

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

OFFICE OF FOREIGN ASSETS CONTROL,)	
UNITED STATES DEPARTMENT OF)	
THE TREASURY,)	
)	
Plaintiff,)	Case No. 03-CV-1356 (JDB)
)	
v.)	
)	
VOICES IN THE WILDERNESS,)	
)	
Defendant.)	
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ANSWER AND COUNTERCLAIM

Starting in 1990, the United States began a program of comprehensive trade, economic, travel, military and cultural sanctions against the people of Iraq. Acting jointly with other entities, including the United Nations Security Council (in violation of the U.N. Charter), the sanctions against the people of Iraq were unprecedented in the coordination, scope and maintenance of the sanctions regime, which caused widespread death, disease, injury and destruction to a significant part of the Iraqi civilian population.

UNICEF reported on April 30, 1998 that "Economic sanctions on Iraq over the past seven years have had a devastating effect on the majority of the Iraqi people, particularly children...Over half of the children are dying from malnutrition, never a problem before sanctions." Estimates range from 500,000 to 1.5 million Iraqi children died as a consequence of sanctions.

The creation of these conditions of adversity and certain widespread civilian death were deliberately inflicted upon the children and innocent people of Iraq in order to achieve perceived

policy objections related to the government of Iraq. The sanctions regime deliberately inflicted upon the Iraqi *civilian population* conditions of life calculated to bring about its physical destruction in whole or in part, ostensibly to punish the Iraqi *government* for violations of international law or to create coercive or destabilizing pressure upon the government of Iraq to comply with certain directives.

Genocide, however, is never a lawful option for advancing policy objectives.

The Convention on the Prevention and Punishment of the Crime of Genocide, executed in 1948, and ratified by the United States, and which carries the binding force of the law of nations, prohibits genocide or complicity in genocide.¹

Part and parcel of the sanctions regime was the enactment of certain “licensing” or highly restricted exemptions or processes to license transport of limited materials into Iraq. These licensing provisions were enacted in anticipation of or response to international outcry at the overt lethal effects of sanctions, in order to mitigate adverse political consequence that could undermine this program of deliberate death, disease and destruction. These licensing provisions were wholly insufficient to offset the humanitarian crisis caused by the sanctions, and as part of the sanctions regime were not designed to have the effect of ameliorating the ongoing humanitarian crises, which was a purpose of the sanctions regime. They, in fact, served to further and maintain the ongoing sanctions program, which deliberately inflicted on the Iraqi civilian

¹ “In the present Convention, genocide means any of the following acts committed with intent to destroy, in whole or in part, a national, ethnic, racial or religious group, as such:

- (a) Killing members of the group;
- (b) Causing serious bodily or mental harm to members of the group;
- (c) Deliberately inflicting upon the group conditions of life calculated to bring about its physical destruction in whole or in part . . .”

population conditions of life calculated to bring about its physical destruction, in whole or in part.

The calculated nature of this lethal program was acknowledged in 1996 by the U.S. Ambassador to the United Nations, Madeleine Albright. Leslie Stahl, correspondent for the television news show *60 Minutes*, asked the Ambassador, “We have heard that a half million children have died [in Iraq as a consequence of sanctions] . . . I mean, that's more children than dies in Hiroshima. And - and you know, is the price worth it?” The Ambassador responded on behalf of the United States government, “we think the price is worth it.”

In September, 1998, Denis Halliday, former United Nations Assistant Secretary-General and Humanitarian Coordinator in Iraq, resigned, declaring in reference to the sanctions and licensing regime, “We are in the process of destroying an entire society. It is as simple and terrifying as that. It is illegal and immoral.”

The sanctions/licensing program, in addition to violating laws against genocide, also violated other international treaties, obligations, and domestic law. Further, the regulations under which the instant enforcement action are taken, are beyond the scope of the authority granted by their authorizing statute and are, therefore, *ultra vires*.

