

From: "[REDACTED]" <[REDACTED]>
To: "[REDACTED]" <[REDACTED]>, "[REDACTED] (USANYS)" <[REDACTED]>, "[REDACTED]" <[REDACTED]>
Cc: "[REDACTED] (CRM)" <[REDACTED]>
Subject: RE: SDNY case
Date: Wed, 30 Dec 2020 10:46:21 +0000

Dear [REDACTED]

I heard you defeated the bail proposal. Congrats!

My meeting with the Paris Prosecutor's Office was pushed by a day, and is now set for January 7th. Can we pick a time for a call between now and then? Would Tuesday the 5th in the am (NY time) work for everyone?

In the meantime, I am referring the French MLAT request to your IC [REDACTED]. I don't know if you have any privilege issues in your case...and I don't see anything in the request that would revealed any privileged info. But I wanted to mention, in case anyone needs to screen it before it comes to you. If not, I can send it to you directly as well. - [REDACTED]

[REDACTED]
DOJ Attaché/Magistrat de liaison américain
U.S. Embassy, Paris

From: [REDACTED] <[REDACTED]>
Sent: Sunday, December 20, 2020 6:03 PM
To: [REDACTED] (USANYS) <[REDACTED]>; [REDACTED] (CRM) <[REDACTED]>
Cc: [REDACTED] <[REDACTED]>; [REDACTED] <[REDACTED]>; [REDACTED] (CRM) <[REDACTED]>
Subject: RE: SDNY case

Hi all,

Maxwell's attorneys filed the attached supplemental report from their French expert in connection with their reply brief. If the judge orders a hearing, which we think is likely, we'd like to be prepared to address this report during oral argument. If you are able to provide any guidance regarding how best to respond to the report, we would be very grateful.

Thanks very much,

[REDACTED]
Assistant United States Attorney
Southern District of New York

1 St. [REDACTED] Plaza
New York, NY 10007

From: [REDACTED] (USANYS) <[REDACTED]>
Sent: Wednesday, December 16, 2020 2:46 PM
To: [REDACTED] (CRM) <[REDACTED]>
Cc: [REDACTED] <[REDACTED]>; [REDACTED]
<[REDACTED]>; [REDACTED] <[REDACTED]>; [REDACTED] (CRM) <[REDACTED]>
[REDACTED]>
Subject: Re: SDNY case

Thanks very much, [REDACTED]. We really appreciate your help.

On Dec 16, 2020, at 11:28 AM, [REDACTED] (CRM) <[REDACTED]> wrote:

Spoke with our litigation supervisor. It's probably fine to say OIA is unaware of any such country, so long as you're OK with the fact that we haven't surveyed every country on this, so theoretically it's a disprovable statement. Thanks again.

From: [REDACTED] (USANYS) <[REDACTED]>
Sent: Wednesday, December 16, 2020 10:36 AM
To: [REDACTED] (CRM) <[REDACTED]>; [REDACTED]
<[REDACTED]>; [REDACTED] <[REDACTED]>; [REDACTED]
<[REDACTED]>
Cc: [REDACTED] (CRM) <[REDACTED]>
Subject: RE: SDNY case

Thanks, [REDACTED].

From: [REDACTED] (CRM) <[REDACTED]>
Sent: Tuesday, December 15, 2020 10:27 PM
To: [REDACTED] (USANYS) <[REDACTED]>; [REDACTED]
<[REDACTED]>; [REDACTED] <[REDACTED]>; [REDACTED]
<[REDACTED]>
Cc: [REDACTED] (CRM) <[REDACTED]>
Subject: RE: SDNY case

Hi, [REDACTED].

I imagine the document [REDACTED]. sent is our Jan. 2018 memo about anticipatory waivers (attached). I see the line to which you're referring – "OIA is unaware of any country that would consider a prospective extradition waiver binding in its extradition proceedings." I'll ask my supervisor, who heads our litigation group, if he's still comfortable with this sentence, but my sense is that in this case, the specific rebuttal information we have concerning the UK/France is more significant.

