due to statute of limitation.

These statements on the US State Department web site referencing any possible international deportation from another country are hardly US law, nor under any international authority as such, and according to information I have received from the UNHCR office in Canberra, certainly do not govern international law where human rights are protected regarding such issues under the UN Declaration of Human Rights, the UN ICCPR, the UNHCR and the UN Convention relating to the status of stateless persons, with an emphasis on Article 31 (http://www.ohchr.org/english/law/stateless.htm).

In addition, a voluntary renunciation of one's citizenship may not invoke the humanitarian principles of the refugee convention. In Refugee Appeal No. 72635/01 (6 September 2002) the Authority commented:

> [...] In both Zdanov and Desai it was held that the status of statelessness is not one that is optional for a refugee applicant. If by making application the stateless refugee claimant can obtain citizenship, the claimant must apply for such nationality. A person cannot chose not to make such an application. The principle was explained in Tatiana Bouianova v Minister of Employment and Immigration [1993] FCJ No 576; (1993) 67 FTR 74 (FC:TD) (Rothstein J):
>
> > In my view, the status of statelessness is not one that is optional for an applicant. The condition of not having a country of nationality must be one that is beyond the power of the applicant to control. Otherwise a person could claim statelessness merely by renouncing his or her former citizenship. This would then render unnecessary those provisions of the definition of Convention refugee that require that a person demonstrate an inability or unwillingness by reason of a well-founded fear of persecution to return to the person's country of former citizenship. The definition should not be interpreted in such a manner as to render some of its words unnecessary or redundant.

.

There is nothing in the UN convention relating to the status of stateless persons that confirms the above hypothesis, "*a voluntary renunciation of one's citizenship may not invoke the humanitarian principles of the refugee convention".* In fact, the term "may not" is non-definitive. As NZ is a member of the 1961 Convention on the reduction of statelessness as of September, 2006 and without such reservations recorded as to membership, how can New Zealand recognize me as legally stateless and then deny me my stateless rights according to the Convention? Certainly those who belong to the Convention must disallow their own citizens from renouncing their citizenship and becoming stateless, but the US does not belong to the Convention, and has therefore given me legal statelessness status by written declaration as no longer a citizen of the US. By the test provided in the official report of the UNECE as submitted by the UNHCR on 19 March 2005, paragraph 17, reads as follows:

17. To distinguish stateless persons, the following questions should be asked:

Q. Are you a citizen of this country? (Yes/No)
If no, are you a citizen of another country? (Yes/No)
If twice no, the person is considered stateless.

According to your above declaration that I am legally stateless and as such am also a refugee claimant with a true inability (as a stateless person) and unwillingness by reason of a well founded fear of persecution to return to my country of former citizenship, then *"if by making application the stateless refugee can obtain citizenship, the claimant must apply for such nationality. A person cannot choose not to make such an application".* In affect, as a stateless refugee claimant, I am compelled to apply for citizenship in New Zealand. In fact, as I am legally stateless at this time, according to the NZ Citizenship Act 1977, Part 1- New Zealand Citizenship, Paragraph 9 - Grant of citizenship in special cases – I can make application for citizenship now, before/without being granted refugee status as follows:

(1) Without limiting anything in Section 8, the Minister [in this case Internal Affairs] may, upon application in the prescribed manner, authorize the grant of New Zealand citizenship to any person...

(c) if the person would otherwise be stateless.

STATE PROTECTION

27. With respect to state protection in the US, in Refugee Appeal No. 71759 (31 March 2000) the Authority commented:

> It is a well-established principle of refugee law that there is a presumption of state protection. See Canada (Attorney General) v Ward (1993) 2 SCR 689. If a claimant is unable to rebut that presumption by providing clear and convincing evidence of the state's inability or unwillingness to protect, then the claim must fail as nations are presumed capable of protecting their citizens. In the New Zealand context, see Refugee Appeal No. 523/92 Re RS (17 March 1995) and see also Refugee Appeal No 70074/96 Re ELLM (17 September 1996), where the Authority was required to consider a claim brought by a citizen of the United States and held, at p.10:
>
> > "The United States of America is an open and democratic society, possessing an efficient and multi-layered system of law enforcement, both at state and federal level. It would be incongruous, to say the least, for New Zealand to accept that citizens of the United States are able to satisfy the criteria of the refugee definition. There is every reason, therefore, to require of the appellant that she provide "clear and convincing confirmation" of the inability of the United States to protect her from the Sendero Luminoso."
>
> After citing with approval the decision of the Supreme Court of Canada in Canada (Attorney General) v Ward (1993) 2 SCR 689, the Authority concluded in Refugee Appeal No 70074/96 Re ELLM (17 September 1996) at p.12:
>
> > "The short point is that where a refugee claimant comes from an open democratic society with a developed legal system and which makes serious efforts to protect its citizens from harm, the presumption of state protection as formulated in Ward has particular application. Unless the refugee claimant is in possession of evidence establishing clear and convincing confirmation of such a state's inability to protect **the claimant**, the claim should fail. It could even be said that in the absence of such evidence, the claim is manifestly unfounded or clearly abusive. There is every justification for expediting such claims and for confining the

> hearing to an initial determination as to whether clear and convincing evidence of the kind required by Ward is present."

