

Human Rights Alert (NGO)

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2014-09-13 Human Right Alert (NGO): UPR Submission - United States - 22nd session

Large-scale fraud in IT systems of the US courts - Unannounced regime change?

Appendix: Filed concurrently with the submission, includes expanded text, full size figures, and cross-references in the body of the text to the records, as evidence. The Appendix is also posted online at:

<http://www.scribd.com/doc/239647129/>

<https://drive.google.com/file/d/0B8Aa2xQGbmK5X05NR3dadm81WFE/edit?usp=sharing>

A. Human Rights Alert (NGO)

The 2010 Human Rights Alert ["HRA"] submission for the UPR of the United States was incorporated into the Professional Staff Report with the note "corruption of the courts and the legal profession and discrimination by law enforcement in California". The 2013 HRA submission for the UPR of the State of Israel was incorporated by reference into the HRC Professional Staff Report with the note "lack of integrity in the electronic record systems of the Supreme Court, the district courts and the detainees' courts in Israel." It is likely that the HRA reports are the first-ever Human Rights reports that are focused on IT system analysis and data mining.

B. Allegations



Wide segments of the people of the

United States today hold that the US Constitution was voided. The implementation of invalid fraudulent IT systems in the US courts was a key event in establishing current conditions. The fraud inherent in the IT systems of the US courts is not the typical sporadic corruption, which can be found in any justice system at any time to some degree or another. It is corruption, which was centrally implemented throughout the court system.

1. Specific allegations

1. The IT systems of the US courts enable the routine conduct of simulated (sham/fake), abusive litigation and the publication of simulated judicial records, abusing the rights for Liberty and property; such conduct is particularly noticeable today in cases originating in corruption of government officers or financial institutions;
2. Under such circumstances, the rule of law and the US Constitution are effectively voided, and access to the courts is effectively denied;
3. Such conditions should be considered unannounced regime change;
4. Such conditions amount to violation of any article of the *Universal Declaration of Human Rights*, where integrity of the courts and the justice system is a prerequisite;
5. Corruption of the US courts and the legal profession is a central cause of the current socio-economic crisis in the United States and beyond.

2. Simulated records, simulated litigation

Through the implementation and employment of invalid IT systems in the US courts, the US courts today issue and publish judicial and clerical records that are invalid and void on their faces. In such simulated, invalid records, US judges abuse the Civil, Constitutional, and Human Rights. With it, the courts induce and/or extort compliance with such invalid, simulated judicial records.

a) Definitions: "Simulated Litigation", "Simulated Court Record", "Fraud upon the court" - "Simulated Litigation/Records" - pursuant to the Texas Penal Code §32.48; "Fraud upon the Court" - pursuant to *Bulloch v. United States*, 763 F.2d 1115, 1121 (10th Cir. 1985).

b) Judges are not covered by immunity in simulated litigation - the conduct of simulated litigation and the issuance of simulated judicial records are extra-judicial conduct.

c) **Simulated litigation should be deemed racketeering, or state-corporate organized crime** - pursuant to the Racketeer Influenced and Corrupt Organizations Act (USC §1961). Such conduct should also be reviewed under the terms of the *United Nations Convention against Transnational Organized Crime* (2000). In criminology, such conditions are considered "State-corporate Organized Crime".

d) **Automated "Index of Judicial Corruption"** - the simulated records in the IT systems of the US courts provide a unique database for data mining, and enable automated study of corruption of the judiciary.

C. Evidence

1. IT system analysis

a) **The systems were developed and implemented with no lawful authority** The new IT systems represent a sea-change in court procedures. US Congress wasn't likely to consent to enact such procedures, and the judiciary acted with no lawful authority. Full documentation of lawful specification, development management, and validation, certified by persons of adequate authority, under accountability to the legislature must be required. Pursuant to the fundamental principle of Publicity of the Law, such IT systems must be as transparent to the public as possible. The common theme in IT systems of the US courts is clear: Each and every US court implemented and operates its local variation of the IT systems, based on the common PACER and CM/ECF platforms, in a manner that enables it to generate and publish online abusive judicial and clerical records, as well as case dockets, which are not deemed valid and effectual, pursuant to the US law, or by the respective courts, but would appear as valid and effectual records to the unwitting parties and the public at large.

b) **The identity of the servers, on which the records are published and from which they are downloaded is unverified.**

c) **Invalid implementation of electronic signatures** Today, all records of the US district and appeals courts are electronic records. However, there no valid, visible electronic signatures are to be found on any such records. The courts use various forms of invalid signatures: Scanned images of hand-signatures, initials, /s/, typed names, or no signature at all. The notion that a national project of such scope failed to implement valid, publicly visible electronic signatures cannot be reasonably deemed an oversight, or human error.