Thanks,

[REDACTED]

From: [REDACTED] (USANYS) <[REDACTED]>
Sent: Tuesday, December 15, 2020 8:54 PM
To: [REDACTED] (CRM) <[REDACTED]>; [REDACTED] <[REDACTED]>; [REDACTED] <[REDACTED]>; [REDACTED] <[REDACTED]>
Cc: [REDACTED] (CRM) <[REDACTED]>
Subject: RE: SDNY case

Thanks very much, [REDACTED]. To answer the question raised by [REDACTED], the line that you suggested striking is from a document on advance waivers that [REDACTED] sent us (the document is titled "Anticipatory Waivers Of Extradition In U.S. Prosecutions As A Factor Under The Bail Reform Act"). Our colleagues have also included this line in bail-related filings addressing this issue. We were planning to include but, of course, happy to discuss. Thank you both again.

From: [REDACTED] (CRM) <[REDACTED]>
Sent: Tuesday, December 15, 2020 7:17 PM
To: [REDACTED] <[REDACTED]>; [REDACTED] (USANYS) <[REDACTED]>; [REDACTED] <[REDACTED]>; [REDACTED] <[REDACTED]>
Cc: [REDACTED] (CRM) <[REDACTED]>
Subject: RE: SDNY case

Thanks very much, all.

Building on [REDACTED] thoughts, I've added a bit (not much).

Thanks again,

[REDACTED]

From: [REDACTED] <[REDACTED]>
Sent: Tuesday, December 15, 2020 4:30 PM
To: [REDACTED] (USANYS) <[REDACTED]>; [REDACTED] <[REDACTED]>; [REDACTED] <[REDACTED]>; [REDACTED] <[REDACTED]>
Cc: [REDACTED] (CRM) <[REDACTED]>; [REDACTED] (CRM) <[REDACTED]>
Subject: RE: SDNY case

[REDACTED]:

Thanks for sharing. I made a few comments in the margins, capturing my thoughts.

[REDACTED]

[REDACTED]
DOJ Attaché/Magistrat de liaison américain
U.S. Embassy, Paris

[REDACTED]
[REDACTED]
[REDACTED]

From: [REDACTED] (USANYS) <[REDACTED]>
Sent: Tuesday, December 15, 2020 5:10 PM
To: [REDACTED] <[REDACTED]>; [REDACTED] <[REDACTED]>; [REDACTED] <[REDACTED]>

Cc: [REDACTED] (CRM) <[REDACTED]>; [REDACTED] (CRM) <[REDACTED]>

Subject: RE: SDNY case

Attached is the portion of the current draft related to extradition. If there is anything we should discuss or that seems inaccurate in any way, please let us know. Thanks again for your help.

Best,

From: [REDACTED] <[REDACTED]>

Sent: Monday, December 14, 2020 4:40 PM

To: [REDACTED] (USANYS) <[REDACTED]>; [REDACTED] <[REDACTED]>; [REDACTED] <[REDACTED]>

Cc: [REDACTED] (CRM) <[REDACTED]>; [REDACTED] (CRM) <[REDACTED]>

Subject: RE: SDNY case

[REDACTED]:
State is okay with references to open sources concerning the Peterson Case.

State responded that they are not aware of previous extraditions of French nationals, though they could not perform a full database check since they are teleworking and a check requires them to be in the office.

[REDACTED] and I just reviewed our OIA database (which goes back into the 1980s) and have found no evidence that we have ever extradited a French person from France. I can't speak to what may have occurred in the 1970s and earlier (*though, I obviously think it's unlikely to have happened then either*).

Would it be possible to send us the text of the portion of your response pertaining to France, so we can share with State before its gets filed?

[REDACTED]

[REDACTED]
DOJ Attaché/Magistrat de liaison américain
U.S. Embassy, Paris

From: [REDACTED] (USANYS) <[REDACTED]>

Sent: Monday, December 14, 2020 2:23 AM

To: [REDACTED] <[REDACTED]>; [REDACTED] <[REDACTED]>; [REDACTED] <[REDACTED]>

Cc: [REDACTED] (CRM) <[REDACTED]>; [REDACTED] (CRM) <[REDACTED]>

Subject: RE: SDNY case

Thanks again for your help. An additional question - Is the following accurate: Indeed, the Government is unaware of any instance in which France has extradited a French citizen to the United States.