Voices in the Wilderness has refused to be complicit in, or further in any way, the unlawful sanctions/licensing program. They have publicly disavowed the sanctions/licensing regime as unlawful, as *ultra vires*, as constituting a crime against humanity, a war crime, a crime against the peace, a violation of international law and as contrary to deeply held religious, moral and/or ethical beliefs.

ANSWER

1. Defendant denies the validity of the cited authority for the enforcement action asserted herein.
2. Jurisdiction is denied insofar as the cited regulations are *ultra vires*.
3. Admitted.
4. Admitted, defendant is an unincorporated association headquartered in Chicago.
5. No response is required insofar as the regulations speak for themselves. Defendant denies the cited legal authority has the effect or basis in law asserted by plaintiff.
6. No response is required insofar as the regulations speak for themselves. Defendant denies the cited legal authority has the effect or basis in law asserted by plaintiff.
7. No response is required insofar as the regulations speak for themselves. Defendant denies the cited legal authority has the effect or basis in law asserted by plaintiff.
8. No response is required insofar as the regulations speak for themselves. Defendant denies the cited legal authority has the effect or basis in law asserted by plaintiff.
9. No response is required insofar as the regulations speak for themselves. Defendant denies the cited legal authority has the effect or basis in law asserted by plaintiff.
10. No response is required insofar as the regulations speak for themselves. Defendant denies the cited legal authority has the effect or basis in law asserted by plaintiff.
11. Voices in the Wilderness admits it is an association, and denies the remainder.
12. Defendant admits a letter was sent to U S. Attorney General Janet Reno stating an intentions to publicly challenge the morality and legality of the economic embargo against the civilian population of Iraq and asked Ms. Reno to join with it, and that letters were

sent to others. Defendant denies the characterizations of the substance and remainder of factual allegations.

13. Defendant admits that a warning letter was sent to Ms. Kathy Kelly. Defendant admits it declared an intention to continue with the medical supplies campaign. Defendant denies the remainder.
14. Admitted that at that time, a delegation brought medical supplies to civilians in Iraq who did not have access to sufficient medicines. A delegation brought medicines for many reasons, including: religious and ethical and humanitarian concerns, the understanding that the suffering of children and sisters and brothers and mothers and fathers in other countries is just as important as the suffering of those nearby; to relieve the suffering of innocent people; to investigate the effects of the policies of government and U.N. policies; to express solidarity with the innocent people of Iraq; to exercise constitutional rights to communicate, travel and protest against unjust government actions.
15. Admitted, with the same response as in paragraph 14.
16. Admitted that no license was obtained, as there is no lawful authority for such licensing restrictions on humanitarian aid.
17. Admitted that a pre-penalty notice bearing that date was sent.
18. Admitted that a written presentation was sent and that it stated that delegation members have delivered symbolic amounts of medicine, medical supplies and (in some cases) toys, directly to public hospitals and, in some instances, to the Iraqi Red Crescent Society for distribution. Admitted that the presentation, referencing the Nuremberg Tribunal, the Hague Conventions of 1899 and 1907 on warfare and the Geneva Conventions of 1949

on humanitarian responsibilities, and other international and domestic law, and advised:

“With respect to the enforcement of this embargo, we are conscientious objectors. We will not allow a government to dictate to our conscience. We will not allow the U.S. government, in the name of democracy or national security, to order us to cooperate with a strategy designed to starve the people of Iraq, to deprive them of medicine and medical supplies, spare parts for infrastructure, pencils for school children, chlorine for water and sewage treatment, toys, employment, or any of the essentials necessary to sustain daily life.

We object to the licensing regulations which your office upholds and we, in good conscience, will not participate. We believe it is our civic responsibility to speak out against injustice and our moral and religious responsibility to act on conscience: to do justice; to feed the hungry and care for the sick. The licensing process is an obstruction of our right to exercise these civic, moral and religious duties. We will not participate in the enforcement of an embargo which uses food and medicine as a weapon, which has led to the deaths of over one million Iraqis and is a Crime Against Humanity.”