d) **Invalid implementation of authentication and service instruments and procedures (NEF/NDA)**

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From left: a) NEF with "Electronic Document Stamps" (red frames), USDC CAED. b) NEF, missing the "Electronic Document Stamp", Dkt #59, *Mandate of the US Court of Appeals, 9th Circuit, as docketed in Fine v Sheriff - Habeas Corpus*, USDC CACD (section C3a). c) Two PACER docket entries in *SEC v BAC* - banking regulation under the financial crisis, USDC NYSD. January 12, 2010 entry (Dkt #73, Order) is linked to an actual record. January 19, 2010 entry (Dkt #none, Minutes) is not linked to any record, and therefore, such "docket text only" notation couldn't possibly be authenticated by an NEF. The January 19, 2010 telephone hearing and its minutes should be deemed simulated court hearing and simulated minutes, like many others similar entries in the same court case. (section C2h) d) Docket entry in

In RE: Ronald Gottschalk, USDC CACD, "Order of Disbarment ...deleted for the following reason: Reported that the NEF was generated." This unique text provide affirmation by Chief Judge of the US District Court that a record with no valid NEF is a void judicial record.

Although never lawfully established, the US courts implemented the NEF/NDA as authentication instruments in CM/ECF in the district and appeals courts, respectively. The NEF/NDA substitutes the Certificate of Service and Notice of Entry of Judgment by the Clerk of the Court. The NEF/NDA is invalid on its face as an authentication instrument. It fails to state the name and authority of an individual, who issued it, fails to include the certification statement "I the undersigned hereby certify...", bears no valid signature, not sent and delivered as a an accompanying record to the actual court record, only a hyperlink is provided. Furthermore, the public and *pro se* filers are denied access the NEF/NDA. Appendix I provides detailed documentation of numerous cases, where void records with invalid NEF/NDA are published in PACER dockets. Extensive research failed to discover a single "Notice of Entry of Judgment", a key Due Process record, prescribed by US law, since the implementation of PACER and CM/ECF. With it, the courts of appeals conduct with no authority at all simulated appeals, taken from uncertified judgments of the district courts.

f) Invalid implementation of authorities and permissions Under CM/ECF, unauthorized court employees as well at attorneys, routinely enter records and docket notations bypassing the authority of the Clerk of the Court.

g) Discrimination in access to the courts Practically in all US district courts, which were examined, only attorneys are permitted access to CM/ECF. Therefore, *pro se* filers and the public at large are denied access to NEFs/NDAs and cannot distinguish between valid and void court records in the PACER dockets. Service on attorneys is by email, on *pro se filers* - by paper mail.

h) Appearance of attorneys, who are not authorized as Counsel of Record Memorandum Opinion of US Judge Jeff Bohm in the *Case of Borrower Parsley* (section C2e) documents that appearance of unauthorized attorneys with "no communications with clients clause", has become a routine fraud method of Countrywide Financial Corporation in courts across the United States. Similar fraud was perpetrated by attorneys for California judges in *Fine v Sheriff* and *Zernik v Connor et al*, USDC CACD (sections C2a, C2f, respectively).

h) Universal failure to docket summonses. The issuance of valid summonses, their execution, and their docketing, prescribed by law, is critical for commencing valid litigation and safeguard of integrity of the courts. Review of the US courts from coast to coast shows universal, inexplicable failure to docket summonses in the PACER dockets. In parallel, in numerous cases invalid summonses have been discovered, including high public policy significant cases, such as *SEC v Bank of America Corporation*, USDC NYSD - key litigation under the financial crisis (section C2h).

i) Adulterated and missing of court records In various cases, key records are deleted from the PACER dockets of the US courts. Commencing record (Petition) in *Fine v Sheriff* USDC CACD was adulterated. Decision in the Habeas Corpus petition of Guantanamo Bay detainee was adulterated. Judgment record in *Citizens United* is

UNITED STATES DISTRICT COURT
Southern District of New York
SECURITIES AND EXCHANGE COMMISSION
BANK OF AMERICA CORPORATION
SEMONS IN CIVIL ACTION
Return 20 days after service of this summons on you (not counting the day you received it) - or 40 days if you are the United States or a United States agency, or an officer or employee of the United States (but not if it is a U.S. federal bank or officer). If you need more time, you must apply to the court by filing a motion with the court clerk (not by e-mail) before the return date, and the court may grant you more time. If you do not file a motion, you must appear at the trial or hearing on the return date. If you do not appear, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