Authority decisions indicate that state protection in the US is of a high standard and that it is necessary for Mr Wilfred to convincingly rebut this presumption.

Although not bound by the decisions of the RRA and the High Court, the refugee status officer may have regard for their findings on issues overlapping with those considered under the Refugee Convention. At paragraph 82 of its decision, the High Court found:

> The [RRA] acknowledged the appellant's statement that he feared risk of arrest if returned to the [US] and that the law enforcement authorities there had mistreated him in the past and were likely to do so in the future. However, the [RRA] observed correctly that the appellant, if unlawfully treated, had appropriate remedies in that c. It was acknowledged in this Court that no criticism was or could be made about the US justice system.

In short, the High Court upheld the RRA's finding that Mr Wilfred's human and legal rights would be adequately protected in the US, whose justice system was capable of providing relief for Mr Wilfred should that be appropriate.

As to the presumption of state protection, "If a claimant is unable to rebut that presumption by providing clear and convincing evidence of the state's inability or unwillingness to protect, then the claim must fall…" This case goes on to provide a US example. My case is not one of "inability", as the US does have the legal infrastructure to protect and indeed to redress any or all violations of civil and human rights. This is a case of the "unwillingness" to provide such redress by default to the extent of political retribution and persecution as evidenced by the prima facie case presented as to the documented multiple human and civil rights violations committed against me during the course of my efforts to cooperate with and depend on the Colorado and US law enforcement and justice systems. (Wed site www.luminadiem.com). The capability to adequately protect one's human rights does not automatically presume the willingness to put such into action; and political corruption and persecution can, and in this case has generated the result of unwillingness. In short, my refugee claim is an exception that rebuts the presumption.

CONVENTION GROUND

In Refugee Appeal No 29/91 (17 February 1992), the Authority held that:

> Our conclusion is that the question whether the appellant would be able to secure a fair trial is only relevant if it can be said that the process of adjudication which ignores basic standards of fairness has been set up **in such a way as to result in or support political or religious repression.** In other words, the abuses (which the Authority accepts are legion in the Punjab) must be **Convention-related.** The Convention is not an instrument to provide a remedy where the justice system of the country of origin fails to meet general standards of fairness.

The reasons Mr Wilfred claims he is being persecuted by the Colorado authorities, or cannot access protection in the US, would appear to be related to his particular circumstances. As such, the

persecution he allegedly fears may not be for reasons of one of the five permissible "Convention Grounds" – race, religion, ethnicity, political opinion and social group.

To be more technically correct the following is the definition of a refugee taken from the United Nations Convention related to the Status of Refugees, Article I, A (2):

A. For the purposes of the present Convention, the term "refugee" shall apply to any person who: (2) …owing to well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion, is outside the country of his nationality and is unable, or owing to such fear, is unwilling to avail himself of the protection of that country; or who, not having a nationality and being outside the country of his former habitual residence as a result of such events, is unable or, owing to such fear, is unwilling to return to it.

I will first address the justifications for refugee status as it relates to my case under the definition as to a well founded fear of being persecuted for reasons of religion, membership in a particular social group and political opinion. The evidence of civil and human rights violations I have presented in this case would show that I have been unduly persecuted by the political, law enforcement and judicial agencies of the State of Colorado and the US Federal Government. The real question as to the definition of a refugee is, why have I been persecuted?

Religious Persecution – Charismatic / Pentecostal: The religious persecution by the Colorado 18th Judicial District judge in my divorce proceeding is self evident in the case transcripts dated from March 1989 through November of 1990. (Web site - Transcripts Sections 1-16). This is well documented not only in the transcripts, but also in the case that was thereafter filed at the Federal District Court dated 25 October, 1990. As a direct result of this religious persecution by the judge, further violations of my civil rights were exacted including, but not limited to due process and attorney client privilege, with the final resultant custody judgment rendering me "from a layman's point of view" to be dangerous to myself and the public at large", and thereby prohibited from having any knowledge of or contact with my son, all because of my religious beliefs and practices at that time as a member of the modernized Charismatic version of the Pentecostal faith with the belief in "talking to God and believing that God talks to me". This is a standard practice of the Charismatic / Pentecostal faith called "Speaking in Tongues and Interpretation of Tongues". Although the courts response to my religious faith and belief may not of itself constitute a general pattern of persecution for the purpose of the definition of a refugee, this was but one of the human rights violations that was committed against me as a member of the social group of, Non-Custodial Parents.