19. Admitted.
20. Admitted that Defendant sent correspondence to OFAC. Denied that the regulations are lawful.
21. Admitted that defendant maintains a web site. Denied characterization of its content.
22. Admitted. Denied that there exists legal authority to issue said fine.
23. Defendant incorporates by reference the responses to the cited numbered paragraphs.
24. Denied.
25. Defendant incorporates by reference the responses to the cited numbered paragraphs.
26. Denied.

In answering this complaint, defendant denies all allegations not specifically admitted or otherwise answered herein.

First Defense

The complaint fails to state a claim upon which relief can be granted.

Second Defense

Plaintiff's claims are barred by the illegality of the sanctions/licensure regime and this enforcement action, under international and domestic law, *jus cogens* and the law of nations, including legal standards and treaty obligations arising under the Charter of the United Nations, the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights, the Convention on the Prevention and Punishment of the Crime of Genocide, the Convention on the Rights of the Child, the international conventions signed at Geneva 12 August 1949 and their protocols, the Hague Convention IV Respecting the Laws and Customs of War on Land, the Rome Statute of the International Criminal Court, and general prohibitions against crimes against humanity, war crimes, and crimes against the peace.

Third Defense

Defendant's conduct is privileged under the principles established at the Nuremberg Tribunal which affords a person the privilege to disregard domestic law where that domestic law requires a person to violate international law. Compliance with the regulatory provisions of the sanctions program would constitute complicity with a program unlawful under international law, and therefore the decision not to comply with those obligations is privileged.

Fourth Defense

Plaintiff's claims are barred under the doctrine of selective prosecution, that authorities purposefully discriminated against Voices in the Wilderness by selecting defendant for the

instant enforcement action because defendant had exercised First Amendment rights to protest the sanctions and licensing scheme and U.S. foreign policy against Iraq. This prosecution was advanced *four years* after the defendant submitted its presentation responding to prepenalty notice. The government took no action until the Fall of 2002 when it found itself confronted by the momentum of a world wide movement and massive demonstrations in opposition to the U.S. government's drive towards war in Iraq, and Voices in the Wilderness campaign was at the forefront of that movement as an outspoken opponent of U.S. sanctions and the threat of preemptive war against Iraq.

Fifth Defense

Plaintiff's claims are barred for its failure to comply with the regulatory procedure under which this enforcement action is brought. Among other failures, upon review of the defendant's December, 1998 written presentation in response to the pre-penalty notice, the Director of OFAC was required to *promptly* issue a written notice of the imposition of a monetary penalty. 31 C.F.R. 575.704. The written notice of the imposition of a monetary penalty was issued by the Director in November, 2002, approximately four years after the submission of the written presentation.

Sixth Defense

Plaintiff's claims are barred, in whole or in part, by the statute of limitations, statutes of repose, the doctrine of laches and/or waiver.

Seventh Defense

Plaintiff's claims are barred because the regulations under which this enforcement action are taken are *ultra vires*, and beyond statutory authority. See, e.g. 50 U.S.C. 1702(a)(3)(b) ("The authority granted to the President by this section does not include the authority to regulate or prohibit, directly or indirectly, . . . donations . . . of articles, such as food, clothing, and medicine, intended to be used to relieve human suffering except to the extent that the President determines that such donations (A) would seriously impair his ability to deal with any national emergency. . . (B) are in response to coercion against the proposed recipient or donor, or (c) would endanger Armed Forces of the United States. . . "). The applicable Presidential Executive Order 12722 specifically excluded from its scope "donations of articles intended to relieve human suffering, such as food, clothing, medicine and medical supplies intended strictly for medical purposes."

Eighth Defense

Plaintiff's claims are barred under the doctrine of self-defense of others.

Ninth Defense

Plaintiff's claimed are barred pursuant to the First Amendment, Due Process Clause, the 14th & 5th Amendments to the U.S. Constitution.

