

PRINCIPALITY OF SEALAND

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DOCUMENTATION

of the Tenure of our State Territory Hakeburg
at Kleinmachnow near Berlin
regarding Sealand / Deutsche Telekom AG

Start Page

With this documentation we establish

that the claims by the Principality of Sealand to its State Territory <Hakeburg> are incontestable both according to the national law of the FRG and to international law and are thus enforceable.

It will be shown that

- the Hakeburg still forms part of the assets of the German Reichspost (Special Assets of the German Reich) and thus remains part of the Property of the German Reich that were confiscated by the US of A in 1944
- the FRG can only dispose of the entire property of the German Reich and of the special assets of the German Reich or parts thereof with the written consent of the Government of the United States of America
- neither the Federal Republic of Germany nor the Deutsche Telekom AG have until now been able to show any license or certificate of exemption issued by the United States of America that they may transfer the confiscated assets of the German Reich to the assets of the FRG or that they may sell them
- the Deutsche Telekom AG thus describes itself wrongly as the owner of the Hakeburg at Kleinmachnow near Berlin
- the lease contract between the Principality of Sealand and the Commissary Government of the German Reich (SHAEF Legislator USA) is legally valid both in international law and in the law of the German Reich
- the refusal by the Deutsche Telekom to allow the Principality of Sealand to make use of its leased territory contravenes both national and international law
- all claims by the Principality of Sealand for compensation for the loss of use, conveyed to the Sealand Trade Corporation, are legal and have not been challenged until this day.

Sealand, im November 2002



Johannes W.F. Seiger
Ministerpräsident und Staatsratsvorsitzender

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The Circumstances

I. Legal Circumstances

1. The German Reich did not founder, it continues to exist

Reasons:

This has been recognised by the Federal Constitutional Court as well as in other national and international jurisdictions. The Federal Republic of Germany is not the legal successor of the German Reich: Decision of the Federal Constitutional Court of July 31, 1973, concerning the foundation contract between the FRG and the GDR – excerpt – pertinent section:

“It is recorded (see BVerfGE, 1956-08-17, 1 BvB 2/51, BVerfGE 5, 85 [126]), that the German Reich has survived the collapse of 1945 and did not founder, neither with the capitulation, nor through the exercise of foreign powers in Germany by the Allied Forces, nor at a later date; it continues to maintain legal capability, but due to the lack of organisation is not able to act as a sovereign state. The FRG is not the “legal successor” of the German Reich, but identical to the German Reich as a state, however, in respect to its territory only partially identical.”

2. The Hakeburg is the property of the German Reich

Reasons:

The German Reich has acquired the Hakeburg legally and in accord with procedural law from private ownership.

Dokuments 01–06

01 Letter by the owner D. von Hake to the Potsdam local court:

Announcement of the sale to the German Reichspost, dated January 15, 1937.

02 Letter by the Ministry of the Reichspost of January 16, 1937, to the local court at Potsdam: Intention to buy, query whether according to the land settlement law of the Reich [#1, #2] an authorisation was necessary.

Hand-written by the local court within the document: no authorisation necessary [#2] dated January 19, 1937.

03 Local Court Potsdam: Certification that the property Kleinmachnow, Volume 6, Page 126 (file number 56), lots 1, 2, 3, changed hands from D. von Hake to the German Reichspost, represented by the President of the Reichspostdirektion Berlin. [#1, #2, #3] of January 22, 1937.

04 Transcript from the land registry of the Spandauer Weg (lot 6656/33) and the land register Volume 6, Page 126: Owner D. von Hake [#1, #2] of January 29, 1937.

05 District board Teltow-Fläming:

Confirmation that there are no objections to the changing of hands.

Recorded buying price: 2'400'000 Reichsmark

Date: February 16, 1937

05a Letter by the Reichspostdirektion Berlin to the Local Court Potsdam of February 18, 1937:

Request for soonest registration

06 Official transcript of the contract of purchase between D. von Hake and the German Reich (Reichspost) of November 2, 1939.

