

EUROPEAN PARLIAMENT

COMMITTEE ON PETITIONS
Chair of the Petitions Committee
European Parliament
B-1047 BRUSSELS

16 August 2019

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Germany inflicts considerable damage on the European Union's credibility

Subject: Petition on account of violation of the rule of law by the Federal Republic of Germany

Ladies and Gentlemen;

This petition is pursuant to Article 44 of the European Union Charter and Article 227 TFEU.

I, Klaus Willer, an EU (European Union) citizen with a German passport and as representative on behalf of the abovementioned EU citizens (details see Exhibit 1) submit this petition against the EU member state Federal Republic of Germany, represented by its government under the leadership of Madame Chancellor Dr. Angela Merkel.

In order to underline the worldwide importance, a further list of 115 directly affected citizens representing 28 or more Non-EU countries is attached (see Exhibit 2).

LEGAL BASIS

This petition is based on Article 2 of the Treaty on European Union.

Article 2

“The values on which the Union is founded are respect for human dignity, liberty, democracy, equality, the rule of law and human rights, including the rights of persons belonging to minorities. These values are common to all Member States in a society characterized by pluralism, non-

discrimination, tolerance, justice, solidarity and equality between women and men.”

The rule of law is one of the common values on which the European Union is founded. According to the Treaties, the European Commission, together with the European Parliament and the Council, is responsible for guaranteeing respect for the rule of law, which is a fundamental value of the Union, and for ensuring respect for the law, values and principles of the EU.

A quote from Klaus Stern, constitutional lawyer:

"The rule of law means that the exercise of state power is permitted only on the basis of the Constitution and of laws enacted formally and substantively in accordance with the Constitution, with the aim of guaranteeing human dignity, freedom, justice and legal certainty.

CAUSE FOR THE PETITION

According to the confirmation from a whistleblower in the vicinity of the **European Banking Authority** that of the matter described below everything is known by the members and that nothing should be done due to pressure from the German government. However, there are voices claiming that should change and their misdeeds should be brought to the attention of those who have the power to deal with them. It's said:

“The Germans are not happy but satisfied with the present situation and want the current status quo to continue.” This status quo includes:

- **To keep the media silent, even the German press**
- **To prevent us from getting the documents**
- **To prevent the criminal complaint from seeing the light of day in Germany**
- **To tell the EU and banking authorities that this is a German matter and to stay out of it**
- **To never allow the payment process to restart**

“This situation is not an easy one for the Germans, but it is presently keeping a lid on things. All of pressure seems to be coming directly from the Chancellor’s office.”

Thus, it is known that the German government under the political responsibility by Madame Chancellor Dr. Angela Merkel is seriously violating one of the most important fundamental values: The Rule of Law!

Therefore, the petition is directed against the EU member state Federal Republic of Germany, represented by Madame Chancellor Dr. Angela Merkel in the European Council, and contains the following accusations:

- 1. Influencing / obstructing the German Judiciary**
- 2. Influencing / obstructing the freedom of the press**
- 3. Influencing / obstructing the execution of contractual agreements**

As a result, thousands of citizens worldwide - see the above-mentioned lists, which, however, do not claim to be exhaustive - have suffered economic and financial damage to a considerable extent and are therefore victims of the misdeeds by the German government.

DESCRIPTION OF THE MATTER

PETITIONERS / VICTIMS

All petitioners / victims of the above list - Exhibit 1 – are holders of EU passports (Article 227 TFEU). The second list - Exhibit 2 - contains citizens from non-EU Member States and is enclosed informally but not officially. All together are investors in Jungle Ventures, Ltd. dba Solidinvestment.com, a subsidiary of Schroders Asset Management.

BACKGROUND

In September 2007, Dr. Jürgen-Peter Graf, presiding judge of the 1st Criminal Senate at the Federal Court in Karlsruhe, concluded a global settlement agreement instead of international criminal procedures. This agreement confirmed the recognition of global jurisdiction by the Federal Republic of Germany. The judicial supervision was immediately transferred to Dr. Thomas Aumüller, at that time President of the Higher Regional Court Frankfurt am Main as judicial trustee and oversight. Later in March 2012, after the resignation of Dr. Aumüller, Dr. Roman Poseck became President of the Higher Regional Court of Frankfurt am Main and replaced also the judicial trustee and oversight.