Thanks,

From: [REDACTED] (USANYS)
Sent: Saturday, December 12, 2020 12:53 PM
To: [REDACTED] <[REDACTED]>; [REDACTED] <[REDACTED]>; [REDACTED] <[REDACTED]>
Cc: [REDACTED] (CRM) <[REDACTED]>; [REDACTED] (CRM) <[REDACTED]>
Subject: RE: SDNY case

Thanks so much, [REDACTED]. We really appreciate you getting us this letter today. We will get the letter translated. We wanted to confirm that there is no issue with us referencing the open source articles regarding Peterson. If so, I don't think we need to ask the State Department for the declaration. I'm at [REDACTED] if there is anything you would like to discuss. Thank you again for your help.

From: [REDACTED] <[REDACTED]>
Sent: Saturday, December 12, 2020 9:57 AM
To: [REDACTED] (USANYS) <[REDACTED]>; [REDACTED] <[REDACTED]>; [REDACTED] <[REDACTED]>
Cc: [REDACTED] (CRM) <[REDACTED]>; [REDACTED] (CRM) <[REDACTED]>
Subject: RE: SDNY case

Dear [REDACTED], [REDACTED], and [REDACTED]:

Please find attached the letter from French MOJ I received last night.

I think it's worth getting into translation and including in your response.

The letter states in strong terms that France does not extradite its nationals outside the EU (regardless of the existence of double-citizenship), including to the United States, and has never derogated from that principal outside the EU.

They did not touch on the issue of the validity of an advanced waiver as I had asked; but that is arguably unnecessary in light of the above statement.

The State Department remains willing to draft a declaration for your use; it would essentially say the same thing, that France does not extradite its nationals, and it may reference the *Peterson* case...but may add that we do not request extradition of French nationals because we know they will say no (or, words to that effect). I don't know if that is still necessary in light of the attached. If you think it's still useful, we ask them to do it; but if you don't think it adds value, I'd just as soon spare them the effort.

[REDACTED]

[REDACTED]
DOJ Attaché/Magistrat de liaison américain
U.S. Embassy, Paris

[REDACTED]
[REDACTED]
[REDACTED]

From: [REDACTED] (USANYS) <[REDACTED]>
Sent: Friday, December 11, 2020 4:55 PM
To: [REDACTED] <[REDACTED]>; [REDACTED] (CRM) <[REDACTED]>; [REDACTED] <[REDACTED]>; [REDACTED] <[REDACTED]>
Subject: RE: SDNY case

Thanks very much, [REDACTED]

From: [REDACTED] <[REDACTED]>
Sent: Friday, December 11, 2020 3:24 AM
To: [REDACTED] (USANYS) <[REDACTED]>; [REDACTED] (CRM) <[REDACTED]>; [REDACTED] <[REDACTED]>; [REDACTED] <[REDACTED]>
Subject: RE: SDNY case

Hi [REDACTED]:

For MOJ, I will write to check in on where they are. The initial response was positive, but I have not seen a letter yet. I will advise that we'd really like it by COB Monday (Paris time).

For State, we had an email exchange yesterday. They do not seem inclined to support including the French MFA letter from the Peterson case; however, they are proposing instead to provide a declaration for your use as a supporting attachment. I think this could be very effective, but I've asked what specifically they would be willing to say...and we're waiting to hear back. - [REDACTED]

[REDACTED]
DOJ Attaché/Magistrat de liaison américain
U.S. Embassy, Paris

[REDACTED]
[REDACTED]
[REDACTED]

From: [REDACTED] (USANYS) <[REDACTED]>
Sent: Friday, December 11, 2020 12:37 AM
To: [REDACTED] (CRM) <[REDACTED]>; [REDACTED] <[REDACTED]>; [REDACTED] <[REDACTED]>; [REDACTED] <[REDACTED]>
Cc: [REDACTED] <[REDACTED]>
Subject: RE: SDNY case

Thank you both for speaking yesterday. Our apologies for the bother, but we wanted to follow up on our conversation in light of our quickly approaching deadline. In particular, we were wondering if MOJ will be providing a letter and if so, your understanding of what will be in that letter. We were also wondering if you have any update from State about its position on us discussing particular cases (or open source material at a minimum). Thanks very much for your assistance – we really appreciate it.

