

No. 18-_____

In the
Supreme Court of the United States

BRANDI K STOKES,

Petitioner,

—v—

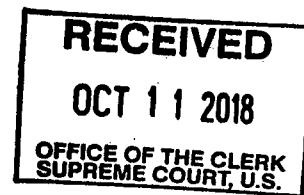
UNITED STATES OF AMERICA,

Respondent.

On Petition for Writ of Certiorari to the
United States Court of Appeals for the Fifth Circuit

PETITION FOR WRIT OF CERTIORARI

BRANDI K STOKES
PETITIONER PRO SE
P.O. BOX 301916
AUSTIN, TX 78703
(512) 206-0202
BRANDI.STOKES@GMAIL.COM
BRANDIKSTOKES.ORG



QUESTIONS PRESENTED

- 1** Whether the United States has sovereign immunity for claims involving grave breaches of the Geneva Conventions.
- 2** Whether the United States has jurisdiction over claims involving grave breaches of the Geneva Conventions.
- 3** Whether the United States may diminish rights or duties established by the Geneva Conventions through case law or statute.

TABLE OF CONTENTS

	Page
QUESTIONS PRESENTED	i
TABLE OF CONTENTS	ii
TABLE OF AUTHORITIES	iii
PETITION FOR WRIT OF CERTIORARI	vi
OPINIONS BELOW	vi
JURISDICTION	vi
CONSTITUTIONS, TREATIES, AND STATUTES ..	vii
STATEMENT OF THE CASE	1
REASONS FOR GRANTING THE PETITION	4
DECISIONS OF THE LOWER AND TRIAL COURTS CONFLICT WITH CLEAR AND ENFORCABLE PROVISIONS OF THE GENEVA CONVENTIONS	
A. The United States has waived sovereign immunity for grave breaches of the Geneva Conventions	6
B. The United States has concurrent jurisdiction over claims involving grave breaches of the Geneva Conventions with each of the High Contracting Parties	7
C. The United States has no ability to diminish rights or duties established by the Geneva Conventions through case law or statute	7
CONCLUSION	8

APPENDIX TABLE OF CONTENTS

Opinion of the Court of Appeals	1a
Judgment of the Court of Appeals	2a
Order of the Trial Court	3a
Judgment of the Trial Court	9a

TABLE OF AUTHORITIES

	Page
CONSTITUTIONAL PROVISIONS	
U.S. Const. art. II, § 2, cl. 2	2
U.S. Const. art. VI, cl. 2	6, 8
TREATY PROVISIONS	
Geneva Convention (I) for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field, art. 49, Aug. 12, 1949, 6 U.S.T. 3114	7
Geneva Convention (I) for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field, art. 50, Aug. 12, 1949, 6 U.S.T. 3114	6
Geneva Convention (I) for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field, art. 51, Aug. 12, 1949, 6 U.S.T. 3114	6
Geneva Convention (I) for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field, art. 63, Aug. 12, 1949, 6 U.S.T. 3114	7
Geneva Convention (II) for the Amelioration of the Condition of Wounded, Sick and Shipwrecked Members of Armed Forces at Sea, art. 50, Aug. 12, 1949, 6 U.S.T. 3217	7

TABLE OF AUTHORITIES – Continued

	Page
TREATY PROVISIONS – Continued	
Geneva Convention (II) for the Amelioration of the Condition of Wounded, Sick and Shipwrecked Members of Armed Forces at Sea art. 51, Aug. 12, 1949, 6 U.S.T. 3217	6
Geneva Convention (II) for the Amelioration of the Condition of Wounded, Sick and Shipwrecked Members of Armed Forces at Sea art. 52, Aug. 12, 1949, 6 U.S.T. 3217	6
Geneva Convention (II) for the Amelioration of the Condition of Wounded, Sick and Shipwrecked Members of Armed Forces at Sea art. 62, Aug. 12, 1949, 6 U.S.T. 3217	7
Geneva Convention (III) Relative to the Treatment of Prisoners of War, art. 3, Aug. 12, 1949, 6 U.S.T. 3316	2
Geneva Convention (III) Relative to the Treatment of Prisoners of War, art. 129, Aug. 12, 1949, 6 U.S.T. 3316	7
Geneva Convention (III) Relative to the Treatment of Prisoners of War, art. 130, Aug. 12, 1949, 6 U.S.T. 3316	6

