

Evidence 06

N114 8A

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ATTORNEY GENERAL'S CHAMBERS

3RD FLOOR

ST MARY'S COURT

HILL STREET

DOUGLAS

ISLE OF MAN

IM1 1EU

*(Sowe: Attorney General
Isle of Man)*

Your ref:

Our ref: ELM/Elmer

**(Please quote references
on all correspondence)**

18th March 2008

BY COURIER

Mr A Bergmann
Prosecutor
PO Box, 8026 Zurich
Switzerland

Dear Mr Bergmann

Letter of Request concerning Rudolf Mathias Elmer

Further to your letter of request dated 12th October 2007 I enclose the following documentation obtained pursuant to section 21 of the Criminal Justice Act 1991:

1. Sworn deposition of Edward William Cleator of Manx Telecom Limited, Isle of Man Business Park, Cooil Road, Braddan, Isle of Man dated 18th March 2008.
2. Typed certified true copy thereof.
3. Exhibits marked "EWC/001" and "EWC/002".

*My contact
Hotel 21/03/08*

With reference to the sixth paragraph of Mr Cleator's statement enquiries have been made with the Sefton Hotel. There is no record of anyone by the name Elmer staying there at the relevant time.

Please note that the documentation is forwarded to you on the basis that it may only be used for the purposes specified in the aforementioned letters of request. I would be grateful if you could acknowledge receipt in due course.

Evidence of

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(Source Attorney General Isle of Man Hood 18th
2008)

This statement consisting of 2 pages each signed by me, is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated in it anything which I know to be false or do not believe to be true.

I am Edward William Cleator and I am employed by Manx Telecom Limited, Isle of Man Business Park, Cooil Road, Braddan, Isle of Man as IP Core Services Manager. I have held this position for 3 years.

I am attending court today as a representative of Manx Telecom Limited having been served a summons issued by the Deputy High Bailiff issued under Section 21 of the Criminal Justice Act 1991 to give evidence and produce documentation in relation to any e-mail accounts and / or IP addresses held or previously held at Manx Telecom in the name of Rudolf Mathias Elmer and as to whether the exact location of the place from where an e-mail was sent can be traced.

In relation to the use of the e-mail addresses robin.hood3055@yahoo.ca, rfdghddda@mail.com and robin.hood@yahoo.ca. The Internet is used to gain access to and communicate with the e-mail providers servers. These servers could reside anywhere in the world. The e-mails from these addresses would have been sent out by the @yahoo.ca and @mail.com servers, not Manx Telecom servers. We cannot supply any information with regards to what information was being passed over the Manx Telecom DSL network.

There is no trace of the name Elmer Rudolf Mathias as a holder of an e-mail account with Manx Telecom. Manxnet is Manx Telecoms own e-mail system. If you had an account with Manxnet it would give you a @manx.net e-mail address. This is a free service for all customers that use the Manxnet ISP. Anyone accessing the e-mail platform from the internet via an IP address within the assigned Manxnet ISP range can create and access Manxnet e-mail accounts. When creating a new account the customer is required to input their name and address details however, this information isn't verified.

The identification of the ADSL account using the IP address can be obtained from 3 independent devices in the Manx Telecom network and all 3 devices confirmed the same ADSL account was using address 80.65.241.180. A copy of the text obtained from each of these devices is contained within document EWC/002. The circuit number relating to the ADSL account is contained within the username. The circuit number is then input into our billing platform to identify the end user. On the 10th September 2007 all 3 network devices were interrogated and it was determined that IP address 80.65.241.180 was assigned to the ADSL account provided for telephone number 673843, the Sefton Hotel PLC, Harris Promenade, Douglas. The ADSL service was provided in November 2003. The IP address had been assigned to this account from 23rd August at 15:54:15 and was still assigned when each of the devices were interrogated. This ADSL account would have had uninterrupted use of this IP address over this whole period.

Again, any e-mail traffic sent or received from this location with @yahoo.ca or @mail.com address would not be recorded on Manx Telecom's systems.