Case 1:07-cv-02240-RCL-RWR Document 73 Filed 02/24/10 Page 1 of 1
Supreme Court of the United States
No. 08-522
CITIZENS UNITED, Appellant
v.
FEDERAL ELECTION COMMISSION
APPEAL FROM the United States District Court for the District of Columbia.
THIS CAUSE came on to be heard on the transcript of the record from the above court and was argued by counsel.
ON CONSIDERATION WHEREOF, it is ordered and adjudged by this Court that the judgment of the above court is reversed with respect to the constitutionality of 2 U.S.C. §441c's restrictions on corporate independent expenditures. The judgment is affirmed with respect to FECA's disclaimer and disclosure requirements. The case is remanded to the United States District Court for the District of Columbia for further proceedings consistent with the opinion of this Court.
IT IS FURTHER ORDERED that the appellant Citizens United receive one-half cents from Federal Election Commission One Thousand Three Hundred Fifty-eight Dollars (\$1,358.00) for costs herein expended.
January 21, 2010.
Printing of records \$2,417.00
Clerk's costs \$2,100.00
Total \$4,517.00
One-half cents \$1,358.00

missing. Missing and adulterated court records a cardinal sign of judicial corruption.

From left: a) Summons in *SEC v Bank of America Corporation*, USDC NYSD. The summons was not docketed, but was discovered through a Freedom of Information request. The summons is unsigned, and fails to bear the seal of the court. It documents collusion of SEC, Bank of America and US court in the conduct simulated litigation in a high visibility case, related to banking supervision. b) False Judgment record in *Citizens United v FEC*, SCOTUS. It is a notice from the SCOTUS clerk regarding attorneys fees. The Judgment record is missing.

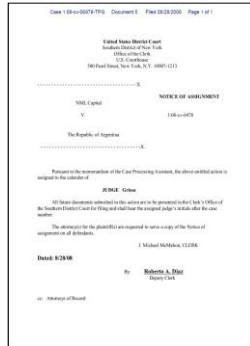
j) PACER and CM/ECF - inter-court survey Inexplicable differences among the US district courts.

k) IT system of the US Supreme Court The SCOTUS IT systems (name unknown) undermine the foundation of the Rule of Law: The systems enable the publication of dockets, journals, decisions, and judgments by SCOTUS personnel of unknown authority. The data, found in the Journals, Dockets, and Decisions in inherently inconsistent and contradictory.

2. Case studies a-p

A series of simulated cases, or cases of other types of remarkable fraud and abuse in the US district court, US appeals courts, SCOTUS, particularly cases of unlawful deprivation of Liberty and cases related to fraud by

Date Filed	Document #	Attachment #	Short Description	Long Description
2008-08-05	1	0	Complaint	COMPLAINT against The Republic of Argentina. (Filing Fee \$ 350.00). Receipt Number 059127/Document filed by NML Capital Ltd (vse) (Additional attachments) added on 8/11/2008. # 1 Exhibit (vse). (Entered: 08/11/2008)
2008-08-05	2	0	Rule 7.1 Corporate Disclosure Statement	RULE 7.1 CORPORATE DISCLOSURE STATEMENT. No Corporate Parent. Document filed by NML Capital Ltd (vse) (Entered: 08/11/2008)
2008-08-05	3	0	Statement of Relatedness pursuant to Rule 1.6	STATEMENT OF RELATEDNESS PURSUANT TO LOCAL RULE 1.6 re: that this action be filed as related to 1:07-cv-01913. Document filed by NML Capital Ltd (vse) (Entered: 08/11/2008)
2008-08-11	4	0	Affidavit of Service Complaints	AFFIDAVIT OF SERVICE of Summons and Complaint. Service was accepted by Gustavo Juan, Chief Compliance Officer. Document filed by NML Capital Ltd. (Shamoto, Susana) (Entered: 08/11/2008)
2008-08-28	5	0	Notice of Case Assignment/Reassignment	NOTICE OF CASE ASSIGNMENT to Judge Thomas P. Griesa. (rtg) (Entered: 09/03/2008)



financial institutions under the current financial crisis.

From left: *NML Capital v Republic of Argentina*, USDC NYSD (section C2k): **a)** PACER docket entries, Dkt #1-5 - the summons was not docketed. **b)** Notice of Case Assignment to Judge Griesa, Dkt #5 is unsigned. As in all PACER cases, public access to the NEFs - authentication records - is denied. The case, which may cause the collapse of the Argentinian economy is opined fraud of medieval style and proportions.