TABLE OF AUTHORITIES – Continued

	Page
TREATY PROVISIONS – Continued	
Geneva Convention (III) Relative to the Treatment of Prisoners of War, art. 131, Aug. 12, 1949, 6 U.S.T. 3316	6
Geneva Convention (III) Relative to the Treatment of Prisoners of War, art. 142, Aug. 12, 1949, 6 U.S.T. 3316	7
Geneva Convention (IV) Relative to the Protection of Civilian Persons in Time of War, art. 146, Aug. 12, 1949, 6 U.S.T. 3516	7
Geneva Convention (IV) Relative to the Protection of Civilian Persons in Time of War, art. 147, Aug. 12, 1949, 6 U.S.T. 3516	6
Geneva Convention (IV) Relative to the Protection of Civilian Persons in Time of War, art. 148, Aug. 12, 1949, 6 U.S.T. 3516	6
Geneva Convention (IV) Relative to the Protection of Civilian Persons in Time of War, art. 158, Aug. 12, 1949, 6 U.S.T. 3516	7
STATUTORY PROVISION	
28 U.S.C. § 1331	3
SENATE REPORT	
S.Exec. Rep. No. 84-9 (1955)	5, 6



PETITION FOR WRIT OF CERTIORARI

Brandi K Stokes petitions for a writ of certiorari for review of the opinions, orders, and judgments of the Lower and Trial Courts.



OPINIONS BELOW

The unpublished opinion and judgment of the United States Court of Appeals for the Fifth Circuit are provided in the Appendix at App.1a-2a. The opinion of the United States Court of Appeals for the Fifth Circuit may be cited as *Stokes v. Corsbie et al.*, No. 18-50093, EFC No. 00514589768 (5th Cir. Aug. 7, 2018).

The unpublished order and judgment of the Western District of Texas Austin Division are provided in the Appendix at App. 3a-9a. The order of the Western District of Texas Austin Division may be cited as *Stokes v. Corsbie et al.*, No. 1:17-CV-115-RP, EFC No. 33 (W.D. Tex. Dec. 11, 2017).



JURISDICTION

The opinion and judgment of the United States Court of Appeals for the Fifth Circuit were filed on August 7, 2018. App. 1a-2a. This Court's jurisdiction is invoked under 28 U.S.C. § 1254(1).



Each High Contracting Party shall take measures necessary for the suppression of all acts contrary to the provisions of the present Convention other than the grave breaches defined in the following Article.

In all circumstances, the accused persons shall benefit by safeguards of proper trial and defence, which shall not be less favourable than those provided by Article 105 and those following of the Geneva Convention relative to the Treatment of Prisoners of War of August 12, 1949.

Geneva Convention (I) for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field, art. 50, Aug. 12, 1949, 6 U.S.T. 3114 [hereinafter Geneva Convention I, art. 50]

Grave breaches to which the preceding Article relates shall be those involving any of the following acts, if committed against persons or property protected by the Convention: wilful killing, torture or inhuman treatment, including biological experiments, wilfully causing great suffering or serious injury to body or health, and extensive destruction and appropriation of property, not justified by military necessity and carried out unlawfully and wantonly.

Geneva Convention (I) for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field, art. 51, Aug. 12, 1949, 6 U.S.T. 3114 [hereinafter Geneva Convention I, art. 51]

No High Contracting Party shall be allowed to absolve itself or any other High Contracting Party of any liability incurred by itself or by another High Contracting Party in respect of breaches referred to in the preceding Article.

be committed, any of the grave breaches of the present Convention defined in the following Article.