EWCleator

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(Source: Manix Telecom Job of Man)

Microsoft Mail Internet Headers Version 2.0

Received: from srp00491wn.juliusbaer.com ([159.103.205.153]) by srp00836wn.juliusbaer.com with Microsoft SMTPSVC(6.0.3790.1830);

Thu, 6 Sep 2007 07:32:33 +0200

Received: from mana.juliusbaer.com ([192.168.98.52]) by srp00491wn.juliusbaer.com with Microsoft SMTPSVC(6.0.3790.1830);

Thu, 6 Sep 2007 07:32:33 +0200

Received: from n10a.bullet.mail.re3.yahoo.com ([68.142.236.51]) by mana.juliusbaer.com with SMTP; 06 Sep 2007 07:32:33 +0200

X-Received: lthmumishaj2

X-IronPort-Anti-Spam-Filtered: true

X-IronPort-Anti-Spam-Result: AgAAA0gt30ZEjuwznmdb2JhbACcYpBXgEBAgcEBg8Y

X-IronPort-AV: i="4.20,213,1186351200";

d="scan'208"; a="86984379:sNHT27711593"

X-Spam: No

Received: from [68.142.237.88] by n10.bullet.re3.yahoo.com with NNFMP; 06 Sep 2007 05:32:31 -0000

Received: from [66.196.101.133] by t4.bullet.re3.yahoo.com with NNFMP; 06 Sep 2007 05:32:30 -0000

Received: from [127.0.0.1] by rrr4.mail.re1.yahoo.com with NNFMP; 06 Sep 2007 05:32:23 -0000

X-Yahoo-Newman-Property: ymail-5

X-Yahoo-Newman-Id: 370239.38895.bm@rrr4.mail.re1.yahoo.com

Received: (qmail 99505 invoked by uid 60001); 6 Sep 2007 05:32:22 -0000

DomainKey-Signature: a=rsa-sha1; q=dns; c=noaws; s=s1024; d=yahoo.ca;

h=X-YMail-OSG:Received:Date:From:Subject:To:MIME-Version:Content-Type:Content-Transfer-Encoding:Message-ID;

b=DAn/phe2WRVuPe8FjE+924Fx9ncHbGx/KUvUGiZJPqH4eYdahKu5/0IUe1p68QyNqka6 bDJzwp7CYMgfeBwMLBmcGOtSvl8EsESZPP3RUUpUzvB29g0M0gGbvdr4N6/4L+bU3azpH Mh/xkSjfxO1qaAtAcP5WMBgClui/C+h+D8=;

X-YMail-OSG:

k.jfEs4VM1mJKUjIZoP2Cvs6xEZauPiPPlpWu8FZGpUhoETHYmE1xg2O_UXQxLKjuHmUr FNk9M4Yq_rRtokzLZFMrgSWHfuGhLc

Received: from [80.65.241.180] by web45011.mail.sp1.yahoo.com via HTTP; Thu, 06 Sep 2007 01:32:22 EDT

Date: Thu, 6 Sep 2007 01:32:22 -0400 (EDT)

From: Robin Hood <robin.hood3055@yahoo.ca>

Subject: Are you still alive? That will change soon!

To: christoph.hiestand@juliusbaer.com

MIME-Version: 1.0

Content-Type: multipart/alternative; boundary="0-1853252881-1189056742=:99185"

Content-Transfer-Encoding: 8bit

Message-ID: <356690.99185.qm@web45011.mail.sp1.yahoo.com>

Return-Path: robin.hood3055@yahoo.ca

X-OriginalArrivalTime: 06 Sep 2007 05:32:33.0562 (UTC) FILETIME=[5361EFA0:01C7F047]

--0-1853252881-1189056742=:99185

Content-Type: text/plain; charset=iso-8859-1

Content-Transfer-Encoding: 8bit

--0-1853252881-1189056742=:99185

Content-Type: text/html; charset=iso-8859-1

Content-Transfer-Encoding: 8bit

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Evidence III. 09

Drohungen zum Nachteil der Geschädigten Hiestand und Julius Baer

4. Drohung z. N. GES Hiestand (ND 4)

Am 7. August 2007, 19.20 Uhr (Ortszeit: 13:19:38 Uhr; Eingangszeit Zürich: 17:19:41 Uhr), schickte der Angeklagte Rudolf Elmer, welcher am 10. Dezember 2002 per 10. März 2003 von seinem Arbeitgeber Julius Baer Bank & Trust Company Ltd., Cayman Islands, einem Ableger der Bank Julius Bär Holding / Bank Julius Bär Gruppe bzw. der an der Bahnhofstrasse 36 in 8001 Zürich domizilierten Bank Julius Bär & Co. AG, mit Freistellung von seiner dort ausgeübten Tätigkeit als Chief Operation Officer entlassen worden war, unter dem account robin.hood3055@yahoo.com vom Internetprovider telecomplus in Mauritius aus, wobei der Angeklagte zu jener Zeit dort wohnte und arbeitete, an die E-Mail Adresse des nachmaligen Geschädigten Christoph Hiestand - Mitarbeiter Rechtsdienst der Julius Bär & Co. AG an der Bahnhofstrasse 36 in 8001 Zürich - christoph.hiestand@juliusbaer.com in englischer Sprache folgende Mitteilung mit dem Thema „Your dirty pig“:

„Hi dirty pig,

it is about time to let you know my hunter is after you. You are number one on my list because guys like to need to be treated accordingly. My hunter will behind your back maybe tomorrow, maybe in a weeks time or even in a months time but he will be there. Don't worry it will happen quickly and you hardly will realise what's happening. It is not the first job the hunter did and execution is his strength.

Watch out and be careful what you do but my hunter will do the job!

I thank you for being so kind to me but know we need to get rid of you.

Regards,

The Hunter"

„Hallo dreckiges Schwein,

- 18 -

es ist höchste Zeit, dich wissen zu lassen, dass mein Jäger hinter dir her ist. Du bist die Nummer eins auf meiner Liste, weil Leute wie Du entsprechend behandelt werden müssen. Mein Jäger wird hinter deinem Rücken sein, vielleicht morgen, vielleicht in einer Woche oder einem Monat, aber er wird dort sein. Sorge dich
es wird schnell passieren und du wirst kaum realisieren, was dir geschieht

Judichtwart / Anklage

Evidence 10

(source indictment June 25th, 2010)

5. Drohung zum Nachteil von GES Julius Bär (ND 4)

Am 24. August 2007, 10.41 Uhr, hinterliess der Angeklagte Rudolf Elmer, welcher am 10. Dezember 2002 per 10. März 2003 von seinem Arbeitgeber Julius Baer Bank & Trust Company Ltd., Cayman Islands, einem Ableger der Bank Julius Bär Holding, mit Freistellung von seiner dort ausgeübten Tätigkeit als Chief Operation Officer entlassen worden war, unter dem account rfdghdda@mail.com via afrinic bzw. telecomplus von Mauritius, wo er zu jener Zeit wohnte und arbeitete, auf der Eingabemaske der Zeitschrift Tages-Anzeiger in Zürich eine E-Mail-Nachricht zum Nachteil der Geschädigten Bank Julius Bär & Co. AG an der Bahnhofstrasse 36 in 8001 ZÜRICH, indem er folgende Mitteilung in englischer Sprache sinngemäss hinterlegte:

„Urgent Urgent,

there are explosives in Julius Baer, Zürich, which will go off this afternoon, Friday 24th.“

“Dringlich, dringlich

Es gibt bei Julius Baer, Zürich, Sprengstoff und dieser wird heute Nachmittag, Freitag, den 24igsten, gesprengt werden.“

Durch diese Androhung von Explosionen wollte der Angeklagte die Geschädigte bzw. deren Mitarbeiter in Angst und Schrecken versetzen, indem bei der Geschädigten dadurch ent-

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Hiestand, Christoph

(see Julius Baer)

Subject: FW: Highly Urgent
Importance: High
Sensitivity: Confidential
Attachments: Thomas Berli.vcf



Thomas Berli.vcf
(561 B)

-----Ursprüngliche Nachricht-----
Von: Thomas Berli [mailto:thomas.berli@stp.stzh.ch]
Gesendet: Freitag, 24. August 2007 12:32
An: Hug, John
Betreff: Mail Tages Anzeiger

Bombardier

-----Original Message-----
From: rfdghddda@mail.com [mailto:rfdghddda@mail.com]
Sent: Friday, August 24, 2007 10:41 AM
Subject: Tagesanzeiger Feedback

Name: Barona
Strasse: Balotua 45
PLZ: 87878
Ort: Lybanon
Telefon: 23 22 334 32
eMail: rfdghddda@mail.com

URGENT URGENT
There are explosives in Julius Baer, Zurich which will go off this afternoon. Friday, 24th.

RO-Sicherheitsdienst
Personen-/Objektschutz
8021 Zürich, Postfach
Tel: 044/411 85 21
Fax : 044/411 85 09
Mobil: 079/592 26 09

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