Per the terms of the settlement agreement, a subsidiary of Schrodgers Asset Management, as appointed fiduciary administrator and HSBC Holding plc as appointed paymaster were required to complete distribution of all settled amounts within 90 days. Due to the discovery of unaccepted anomalies in the fiduciary escrow accounts, HSBC refused to make payments and Barclays was appointed paymaster.

In February 2008, payments commenced. Over the next 3 ½ years over 100,000 transactions equaling over US\$20Trillion was distributed. Each wire was accompanied by “clean and clear” documents authorized by the Federal Republic of Germany. However, only about 1,000 of those transactions went to settlement beneficiaries. An investigation prompted by RBS (Royal Bank of Scotland) disclosed that 99% of all the funds distributed were wired to the same few accounts. See the attached transaction file of daily wire transfers supplied by RBS (Exhibit 3) and should also be verifiable by the BIS (Bank for International Settlements). Money laundering may also have played a role. Everything happened under the supervision of the German oversight trustee, the Higher Regional Court of Frankfurt am Main, and its respective presidents during this time.

The case of one of the victims in Germany is particularly perfidious. Simultaneously with the disbursements to alleged beneficiaries under the supervision of Dr. Thomas Aumüller, President of the Higher Regional Court Frankfurt am Main as judicial trustee and oversight, the victim was convicted of fraud by another court in Germany because over the nonpayment of his account – **Local Court Weimar by order of January 10, 2011, Ref-Nr.: 121 Js 16976/09 1 Ls.**

From the fall of 2007 to the fall of 2013, Crystal Schultz, a US investor spent over 2,000 documented hours of telephone conversations with Mr. Simon J. Church, the current fiduciary administrator. During these conversations, the details of our payout process were discussed at length. These details included the activities surrounding all related accounts, and procedures necessary to complete payment of all accounts. The details of these conversations include Mr. Church informing Ms. Schultz as follows:

- A copy of the original database, which included all accounts, representing all entities involved, was given to the German court.
- Repayments of older and larger contracts had been proceeding since late 2006.
- He confirmed that the first paymaster assigned under the German settlement agreement was HSBC.
- That in early 2008, the Dr. Thomas Aumüller, President of the Frankfurt am Main Higher Regional Court as judicial trustee and oversight, moved the paymaster contract to Barclays. Additional banks put under contract were RBS, Lloyds and HBOS.
- Payments under the German settlement agreement commenced shortly thereafter.
- From early 2008 to late 2010, Mr. Church provided Ms. Schultz with daily bank tallies of notifications sent to investors, and the number and amounts of wires processed.
- Though, on several occasions, we discussed the lack of communication and documentation available to the account holders, we were unable to obtain any formal documentation.
- By late 2010, Ms. Schultz and Mr. Church discussed the significant disparity between the number of wire transfers processed, the number of accounts being reported as paid, and the number of accounts reportedly processed
- In early 2011, all processing has ceased.
- Administration was moved again in late 2011 to Lord Fraser A. Milverton.

- A computer system (monitor and keyboard), belonging to the new administrative team headed by Lord Milverton, was installed in Dr. Aumüller's antechamber for the express purpose of monitoring the payout process.
- That processing would commence in early 2012.
- **That the payment process was directly tied to the financing of the "EU Bailout Agreement for the Federal Republic of Germany."**
- In early July 2012 Lord Fraser A. Milverton had a stroke and was hospitalized.
- In September 2012, Mr. Simon J. Church was appointed fiduciary administrator.
- The weekly conversations that began between Lord Milverton and Dr. Poseck continued between Mr. Church and Dr. Poseck. These conversations took place every Friday at 10.00 a.m. GMT and were related to the need to recommence the payout process.
- Ms. Schultz made numerous requests for documents. Promises were made but never kept.
- Promises were made that payments would recommence almost daily. No payments were made.
- Several investors including Ms. Schultz were informed the US\$300 Billion escrow funds were safely being held in Austria.
- In August 2013, after informing Ms. Schultz payments would recommence in the morning, Mr. Church ceased all communications except for text message a week later stating he was horrifically busy.
- Numerous attempts by Ms. Schultz and other investors have been made to reestablish communication but to no avail.

