

**From:** "[REDACTED]" <[REDACTED]>

**To:** "[REDACTED]" <[REDACTED]>

**Subject:** RE: SDNY case

**Date:** Fri, 10 Jul 2020 13:39:02 +0000

**Attachments:** GEN\_MEMORANDUM\_ON\_ADVANCE\_WAIVER\_OF\_EXTRADITION.doc

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Hi, [REDACTED].

French MOJ confirmed for me a that a dual French national is a French national, and extradition is not possible from France.

Article 696-4 of the French Criminal Procedure Code prohibits the extradition of French nationals (here is the link: [https://www.legifrance.gouv.fr/affichCode.do?sessionId=3C709E123E74A0D321F78FF9C7B84A77.tplgfr27s\\_1?idSectionTA=LEGISCTA000006167511&cidTexte=LEGITEXT000006071154&dateTexte=20200710](https://www.legifrance.gouv.fr/affichCode.do?sessionId=3C709E123E74A0D321F78FF9C7B84A77.tplgfr27s_1?idSectionTA=LEGISCTA000006167511&cidTexte=LEGITEXT000006071154&dateTexte=20200710)) and that principle is also found in our bilateral extradition treaty as well (in the sense that it does not obligate France to extradite its nationals).

The only quirk is here is if, somehow, she acquired French nationality *after* the time period of the criminal conduct...that might allow her to be extradited, but I imagine that is the rare case.

I've also attached a write up with some cases on the question of advance waiver of extradition, in case that is offered as a proposed bail condition. I would just caution that this a few years out of date at this point, and the cite checking might not be perfect; but there are a few decisions cited that might be useful for you to cite directly.

Good luck! [REDACTED]

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**From:** [REDACTED] <[REDACTED]>

**Sent:** Wednesday, July 8, 2020 5:46 PM

**To:** [REDACTED] <[REDACTED]>

**Subject:** Re: SDNY case

Thanks very much, 9 a.m. on Friday would be great. What number should I call?

Sent from my iPhone

On Jul 8, 2020, at 11:44 AM, [REDACTED] <[REDACTED]> wrote:

Sure thing. Friday looks pretty open for me. Would 9am or 9:30am work for you?

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**From:** [REDACTED] <[REDACTED]>

**Sent:** Wednesday, July 8, 2020 5:38 PM

**To:** [REDACTED] <[REDACTED]>

**Subject:** Re: SDNY case

Hi [REDACTED]

Do you have a moment this week for a quick call? I have a few questions about the extradition process in France generally, and it would be helpful to discuss.

Thanks very much,

██████

██████████  
Assistant United States Attorney  
Southern District of New York  
[One Saint Andrew's Plaza](#)  
[New York, NY 10007](#)  
[\(212\) 637-2225](#)

Sent from my iPhone

On Jul 8, 2020, at 11:21 AM, ██████████ (CRM) <██████████> wrote:

██████ -

I am putting you in touch with ████████ who is working the Maxwell/Epstein matter in SDNY. She has some questions about the probably of extraditing someone from France who has dual US/French citizenship.

Thx,

██████