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September 22, 2013

Email-Delivered

The Attorney General at the Federal Court
Braucherstraße 30
76135 Karlsruhe
Germany

Re: Criminal Complaint of 28 August 2013 (Ref. no. 3 ARP 85/13-4)

Dear Dr. Kreicker, District Court Judge:

This letter is to confirm receipt of your correspondence dated September 10, 2013 and sent to me via email on September 11, 2013. Please excuse the tardiness of this reply, but I was seeking translation into English. In that correspondence it was stated that prosecution would not be initiated in accordance with title 152, section 2 of the StPO,¹ because the alleged crimes did not take place in the context of an armed conflict. Due to the severity of the alleged crimes and the imminent threat of carrying out the crime of pillaging against my clients, I must respectfully disagree with your assertion for the following reasons.

The Federal Republic of Germany became a High Contracting Party to the Fourth Geneva Convention on September 3, 1954. The 1949 Geneva Conventions codified what was already considered customary international law. Article 2 of the Fourth Geneva Convention states, “The Convention shall also **apply to all cases of partial or total occupation of the territory of a High Contracting Party, even if said occupation meets with no armed resistance.**” In other words, there is no requirement for war crimes committed under the Fourth Geneva Convention to be limited to “armed conflicts,” but can also take place in occupied territories.

War crimes are actions prohibited under the Fourth Convention, which includes pillaging under Article 33 and unfair trial under Article 147. As a High Contracting Party, Article 146 provides that Germany “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.” This formed the basis for the enactment of Germany’s universal jurisdiction under Section 6(9) of the German Criminal Code, and

¹ Section 2 provides, “Except as otherwise provided by law, the public prosecution office shall be obliged to take action in relation to all prosecutable criminal offences, provided there are sufficient factual indications.”

the enactment of the German Code of Crimes against International Law (VStGB). Crimes against international law as defined by the VStGB include prohibitions and grave breaches enumerated in the Fourth Geneva Convention, and neither the German Criminal Code nor the VStGB states that crimes against international law are limited to “armed conflicts.” On the contrary, crimes against international law can be committed within occupied territories even when the occupation was met with no armed resistance.

The Hawaiian Kingdom was recognized as an independent State since November 28, 1843 by joint proclamation of Great Britain and France. Various States in the 19th century also recognized Hawaiian independence and entered into extensive diplomatic and treaty relations to include Austria, Hungary, Belgium, Denmark, France, Germany, Great Britain, Italy, Japan, the Netherlands, Norway, Portugal, Russia, Spain, Sweden, Switzerland and the United States of America. To quote the *dictum* of the Permanent Court of Arbitration in *Larsen v. Hawaiian Kingdom*, 119 Int’l L. Rep. 566, 581 (2001):

“A perusal of the material discloses that in the nineteenth century the Hawaiian Kingdom existed as an independent State recognized as such by the United States of America, the United Kingdom and various other States, including by exchanges of diplomatic or consular representatives and the conclusion of treaties.”

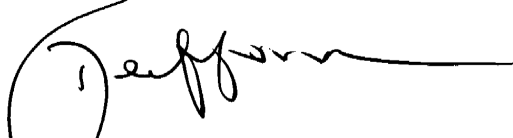
The Hawaiian Kingdom could not resist the occupation by the United States of America during the 1898 Spanish-American War without incurring mass casualties and death. Instead, actions were taken by the Hawaiian government under general international law to prevent the United States from acquiring Hawaiian sovereignty and title to the Hawaiian Islands. To date, there is no decision by an international tribunal, whether arbitral or juridical, i.e., Permanent Court of Arbitration, Permanent Court of International Justice or the International Court of Justice, that has issued a decision that the Hawaiian State has been extinguished. To get a clearer understanding of the Hawaiian case please refer to Annex “F” of the Complaint, Brief by David Keanu Sai, Ph.D., “The Continuity of the Hawaiian State and the Legitimacy of the *acting* Government of the Hawaiian Kingdom,” URL: http://hawaiiankingdom.org/pdf/Continuity_Brief.pdf.

Therefore, I am respectfully asking for you to reconsider and initiate a criminal investigation for war crimes committed by Deutsche Bank AG and others under Section 6 (9) of the German Criminal Code, the VStGB, and the 1879 Hawaiian-German Treaty of Friendship, Commerce and Navigation and Consular Convention, because the Complaint of August 28, 2013 does provide “sufficient factual indications” required under Title 152, section 2 of the StPO, and that “the public prosecution office **shall be obliged** to take action in relation to all prosecutable criminal offences.”

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I am also renewing my request that German authorities order DEUTSCHE BANK to cease and desist the impending actions to remove my clients from their home as you consider my response.

Sincerely,



Dexter K. Kaiama

enclosures

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