During this entire period several victims made countless attempts to get court documents related to their settlement agreement and to make direct contact with the administrators. All requests were rebuffed or ignored.

WITH THE APPROVAL OF THE GERMAN JUDICIARY, NO DOCUMENTS RELATED TO THIS TRANSACTION WERE EVERY GIVEN TO ANY BENEFICIARY AND AS OF THIS PETITION OVER 35,000 BENEFICIARY ACCOUNTS REMAIN UNPAID!

TRUSTEES, ADMINISTRATORS AND PAYMASTERS

The following have either been, or now are, judicial trustees, fiduciaries administrators, or paymasters in the handling of funds related to the 2007 settlement agreement.

Judicial Trustees in Germany:

- Prof. Dr. Jürgen-Peter Graf, former Presiding Judge 1. Criminal Senate of the Federal Supreme Court, Karlsruhe
- Dr. Thomas Aumüller, former Presiding Judge Civil Senate 26 and President of the Frankfurt am Main Higher Regional Court
- Dr. Roman Poseck, current Presiding Judge Civil Senate 26 and President of the Frankfurt am Main Higher Regional Court

Fiduciary Administrators:

- Schroder Asset Management, subsidiary Permira Holdings, LTD
- Dexia SA
- Fraser A. R. Richards aka Fraser A. Milverton aka unknown
- John D. Walden aka unknown
- Simon J. Church aka John Smith aka Robin Richards aka Theo Friedrich aka unknown

Paymasters:

- HSBC
- Barclays in association with Royal Bank of Scotland Group plc (RBS), HBOS, Lloyds Bank Plc
- HandelsBanken Austria

ACCUSATIONS

The victims complain the illegal conduct of the Government of the EU member state Federal Republic of Germany under the leadership of Madame Chancellor Dr. Angela Merkel knowingly and with intentional forethought violated the rules of law of both the Federal Republic of Germany and the European Union.

1. Influenced and obstructed the German Judiciary

- On August 22, 2014 our German legal counsel sent a letter requesting information about the status of our case to Dr. Poseck. He responded via letter that he knew nothing of our matter while we had direct knowledge that he had been in weekly contact with our administrators.
- On January 06, 2015 our Australian legal counsel sent a letter requesting information about the status of our case to Dr. Poseck. He responded via unofficial e-mail that he knew nothing of our matter while we had direct knowledge that he was continuing his weekly contact with our administrators.
- On September 27, 2015 a “Demand for Administrative Accounting and Fiduciary Responsibility” was filed with service per ‘Article 3 of the Permanent Court of Arbitration and The Hague Service Convention’ to 37 respondents including 19 high level German officials (see entire filing on www.shortfingerreddonald.com and then click ‘The Hague’). **All service was ignored.**
- On October 21, 2016 on behalf of Jean N. Ott, a resident of the German State of Thüringen, a request for assistance was sent to the General Prosecutor’s office. **Our request was ignored.**
- On April 14, 2017 UCC Financing Statements were filed in the United States against all German assets in the states of New York and Washington, including assets in the Federal Reserve Bank and Deutsche Telekom. **All were ignored.**
- On January 22, 2018 a “Petition to Enforce Court Orders” was filed with the Frankfurt am Main Higher Regional Court as judicial trustee and oversight. **Ignored!**
- On February 26, 2018 a Petition to Appoint Oversight” were filed with the Frankfurt am Main Higher Regional Court as judicial trustee and oversight. **Ignored!**
- In the period October 2018 to January 2019, approximately 500 victims filed their claims for payment to the Higher Regional Court of Frankfurt am Main as judicial trustee and oversight. **Ignored!**
- On December 10, 2018 a ‘Criminal Complaint’ – English version – was filed with the General Prosecutor’s Office Frankfurt am Main. It was **ignored** on the justification that the notification case was not filed in accordance with §184 GVG, i.e. not in German. It is incomprehensible that this was not communicated directly to the complainant, but only after a lawyer had been called in.
- On March 16, 2019 the lawyer received that information with the **Ref.-Nr. 1 AR 425/18.**
- On March 22, 2019 the above mentioned ‘Criminal Complaint’ was refiled as German version with the General Prosecutor’s Office Frankfurt am Main - Ref.-Nr.: 1 AR 425/18. **This could no longer be ignored and was for reasons of competence referred to the Public Prosecutor Frankfurt am Main – Ref.-Nr.: 7580 AR 301122/19.**
- On April 27, 2019 the complainant was informed by the Frankfurt am Main public prosecutor's office that **the initiation of an investigation procedure had been rejected.**
- On April 02, 2019 once more a letter was filed with Dr. Roman Poseck, President of the Higher Regional Court Frankfurt am Main as judicial trustee and oversight attached with the two aforementioned petitions in German language. **Ignored!**
- On May 05, 2019 the complainant filed an appeal against this decision with the Frankfurt am Main General Prosecutor's Office.
- On June 08, 2019, the complainant was informed by the Frankfurt General Prosecutor's Office that her **appeal had been rejected.**