Each High Contracting Party shall be under the obligation to search for persons alleged to have committed, or to have ordered to be committed, such grave breaches, and shall bring such persons, regardless of their nationality, before its own courts. It may also, if it prefers, and in accordance with the provisions of its own legislation, hand such persons over for trial to another High Contracting Party concerned, provided such High Contracting Party has made out a *prima facie* case.

Each High Contracting Party shall take measures necessary for the suppression of all acts contrary to the provisions of the present Convention other than the grave breaches defined in the following Article.

In all circumstances, the accused persons shall benefit by safeguards of proper trial and defence, which shall not be less favourable than those provided by Article 105 and those following of the Geneva Convention relative to the Treatment of Prisoners of War of August 12, 1949.

Geneva Convention (II) for the Amelioration of the Condition of Wounded, Sick and Shipwrecked Members of Armed Forces at Sea, art. 51, Aug. 12, 1949, 6 U.S.T. 3217 [hereinafter Geneva Convention II, art. 51]

Grave breaches to which the preceding Article relates shall be those involving any of the following acts, if committed against persons or property protected by the Convention: wilful killing, torture or inhuman treatment, including biological experiments, wilfully causing great suffering or serious injury to body or health, and extensive destruction and

shall remain bound to fulfil by virtue of the principles of the law of nations, as they result from the usages established among civilized peoples, from the laws of humanity and the dictates of the public conscience.

Geneva Convention (III) Relative to the Treatment of Prisoners of War, art. 3, Aug. 12, 1949, 6 U.S.T. 3316 [hereinafter Geneva Convention III, art. 3]

In the case of armed conflict not of an international character occurring in the territory of one of the High Contracting Parties, each Party to the conflict shall be bound to apply, as a minimum, the following provisions:

(1) Persons taking no active part in the hostilities, including members of armed forces who have laid down their arms and those placed 'hors de combat' by sickness, wounds, detention, or any other cause, shall in all circumstances be treated humanely, without any adverse distinction founded on race, colour, religion or faith, sex, birth or wealth, or any other similar criteria. To this end, the following acts are and shall remain prohibited at any time and in any place whatsoever with respect to the above-mentioned persons:

(a) violence to life and person, in particular murder of all kinds, mutilation, cruel treatment and torture;

(b) taking of hostages;

(c) outrages upon personal dignity, in particular humiliating and degrading treatment;

(d) the passing of sentences and the carrying out of executions without previous judgment pronounced by a regularly constituted court, affording all the judicial guarantees which are recognized as indispensable by civilized peoples.

(2) The wounded and sick shall be collected and cared for.

An impartial humanitarian body, such as the International Committee of the Red Cross, may offer its services to the Parties to the conflict. The Parties to the conflict should further endeavour to bring into force, by means of special agreements, all or part of the other provisions of the present Convention. The application of the preceding provisions shall not affect the legal status of the Parties to the conflict.

Geneva Convention (III) Relative to the Treatment of Prisoners of War, art. 129, Aug. 12, 1949, 6 U.S.T. 3316 [hereinafter Geneva Convention III, art. 129]

The High Contracting Parties undertake to enact any legislation necessary to provide effective penal sanctions for persons committing, or ordering to be committed, any of the grave breaches of the present Convention defined in the following Article.

Each High Contracting Party shall be under the obligation to search for persons alleged to have committed, or to have ordered to be committed, such grave breaches, and shall bring such persons, regardless of their nationality, before its own courts. It may also, if it prefers, and in accordance with the provisions of its own legislation, hand such persons over for trial to another High Contracting Party concerned, provided such High Contracting Party has made out a *prima facie* case.

Each High Contracting Party shall take measures necessary for the suppression of all acts contrary to the provisions of the present Convention other than the grave breaches defined in the following Article.