3. The Hakeburg as a special asset of the German Reich continues to be sequestered by the USA

Reasons:

- A. Law No. 52 of the Military Government Germany, American Zone (hereafter called SHAEF Law No. 52)
- «Amended
Blocking and Control of Property
ARTICLE I
Categories of Property
1. All property within the occupied territory owned or controlled, directly or indirectly, in whole or in part, by any of the following is hereby declared to be subject to seizure of possession or title, direction, management, supervision or, otherwise being taken into Control by Military Government:
- (a) The German Reich, or any of the Länder, Gaue or Provinces, or other similar political subdivisions or any agency or instrumentality thereof, including all utilities, undertakings, public corporations or monopolies under the control of any of the above;
- ...
2. Property which has been the subject of transfer under duress, wrongful acts of confiscation, dispossession or spoliation, whether pursuant to legislation or by procedures purporting to follow forms of law or otherwise, is hereby declared to be equally subject to seizure of possession or title, direction, management, supervision or otherwise being taken into control by Military Government.
- ARTICLE II
Prohibited Transactions
3. Except as hereinafter provided, or when licensed or otherwise authorized or directed by Military Government, no person shall import, acquire or receive, deal in, sell, lease, transfer, export, hypothecate or otherwise dispose of, destroy or surrender possession, custody or control of any property.»
- B. Convention about the regulation of certain questions in relation to Berlin of September 25, 1990, Bundesgesetzblatt 1990, Part II, Page 1274, Article 2:
- “All rights and obligations that are based on and recognised by legislative, judicial or administrative measures of the Allied Administration in or in respect of Berlin or based on and recognised by such measures are and will remain in all respects in force according to German law, even if they have been based on or recognised in accordance with other legal requirements. These rights and obligations are subject without discrimination to the same legal, judicial and administrative measures as do similar rights and obligations based on and recognised under German law.”

Further evidence can be supplied anytime.

4. Nobody may dispose of the sequestered special assets of the German Reich without the consent of the USA

Reasons:

SHAEF Law No. 52

ARTICLE III

«Responsibilities for Property

4. All custodians, curators, officials, or other persons having possession, custody or control of property enumerated in Articles 1 or II hereof are required. •

(a) (I) To hold the same subject to the directions of the Military Government and, pending such direction, not to transfer, deliver or otherwise dispose of the Same;

...

5. No person shall do, cause or permit to be done any act of commission or omission which results in damage to or concealment of any of the properties covered by this law.»

5. The Commissary Government of the German Reich was established in 1985 by the Plenipotentiary on orders from the SHAEF legislator USA. Since then the German Reich is again capable of acting.

Reasons:

The legal basis for the Plenipotentiary is the SHAEF legislation of the USA for Germany. The Commissary Government of the German Reich (SHAEF Legislator USA) is bound within the The Hague Land War Convention to follow the directives of the victorious power USA in respect to the protection of its interests towards Germany until [the advent of] a future peace treaty.

II. Lease Agreement

6. In 1999, the Hakeburg at Kleinmachnow near Berlin has been leased by the Principality of Sealand for 99 years.

Reasons:

Lease Agreement between the Principality of Sealand and the Commissary Government of the German Reich (SHAEF Legislator USA)

7. For 99 years, the Property Hakeburg is the State Territory of the Principality of Sealand

According to public international law this lease agreement is comparable to the treaty between Great Britain and China concerning to Hongkong.

8. The leasing of the Hakeburg to the Principality of Sealand is legal both according to the law of the German Reich and to occupational law.

Reasons:

The application to obtain a lease of the Hakeburg by the Commissary Government of the German Reich (SHAEF Legislator USA) to the Principality of Sealand sanctioned by the US State Department according to article 43 of the The Hague Land War Convention.

Further information at:

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III. Deals by the Federal Republic of Germany and the Deutsche Telekom Void by Law

9. All actions undertaken concerning assets of the German Reich without the consent or authorisation by the Allied Authorities are null and void

Reason:

SHAEF Law No. 52

«ARTICLE V

Void Transactions

7. Any prohibited transaction effected without a duly issued license or authorization from Military Government, and any transfer, contract or other arrangement made, whether before or after the effective date of this law, with the intent to defeat or evade this law or the powers or objects of Military Government or the restitution of any property to its rightful owner, is null and void.»

