



Petitioners herein are seeking a review by the Supreme Court of New Hampshire of the decision reached by the Ballot Law commission. Petitioners are seeking such review under Rule 7 (Discretionary Review) and under Rule 10 (Review by Petition of the Decision by the Agency), which was unlawful and unreasonable as well as under Rule 11. **Every issue specifically raised herein has been presented to the administrative agency and has been properly preserved for appellate review by a contemporaneous objection or, where appropriate, by a properly filed pleading.**

NAMES AND ADDRESSES OF THE PARTIES SEEKING REVIEW OF  
THE ORDER

**Petitioners**

Dr. Orly Taitz, Esq., -civil rights attorney, licensed in the state of California, admitted to the Ninth Circuit Court of Appeals, Third Circuit Court of Appeals, Supreme Court of the United States and a member of the International Criminal Bar panel in Hague.

Larry Rappaport -duly elected state representative state of New Hampshire,  
in propria persona

Harry Accornero -duly elected state representative state of New Hampshire  
in propria persona

Lucien Vita -duly elected state representative state of New Hampshire in  
propria persona

Carol Vita -duly elected state representative state of New Hampshire in  
propria persona

Moe Villeneuve-duly elected state representative state of New Hampshire in  
propria persona

Leah Lax -Presidential Candidate, running in the Democrat primary,  
registered with the Federal Elections Committee , in propria persona

Cody Judy, Presidential Candidate, registered with the Federal Elections  
Committee, running in the Democrat primary against Barack Obama, in  
propria persona

Thomas MacLeran, Presidential candidate, registered with the federal  
Elections Committee, U.S. military veteran, in propria persona

## **Respondents**

Bill Gardner, Secretary of State, State of New Hampshire (Hereinafter Gardner)

Brad Cook, Martha Van Oot, Jane Clemons, Jamison French, Margaret-Ann Moran- 5 permanent and alternate members of the 6 member ballot law commission, who presided over the ballot challenge by the Petitioners (Hereinafter Commission)

### QUESTIONS PRESENTED FOR REVIEW

1. Can the Secretary of State and the Ballot Law Commission render a ruling with total disregard to the pertinent provisions of the U.S. Constitution?
2. Can the Secretary of State and Ballot Law Commission render a ruling in total disregard to the pertinent election law statutes?
3. Can Respondents render a ruling in total disregard of all existing precedents?
4. Is the ruling rendered by Respondents in violation of the constitution, law and precedents, a lawful ruling?
5. Are the rulings by the Ballot law commission lawful, when the commission is not lawfully comprised?
6. Does a conflict of interest invalidate the decision by the commission members?

### SUMMARY OF THE PETITION

Petitioners herein are seeking a review by the Supreme Court of New Hampshire of the decision reached by the Ballot Law commission.

Petitioners are seeking such review under rule 7- discretionary review and

under rule 10- review by petition of the decision by the agency, which was unlawful and unreasonable as well as under rule 11.

Regarding Petitions for original jurisdiction, Rule 11 states:

*“...Petitions requesting this court to exercise its original jurisdiction shall be granted only when there are special and important reasons to do so....when a trial court or administrative agency has decided a question of substance not therefore determined by this court; or has decided it in a way probably not in accord with applicable decisions of this court; or has so far departed from the accepted or usual course of judicial or administrative agency proceedings as to call for an exercise of this court's power of supervision.”*

Petitioners assert that the ballot law commission showed such a complete disregard of law and fact, such an unprecedented level of malice and corruption, that it justifies the Supreme Court of the state of New Hampshire to take original jurisdiction and appoint a special prosecutor to see if criminal charges are warranted against the Respondents.

The decision is related to the Presidential Primary election, which was recently moved to January 10, 2012. Petitioners are asserting that the actions of the Ballot Law Commission and the Secretary of State of New Hampshire

were an egregious violation of the Constitution of the United States of America, a violation of the constitutional rights of the citizens of New Hampshire and the citizens of the United States to have a lawful presidential election, to vote for legitimate, eligible and vetted candidates.

Petitioners assert that the above constitutional, civil, human right were egregiously and maliciously violated under the color of authority, by the office of the Secretary of State and by the members of the commission. To wit:

(a) Members of the commission disregarded an 85 page complaint and disregarded all aspects of law and all facts presented.