In all circumstances, the accused persons shall benefit by safeguards of proper trial and defence, which

shall not be less favourable than those provided by Article 105 and those following of the present Convention.

Geneva Convention (III) Relative to the Treatment of Prisoners of War, art. 130, Aug. 12, 1949, 6 U.S.T. 3316 [hereinafter Geneva Convention III, art. 130]

Grave breaches to which the preceding Article relates shall be those involving any of the following acts, if committed against persons or property protected by the Convention: wilful killing, torture or inhuman treatment, including biological experiments, wilfully causing great suffering or serious injury to body or health, compelling a prisoner of war to serve in the forces of the hostile Power, or wilfully depriving a prisoner of war of the rights of fair and regular trial prescribed in this Convention.

Geneva Convention (III) Relative to the Treatment of Prisoners of War, art. 131, Aug. 12, 1949, 6 U.S.T. 3316 [hereinafter Geneva Convention III, art. 131]

No High Contracting Party shall be allowed to absolve itself or any other High Contracting Party of any liability incurred by itself or by another High Contracting Party in respect of breaches referred to in the preceding Article.

Geneva Convention (III) Relative to the Treatment of Prisoners of War, art. 142, Aug. 12, 1949, 6 U.S.T. 3316 [hereinafter Geneva Convention III, art. 142]

Each of the High Contracting Parties shall be at liberty to denounce the present Convention.

The denunciation shall be notified in writing to the Swiss Federal Council, which shall transmit it to the Governments of all the High Contracting Parties.

The denunciation shall take effect one year after the notification thereof has been made to the Swiss Federal Council. However, a denunciation of which notification has been made at a time when the denouncing Power is involved in a conflict shall not take effect until peace has been concluded, and until after operations connected with the release and repatriation of the persons protected by the present Convention have been terminated.

The denunciation shall have effect only in respect of the denouncing Power. It shall in no way impair the obligations which the Parties to the conflict shall remain bound to fulfil by virtue of the principles of the law of nations, as they result from the usages established among civilized peoples, from the laws of humanity and the dictates of the public conscience.

Geneva Convention (IV) Relative to the Protection of Civilian Persons in Time of War, art. 146, Aug. 12, 1949, 6 U.S.T. 3516 [hereinafter Geneva Convention IV, art. 146]

The High Contracting Parties undertake to enact any legislation necessary to provide effective penal sanctions for persons committing, or ordering to be committed, any of the grave breaches of the present Convention defined in the following Article.

Each High Contracting Party shall be under the obligation to search for persons alleged to have committed, or to have ordered to be committed, such grave breaches, and shall bring such persons, regardless of their nationality, before its own courts. It may also, if it prefers, and in accordance with the provisions of its own legislation, hand such persons over for trial to another High Contracting Party concerned, provided such High Contracting Party has made out a 'prima facie' case.

Each High Contracting Party shall take measures necessary for the suppression of all acts contrary to the provisions of the present Convention other than the grave breaches defined in the following Article.

In all circumstances, the accused persons shall benefit by safeguards of proper trial and defence, which shall not be less favourable than those provided by Article 105 and those following of the Geneva Convention relative to the Treatment of Prisoners of War of August 12, 1949.

Geneva Convention (IV) Relative to the Protection of Civilian Persons in Time of War, art. 147, Aug. 12, 1949, 6 U.S.T. 3516 [hereinafter Geneva Convention IV, art. 147]

Grave breaches to which the preceding Article relates shall be those involving any of the following acts, if committed against persons or property protected by the present Convention: wilful killing, torture or inhuman treatment, including biological experiments, wilfully causing great suffering or serious injury to body or health, unlawful deportation or transfer or unlawful confinement of a protected person, compelling a protected person to serve in the forces of a hostile Power, or wilfully depriving a protected person of the rights of fair and regular trial prescribed in the present Convention, taking of hostages and extensive destruction and appropriation of property, not justified by military necessity and carried out unlawfully and wantonly.