10. This applies also when the laws of the Federal Republic of Germany state or foresee different scenarios

In the Grundgesetz (constitutional law) for the Federal Republic of Germany it is stated in *Article 143b*

- (1) The special assets Deutsche Bundespost (German Federal Postoffice) are according to Federal Law transmuted to enterprises of private legal form. The Federation retains the exclusive legislation over all resulting matters.
- (2) The exclusive federal rights existing before the transmutation may be transferred by federal law for a transitional period to the enterprises that emerged from the Deutsche Bundespost POSTDIENST (postal services) and the Deutsche Bundespost TELEKOM (telecommunication).

This article of the Grundgesetz (constitutional law) for the Federal Republic of Germany is according to effective private international law invalid.

Reasons:

A. Bundesgesetzblatt (Federal Law Publication), 1990, Part II, Page 1274

“Announcement of the agreement of September 27/28, 1990, to the treaty concerning the relations between the Federal Republic of Germany and the Three Powers (in the altered version)

as well as the agreement about the regulation of questions arising from war and occupation (in the altered version) of October 8, 1990 ...

3. The following dispositions of the transition agreement will remain effective:

Part One: Article 1, Paragraph 1, Sentence 1 until "... lift or change legal prescriptions"
as well as Article 2, Paragraph 1 (see below under B)
Art. 3, 4, 5, 7, 8
Third Part, Addendum:
Article 3, 6
Sixth Part, Article 3
Seventh Part, Article 1
Ninth Part, Article 1
Tenth Part, Article 4 ...

B. Transition Agreement

Agreement for the Regulation of Questions Arising from War and Occupation
(in the version changed according to List IV accompanying the protocol about the ending of the occupation regime in the Federal Republic of Germany signed at Paris on October 23, 1954)

Article 2 (1) All rights and obligations based on or recognised in legislative, judicial or administrative measures by the occupational authorities are and remain effective in all aspects according to German law. irrespective whether they are based on or recognised in with other rules of law. These rights and obligations are subject without discrimination to the same future legislative, judicial and administrative measures as similar rights and obligations based on or recognised in intrastate German law." (see 3. B above)

C. Grundgesetz (constitutional law) for the Federal Republic of Germany, Art. 139

"The rules of law decreed for 'the liberation of the German people from national socialism and militarism' are without prejudice to the regulations of this constitutional law."

D. SHAEF Law No. 52, Article VI

«Conflicting Laws

8. In case of any inconsistency between this law or any order made under it and any German law the former prevail. All German laws, decrees and regulations providing for the seizure, confiscation or forced purchase of property enumerated in Articles I or II hereof, are hereby suspended.»

E. Military Government – Germany: General Directive No. 2 – according to Law No. 52 and SHAEF Law No. 55:

"IG Farbenindustrie AG: Ban of legal transactions in stocks and obligations and other financial interests of the IG Farbenindustrie AG."

This general disposition is the actual and generally recognised legal practice.

Reasons to E:

Documentation of the actual situation in the matter IG Farben in the press; cross-examination of members of the board of IG Farben, and more

IV. Repudiation of Invalid Assumptions

11. The Hakeburg was never transferred from the assets of the SED to the special assets of the FDR

From 1945 to 1990, too, the Hakeburg was the property of the German Reich and was never added to the assets of the SED. A transfer of ownership to the Federal Republic of Germany in this way never happened, it also would be legally impossible.

Reasons:

In the former GDR the Hakeburg had been declared Public Property. By this, the Soviet occupational forces did not grant the German authorities any competence in respect to the ownership and the use of the Hakeburg. Rather, the property was handed *in trust* to an administrative company.

