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Whistle Blower Alternative? Let corruption thrive!

Whistleblower Rudolf Elmer and Swiss Bank Secrecy

It's fruitless trying to fight globalised corruption in globally supported and protected Switzerland!

People say that my Whistleblower case is extremely complicated. After all, there has been 70 court decisions, 217 days imprisonment in solitary confinement, a criminal investigation against my wife, the physical harm caused to my daughter and me by detectives of Bank Julius Bär & Co. AG, Zurich. Add to these criminal proceedings lasting over 15 years, etc., it's easy to understand why!

On the contrary, my case is not complicated, but very important for Switzerland and global society. It is about recognising how the state of Switzerland is aiding multinationals and selected super-rich individuals to control and turn a decent country into a feel-good oasis for criminals.

On the other side of the spectrum, blaming for reporting wrongdoing whilst, humiliating and using my family as hostages, exerting so much pressure until my child attempted suicide. The ultimate aim of Switzerland's protectorate, is to provide a safety haven for the ultra-wealthy, no matter the cost on society. To protect these entities and distract focus away from their own wrongdoings, the state will systematically intimidate, overburden, dishonor and inflict as much financial and psychological damage as needed until the whistleblower respectively the truth-teller is worn down by its gangs of bullies. It's no wonder Switzerland has the highest rate of psychiatric cases in Europe.

It doesn't matter who the whistleblower is, what is important is to distort and hide the truth from civil society in order to pursue the dark dealings of the banking world. Their methods are manifold, mostly inhumane and a disadvantage for society as a whole.

I would like to illustrate this with a letter I received during my 217 days of solitary confinement in Winterthur prison. The letter came from one of the few independent senior judges in Zurich who understands the true motivation of the Swiss judiciary, the inner workings of the Zurich judiciary and the Zurich financial centre. In it he explains that criminal acts are also perpetrated by the judiciary itself in order to set an example against whistleblowing. He wrote (quote):

I received your letter and once again I read it with interest. You describe conditions and mechanisms that are very familiar to me and hardly cause any more astonishment. Nevertheless, the first-instance conviction had irritated me to a great extent. Especially the fact that you were denied honesty and a decent attitude at the time. You were defamed, pathologised and criminalised. The whole programme! The fact that the prosecutors are grappling with the idea of drawing up another psychological evaluation of you goes exactly in this direction. The fact

that you are being held in solitary confinement speaks for itself. This is how you react to enemies of the state! People like you seem more dangerous to the system than the RAF (Red Army Faction) or the Red Brigades.

The lawsuits against you and the ongoing investigations are a highly political matter. Fighting it with legal means is laudable but unfortunately not very promising. Switzerland protects its golden calves. Every state does that. The criminal justice system protects the system and not the well-meaning and well-behaved citizen.

Criminal law is not and has never been about punishing all violations of the law - regardless of the principle of legality and the official maxim - it is about prosecuting the politically correct violations - and almost more importantly - not prosecuting them.

Criminal investigations against renowned banking institutions are now in no way opportune, but rather the prosecution of persons who make or have made their insider knowledge available to the public. The Swiss financial centre does not want and cannot afford criminal investigations against banks. Where would that lead, first Bank Bär and then UBS or CS? That is why an example is being made here. Finally, the press will not want to mess with any banking institutions, and you will hardly get any support from the established political parties. From that point of view, you have no lobby here in Switzerland at the present time." (end quote)

! The most important sentence of the senior judge in his response!

"You believe in the rule of law and the state and it is precisely this rule of law and the state that prove to you that you must not believe in it."

It is a fact In Switzerland every conscientious objector, whistleblower, is convicted precisely for the reasons mentioned. The "independent" law enforcement agencies and courts have an incredible amount of leeway to carry this out ruthlessly without being punished. Judges in particular are free to do so. Therefore, the central question is related to judges:

Does the judge serve the law or does the law serve the judge to obstruct justice?

In Switzerland, in my case, the law served the judges to protect the corrupt banking world. Several times I drew criminal facts to the public's attention and interest and was convicted for it even though the evidence of the criminal clients was in the court files and made public by the well-regarded newspaper Guardian UK in 2009. Even the ECHR knew the criminal clients published 2008 on WikiLeaks in the complaint to the ECHR and that their actions taken against my family and I went so far as to regard Swiss banking secrecy, a criminal law, which in fact it is (Falciani 99% tax evaders of HSBC`s clients).

As an example, I refer to the most important of my seven appeals to the ECHR, all of which were “ironically” dismissed by the ECHR’s resident “Swiss” judge (court administrator) or by a ONE judge decision without detailed reasoning.

The ECHR and Switzerland maintain the very same "anti-whistleblower program". There was no real separation of duties or difference of opinion between the ECHR judges and the Swiss court clerk who dealt with my Swiss complaints. Whistleblowers have to suffer social, financial and professional death even if it is against the law and against the practice based on court decisions of the ECHR. They are a law unto themselves, one law for them, another for us!