2. Influenced and obstructed the freedom of the press

From April 24, 2017 to April 4, 2019, 17 press releases have been e-mailed to 1408 journalists and government officials contact database available upon request. Several German journalists have contacted German public officials. The response from the press offices of the Chancellery, Justice Ministry and the Finance Ministry appear to be coordinated and have evolved over time from “these people are crazy” to “they are misinformed” to “this is a private legal matter.”

The titles of the press releases include:

- Lien filed against German Assets in US.
- Petitions filed in Frankfurt am Main Oberlandesgericht.
- Formal Judicial Complaint filed against 3 German Judges.
- Formal Criminal Complaint filed against German Officials.
- Investigation Request of Formal Criminal Complaint against German Officials.
- Market Turbulence.
- Official Claims Filed, Fiduciary Administrator Spotted and Continued Market Turbulence.
- More Claims Filed, Fiduciary Administrator Spotted Again and German Bailout Guarantee.
- More Claims Filed and the Frankfurt Prosecutor General.
- Criminal Complaint #1 AR 425/18 Accepted by Frankfurt Public Prosecutor 29 Marz 2019.

On May 19, 2019 the magazine 'FOCUS online' published an article about the government crisis in Austria because of the Ibiza video about Mr Strache. In this article - heading 'Korrupt und Dreist' (Corrupt and Impudent)

Link: https://www.focus.de/politik/ausland/affaere-um-brisantes-video-korrupt-und-dreist-so-kommentieren-deutsche-politiker-das-oesterreich-drama_id_10728701.html

comments by German politicians are given, among others

A quote from CDU leader Annegret Kramp-Karrenbauer:

“Right-wing populists in Europe, no matter in which country, are willing to sell their country's interest for their own welfare. She added: “And if it's for a sandwich. These people must not take responsibility in Europe”.

and from the chairwoman of the Green Annalena Baerbock:

“This outrageous scandal shows that right-wing populists despise our values such as freedom of the press and the rule of law and are working on the systematic erosion of democracy”.

Knowing that these politicians knew about our affair and how it had been illegally treated by the German Government, an EU investor used the commentary function and wrote a commentary on the article. The comment reads:

“Liebe Leser, jeder möge sich zu folgender Information seine Meinung bilden. Gegen 5 Mitglieder der deutschen Bundesregierung liegt eine Strafanzeige bei einer Generalstaatsanwaltschaft vor - Az.: 1 AR 425/18. Nähere Informationen unter www.shortfingereddonald.com”

Translation:

“Dear reader, everybody may form his opinion for the following information. Against 5 members of the German Federal Government a charge has been filed with a public prosecutor's office - Ref.: 1 AR 425/18. Further information at www.shortfingereddonald.com”

The comment was never published – it is censorship against a free expression of opinion without any illegal content.

3. Influenced and obstructed the Execution of Contractual Agreements

From the chatter that numerous beneficiaries have heard in coffee houses, restaurants and around water coolers from the international banking community and government officials over the years, it would appear the only

parties without the necessary information to make a court acceptable claim in this matter are the legal beneficiaries resp. victims.