(b) The composition of the commission by different party members was manipulated to improperly pick 5 out of 10 members who disagreed with petitioners based upon political inclinations.

(c) Some of the members of the commission, who were giving donations to the candidate, who was the subject of the hearing, and subject of the challenge, and to his campaign, were sitting on the commission and deciding eligibility of the candidate, whom they financially supported.

(d) Three of the members of the commission are attorneys and members of the New Hampshire bar. The Supreme Court of New Hampshire is an administrative body, reviewing professional misconduct of members of the New Hampshire bar and deciding upon the discipline of attorneys who violate the rules of ethics.

Petitioners are seeking review of actions of these three attorneys, for violation of professional rules of ethics and professional code of conduct. The most egregious violation is one by attorney Martha Van Oot, who is a donor for the candidate that is the subject of the hearing. Ms. Van Oot had an ethical obligation to recuse herself from the hearing on the eligibility of the candidate and failed to disclose the conflict of interest and to recuse herself.

Petitioners are seeking professional discipline of the attorneys, members of the commission due to their flagrant and malicious violation of their oath of office and of the constitution and acting with malice in placing an ineligible candidate on the ballot.

### ARGUMENT

Petitioner attorney Orly Taitz (hereinafter “Taitz”) submitted to the Secretary of State of New Hampshire a ballot challenge to the candidacy of

Barack Obama (hereinafter “Obama”). She was joined in this challenge by nine New Hampshire State Representatives: Larry Rappaport, Carol Vita, Harry Accornero, Lucien Vita, Moe Villeneuve, William Tobin, Susan DeLEmus, Laurie Pettengill and Al Baltasaro.

Taitz was also joined by Presidential candidate Cody Judi, running in the Democrat primary against Barack Obama, as well as a number of veterans and other citizens.

Taitz submitted an 85 page complaint (*See Exhibit 1, attached hereto, entitled Challenge to ballot designation of Barack Obama*) and additionally testified during the Ballot Law Commission hearing (*See Exhibit 2, attached hereto, entitled Transcript of the Ballot Law Commission hearing*). The gravamen of this complaint was and is that Presidential candidates by law have to fulfill a requirement of being a natural born U.S. Citizen, and President Obama cannot meet that requirement and is thus ineligible for the Ballot.

According to New Hampshire RSA 655:17-b regarding Declaration of Intent – Presidential Candidates Who File Nomination Papers. I. Declarations of intent for each candidate for president who seeks nomination by nomination papers shall be in the form provided in paragraph II.



Declarations of intent required by this section shall be filed with the secretary of state, signed by the candidate, and notarized by a notary public.

II. I, \_\_\_\_\_, swear under penalties of perjury that I am qualified to be a candidate for president of the United States pursuant to article II, section 1, clause 4 of the United States Constitution, which states, “No person except a natural born citizen, or a citizen of the United States, at the time of the adoption of this Constitution, shall be eligible to the office of President; neither shall any person be eligible to that office who shall not have attained to the age of thirty-five years, and been fourteen years a resident within the United States.” I further declare that I am domiciled in the city (or town or unincorporated place) of \_\_\_\_\_, county of \_\_\_\_\_, state of \_\_\_\_\_, and am a qualified voter therein; that I intend to be a candidate for the office of president to be chosen at the general election to be held on the \_\_\_\_\_ day of \_\_\_\_\_; and I intend to file nomination papers by the deadline established under RSA 655:43. I further declare that, if qualified as a candidate for said office, I shall not withdraw; and that, if elected, I shall be qualified for and shall assume the duties of said office.”

In summary the challenge shows, that newly discovered evidence reveals Barack Obama not to be a natural born U.S. citizen and not eligible to be on the ballot. Evidence shows that he is not only not qualified as a

natural born citizen, but also does not possess valid identification papers as a naturalized citizen and is using a Connecticut Social Security number, which according to E-Verify and SSNVS, was never assigned to Barack Obama.