Another example is my main complaint, which was based on the GRECO (Groupe d'Etats contre la Corruption) report of 2016. The GRECO report essentially accused Switzerland of the following shortcomings (quote):

"In Switzerland, the members of the federal courts are elected by the political forces in the Federal Assembly. While GRECO recognizes the legitimacy of this principle, which stems from its own history and tradition, it considers that the system needs to incorporate garnishments in order to better take into account quality and objectivity in the recruitment of members of the federal courts. Once elected, it is imperative to cut ties with political forces - hence the practice whereby federal judges transfer part of their salary to their party. It must also be ensured that the decisions taken do not serve as a justification for non-re-election by the Federal Assembly, etc."

As of today, the situation in Switzerland has not improved, quite the opposite, it has actually worsened!

I proved in my complaint filed January 2021 to ECHR that

- 1) Switzerland ignored the 2016-recommendations of GRECO. Consequently, the situation has gotten far worse!
- 2) Swiss judges pay still up to CHF 20`000 or at least 6% of their annual salary to their supporting political party!
- 3) One can only become a Swiss Federal Judge if one is a member of the four biggest parties which supports one`s election! Simply put, no one can become a federal judge in Switzerland without being a paying member of a political party!
- 4) Re-election of judges in the Federal Assembly come but once every six years, which is a huge burden for an independent judge!
- 5) if a judge does not decide in the line of the supporting political party, then he is threatened with the risk of not to be re-elected I More recently, Federal Judge Yes Donallaz from the conservative party (SVP) was blocked from being re-elected in 2020 by his own party (SVP) because he had voted to hand over the HSBC-Geneva bank data (Falciani) to the French authorities in 2018.

- 6) in my case the very same head judge Christian Denys at the Federal court turned down all of my five appeals. As a head judge in such a privileged and powerful position, is he not meant to be impartial Judge Denys controlled and decided every one of my complaints to the Swiss Federal Court as a head judge.
- 7) without any participation from other independent judges and all by himself, Judge Denys was allowed to rule out my complaint against the General Counsel of Julius Baer Group Counsel Hiestand who misled the court by stating I came under Swiss Bank Secrecy laws in Cayman. He also provided prosecution with my unsigned employment contract which was obviously ignored by the judges. Another dirty trick of Julius Baer!
- 8) Judges of the conservative political party (SVP) are obliged to sign and lodge a Charter of Honor with the canton of Zurich that they will rule accordingly and in line with its political viewpoints. Vice-president of the Swiss Federal Court, Federal Judge Yes Donallaz confirmed this today in the Swiss Neue Zürcher Zeitung! The senior judge at the Higher Court of Zurich in my case was Peter Marti, a member of the Schweizer Volkspartei is, in my view, a judge who does not serve the law!
- 9) I have filed a complaint that Denys is not impartial, rules by himself, it was turned down by three judges of Denys 'own Department. Denys is head of the Criminal Department of the Federal Court of Switzerland. My complaint was regarded as a revised complaint. The judges wanted to avoid making a negative decision about judge Denys being prejudice and not being independent! Another dirty play in my case.

The bottom line is: Dealing with legal cases in Europe in such an offhand manner where one expects honesty and fairness, one would nowadays be having better chances of a fair trial in China or Russia than EU. It becomes crystal clear why Julian Assange does not receive a fair trial and is treated in such a disgusting way in Europe.

Conclusions

Whistleblowing in many cases exposes systemic abuses committed by states, that now appear to be governed multinational corporations and the super-rich.

At its core, this is not about the individual whistleblower, it is about a system that far exceeds the qualities and quantity of a mafia-like organization.

The opponents of whistleblowers are highly educated, intelligent, and well-off people, with unlimited financial / asset / commodity resources e.g., top bankers, judges, politicians, public prosecutors, etc., their aim? To make whistleblowing a capital offence so they can carry on with wrongdoing.

This is demanded by the opponents of whistleblowing, otherwise these well-off people lose their position in society, their jobs and their social recognition and not only them, even their families!

On the other hand, whistleblowers must therefore not take the harassment and condemnation personally, even though they have to experience it personally! In fact,

and truth, these are crimes committed by the powerful against civil society against Mr. and Mrs. Everyone - whistleblowers should always be aware of this.

Civil society will only put up with this until it becomes a victim itself! In the meantime, there are more and more victims, e.g., due to Corona! Perhaps civil society is now awakening, what is certain is that the new American president Joe Biden has called for a fight against tax havens such as Switzerland, Cayman, Bermuda etc.

Ultimately, the only effective weapon of self-defense I have as a whistleblower is information and I have retained a lot of that! I think that is also a reason why I am still alive today and did not have to go the path of Sergei Magnitsky, Daphne Caruana Galicia, Jamal Khashoggi and many others!!!

Thank you for your attention.

Rudolf Elmer

Swiss Certified Public Account

(Former COO of Julius Baer, Cayman, Head of shared Service Center of Standard Bank of Africa, Mauritius: COO of Noble Investments Zurich and Bermuda)