Best,
[REDACTED]

From: [REDACTED] (CRM) <[REDACTED]>
Sent: Wednesday, December 09, 2020 12:30 PM
To: [REDACTED] <[REDACTED]>; [REDACTED] <[REDACTED]>
Cc: [REDACTED] (USANYS) <[REDACTED]>; [REDACTED] <[REDACTED]>
Subject: RE: SDNY case

Hi, all.

Just FYI, here's the anticipatory waiver of extradition I mentioned from *United States v. Llubes*, No. 20-cr-493 (VSB), which the defendant appears to have executed after his bail hearing this past October, at the court's direction. Not ideal, but it happened.

Thanks,

From: [REDACTED] <[REDACTED]>
Sent: Wednesday, December 9, 2020 9:04 AM
To: [REDACTED] <[REDACTED]>; [REDACTED] <[REDACTED]>
Cc: [REDACTED] (CRM) <[REDACTED]>; [REDACTED] (USANYS) <[REDACTED]>
Subject: RE: SDNY case

Thanks very much. We are all available at 12pm ET if that would work for you. Or if that's too late, I'd propose 11am ET.

We can use the below dial-in:

Dial-in: 844-215-6902

Code: 707522

Thanks,

[REDACTED]
Assistant United States Attorney
Southern District of New York
1 St. [REDACTED] Plaza
New York, NY 10007
[REDACTED]
[REDACTED]

From: [REDACTED] <[REDACTED]>
Sent: Wednesday, December 9, 2020 8:39 AM
To: [REDACTED] <[REDACTED]>; [REDACTED] <[REDACTED]>
Cc: [REDACTED] (CRM) <[REDACTED]>; [REDACTED] (USANYS) <[REDACTED]>
Subject: RE: SDNY case

Sounds good, thanks.

[REDACTED]
DOJ Attaché/Magistrat de liaison américain
U.S. Embassy, Paris
[REDACTED]

[REDACTED]
[REDACTED]

From: [REDACTED] <[REDACTED]>
Sent: Wednesday, December 9, 2020 2:38 PM
To: [REDACTED] <[REDACTED]>; [REDACTED] <[REDACTED]>
Cc: [REDACTED] (CRM) <[REDACTED]>; [REDACTED] (USANYS) <[REDACTED]>
Subject: RE: SDNY case

Thanks [REDACTED]. No opposition to sending these two documents to MOJ. They are not being filed under seal and will end up on the public docket.

Yes, we're in touch with [REDACTED] regarding the UK side of this.

I'm checking with [REDACTED] and [REDACTED] regarding their availability for a call today and will get back to you with a proposed time as soon as I can.

[REDACTED]
Assistant United States Attorney
Southern District of New York
1 St. [REDACTED] Plaza
New York, NY 10007
[REDACTED]
[REDACTED]

From: [REDACTED] <[REDACTED]>
Sent: Wednesday, December 9, 2020 3:18 AM
To: [REDACTED] <[REDACTED]>; [REDACTED] <[REDACTED]>
Cc: [REDACTED] (CRM) <[REDACTED]>; [REDACTED] (USANYS) <[REDACTED]>
Subject: RE: SDNY case
Importance: High

Thanks for sharing. I can be free today after 10:15am.

I need to send this report to MOJ urgently in order to get a letter back in time. I assume there is no opposition to that—we are unlikely to get an MOJ letter otherwise.

Are you guys in touch with my colleagues who cover the UK? - [REDACTED]

[REDACTED]
DOJ Attaché/Magistrat de liaison américain
U.S. Embassy, Paris
[REDACTED]
[REDACTED]
[REDACTED]

From: [REDACTED] <[REDACTED]>
Sent: Wednesday, December 9, 2020 1:46 AM
To: [REDACTED] <[REDACTED]>; [REDACTED] <[REDACTED]>
Cc: [REDACTED] (CRM) <[REDACTED]>; [REDACTED] (USANYS) <[REDACTED]>
Subject: RE: SDNY case

██████████ and ██████████,

We just received Maxwell's renewed bail application. Attached are the legal opinion on French law and proposed extradition waiver that she included as exhibits to that application. Is there a good time for a call to discuss tomorrow or Thursday?