1. Taitz presented the committee with evidence that newly released passport records of Stanley Ann Dunham, mother of Barack Obama, show, that in her passport Obama was listed as a dependent child under the name Barack Obama Soebarkah. (Exhibit 3 Passport records of Stanley Ann Dunham, form FS-299 from 7-64, Affidavit of Chris Strunk). Obama resided in Indonesia from age 5. Blending of names is a custom in South East Asia. Apparently, Obama's mother and step father, Lolo Soetoro, citizen of Indonesia, blended Soetoro and Barack and came up with the name Soebarkah. There is no evidence of Obama ever legally changing his name from Barack Obama Soebarkah to Barack Obama, therefore his declaration of a candidate is not legal, as in his declaration Mr. Obama listed a name that is not legally his and therefore cannot be placed on the ballot. (Exhibit 3).

2. Barack Obama's school registration from Indonesia, made public by the Associated Press, shows Obama registered as a student in Indonesia under the last name Soetoro, which is the last name of his stepfather, Lolo Soetoro. Again, there is no evidence of Obama ever legally changing his

name from Soetoro or Soebarkah to Obama. Therefore he cannot be on the ballot, as he is using a name, that is not legally his. (Exhibit 4)

3. In the same school registration Obama's citizenship is listed as Indonesian. As an Indonesian citizen, Obama is not eligible to be on the ballot as a candidate for U.S. President.

4. Taitz presented Secretary of State Gardner and the Ballot Law Commission with an affidavit of Adobe Illustrator Programmer, Mr. Felichito Papa. (Exhibit 1 Ballot Challenge). In his affidavit Mr. Papa states, that when Mr. Obama posted his tax returns on line on WhiteHouse.gov, he originally forgot to flatten the computer file, which means that millions of people with Adobe Illustrator program could see layers and layers of changes and alterations made to the file. They could see a full Social Security number 042-68-4425, which is being used in those tax returns by Mr. Obama. Taitz is providing this full unredacted number, as according to E-Verify and SSNVS, this number was never issued to Barack Obama. Additionally, Obama was never a resident of the state of Connecticut and has no ties to the state of Connecticut. The first three digits of the Social Security number signify the state. 042 is assigned to applicants, who submitted their applications in the state of Connecticut. Social Security

number 042-68-4425 was issued in and around of March of 1977 to a resident of Connecticut, when Obama resided in Hawaii and attended Punahoa school in Honolulu, HI.

5. Taitz provided the commission her sworn declaration, stating that she went on the official web site of the Selective Service at sss.gov. She entered Obama's name, date of birth and Social Security number 042-68-4425 and got a match, showing that Obama used this number in his Selective Service application.

6. Taitz provided Gardner and the Commission with a sworn affidavit from a witness Linda Jordan, who provided E-Verify records, personally obtained by her, showing that CT SSN 042-68-4425, used by Obama in his tax returns and his Selective Service, does not match the Social Security records for Obama. Additionally, Taitz provided the respondents with similar records provided to her by Colonel Gregory Hollister, that show that according to SSNVS (Social Security Number verification Systems), 042-68-4425 which is used by Obama, was never issued to him. We have an individual, occupying the position of US president and Commander in Chief, who is using a Social Security number, which was never legally assigned to him. This in itself shows an enormous breach of national security.

Additionally, it raises another important question: "who needs to resort to fraudulently using Social Security numbers of other individuals?" Typically, it is done by illegal aliens, who were born abroad and do not have a valid U.S. birth certificate.

7. For nearly three years Obama refused to make public his long form birth certificate. On April 27, 2011 Obama released, what he claimed to be, a true and correct copy of his long form birth certificate, which he posted on line, on WhiteHouse.gov.

8. Taitz received an affidavit from Adobe Illustrator expert Felichito Papa. It stated, that similarly, as Obama did not flatten the PDF file of his tax returns, originally he also did not flatten the file for his birth certificate. One could clearly see the layers of the alterations in the file. It clearly showed the alleged copy to be a forgery, where bits and pieces were cut and pasted from different documents and blanks were filled in by computer graphics. It shows, how forgers used the signature of Obama's mother, apparently from a later time, when she signed as Stanley Ann D. Soetoro, cut and pasted her signature and used computer graphics to add "unham Obama" and came up with the signature of Stanley Ann Dunham Obama).

9. Taitz provided Gardner and the Commission with the affidavit of an expert in typesetting, Paul Irej, which showed different size and font letters used in the alleged document.

