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BJS 23 8695 / ARR/BIC
Mr. Alan White
10681 Jackson Sq.
FL 33928 Driver Estero

Summary penalty order

Moutier, 15.08.2024

In the criminal proceedings against

Defendant **WHITE Alan**, 10681 Jackson Sq., FL 33928 Driver Estero, USA

For Defamation

Committed on 19.07.2021 at 08:04 pm

Place Saint-Imier (CH)

Facts of the case

Defamation (art. 174.1 CC), offense committed on 19.07.2021 at 08:04 pm (local time of place where email was sent) notably in Saint-Imier, to the detriment of Alain Werner, as per the following facts: The private claimant, Alain Werner, is Director of the organization Civitas Maxima, which provides assistance and legal representation to victims of international crimes. On 10 November 2014, Swiss authorities arrested Alieu Kosiah, who was suspected of involvement in massacres in Liberia between 1993 and 1995, during the Liberian civil war. Alieu Kosiah was suspected of being a commandant of the United Liberation Movement of Liberia for Democracy. In its judgement of 18 June 2021, the Swiss Federal Criminal Court in Bellinzona, Switzerland, sentenced him to 20 years of prison, in particular for ordering the killing of civilians and soldiers, for rape, and for ordering cruel treatment of civilians. During these proceedings, several victims were represented by Alain Werner. During the hearing, Alieu Kosiah's attorney, Dimitri Gianoli, attorney in Saint-Imier, submitted an email that he received on 19 July 2021 at his email address, from Alan White. The content of the email was as follows: "*The charges were based upon information provided by Civitas Maxima headed by Alain Werner and Hassan Bility, Global Justice Research Project, in Monrovia which is financed by Werner. Werner & Bility became close friends during the Charles Taylor trial. So they have been making millions of Euros pursuing cases, principally immigration fraud cases, against individuals from Liberia outside of Liberia. There cases has been suspect based on false/coached testimony of witnesses recruited in Liberia and in return offered something of value such as money, witness protection for life in Europe and elsewhere and in Switzerland Mohamed Kromah was reportedly provided asylum in return for providing false testimony against your client Alieu Kosiah. I've personally spoke to a couple of witnesses that said Bility offered them money and relocation to a first world country if they would provide false testimony against Kosiah.*" The defendant thereby, in criminal proceedings, implied that the aggrieved party, mainly for the purpose of earning money, recruited false



witnesses in serious criminal cases and then coached them, with some promises, to give false testimony in court, thus implying that the injured party engaged in conduct contrary to honor or conduct constituting a criminal offence in open criminal proceedings regarding serious felonies in Liberia. The defendant thereby committed a crime against the aggrieved party's personal honor by addressing third parties (Dimitri Gianoli, Mike Müller and Kaarle Gummerus) and, by extension, the honor of Civitas Maxima, the association directed by the aggrieved party. Finally, the defendant refused to explain himself to the Swiss authorities on the matter, although he had the opportunity to do so by means of an international letter rogatory, and consequently failed to prove either the truth of his allegations or that he had serious reasons for believing them to be true in good faith.

Applying

Art. 34 *et sequitur*, 42 *et sequentia*, 47 CP; Art. 352 *et sequentia*, 422 *et sequentia*, 426.1 and 433 Swiss Criminal Procedure Code
Art. 174.1 Swiss Criminal Code

It has been **decided** that:

1. Alan White is found guilty of defamation.
2. Alan White is sentenced to pay a monetary penalty of 90 daily penalty units at the daily rate of CHF 100.00, totaling CHF 9,000.00. Execution of the monetary penalty is suspended for a probation period of 2 years.
3. Alan White is also sentenced to pay an additional fine of CHF 3000.00. In case of wrongful non-payment, the alternative custodial sentence is 30 days.
4. Alan White is also responsible for the cost of the proceedings.
5. Alain White must therefore pay:

CHF	3,000.00	Additional fine
CHF	800.00	Fees
CHF	150.00	Expenses
CHF	3,950.00	Total
6. Served to:
 - Alan White, 10681 Jackson Sq., FL 33928 Driver Estero, USA
 - Alain Werner, repr. by Paul Gully-Hart, 15bis Rue des Alpes, PO Box 2088, Schellenberg Wiltmer Ltd, 1211 Geneva



Instructions on Appeal Procedure

Within a time limit of ten days after receipt you may appeal against this penalty order (Art. 354 Abs. 1 Bst. a Strafprozessordnung (Order of criminal proceeding); StPO).

