

January 21, 2015

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

Re: Criminal Complaint under Articles 118 and 119 of the Swiss Criminal Procedure Code arising from war crimes committed in the Hawaiian Islands against [REDACTED], a Swiss citizen

Dear Prosecuting Attorney Müller,

I am the *attorney-in-fact* for [REDACTED] who is invoking his right to be heard through his legal agent, and I have been authorized by specific power of attorney dated January 20, 2015 to file this criminal complaint in accordance with Swiss law—*Swiss Criminal Code* (S-CC) and the *Swiss Criminal Code Procedure* (S-CCP). Mr. [REDACTED], his wife and three children are Swiss citizens and currently reside at [REDACTED], [REDACTED] in the Hawaiian Islands. He is a resident in good standing. Mr. [REDACTED] was born in Geneva, Switzerland, on [REDACTED], and his Swiss passport number is [REDACTED].

This complaint is filed with the Center of Competence of International Crimes, Office of the Attorney General, because your office has the capacity of exercising passive personality jurisdiction under Article 7 of the Swiss Criminal Code (S-CC) since the following requirements have been met regarding crimes committed abroad where the victim is a Swiss citizen. *First*, Mr. [REDACTED] 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 offense allows for extradition under the 1990 United States/Swiss Extradition Treaty and Article 3(2)(c) of the *Mutual Assistance Act* because war crimes are not “of a political nature,” and therefore request for extradition is not “politically motivated”; and, *fourth*, the alleged perpetrators have not been convicted or acquitted of

the crimes against he and his family. Accordingly, the Swiss authorities are under a duty and obligation to exercise passive personality jurisdiction in prosecuting this case in accordance with Article 7(1), S-CCP, as hereinafter explained.

Through the communications you recently had with Dr. Niklaus Schweizer, I am aware that you are in receipt of my report of war crimes dated December 7, 2014, that supplemented Dr. Schweizer's reporting dated December 22, 2014, and that I am incorporating, as though fully set forth in this Complaint, the information and evidence provided in my report. Although, Mr. [REDACTED] is noted in the report in a confidential capacity, he did not formally submit an official criminal complaint with the office of the Swiss Attorney General declaring that he and his family are persons suffering harm as required under Article 115, S-CCP.

Therefore, according to Articles 118 and 119 of the S-CCP, Mr. [REDACTED] is expressly declaring that he has suffered grave harm and respectfully demands that your office initiate an immediate investigation into the private organization called the State of Hawai'i¹ for the war crime of pillaging under the guise of taxation in accordance with Article 309(1)(a), S-CCP. I am providing copies of Mr. [REDACTED]'s tax returns for the years 2006, 2007, 2011, 2012 and 2013, as well as a copy of the State of Hawai'i Annual Report of Taxation (2012), which is evidence of the crime of pillaging. This Complaint, however, is not limited to the aforementioned years, but includes all payments made to the self-declared State of Hawai'i as well as to the United States government under the war crime of "appropriation of property not justified by military necessity and carried out unlawfully and wantonly" under Article 264c(1)(d), S-CC. Being that the organization of the State of Hawai'i is not a government *de jure* nor *de facto*, it's members cannot claim any protection by government immunity. The United States government, however, can claim immunity because it is a *de jure* government.

Additionally, I am providing evidence of criminal fraud committed by the organization of the State of Hawai'i upon Mr. [REDACTED] and his wife's ownership of real estate on the Island of [REDACTED]. As a result of a fraudulent notary public of the State of Hawai'i who notarized the [REDACTED]'s deed of real property, being registered with the State of Hawai'i Bureau of Conveyances under document no. 2010-121240, their title is defective.² Consequently, all value and equity they may have had in the property is gone, and the

¹ See Deed dated August 23, 2010. (evidence). The State of Hawai'i is not a government *de jure* or *de facto*, but self-declared. It has no legal basis under the international laws of occupation, United States law, or Hawaiian Kingdom law. It is the direct successor of a puppet regime illegally established by the United States diplomat to the Hawaiian Kingdom on January 17, 1893. The United States of America, in violation of Hawai'i's sovereignty and international laws, has maintained the unlawful existence of the State of Hawai'i. See para. 12.1-12.4, Dr. Sai's Report (Dec. 7, 2014).