Tenth Defense

Plaintiff's claims are barred pursuant to the doctrines of necessity, excuse and/or justification.

Eleventh Defense

Plaintiff's claims are barred pursuant to the doctrine of duress, that the defendant engaged in the proscribed conduct because it was compelled to do so by threat of imminent death or serious bodily injury to others.

Twelfth Defense

Plaintiff's claims are barred pursuant to the Religious Freedom Restoration Act, 42 U.S.C. 2000bb-1, prohibiting the government from placing a "substantial burden" on a persons's exercise of religion "even if the burden results from a rule of general applicability," unless the government demonstrates a "compelling governmental interest," and uses the "least restrictive means" of furthering that interest. No such showing has been made in this case.

Defendant demands a trial by jury on all issues so triable.

Counterclaim against the Government of the United States of America

1. In July, 1991, the U.N. Secretary General presented to the U.N. Security Council a report by an inter-agency mission to Iraq. The mission was headed by the Secretary General's Executive Delegate Sadruddin Aga Khan, and accurately reported and described the pre-sanctions conditions in Iraq as follows:

"As of mid-1990, Iraq was in certain respects fast approaching a standard comparable to that of some highly industrialized nations in the sectors of [humanitarian] concern to the present mission. A wide-

reaching and sophisticated health system had been put in place, capable of routinely providing services such as kidney dialysis treatment in regional hospitals. The provision of clean drinking water was the norm. . . . Sewage treatment, including a number of large and technically sophisticated plants, kept the quality of the water in the Tigris and Euphrates rivers at a reasonable level. While poverty and moderate malnutrition remained a problem in some areas, severe malnutrition, and related syndromes such as marasmus and kwashiorkor, were not major health problems. . . . Approximately 70 percent of the food needs of the country were met through imports from abroad. . . .”

2. Starting in 1990, the United States ultimately acting in concert with many other nations, including the United Nations Security Council, began a program of comprehensive trade, economic, travel, military and cultural sanctions against the people of Iraq.
3. At approximately the same time, the United States and other nations began to occupy and control areas of Iraqi territory and air-space.
4. The comprehensive nature and scope of the sanctions was unprecedented.
5. The Congressional Record reflects the affirmation that, Iraqi “Sanctions, un-precedented in their international solidarity and more massive in scope than any ever adopted in peacetime against any nation - I repeat - ever adopted against any nation, are inflicting painful costs on the Iraqi economy.” 137 Congressional Record, Proceeding and Debates of the 102d Congress, First Session (No. 6, 1991) at S162.
6. The sanctions were ostensibly to punish the Iraqi government for violations of international law and to create coercive or destabilizing pressure upon the government of Iraq to comply with certain directives.
7. As a consequence of sanctions, there was a decline in the conditions of life of ordinary Iraqi civilians, sufficiently severe as to cause widespread health injuries and death. U.N.

reports in 1993 identify “pre-famine indicators” and note the persistent deprivation, severe hunger and malnutrition for the vast majority of Iraqi civilians.

8. Defendant Voices in the Wilderness was founded in 1996, and has campaigned to end economic and military warfare against the Iraqi people. They have done this mostly by organizing delegations to Iraq in deliberate defiance of the U.N. and U.S. sanction regime to publicly deliver small amounts of medical supplies to children and families in need.
9. Their primary focus has always been ordinary Iraqi civilians and the most vulnerable of Iraqi society, especially children. They are volunteers – teachers, veterans, social workers, artists, health care professionals, trades people and people of faith – who, in the tradition of Mohandas Gandhi, practice and advocate nonviolence as a means for social change. As nonviolent war resisters, they oppose the development, storage and use by any country of weapons of mass destruction, be they nuclear, chemical, biological, or economic.
10. The sanctions created widespread deprivation of access by the Iraqi civilian population to goods, materials, and items, including but not limited to medicines necessary for treatment and prevention of death, illness and disease. The sanctions created conditions of widespread adversity for Iraqi civilians, including the deliberate creation of conditions known and anticipated to cause death, illness and societal health problems of a pandemic scope.
11. The creation of these conditions of adversity and certain widespread civilian death were deliberately inflicted through the sanctions program upon the children and civilians of Iraq in order to achieve perceived policy objectives related to the government of Iraq.
12. The sanctions regime deliberately inflicted upon the Iraqi *civilian population* conditions