Geneva Convention (IV) Relative to the Protection of Civilian Persons in Time of War, art. 148, Aug. 12, 1949, 6 U.S.T. 3516. War [hereinafter Geneva Convention IV, art. 148]

No High Contracting Party shall be allowed to absolve itself or any other High Contracting Party of any liability incurred by itself or by another High Contracting Party in respect of breaches referred to in the preceding Article

Geneva Convention (IV) Relative to the Protection of Civilian Persons in Time of War, art. 158, Aug. 12, 1949, 6 U.S.T. 3516 [hereinafter Geneva Convention IV, art. 158]

Each of the High Contracting Parties shall be at liberty to denounce the present Convention.

The denunciation shall be notified in writing to the Swiss Federal Council, which shall transmit it to the Governments of all the High Contracting Parties.

The denunciation shall take effect one year after the notification thereof has been made to the Swiss Federal Council. However, a denunciation of which notification has been made at a time when the denouncing Power is involved in a conflict shall not take effect until peace has been concluded, and until after operations connected with the release, repatriation and reestablishment of the persons protected by the present Convention have been terminated.

The denunciation shall have effect only in respect of the denouncing Power. It shall in no way impair the obligations which the Parties to the conflict shall remain bound to fulfil by virtue of the principles of the law of nations, as they result from the usages established among civilized peoples, from the laws of humanity and the dictates of the public conscience.



STATEMENT OF THE CASE

The history of this case is complex and involves a significant amount of criminal misconduct that remains unmediated at the time of the filing of this Petition. While such complexities have the potential to serve as a distraction, the instant appeal concerns three narrow points of error to which the following factual and procedural history are relevant.

A. Trial Court Proceedings in the Western District of Texas Austin Division

On February 17, 2017, Petitioner filed a “Notice of Removal” in the district court that included a “Notice of Entitlement to Geneva Conventions Protection” that expressly requested “Geneva Conventions protection to the fullest extent of the law” and that pled facts sufficient to put the United States on notice that the claims at issue allege grave breaches of the Geneva Conventions.¹ On March 10, 2017, Petitioner further filed a “Plaintiff’s Amended Complaint” that provided additional information regarding significant human rights violations initiated by employees of the United States and that pled facts sufficient to put the United States on notice that the claims at issue specifically

¹ Notice of Entitlement to Geneva Conventions Protection; Notice of Removal for Travis Cty Cause No. D-1-FM-10-003078; Notice of Removal for Travis Cty Cause No. D-1-FM-16-005347; and Motion to Seal Pursuant to National Security Case Management, EFC No. 2, at 3-5 and 11-17 (“Plaintiff...has been systematically and pervasively harassed with fabricated mental health information and false allegations... Plaintiff...has been systematically and maliciously tortured both physically and psychologically... Plaintiff has been maliciously subjected to cruel treatment, torture, outrages upon dignity, and humiliating and degrading treatment.”).

allege grave breaches of art. 3 of the Geneva Convention Relative to the Treatment of Prisoners of War.² On May 15, 2017, the United States filed a “Defendant’s Motion to Dismiss” that advanced a number of arguments demonstrating bad faith, including an argument that the district court lacked jurisdiction because Petitioner had not identified a valid waiver of sovereign immunity for her Geneva Conventions claims.³ On May 24, 2017, Petitioner filed a “Plaintiff’s Response to Defendant’s Motion to Dismiss” that pointed out, among other things, 1) that Petitioner had invoked Article 3 of the Geneva Conventions Relative to the Treatment of Prisoners of War to supplement the Court’s ability to use any means necessary to protect her human and civil rights, 2) that Article 3 of the Geneva Conventions is an international treaty negotiated and ratified pursuant to U.S. Const. art. II, § 2, cl. 2, and 3) that the district court had jurisdiction over Geneva Conventions claims pursuant