Document 07 [transcript]

Transfer of Property of September 5, 1946

[résumé of the text: Transfer of ownership of the property of the former German Reichspost at Kleinmachnow (park, castle and research institute) in the land registry at the district court Teltow of Kleinmachnow Volume 194, Page 4537 and Volume 6, Page 126, to the Fundament Gesellschaft für Grundbesitz mbH at Berlin. 'Fundament' administers *in trust* the real estate rights of the SED.]

(Confirmed) According to order of May 25, 1946, No. 170 of the (Soviet) Military Commander of the district Teltow (Major Kusniezow). [#1, #2, #3]

Document 08 [transcript]

Land registry Kleinmachnow, old version, of November 19, 1948

Owner:

Entry (1), Nos. 1–9: Public Property

Basis for the entry:

'Was transferred on page 126 to Public Property, according to the by-law of August 5, 1946 by the decisions passed by the Commission for Sequestration and Confiscation. On request by the Teltow District Council at Machnow from October 4, 1948, here entered on November 19, 1948. Signed Lockhoff Schmidt'

[#1] of May 9, 1949

First Section, Nos. 1–9

Entry (2) Nos. 1, 3, 4, 5, 7, 9 (without 2 and 8)

Owner:

'Fundament Gesellschaft für Grundbesitz mbH at Berlin'

Basis for the entry:

Entered here on May 9, 1949, based on the decision by the State Government Brandenburg, Minister of the Interior, Office for the Protection of Public Property, of April 14, 1949, owner 'Fundament Gesellschaft für Grundbesitz mbH', Berlin.

And:

August 2, 1974, entry (3), name change, now:

'Organisationseigener Betrieb Fundament in Berlin'

Basis for the entry:

Following Instruction No. 158/74 by the Minister of the Interior and Chief of the German People's Police Force on May 24, 1974, entered on August 2, 1974.

12. The entry in the land register of August 2, 1974, was invalid

Reasons:

A. The legal chain of entries was interrupted at this junction because the entries would have needed the consent by the SHAEF Legislator, and an authorised agent of the Soviet occupational forces was neither able nor allowed to give his legally effective approval.

The directive by the Soviet Commandant contravened the SHAEF Law No. 76 (of January 29, 1945), published in the US Amtsblatt für Deutschland, Edition A, Page 42.

B. The entry of August 2, 1974, was again ineffective, because the putative buyer, the Fundament GmbH, had its seat in Berlin, the ongoing ambit of the special status of Berlin. Thus, this company was subject to the special regulations effective for Berlin.

C. Official ascertainment of the Special Status of Berlin under constitutional law:
«With Order No. 1 by the Interallied Military Commandant of the City of Berlin of July 11, 1945 (VOBl. d. Stadt Berlin, Nr. 4, S. 45) the administration of the city of Berlin was taken over by the Four Powers and ordered that all orders and directives given by the chief of the garrison and military commandant of the Red Army of the city of Berlin remain in force until further orders. According to Cipher 2, Sentence 2, of the ascertainment by the governments of the United Kingdom, the United States of America and the Union of Socialist Soviet Republics as well as the Provisionally Government of the French Republic about the occupation zones in Germany of June 5, 1945 (Source: Amtsblatt All. Kontrollrat Deutschland ErgBl. Nr. 1, S. 11) and Cipher 7 of the ascertainment by the governments of the United Kingdom, the United States of America and the Union of Socialist Soviet Republics as well as the Provisionally Government of the French Republic about the control procedure in Germany of June 5, 1945 (Source: Amtsblatt All. Kontrollrat Deutschland ErgBl. Nr. 1, S. 10) the whole city area of the territorial administrative body of Gross-Berlin (Greater Berlin) was put under the collective administration by the Four Powers, represented by an Interallied Military Command of the City of Berlin under the supervision of the [Allied] Control Council.»

D. Declarations of Consent by the Military Governors for the Constitutional Law of May 12, 1949, in the VOBlatt der brit. Zone Nr. 50, of September 7, 1949:

«4. A third caveat concerns the participation of Berlin in the Federation. We interpret the articles 23 and 144 such, that they constitute the acceptance of our earlier request, according to which Berlin will not receive a voting membership in the Bundesrat (Federal Council) or the Bundestag (Federal Diet) and will also not be governed by the Federation ...»