- of life calculated to bring about its physical destruction in whole or in part, ostensibly to punish the Iraqi *government* for violations of international law or to create coercive or destabilizing pressure upon the government of Iraq to comply with certain directives.
13. Part and parcel of the sanctions regime was the enactment of certain “licensing” or highly restricted exemptions or processes to license transport of limited materials into Iraq.
 14. These licensing provisions were enacted in anticipation of or response to international outcry at the overt devastating and lethal effects of sanctions, in order to mitigate adverse political consequence that could undermine this program of deliberate death, disease and destruction. These less than minimal licensing provisions were wholly insufficient to offset the humanitarian crisis caused by the sanctions, and as part of the sanctions regime were never crafted to have the effect of eradicating the ongoing lethal damage. They, in fact, served to further and maintain the ongoing sanctions program, which deliberately inflicted the Iraqi civilian population to conditions of life calculated to bring about its physical destruction, in whole or in part.
 15. The calculated nature of this lethal program was acknowledged in 1996 by the U.S. Ambassador to the United Nations, Madeleine Albright. Leslie Stahl, correspondent for the television news show *60 Minutes*, asked the Ambassador, “We have heard that a half million children have died [in Iraq as a consequence of sanctions] . . . I mean, that's more children than dies in Hiroshima. And - and you know, is the price worth it?” The Ambassador responded on behalf of the United States, “we think the price is worth it.”
 16. UNICEF reported on April 30, 1998 that "Economic sanctions on Iraq over the past seven years have had a devastating effect on the majority of the Iraqi people, particularly

children...Over half of the children are dying from malnutrition, never a problem before sanctions." UNICEF cites the following statistics on death: a child dies every 12 minutes; 250 people die a day; 90,000 a year because of sanctions.

17. In September, 1998, Denis Halliday, former United Nations Assistant Secretary-General and Humanitarian Coordinator in Iraq, resigned, declaring in reference to the sanctions and licensing regime, "We are in the process of destroying an entire society. It is as simple and terrifying as that. It is illegal and immoral."
18. In February, 2000, Hans Van Sponeck, Halliday's successor as Humanitarian Coordinator in Iraq, resigned in protest of the sanctions program, including the inhumane restrictions imposed by the licensing rules that allowed a severely insufficient amount of goods to enter Iraq. Later that week, Jutta Burghardt, head of the World Food Programme in Iraq, resigned for the same reasons.
19. In August, 1999, UNICEF Executive Director Carol Bellamy stated that the health conditions in Iraq constituted "an ongoing humanitarian emergency."
20. The sanctions and licensing program constituted indiscriminate economic and military warfare against a civilian population. It caused severe health injuries and death through deprivation of access to necessary food, water, medical supplies and other basic necessities, which was a deliberate and calculated act on the part of those participating and leading nations, including the United States. The limited licensing exceptions were enacted to strengthen the sanctions by mollifying growing worldwide opposition to the criminal sanctions program that would have otherwise caused their cessation. The largest such program, the "oil-for-food" program was "designed to be inadequate," according to

Denis Halliday.