10. Taitz provided an affidavit of the scanning machine expert, Doug Vogt, which shows different type of ink used, different scanning.

11. Taitz provided the commission with the long form Hawaiian birth certificate of one Susan Nordyke, who was born in the same hospital only hours later. One can see that the birth certificate is completely different, in that it is on white paper with yellow aging signs, it has a defined border, raised seal and no kerning. Obama's alleged copy of his birth certificate is on green safety paper, which did not exist in 1961, does not have defined borders, but looks like something drawn by computer graphics on the background of this safety paper. Obama's alleged copy does not have a raised seal, the serial number is out of order and contains kerning, meaning that letters infringe in the space of other letters. This can happen only with computer graphics. This is impossible with type writers, which were used in 1961.

Additionally, many believe, that "Natural Born Citizen," as it is applied to the U.S. Presidency, means one born in the country regardless of

citizenship of the parents. Taitz submits evidence, that from the time of the adoption of the constitution until today, the standard was: One born in the country to parents who are citizens, who do not owe allegiance to other nations.

The US Constitution was largely based upon the book "the Law of Nations" by Emer De Vattel, stating that Natural born citizens are ones born in the Nations to citizens (Emer De Vattel "The Law of Nations" p. 499, §212). A similar definition was used by John A. Bingham, creator on the 14th amendment, who stated during congressional hearings of the 14th amendment, that a "natural born citizen is born in the U.S. territories to parents, who didn't owe allegiance to other sovereignties". A similar definition was used in a case of *Minor v. Happerset* 88 U.S. 162 (1875) heard by the Supreme Court. Lastly, in 2008 citizenship of John McCain was questioned as well due to his birth in the zone of the Panama canal. In a joint Senate Resolution 511, the Senate unanimously found Senator McCain to be Natural Born U.S. citizen. The Senate used the same Vattel two prong test and found McCain to be eligible for presidency due to the fact that he was born in the Panama Canal zone to two parents, who were U.S. citizens. Obama's father was never a U.S. Citizen. He never even had a "Green Card".

He was in U.S. for a few years, on a student visa, and as such, Obama did not satisfy either one of the two prongs of the test for natural born status.

12. All the evidence showed that Obama is using a name, that is not legally his, and is using forged and fraudulently obtained identification papers. He does not possess any valid identification papers, which would show him to be a natural born US citizen, wherefore he cannot be legally on the ballot .

13. New Hampshire RSA 665:7 states

"Filing Disputes. The ballot law commission shall hear and determine disputes arising over whether nomination papers or declarations of candidacy filed with the secretary of state conform with the law".(emphasis added). Supreme law of the land is the US Constitution. Article 1, section 2, §4 states that the US President has to be a natural bon citizen. This is a requirement of NH RSA 655-17b, as quoted previously. Commission had an obligation to verify, that the application conforms with the law, with the US Constitution and specific constitutional requirement of the candidate being a natural born citizen.

665-9 Name on Ballot Disputes



The ballot law commission shall hear and determine all disputes arising over the form of his or her name which a candidate designates to be printed on the state primary and state general election ballot, as provided in RSA 655:14-b. As stated, Obama used different last names before, and there is no evidence to show, that the name, that he used on the application, is his legal name.

Previously Gardner and the Commission removed multiple candidates from the ballot due to lack of eligibility according to law. (Exhibit 5, 6). As a matter of fact, during the previous Presidential election a candidate Sal Mohamed was removed from the ballot for this very reason, as not a natural born citizen, Deputy Secretary of State David Scanlan gave interviews to media, bragging about the fact, that a candidate was removed from the ballot as not being a natural born U.S. citizen.

14. In regards to the current challenge to Obama, both Gardner and the Commission were totally derelict in performing their duties, acted with unprecedented malice and refused to address any of the evidence contained in the 85 page complaint, which showed that Obama is not a natural born citizen and cannot be on the ballot.

15. The Commission claimed, that the only thing they do, is making sure that the candidate filed out the form correctly and paid the \$1000 fee and that they do not do any other verification. Clearly members of the commission were defrauding the public, as the precedents show, that they repeatedly investigated the facts and made sure that the candidates can be on the ballot according to law, which includes the Constitution of the United States of America, which is the supreme law of the land. According to the US Constitution Article 2, Section 1 the President has to be a natural born citizen.