² See para. 12.4, Dr. Sai's Report (Dec. 7, 2014).

\$430,000.00 the [REDACTED]'s paid for the property in August 2010 is lost, which leaves them with a monthly payment of \$1,707.49 as of January 2015 owed to [REDACTED].

Before the [REDACTED] borrowed the money to purchase their home, the bank required that they purchase a lender's title insurance policy in the amount of \$250,000.00³ to protect the bank if the title was shown to be defective and unable to remedy, because in such a case a defective title would render the mortgage agreement null and void. They paid a premium of \$1,327.52 to Old Republic Title and Escrow Company.⁴ The title insurance would pay off the debt owed to the bank, but Mr. [REDACTED] is fearful of using the process.⁵

On behalf of Mr. [REDACTED], I am requesting prosecution of the following named individuals responsible for the pillaging of his personal property through unlawful appropriation and criminal fraud that has rendered his home worthless. Mr. [REDACTED] is also seeking restitution. The individuals include, but are not limited to, State of Hawai'i Governor Neil Abercrombie, Lieutenant Governor Shan Tsutsui, Director of Taxation Frederick D. Pablo, and Deputy Director of Taxation Joshua Wisch. Mr. [REDACTED] also declares that he wishes to participate in the proceedings as both a criminal and civil claimant (Article 118, S-CC).

Furthermore, due to Mr. [REDACTED]'s concern of retaliation by the State of Hawai'i and/or the government of the United States against himself and family in the Hawaiian Islands for filing a war crime complaint, he is invoking his right to protective measures under Article 152, S-CCP. By invoking his right not to be confronted by the accused and to protect himself and family from any possible retaliation, he is requesting that your office publicly announce that an investigation into war crimes committed against a Swiss citizen has commenced. Since Mr. [REDACTED] and his family are not afforded the necessary protective measures provided by Swiss law because they reside outside of Swiss territory, an announcement would, at the very least, serve as a protective measure.⁶ In this announcement, Mr. [REDACTED] requests that his name be kept confidential but is prepared to

³ See section 1105, HUD1 Final Statement (evidence).

⁴ See section 1107 of HUD 1 Final Statement (evidence). Bankrate.com provides an excellent overview of title insurance in the United States at: <http://www.bankrate.com/finance/mortgages/6-questions-to-ask-about-title-insurance-1.aspx>.

⁵ This concern is directly related to what happened to Mr. Kale Kepekaio Gumapac and the pillaging of his home by Deutsche Bank that stemmed from an unfair trial he received by the State of Hawai'i courts. See para. 15.8-15.21, Dr. Sai's Report (Dec. 7, 2014).

⁶ This is in light of certain statements made to Mr. Leland Pa, a former police officer for the Island of Hawai'i, by Deputy Sheriff Lieutenant Patrick Kawai, State of Hawai'i, in the case of Mr. Gumapac "25. Lieutenant Kawai stated that if he had received some type of correspondence from the [International Criminal Court] regarding ongoing investigations of war crimes he could have used it to stop enforcing the foreclosures. Without such correspondence he had to enforce the foreclosures or lose his job..." See Declaration of Leland Pa dated January 15, 2014 (evidence).

go public when your office deems it necessary and that his interest as a victim of war crimes are taken into consideration.

Mr. [REDACTED] is merely five of over six hundred Swiss compatriots residing in the Hawaiian Islands, but there can be no doubt that all of them have suffered the same, if not, similar, harm.

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". The signature is fluid and cursive, with a prominent initial "D" and a long, sweeping tail.

David Keanu Sai, Ph
Attorney-in-fact for [REDACTED]