21. Voices in the Wilderness campaign, in response to apparent conditions of persons in Iraq who were being killed by sanctions inflicted by the U.S. government in concert with others, sent delegations of volunteers to deliver medical supplies to Iraq. They did not participate in any aspect of the sanctions regime or in the wholly inadequate licensure exceptions that furthered the lethal and criminal intent and implementation of the sanctions regime.
22. Any delivery of medical supplies by defendant is justified by the defense of necessity and the defense of others, both because of the potential and actual loss of human life, as well as the grave illegality of the sanctions regime under international and domestic law.
23. It is a moral, ethical, religious, and humanitarian imperative that makes delivery of medicine to the dying children of Iraq a medical and legal necessity, and to do so in a manner that avoids furthering or legitimizing the sanctions/licensing regime which would further and exacerbate the imminent harm against which these actions were intended to guard against.
24. That the sanctions program was ostensibly justified with reference to certain political goals of the government, renders it no less unlawful under applicable laws, including: The Convention on the Prevention and Punishment of the Crime of Genocide, referenced above; The Geneva Conventions of 1949 and its protocols which, among other things, prohibits the wilful killing, inhuman treatment, and the wilful causing of great suffering or serious injury to body or health to protected persons, which mandate free passage of medical provisions, and which prohibit collective punishment; The Universal Declaration

of Human Rights and the International Covenant on Civil and Political Rights, which *inter alia* protect the right to life and to an adequate standard of living, including food, clothing, housing and medical care; the United Nations Charter, which *inter alia* was violated in the implementation of the sanctions program; the peremptory norms of international law, the norms *jus cogens* from which no derogation is allowed, including standards reflected in the Rome Statute of the International Criminal Court (signed by over 130 nations to date), that prohibit intentional attacks against civilian not taking direct part in hostilities, as well as the use of indiscriminate methods of warfare, and the deprivation of objects indispensable to survival as a method of warfare.

25. The above-list, while not comprehensive, is indicative of the well established standards and norms under international law that the sanctions program, of which this civil action is a part, violated. Additionally, the instant regulatory action is *ultra vires* as beyond the scope of its statutory authority, as well as violative of defendant's Constitutional rights, including but not limited to First Amendment rights and due process rights.
26. By this counterclaim, Voices in the Wilderness seeks declaratory relief that this enforcement action is unlawful, and a prohibitory injunction that enjoins the federal government from this and further enforcement actions.

Count I
(Injunctive Relief Against Wrongful Civil Enforcement Actions to Penalize Humanitarian Aid)

27. Defendant incorporates paragraphs 1 through 26 of the Answer and Counterclaim as if set forth herein.

28. The instant enforcement action against defendant, and all other enforcement actions against similarly situated defendants, for allegations of violations of Iraqi Sanction Regulations (codified at 31 C.F.R. Part 575) issued pursuant to the International Emergency Economic Powers Act, 50 U.S.C. § 1701, *et seq.*, and Executive Order Nos. 12722 and 12724 for alleged violations in connection with donations, by persons subject to the jurisdiction of the United States, of articles, such as food, clothing, and medicine, intended to be used to relieve human suffering, are *ultra vires* and outside of lawful authority.
29. The applicable statutory code, relied upon by the Government to advance this prosecution, provides in relevant part, as follows:
- “The authority granted to the President by this section does not include the authority to regulate or prohibit, directly or indirectly, . . . donations . . . of articles, such as food, clothing, and medicine, intended to be used to relieve human suffering except to the extent that the President determines that such donations
- (A) would seriously impair his ability to deal with any national emergency declared under section 1701 of this title,
- (B) are in response to coercion against the proposed recipient or donor,
- or (C) would endanger Armed Forces of the United States which are engaged in hostilities or are in a situation where imminent involvement in hostilities is clearly indicated by the circumstances...” 50 U.S.C. 1702(a)(3)(b)(2)
30. The President has not by operation of Executive Order Nos. 12722 and 12724, relied upon by the Government to advance this prosecution, made such determination, as required by the statute.
31. The President *expressly* excludes from the scope of Executive Order 12722 any “donations of articles intended to relieve human suffering, such as food, clothing, medicine and medical supplies intended strictly for medical purposes.”