Membership of a particular social group – US Non-custodial Parents: As a social group I became a member by signing a Non-custodial Parental Rights Petition in 2005 as petitioner number 7589. The Petition with all members designated is located at the following web link: http://www.petitiononline.com/mod_perl/signed.cgi?usncpr. Up to 25 million US non custodial parents are now represented by this group or other groups under this social group throughout the US through class action suits for the same multiple violations of human rights within the US state family courts that have been exacted upon me and more. Please see the following in country information websites in this regard:

http://www.indianacrc.org/index.html
http://www.petitiononline.com/usncpr/petition.html
http://www.petitiononline.com/mod_perl/signed.cgi?usncpr
http://www.crisismagazine.com/november2002/feature2.htm
http://canadacourtwatch.com/LettersOfInjustice/990315Sawyer.PDF

http://www.familylawcourts.com/
http://www.oregonfamilyrights.com/
http://www.thepriceofliberty.org/04/09/30/press.htm
http://www.ejfi.org/Courts/Courts-11.htm (The Criminalization of Fatherhood)
http://www.familylawreform.org/family_courts_prejudice.htm
http://www.profane-justice.org/sanbern.pdf
http://www.familylawreform.org/stephen_baskerville2.htm

As is evident in the above country information, members of the Non-custodial parent's social group have been persecuted and unfairly prosecuted in the US state family courts with a refusal for redress from the Federal courts for decades. I have also provided information from a Canadian source called "Letters of Injustice".

Political / Social Opinion – US Government Whistleblower: As presented and documented in the evidence of my documentary website, www.luminadiem.com, as a government whistleblower I am of the social and political opinion that government at all levels of society should be honest and above board in all dealings, both internally and with the general public. This is especially true of those who are either employed or contracted by government. As such, I and my fellow government whistleblowers have been unfairly prosecuted and persecuted as shown in my documentary web site as well as the following in country information web links:

http://www.whistle-week-in-dc.org/page4.html
http://www.nswbc.org/Press%20Advisories/Advisory-Documentary-Sep18-06-FiNaL.htm
http://www.copi.com/defrauding_america/chp_26.htm
http://en.wikipedia.org/wiki/Whistleblower#Whistleblower_Protection_Act_of_2007
http://barbarahartwell.blogspot.com/2007/01/political-persecution-in-usa-case-of.html

US Covert and Law Enforcement Agency Whistleblower - The final website listed above regarding ex-FBI agent Barbara Hartwell is but one example of how the US government has polarized itself against its own law enforcement and intelligence employees and contractors under the premise of National Security and is now known as Homeland Security (Post 9/11). The above Wikipedia site on whistleblowers speaks of a new Whistleblower Protection Act of 2007 that is currently being deliberately blocked by the Bush administration. The following links offers additional in country information in this regard including CIA atrocities committed against humanity, including the willingness to eliminate their own if required to protect their secrets:

http://www.franksnepp.com/iharm/index.html
http://www.huffingtonpost.com/joseph-a-palermo/kicked-in-the-family-jew_b_54031.html
http://www.serendipity.li/cia/cia_time.htm

Owing to a well founded fear of being "further" persecuted as to my civil and human rights for reasons as to my religious beliefs and practices, being a non-custodial parent and petitioner of a non-custodial parent social group, my government whistleblower politics and political opinions with respect to the El Paso and Arapahoe County, Colorado family court system and their respective district attorney's offices; as well as my past political and ethical disagreements with the current Colorado State Attorney General, John Suthers, and the illegal practices of the US Central Intelligence Agency; and as I am outside the country of my original nationality and am unable, owing to such fear, and am unwilling to avail myself of the protection of that country; and not having a nationality and being outside the country of my former habitual residence as a result of such events, am unable or, owing to such fear, am unwilling to return to it, I thereby qualify as a refugee under the definition of the United Nations Convention related to the Status of Refugees, Article I, A (2).

ADDITIONAL ISSUE:

[redacted]

NOTIFICATION: NEW ZEALAND CITIZENSHIP APPLICATION

With the understanding and acknowledgement of the NZ Refugee Status Branch, as well as the UNHCR office in Canberra that I am effectively and legally stateless, and as such am also a refugee claimant; I am directed by the Refugee Appeals Authority, Appeal No. 72635/01 (6 September 2002) presented in your Refugee Status Interview Report (6 September 2007) under paragraph 25, Statelessness, in part: *"if by making application the stateless refugee claimant can obtain citizenship, the claimant must apply for such nationality. A person cannot choose not to make such an application".*

As a stateless refugee claimant in New Zealand, I hereby provide notice to the NZ Refugee Status Branch as of 30 November, 2007 I have forwarded a formal application for New Zealand citizenship to the New Zealand Internal Affairs Minister under the authority of the NZ Citizenship Act 1977, Part 1- New Zealand Citizenship, Paragraph 9 - Grant of citizenship in special cases, sub-paragraph 2c.

Harmon L Wilfred

Harmon L Wilfred
Refugee Claimant