The written appeal has to be dated and signed by the accused person or by an authorized lawyer and has to be handed in no later than the last day of the ten days limit at the mentioned Public Prosecutor or the Swiss Post or a Swiss diplomatic or consular representative abroad. (Art. 89 ff. StPO). The burden of proof for this lies on the sender. The reasons given for the appeal may be in written form. Entries per mail or fax do not extend the deadline.

Right to appeal for other persons concerned

Other persons concerned may appeal to the penalty order at the Public Prosecutor within 10 days in written. Reasons have to be given for the appeal. (Art. 354 Abs. 1 Bst. b und Abs. 2 StPO).

Proceedings of appeal

If there is an appeal, the Public Prosecutor will collect further evidence, which is required for the evaluation of the appeal. If a person appealing fails to appear to a hearing without excuse despite getting a summons, the appeal will be considered withdrawn. After collecting the evidence the Public Prosecutor will decide if (a) it will hold on to the penalty order, (b) the proceedings will be closed, (c) a new penalty order will be issued or (d) to bring charges to court of first instance (Art. 355 StPO). In case of (a) or (d) the files will be handed over to the court in charge for continuation of the proceedings (Art. 356 StPO).

Without legal appeal the penalty order will become final.

Comments

Prison sentence

If a prison sentence has been pronounced, the accused person will receive an order for execution of the prison sentence from the office of deprivation of liberty and assistance (AFB).

Suspended pecuniary penalty

The Public Prosecutor suspends the execution of the pecuniary penalty, if a firm sentence does not seem essential to deter the convicted person from committing further crimes or offences (art. 42 Abs. 1 CP). In this case, the Public Prosecutor imposes a probation period of 2 to 5 years, during which he may order probation assistance and impose rules of conduct on the convicted person. (art. 44 al. 1 and 2 CP).

If the convicted person successfully completes probation, the pecuniary penalty is not enforced (art. 45 PC). On the other hand, if the convicted person commits a new felony or misdemeanour during the probation period, the competent court may revoke the probation and order payment of the pecuniary penalty (art. 46 PC).

Invoice

The convicted person will receive an invoice with a payment slip in approximately 5 to 8 weeks. Payments already made will not be taken into account. Please do not make any payments before receiving the invoice.

Community service (Beware of deadlines)

Custodial sentences of up to six months, pecuniary penalties and fines may, on request, be carried out in the form of community service, if there is no reason to fear that the convicted person will abscond or commit other offences (art. 79a PC). In the case of custodial sentences, the request must be made after receiving the summons to serve the sentence. In the case of fines and pecuniary penalties, the request must be submitted within 3 months of the date of the invoice relating to the present criminal ordinance. Requests must be addressed to the competent enforcement authorities (Section de la probation et de l'exécution des sanctions pénales SPESP, Région Jura bernois - Seeland, Rüschiistrasse 16, Case postale 1164, 2501 Biel/Bienne, Tel. 031 635 63 02) after the entry into force of the present criminal ordinance

Penal record

This judgment will be entered in the criminal record. In principle, the entry is automatically deleted from VOSTRA, or no longer appears in extract 1 intended for the authorities, 15 years after the judgment comes into force (art. 30 al. 2 lit. a ch. 3, al. 2 lit. d and al. 3 lit. a, art. 37 al. 2 of the Criminal Records Act (LCJ)). In principle, entries in extracts 2 and 3 intended for the authorities cease to appear after 10 years (art. 38 al. 3 lit. a ch. 3 and lit. d, art. 39 LCJ). In extract 4 for authorities and in the extract for private individuals, a judgment imposing a firm sentence ceases in principle to appear after 2/3 of 10 years, for a suspended sentence, on expiry of the probation period if the convicted person has successfully completed it (art. 40 al. 3 lit. a and b, art. 41 LCJ)

Declaration

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I appeal.

Place, date

Name and signature:

(In case of objection, please send the complete form to the above mentioned Public Prosecutor and copy it if required.)