16. Members of the Committee are precluded from giving donations to the candidates. Evidence shows at least 2 of the members: Jamison French and Martha Van Oot gave donations to the candidates. While donations given by Van Oot, could've been given prior to her becoming a committee member, as an attorney and an officer of the court, she had an ethical obligation to withdraw from the commission, as she repeatedly donated to Obama, to his presidential campaign, and his eligibility was considered. Van Oot not only did not withdraw, but she was the one who proposed to confirm the decision by Gardner to put Obama on the ballot without any evidence of the natural born citizen status with a name not legally his.

17. Members of the commission were supposed to be selected in a balanced fashion. Governor, President of the Senate and the Speaker of the House propose members of the committee evenly according to parties: 5 members and 5 alternates. Governor, President of the Senate and the Speaker of the House are required to propose the same numbers of Republicans and Democrats, so there have to be 5 Republicans and 5 Democrats on the committee. If a member is unavailable, one of the same qualifications has to be brought from the pool of alternates, meaning, when a Republican permanent member is unavailable, a Republican alternate was supposed to be brought. This was not done.

Source: [http://www.sos.nh.gov/redbook/second\\_section.htm](http://www.sos.nh.gov/redbook/second_section.htm) (search page for the word "ballot")

Source: [http://www.sos.nh.gov/redbook/second\\_section.htm](http://www.sos.nh.gov/redbook/second_section.htm) (search page for the word "ballot") (Exhibit 7)

The panel of 5 Commissioners were:

BRADFORD E. COOK, r, Manchester

JANE CLEMONS, d, Nashua

MARTHA VAN OOT, d, Concord

JAMESON S. FRENCH, r, Portsmouth

MARGARET-ANN MORAN, d, Hillsborough

So, first of all, there are ONLY (3) Core members and (3) alternates for the whole commission. This shows, that there is no lawful 10 member commission to begin with and the decisions made by a commission, which was not lawfully comprised of 10 members is not lawful. For the Core commission, you have the (R) appointed by the Speaker, you have the (D) appointed by the Speaker and you have the (D) appointed by the Senate President. The (R) Senate President appointment resigned and you have the Vacancy for the Governor appointment. Alternate Jameson French moves into the Governor appointed vacancy spot because he, too, was appointed by the Governor to be the alternate, to fill in if the original isn't available or has resigned. However his presence on the commission appear to be achieved by virtue of fraud. French claims to be a Republican, however a history of his donations shows him to be a Democrat, donating predominantly to Democrats all over the nation, which disqualifies his vote as a vote of a candidate sitted on the commission by fraud. You then need to fill the spot of Sheila Roberge who is a Republican and the law clearly states: Section 665:2 Alternate Member “There shall be 5 members present in person at all meetings. In case any member of the commission is absent from any meeting

or unable to perform his or her duties or disqualifies himself or herself as commissioner, an alternate member who shall have the same qualifications as those of the commissioner whose place he or she is temporarily filling shall perform the duties of the commissioner.”

As Roberge is a Republican, her seat at the hearing was supposed to be filled by a fellow Republican. This was not done, Roberge was replaced by yet another Democrat Moran. Considering that the legislature of the state of New Hampshire is 3/4 Republican, one would expect 3-2 division on the committee, with 3 Republicans and 2 Democrats, which would reflect the contingency of the predominantly Republican body of the House and Senate. This did not happen. The Committee had at least 4 Democrats: Van Oot, Clemons and Moran, declared Democrats and a de facto Democrat French, claiming to be a Republican. The list of 5 members and 5 alternates was stacked and manipulated in order to have at least 4 Democrats, who would vote favorably to Obama.

One can see a clear pattern of manipulation and fraud. The respondents defrauded the citizens of the state of New Hampshire and the United States of America, by claiming, that they had jurisdiction of reviewing only that the form had to be simply filled out and a check paid,

while in fact they knew that they had a duty to verify, that the candidate is eligible according to law, that he is a natural born citizen. Members of the committee were chosen in a manner that would benefit the candidate and disfavor the concerns of the citizens and state representatives, who brought the challenge. Members of the committee were giving donations to campaigns in violation of the standing rule, prohibiting such donations. Member of the commission, attorney Van Oot egregiously violated rules of professional ethics and did not recuse herself from the hearing, when she knew that she repeatedly donated to the campaign of the candidate, whose eligibility for the office was determined.