² Plaintiff’s Amended Complaint, EFC No. 7, at 4-6 (“In January of 2006, Plaintiff was wrongfully diagnosed with a mental health problem and placed under the care of an Egyptian born, Cairo educated psychiatrist over Plaintiff’s objection. Under the care of this psychiatrist and in less than six months, Plaintiff went from being a respected and productive member of society to having her life, childhood, family history, and mental health status trashed out by several VA employees working in concert under the direction of this foreign-born psychiatrist. Plaintiff further suffered physical and psychological torture as a result of the conduct of these employees through unnecessary psychotropic doping and untreated gallbladder disease, a very painful condition.”); *see also* Plaintiff’s Amended Complaint, Ex. E, EFC No. 7-1, at 1-3.

³ Defendant’s Motion to Dismiss, EFC No. 24, at 6 (“Plaintiff has not identified any waiver of the government’s sovereign immunity for suits under the Geneva Convention.”).

to 28 U.S. Code § 1331.⁴ Petitioner additionally included with her response an affidavit providing testimony “Concerning Multiple Attempts to Solicit Classified Information” to further demonstrate the nature of her claims.⁵ On May 31, 2017, the United States filed a “Defendant’s Reply in Support of Motion to Dismiss” that cited a handful of cases purporting to extinguish the Geneva Conventions as a source of right in any court of the United States in a suit where the United States is a party and further claimed that Petitioner had failed to meet her burden of proof regarding jurisdiction by not identifying any case where a federal court has found that sovereign immunity is waived for Geneva Conventions claims.⁶ On December 11, 2017, the district court granted the “Defendant’s Motion to Dismiss” filed by the United States concluding in a footnote that Petitioner had not shown any authority to support the suggestion that Congress has waived sovereign immunity for claims arising under the Geneva Conventions.⁷

⁴ Plaintiff’s Response to Defendant’s Motion to Dismiss, EFC No. 27, at 7-8.

⁵ Affidavit of Brandi K Stokes Concerning Multiple Attempts to Solicit Classified Information, Ex. A, EFC No. 27, at 1-3.

⁶ Defendant’s Reply in Support of Motion to Dismiss, EFC No. 30, at 4-5 (“[C]ourts have held that the Geneva Convention may not be involved ‘as a source of rights in any court of the United States’ in a suit where the United States is a party... Plaintiff has not identified any case where a federal court has found that the Geneva Conventions waives the government’s sovereign immunity from suit... Plaintiff has the burden of proving that the Court has jurisdiction over her suit...”).

⁷ App. 5a, n1 (“Finally, Plaintiff has not shown any authority to support the suggestion that Congress has waived sovereign immunity for claims arising under the Geneva Conventions.”).

B. Lower Court Proceedings in the Court of Appeals for the Fifth Circuit

On appeal in the Court of the Appeal for the Fifth Circuit, Petitioner urged the lower court to acknowledge that ratification of the Geneva Conventions pursuant to the Treaty Clause of the United States Constitution sufficiently waived any defense of sovereign immunity by the United States for grave breaches of the Geneva Conventions and that any subsequent case law or statutory provision purporting to impede enforcement of the Geneva Conventions or purporting to diminish rights established thereunder in respect of grave breaches is in direct conflict with clear and enforceable provisions of the ratified treaties.⁸

Unconvinced, the lower court affirmed the judgment of the trial court with a generic finding that the court was lacking any jurisdiction to entertain claims against the United States.⁹



REASONS FOR GRANTING THE PETITION

**DECISIONS OF THE LOWER AND TRIAL COURTS
CONFLICT WITH CLEAR AND ENFORCABLE PROVISIONS
OF THE GENEVA CONVENTIONS.**

The Senate Report accompanying ratification of the Geneva Conventions demonstrates that treaty enforcement was clearly contemplated during the negotiation and ratification process and that the

⁸ Brief for Appellant, EFC No.00514413552, at 10-13.