The more the victims have made this matter public, the more the arguments have changed.

- Ms. Schultz and her American legal counsel Mr. Douglas Ramler, met with the Barbara Müller, Honorary Counsel for the Federal Republic of Germany in February 2016 to discuss a way to resolve this matter. Upon seeing our evidence, she contacted her superiors in Chicago, IL USA requesting permission to assist in resolving this matter. She was informed this was a “private legal matter” and to cease communications.
- In July 2017, in response to a telephone conversation, Ms. Schultz received an e-mail response from Prof. Dr. Köhler’s office stating he could not assist because this is a “private litigation matter.” However, when asked to assist in an unofficial capacity, he again was unable to get involved as Germany has accepted global jurisdiction and is insisting on their right to control all aspects of this matter. Ultimately, as with Ms. Müller, whom we approached to resolve this matter, the person was instructed to cease all communication.
- Then in turn, the Federal Republic of Germany argues, in response to requests from victims for payments not yet received, that all payments had been made. As soon as invoices and UCC liens submitted by victims are referred to by international journalists, it is then admitted that the escrow accounts are fully funded and available, and it is explained that the only reason for non-payment is the absence of valid claims.
- Finally, when victims make official claims to the court for payment, there is the most absurd argument that victims should prove non-payment. The fact is, it is the responsibility of the court appointed administrators and judicial trustee to protect the rights of the victims and ensure all court decisions are enforced.

STATEMENT

There is an old saying in legal circles which states "**Justice delayed is Justice denied**". After twelve years this is certainly the case in this matter. Petitioners have displayed extraordinary patience and restraint in the history of this long, drawn out, sordid, ugly affair and have exhausted all administrative and legal remedies prior to now resorting to this petition.

Through twelve years and hundreds of attempts to right the misdeeds stated herein, Petitioners have patiently endured continual relentless apathy, indifference, and on-going abuse from those in a position of public trust.

Indifference elicits no response. Indifference is not a response. Indifference is not a beginning; it is an end. And, therefore, indifference is always the friend of the enemy, for it benefits the aggressor, never his victim, whose pain is magnified when he or she feels forgotten. In denying the rule of law we betray ourselves. The loss of one’s belief in the protection of the law is a devastating act, especially when it is done by those whose duty is to uphold and protect them.

Justice is a conscience, not a personal one, but the conscience of the whole of humanity. Human rights belong to all of us. It is not for politicians, government employees, or individuals to pick and choose when they apply or what deserves protection and what does not. They must obey the laws of the rule of law and we must defend those rights.

The rule of law for everyone is the basic foundation upon which all of us may build a world where everyone may live in peace, serenity, and plenty. It takes no compromise to give people their rights, it takes no money to respect these rights, and it takes no political deal to give people these rights. There can be no compromise.

Disregard for the rule of law is a disease that is spreading and is an intrinsic part of all that we do, and all that we are. We must speak up for them. The future of the world and of humankind depend on it.

In the

COMMUNICATION FROM THE COMMISSION TO THE EUROPEAN PARLIAMENT, THE
EUROPEAN COUNCIL AND THE COUNCIL

Further strengthening the Rule of Law within the Union State of play and possible next steps

written on April 3, 2019, describes the EU Commission the rule of law as follows, quote:

The rule of law is enshrined in Article 2 of the Treaty on European Union as one of the founding values of the Union. Under the rule of law, all public powers always act within the constraints set out by law, in accordance with the values of democracy and fundamental rights, and under the control of independent and impartial courts. The rule of law includes, among others, principles such as legality, implying a transparent, accountable, democratic and pluralistic process for enacting laws; legal certainty; prohibiting the arbitrary exercise of executive power; effective judicial protection by independent and impartial courts, effective judicial review³ including respect for fundamental rights; separation of powers; and equality before the law.⁴ These principles have been recognized by the European Court of Justice and the European Court of Human Rights.

This communication is remarkable in so far as it mentions, among other things, **prohibiting arbitrary exercise of executive power**. The victims regard in this prohibition an offence of the government of the Federal Republic of Germany in the form of oppression, cover-up and perversion of justice and thus an offence against Article 2 of the EU Treaty.

