

January 22, 2015

Andreas Müller
Prosecuting Attorney
Office of the Attorney General
Center of Competence of International Crimes
Taubenstrasse 16
CH-3003 Berne

Re: Amended Criminal Complaint under Articles 118 and 119 of the Swiss Criminal Procedure Code arising from war crimes committed in the Hawaiian Islands against Mr. Kale Kepekaio Gumapac, a Hawaiian subject, by Josef Ackermann, a Swiss Citizen

Dear Prosecuting Attorney Müller,

As you are aware from my report dated December 7, 2014, I am the *attorney-in-fact* for Mr. Kale Kepekaio Gumapac, a Hawaiian subject, who currently resides at 15-1939, 20th Avenue, Kea'au, 96749 on the island of Hawai'i in the Hawaiian Islands. His initial complaint was based on *universal jurisdiction*, but in light of the fact that Josef Ackermann, who served as the Chief Executive Officer for Deutsche Bank when the war crimes were committed against him, is a Swiss citizen, Mr. Gumapac is amending his complaint to include *active personality jurisdiction* and is invoking his rights as a Hawaiian subject under Article 1 of the 1864 Hawaiian-Swiss Treaty, which provides:

“Hawaiians shall be received and treated in every canton of the Swiss Confederation, as regards their persons and their properties, on the same footing and in the same manner as now or may hereafter be treated, the citizens of other cantons.”

Therefore, according to Articles 118 and 119 of the Swiss Criminal Procedure Code (S-CPC), Mr. Gumapac is expressly declaring that he has suffered grave harm and respectfully demands that your office initiate an immediate investigation into the war crime of pillaging committed by Josef Ackermann being a Swiss citizen residing within the territory of the Swiss Confederation. Mr. Gumapac also declares that he wishes to

participate in the proceedings as both a criminal and civil claimant pursuant to Article 118, Swiss Criminal Code (S-CC). Mr. Gumapac is also seeking restitution.

This amended complaint is filed with the Center of Competence of International Crimes, Office of the Attorney General, because your office has the capacity of exercising *active personality jurisdiction* under Article 7 of the S-CC since the following requirements have been met regarding crimes committed abroad where the perpetrator is a Swiss citizen. *First*, the alleged perpetrator Josef Ackermann is a Swiss citizen; *second*, the offense of pillaging is punishable under both Swiss law and international humanitarian law, being the law applicable to the Hawaiian Islands since it is belligerently occupied by the United States; *third*, the alleged perpetrator resides within Swiss territory; and, *fourth*, the alleged perpetrator has not been convicted or acquitted of the crimes committed against Mr. Gumapac. Accordingly, the Swiss authorities are under a duty and obligation to exercise *active personality jurisdiction* in prosecuting this case in accordance with Article 7(1), S-CPC.

It is my hope that you and the respected office you represent expeditiously commence criminal proceedings in this matter. Should you require further information or elaborations on the materials submitted, please do not hesitate to contact me by email at keanu.sai@gmail.com or by phone at +001 808 383 6100.

Sincerely,

A handwritten signature in black ink, appearing to read 'David Keanu Sai', with a stylized flourish at the end.

David Keanu Sai, Ph.D.

Attorney-in-fact for Mr. Kale Kepekaio Gumapac