⁹ App. 1a.

binding nature of the enforcement provisions at issue was well understood at the time that the Geneva Conventions were ratified by the United States.¹⁰ For example, the report stated that “[e]ach of the four conventions contains certain general provisions which deal with its application and the mechanics of its enforcement.”¹¹ The report went on to emphasize 1) that language preserving sovereign immunity was “roundly rejected” during the negotiation proceedings, 2) that future agreements cannot diminish or prejudice the rights established in the conventions, and 3) that persons protected by the conventions may not renounce any of the rights secured to them.¹² To further emphasize the binding and enforceable nature of the treaties, the report included information pertaining to provisions that bind the United States 1) to enact legislation necessary to provide effective penal sanctions for persons committing violations of the convention enumerated as grave breaches, 2) to accept an obligation to search for persons alleged to be responsible for the commission of breaches of the convention, and 3) to accept an obligation to try persons committing violations before United States courts regardless of their nationality.¹³ At one point during its analysis of enforceability of a particular provision, the report went so far as to bluntly state that “once the treaty is ratified, the United States will have assumed an international obligation...to give effect to its injunctions.”¹⁴ As such, the United States ratified the Geneva Conventions with full awareness of the binding

¹⁰ S. Exec. Rep. No. 84-9, at 5-7 (1955).

¹¹ *Id.* at 5.

¹² *Id.* at 6.

¹³ *Id.* at 6-7.

¹⁴ *Id.* at 25.

nature of the agreements and the enforceability of the injunctions contained therein, including the duties and rights at issue in this case.

A. The United States has waived sovereign immunity for grave breaches of the Geneva Conventions.

All four of the Geneva Conventions as ratified by the United States expressly provide that “[n]o High Contracting Party shall be allowed to absolve itself or any other High Contracting Party of any liability incurred by itself or by another High Contracting Party in respect of [grave breaches].”¹⁵ These identical provisions as set forth in each of the four ratified treaties could not be any clearer.¹⁶ The United States has no power or authority to raise a sovereign immunity defense as a mechanism to absolve itself or another High Contracting Party of any liability incurred for grave breaches.¹⁷

¹⁵ Geneva Convention I, art. 51; Geneva Convention II, art. 52; Geneva Convention III, art. 131; Geneva Convention IV, art. 148; *see also* Geneva Convention I, art. 50; Geneva Convention II, art. 51; Geneva Convention III, art. 130; Geneva Convention IV, art. 147.

¹⁶ *Id.*

¹⁷ Geneva Convention I, art. 51; Geneva Convention II, art. 52; Geneva Convention III, art. 131; Geneva Convention IV, art. 148; S. Exec. Rep. No. 84-9, at 25 (1955) (“...once the treaty is ratified, the United States will have assumed an international obligation...to give effect to its injunctions.”); *see also* U.S. Const. art. VI, cl. 2 (“...all Treaties made, or which shall be made, under the Authority of the United States, shall be the supreme Law of the Land...”).

during a conflict.²¹ As such, any case law or statutory provision purporting to provide a mechanism, such as sovereign immunity, that impedes the enforcement of the Geneva Conventions or diminishes any rights or duties established thereunder with respect of grave breaches, including universal jurisdiction, without compliance with the denunciation procedures is in direct conflict with clear and enforceable provisions of the ratified treaties and may not be given effect unless and until compliance with the denunciation procedures is complete.²²



CONCLUSION

For the foregoing reasons, this petition should be GRANTED.

Respectfully submitted,

BRANDI K STOKES
PETITIONER PRO SE
PO BOX 301916
AUSTIN, TX 78703
(512) 206-0202
BRANDI.STOKES@GMAIL.COM
BRANDIKSTOKES.ORG

SEPTEMBER 2018

²¹ *Id.*

²² U.S. Const. art. VI, cl. 2 (“...all Treaties made, or which shall be made, under the Authority of the United States, shall be the supreme Law of the Land...”).