32. Similarly, the President *expressly* excludes from the scope of Executive Order 12724 all “donations of articles intended to relieve human suffering, such as food, clothing, medicine and medical supplies intended strictly for medical purposes.”
33. Defendant, and others similarly situated, suffer irreparable injury through the violation of their right under domestic law, constitutional law, and international law, to relieve the human suffering of others through the donation of humanitarian aid, such as articles of food, clothing, and medicine. Remedies at law are inadequate.
34. The ongoing prosecution and threatened subsequent prosecutions, such as occurring through the instant complaint by the government, creates the likelihood that defendant and all others similarly situated will suffer future injury, or that the current injury will be repeated in the future.
35. The defendant also suffers continuing, present adverse effects from the practice or unlawful prosecution or fine for such humanitarian donations.
36. Defendant seeks injunctive relief in the form of a prohibitory injunction, to prevent future civil enforcement actions for the donation of the above-referenced humanitarian aid.

Count II

(Malicious Prosecution, Selective Prosecution and Discriminatory Prosecution)

37. Defendant hereby incorporates by references paragraphs 1 through 26 of the Answer and Counterclaim as if set forth herein.
38. The government has initiated or procured the instant proceedings against defendant.
39. There is no probable cause or legal basis for these proceedings.

40. The government has initiated these proceedings with malicious intent, and in retaliation for the defendant's exercise of First Amendment protected rights to oppose U.S. policy against Iraq.
41. The government requires that a written presentation to a prepenalty notice be provided to it within *30 days* of the prepenalty notice. By its own regulations it requires that it provide notice “promptly” after consideration of that presentation as to whether it has determined that a violation has occurred. 31 C.F.R. 575.704.
42. This prosecution was advanced approximately *four years* after the defendant submitted its presentation responding to the prepenalty notice. The government did so at the time that a massive anti-war movement was emerging in opposition to its planned pre-emptive war against Iraq. The government asserts that it received a written presentation from Voices in the Wilderness on December 30, 1998. It did not sent a penalty notice until November 4, 2002.
43. In the fall of 2002, Voices in the Wilderness campaign was a highly visible and outspoken opponent of the administration’s war drive and ongoing sanctions policy against Iraq. The campaign’s peace activism was vocal in the mass media throughout the United States and the world. On October 26, 2002 the Voices in the Wilderness campaign participated with millions of people around the world in the first globally coordinated anti-war actions by organizing a demonstration outside the U.N. headquarters in Baghdad to urge the U.N. not to provide George W. Bush with a “blank check” to attack Iraq. This demonstration received worldwide media attention, and the Voices in the Wilderness Campaign was televised the same day speaking out in the major anti-war demonstration

in Washington, D.C. in opposition to sanctions and U.S. foreign and war policy against Iraq. Less than ten days later, the U.S. government issued a penalty notice to the Voices in the Wilderness campaign.

- 44. These proceedings will terminate in defendant's favor.
- 45. Defendant has suffered monetary and non-monetary injury as a consequence of these unlawful and malicious prosecutions., and seeks recompense through all applicable statutes and laws including the Federal Tort Claims Act.

WHEREFORE, defendant moves this honorable Court for the following relief:

- A. Dismissal of all fines and claims advanced by the government;
- B. Entry of a declaratory injunction that the sanctions regime, and enforcement actions related thereto, are unlawful and violative of applicable international law, treaties, the U.S. Constitution and domestic law;
- C. Entry of a permanent injunction to enjoin and prohibit the Government of the United States from prosecuting or enforcing civil fines for alleged violations in connection with donations, by persons subject to the jurisdiction of the United States, of articles, such as food, clothing, and medicine, intended to be used to relieve human suffering;
- D. Compensatory damages for damages caused by the wrongful prosecution of the instant enforcement action against defendant, in an amount appropriate to the proof adduced at trial, and funds received to be used to provide medicine to the people of Iraq;
- E. Attorneys' fees, costs and expenses;
- F. Such other and further relief, including any equitable or injunctive relief, as to the Court may seem just and proper.

Respectfully submitted,

/s/ Carl Messineo

Carl Messineo (#450033)
Mara Verheyden-Hilliard (#450031)

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