If one looks at the above quoted statements of German politicians from highlighted positions on the events in another EU country and considers that these persons are informed about the violations of the rule of law, one becomes aware of the dimension of hypocrisy.

CALL FOR INVESTIGATION

- Is the European Union corruptible by the Federal Republic of Germany for their own interests and advantages and to the harm of other member states?
- Can in order to achieve this the most important principles and values of the European Union be violated?
- Is it appropriate for a state which calls itself a democratic constitutional state and is a member of a challenging community of values, the European Union, to ignore and treat people with disrespect?
- Why do people ignore other people? For example, because they have something to hide and don't want to talk about, especially when it comes to unpleasant truths. What does ignorance mean? Ignorance means contempt and is hurtful (mobbing) towards people.
- Why is the publication of evidence-relevant documents / court orders (official documents) etc, refused (document suppression in Germany see § 274 StGB)?
- Is it in the interests of the European Union or can the Community allow the right to freedom of expression to be suppressed? - see Article 5(1) of the German Constitution.
- Why are people such as former President of the Federal Republic of Germany Prof. Dr. Köhler, who want to assist in the matter, forbidden to talk to the victims?
- Currently in a panel discussion on August 13, 2019

Link: https://www.focus.de/politik/deutschland/bei-podiumsdiskussion-in-stralsund-afd-mann-jammert-ueber-fehlende-meinungsfreiheit-merkel-hat-perfekte-antwort_id_11028811.html

Madame Chancellor Merkel stated the following, quote:

"Every citizen is treated equally before a German court".

Why are the victims not heard by the responsible German court (Higher Regional Court Frankfurt am Main)?

- How can an atmosphere of mutual trust be created against a wall of rejection and silence?

For this purpose, the EU Commission presents in the above-mentioned communication, quote:

The rule of law is one of the founding values of the European Union, as well as a reflection of our common identity and common constitutional traditions. It is the basis of the democratic system in all Member States, necessary to ensure the protection of fundamental rights. It is also central to making the European Union work well as an area of freedom, security and justice and an internal market, where laws apply effectively and uniformly and budgets are spent in accordance with the applicable rules. The rule of law ensures that Member States and their citizens can work together in a spirit of mutual trust; trust in public institutions, including in the justice system, is crucial for the smooth functioning of democratic societies. [...] Altogether, it is a well-established principle, well-defined in its core meaning, and which can be objectively assessed so that shortcomings can be identified on a sound and stable basis.

and go on, quote:

The European Union itself is based on the rule of law, and every action taken by the EU is founded on Treaties that have been approved voluntarily and democratically by all the Member States. Given its importance for the confidence of citizens in the Union and the effective delivery of its policies, the rule of law is of central relevance to the future of Europe. [...] In addition, recent case law of the Court of Justice of the European Union has made an indispensable contribution to strengthening the rule of law, reaffirming the Union as a community of values.

and go on, quote:

If the rule of law is not properly protected in all Member States, the Union's foundation stone of solidarity, cohesion, and the trust necessary for mutual recognition of national decisions and the functioning of the internal market as a whole, is damaged. Rule of law related deficiencies can also have an impact on the economy, just as effective judicial systems and robust anti-corruption frameworks are crucial for a well-functioning business environment and sound public finances.

Those who, through their public words, acknowledge the importance of the rule of law for the survival of democracy and firmly believe privately that fiduciary honesty and responsibility apply to others and that other people's property belongs to them. Now is the time for fairness and justice to prevail.

The petitioners, no, the victims therefore call for a comprehensive and transparent investigation of the conduct of the EU member state Federal Republic of Germany represented by its government under the leadership of Madame Chancellor Dr. Angela Merkel, in this matter, possibly using Article 7 TEU.

That power of this Committee can be used to enforce and compel the meaning and understanding of the rule of law by measures such as:

- Testimony from trustees, administrators, paymasters and others.
- All relevant authorities to deliver all documents
- Wire details related to previous payments.
- Produce in person the current fiduciary administrator currently believed to be under the protection of the Federal Republic of Germany.

It is time to show Germany and its government the borders and end their decades long corruption.