Result of Points 10 to 12:

This establishes clearly that the Hakeburg has always been and still is subject to the legislation of the Allied Occupational Forces. The view that the Soviet Occupational Forces had rescinded the sequestration according to SHAEF Law No. 52 cannot be sustained.

13. The stated regulations, laws and by-laws are valid also for the time after October 3, 1990

There never was a note of rescindment by the SHAEF Legislator for Germany concerning the sequestration of the assets of the German Reich and thus of the Reichspost. On the contrary, the continued effectiveness of it has been legally attested several times.

Reasons:

Agreement about the resolution of certain questions concerning Berlin, of September 15, 1990, Bundesgesetzblatt [BGBl] 1990, Part II, Page 1274 [see above No. 3 B]

14. The complete SHAEF legislation under the leadership of the USA are the basis for the four-power status as well as the so-called 2-plus-4 agreement based upon the former and for the Federal Republic of Germany remains in force

Reasons:

C. BGBl. 1990 II, Page 1274, 'Agreement about the resolution of certain questions concerning Berlin', [see above No. 4 B]

D. idem,

Article 4:

"All judgements and decisions made by a court of law or a judicial body instated by the allied authorities or by one of them before the invalidation of the rights and responsibilities of the Four Powers in or in respect of Berlin had been decreed, will in any case remain valid and effective according to German law and will be treated by the German courts of law and authorities like judgements and decisions from German courts of law."

15. The entry of the Deutsche Telekom AG as owner of the Hakeburg is invalid and contravenes the agreements between the Federal Republic of Germany with the three powers as well as with the four powers

The contracts with the Three Powers are the unrescindable basis for the contracts with the Four Powers (Two-plus-Four Treaty etc,)

Reasons:

Entries in the Land Registry of Kleinmachnow

Entry of August 15, 1995:

Document 09 [transcript]

Entry (4) Nos. 1, 3, 4, 5, 7, 9

Owner: Deutsche Telekom AG, Bonn

Basis for the entry:

(request by the Bundesanstalt für vereinigungsbedingte Sonderaufgaben [Federal institution for special tasks following reunification] of August 2, 1995, [PZ/M25V-94/40739]), entered on August 15, 1995

Entry of February 3, 1998 [transcription]

Document 09a

Land register page 145 (deleted: 4905)

Real estate of the Fundament GmbH (deleted)

Deutsche Telekom AG: Newly written on February 3, 1998:

Remarks: Reverted back! (Zurückgeführt)

Entry of February 3, 1998

Document 09b, no date, Land registry Kleinmachnow Page 145 [transcription]

Owner Nos. 1 to 6: Deutsche Telekom AG

Reason for the entry:

Without Change of Ownership

new version here noted on February 2, 1998 [#1]

List of areas [#2]

Inventory [#3]

Remarks: The text of the entry: "Without Change of Ownership" is – also according to the judgement of the Federal Constitutional Court of July 31, 1973, File No. 2 BvF 1/73 – factually and legally invalid.

V. Conclusion

The Deutsche Telekom AG refuses the Principality of Sealand in the German Reich the use of its State Territory Hakeburg according to the contracts.

Thus the Deutsche Telekom AG – which acts according to the Fundamental Law (Grundgesetz) 143 as proxy of the Federal Republic of Germany – knowingly and intentionally contravenes effective national, international and occupational law.

A complaint has been lodged.

The Principality of Sealand has assigned its claim for indemnity to the state-owned company Sealand Trade Corporation for legal and financial assertion.

A legally effective claim for indemnity has been submitted and will be upheld until a conciliation or a judicial judgement has been reached.

An extensive legal opinion is being prepared.

Note:

According to Government Resolution 080203 by the Principality of Sealand, fifty percent of the indemnity payments will be handed to the victims of the disastrous floods of August 2002 in Germany, Austria and the Czech Republic as humanitarian aid.

Principality of Sealand, November 2002

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