D. National authorities, civil society organizations, experts, media

All fail to perform their duties:

1. Office of Attorney General, US Department of Justice, and FBI;
2. Banking Regulation;
3. US Congress;
4. The judiciary;
5. The legal profession;
6. Experts;
7. Civil society organizations;
8. Media.

E. Compliance with relevant US law

1. Habeas Corpus Through the conduct of simulated review, Habeas Corpus was in fact suspended.
2. First Amendment to the US Constitution- the right to file papers in court Suspended.
3. First Amendment to the US Constitution- to right to inspect and to copy court records Suspended.
4. Rules Enabling Act Violated through the implementation of fraudulent IT systems in the US courts.
5. Federal Rules of Civil Procedure -duties of the clerk Violated through the implementation of fraudulent IT systems in the US courts.
6. Authentication and certification of judicial records, legal process under the signature of the clerk and the Seal of the Court Voided in the fraudulent IT systems of the US courts.
7. Electronic Signatures in Global and National Commerce Act (2000) and E-Government Act (2002) No valid electronic signatures can be found in electronic court records.

F. Compliance with relevant treaties and conventions

1. Basel Accords on Banking Supervision Failure to establish effective banking supervision.
2. Hague Apostille Treaty (1961) Ignored, as a result of the failure to authenticate court records.

3. United Nations Convention against Transnational Organized Crime Ignored, through decriminalization of money laundering, and other criminality in the banking system, persons, firearms smuggling by US agencies.

G. Retaliation against anti-judicial corruption activists



From left: a) Anti-judicial corruption activist, blogger Roger Shuler, after being beaten and falsely imprisoned in Alabama, 2013. b) Anti-judicial corruption activist, former US prosecutor Richard Fine, during his 2009-10 false imprisonment in solitary confinement, Los Angeles, California. c) David Schied, anti-judicial corruption activist, was jailed for 30 days for silently observing the court. d) Dr Joseph Zernik, author of instant submission, shortly before escaping the US in April 2010, sought by US Marshals "Threat Unit", in conjunction with submitting the 2010 UPR report. Retaliation by the US and Israeli governments continued in 2013, requiring twice requesting the protection of the Federal German government.

1. General Anti-judicial corruption activists are targeted for particularly harsh retaliation.

2. Retaliation against Dr Joseph Zernik - author of instant submission Retaliation in the US, under the false claim of "Threat" to the US courts, and retaliation in Israel through taking of bank deposits, following the discovery, archiving, and dissemination of evidence of judicial fraud in the US and in Israel as part of the 2010 and 2013 UPR reports, respectively.

H. Historical perspective - Robber Baron Revival Era.

Current conditions in the US resemble in numerous aspects conditions, which prevailed a century ago and which led to the Great Depression.

I. Conclusions

1. Through the implementation and operation of invalid, fraudulent IT systems, the US courts today routinely conduct simulated litigation, abuse the liberty and property of individuals, and place the banks above the law. Such conduct amounts to Organized State-corporate Crime.
2. Such conduct amounts to serious violation of fundamental Human Rights of the people of the United States.
3. Such conduct is also central to the current socio-economic crisis, failing banking regulation, and the "Foreclosure Crisis", which resulted in vast increase in poverty and homelessness in the United States and undermined the US middle-class.
4. The validity of any legal and judicial records, originating in the United States, and the validity of any litigation in the US courts should be considered dubious.
5. The international community should reassess the nature of the current regime in the United States, and any claim that its foreign policy is driven by Human Rights interests.
6. Efforts to restore the US Constitution and the rule of law in the US are likely to be protracted and meet stark resistance by powerful US security, legal, and financial interest groups. No corrective process is likely to commence, unless conditions further deteriorate, leading to widespread civil unrest.

J. Recommendations

1. The large-scale fraud in the US courts, which in fact implicates each and every US sitting judge, would likely require an approach similar to a Truth and Reconciliation Commission, and/or a Second Constitutional Convention.
2. Due to the central role of the Administrative Office of the US Courts in implementing the fraudulent IT systems of the US courts, the Office should be restructured or closed.
3. Measures, similar to those taken a century ago under similar circumstances through the *Salary Act* (1919), which placed the clerks of the US courts under the direct authority of the Attorney General, should be considered.

4. US legal and computing experts should be engaged in an initiative to restore the integrity of the IT systems of the US courts, under accountability to the US Congress, with the goal of making such system as transparent as possible to the public at large.

5. In nations, where the separation of branches of government is established by law, the courts must not be permitted to develop and implement the courts' IT systems.

6. Human Rights and internet activists must keep a watchful eye on the validity and integrity of IT systems of the courts and prisons

September 13, 2014



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OccupyTLV