Just as during Watergate high ranking officials and attorneys were complicit, now, during ObamaFraudGate and ObamaForgeryGate, high ranking officials and attorneys of the state of New Hampshire are complicit in aiding and abetting elections fraud, that is the most egregious one in human history, as well as engaging in misprision of forgery and Social Security fraud. Petitioners are hopeful, that the Supreme Court of New Hampshire will not be complicit in the above enumerated felonies.

18. The fact that Respondents refused to consider any law and any facts and claimed that they check only whether the Candidate declaration

was filled out and check paid, shows that there was no substantial committee hearing at all, as no facts or law were considered and the decision is not lawful.

### REQUEST FOR CLASS ACTION CERTIFICATION

Multiple individuals from all over the nation sent letters and faxes to the Ballot Law commission and the Secretary of State of New Hampshire, seeking to join in ballot challenge/complaint, filed by attorney Orly Taitz, lead plaintiff in this action. Many of those individuals are members of the U.S. military and veterans, who feel that their unalienable civil and constitutional right to lawful election was violated by the corruption of the Respondents and Respondents' actions in knowingly and maliciously placing on the ballot for the position of the U.S. President, an individual who is not a natural born citizen, as required by the constitution, and who does not even possess valid identification papers to prove his citizenship. Named plaintiffs, many of whom, are duly elected state representatives, can adequately represent the class of citizens, affected by the decision of the Respondents.

Plaintiffs' claims are typical for the class.

Plaintiffs can adequately represent the class, as their interests do not conflict with interests of the class they seek to represent and the interests of the members of the class will be adequately represented.

Prosecution of multiple individual complaints will not be economically feasible and in the interest of judicial economy class action would be preferable and it will prevent inconsistent rulings.

The plaintiffs are asking this court to use its' inherent power to certify this case as a class action and grant the lead plaintiff, a licensed out of state attorney, pro hac vice certification to conduct this case as a class action.

### CONCLUSION

1. Petitioners are seeking a finding that the Respondents were derelict in their duties and did not consider any facts or law in ascertaining the status of Obama. Due to Respondent's failure to fulfill their duties, and verify that candidate Obama is eligible according to law, the November 18 decision by the committee needs to be set aside and/or overturned.

2. The Committee was not lawful, total number of permanent members was only 6 instead of required 10 members, as some of the members donated to



the candidates' campaigns in violation of committee guidelines and combination of committee members and alternates was unlawfully manipulated in order to benefit the candidate, who was the subject of the petition. As committee was not lawfully assembled, it's decision is not lawful.

3. Candidate Obama cannot be placed on the ballot in the state of New Hampshire, as he signed his declaration of candidacy under a name, which is not legally his.

4. Candidate Obama cannot be placed as a candidate on the ballot, as he does not possess any valid US identification papers to show that he is a natural born citizen.

5. Attorneys Van Oot, Moran and Cook need to be disciplined by the Supreme Court disciplinary division for violating their oath of office and being derelict in not following their duties of vetting the candidate Obama according to law and established precedents.

6. Attorney Van Oot needs to be disciplined for violating the rules of professional ethics and sitting on a committee, which is supposed to verify

eligibility of a candidate according to law, when she repeatedly donated to this very candidate and his campaign.

7. Petitioners are asking this honorable court to use its' inherent powers to appoint a special prosecutor to investigate, if criminal charges should be brought against the respondents.

Respectfully submitted,

/s/ Dr. Orly Taitz, ESQ

/s/ Larry Rappaport-duly elected state representative state of New Hampshire

/s/ Harry Accornero-duly elected state representative state of New Hampshire

/s/ Lucien Vita -duly elected state representative state of New Hampshire

/s/ Carol Vita-duly elected state representative state of New Hampshire

/s/ Moe Villeneuve-duly elected state representative state of New Hampshire

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/s/ Cody Judy-Presidential Candidate, running in the Democrat primary,  
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cc Congressman Gregg Harper (R-MS)

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