Thanks very much,

██████████

██████████
Assistant United States Attorney
Southern District of New York
1 St. ██████████ Plaza
New York, NY 10007
██████████
████████████████████

From: ██████████)
Sent: Tuesday, December 8, 2020 10:06 AM
To: ██████████) <██████████>; ██████████) <██████████>
Cc: ██████████ (CRM) <██████████>; ██████████ (USANYS) <██████████>
Subject: RE: SDNY case

██████████ and ██████████,

Thank you both so much for your help. Everything you have outlined is very useful in our case. As to the specific points you raised:

- Any materials from the State Department would be much appreciated. As you suggest, it would also be helpful to confirm with State that the Senate Report you attached is the best source to reference for the point that France will not extradite its nationals.
- It would be very helpful if it is possible to get the documents regarding Peterson and Tchikaya into translation so that we could review them, please. We would almost certainly want to reference these cases in our submission, but we'll need to discuss further with you before including these documents with our submission. Our Judge has been relatively limited in what she will allow us to file under seal, and I suspect she would not let us redact the defendant's names, though she may permit us to redact the names and PII of officials involved in the case if we provide a justification for those redactions. The articles you sent indicate that Peterson is a dual U.S. citizen. Is Tchikaya a dual U.S. citizen as well?
- A letter from the MOJ Central Authority would be very helpful. Ideally, we would like the letter to note that advance waivers of extradition are unenforceable as to French nationals. As you suggest, we can wait on this specific request until we see the particular argument Maxwell's attorneys make on this point.

Thanks again,

██████████

██████████
Assistant United States Attorney
Southern District of New York
1 St. ██████████ Plaza

New York, NY 10007

From: [REDACTED] <[REDACTED]>
Sent: Tuesday, December 8, 2020 6:46 AM
To: [REDACTED] <[REDACTED]>
Cc: [REDACTED] (CRM) <[REDACTED]>; [REDACTED] <[REDACTED]>; [REDACTED] (USANYS) <[REDACTED]>
Subject: RE: SDNY case

[REDACTED]:

I am adding [REDACTED] Weiner from my office's litigation section, who is to assisting with organizing OIA's response. Here is an update from my end:

- I've reached out to the State Department to get their assistance. I believe they have materials, including *travaux preparatoires* from the treaty that will shed light on France's consistent position that they do not extradite their nationals;
- I've located two cases in which OIA requested the extradition of French nationals, and this was refused. There would be more, but since we know they don't extradite French persons, we normally don't even ask. I detail below the documents I have related to these cases. I was thinking that it might make sense to get these documents into translation, so we have them available as exhibits to your response, in case you want to go that direction?
 - One is the Hans Peterson case, which saw some press in 2008 (<https://www.durbin.senate.gov/newsroom/press-releases/durbin-schakowsky-emanuel-urge-french-justice-minister-to-ensure-justice-is-done-during-hans-peterson-retrial>; <https://www.nbcnews.com/id/wbna23601583>; <https://www.chicagomag.com/Chicago-Magazine/December-2007/Bloodlines/index.php?cparticle=9&siarticle=8&requiressl=true>). I have permission from MOJ to provide the attached letter denying the extradition on grounds of nationality, so long as we redact PII (including the name of the French officials involved, and the name of the defendant if possible). There is a more detailed letter from the French Minister of Foreign Affairs in the same case, which came after lobbying from the Embassy and the Durbin letter rejecting all of our arguments and reiterating France's inability to extradite its nationals. I do not yet have approval to include that.
 - The other is a PA request (TCHIKAYA) we submitted in 2018 that was rejected because the fugitive was French (we can include with same restrictions regarding redaction).
- I am also attaching the June 2006 agreement between the EU and Iceland and Norway on the surrender procedure procedures between the EU and those countries, which entered into effect in November 2019. In case there was any doubt about whether France extradites its nationals, its statement at p. 29 makes clear that they do not.
- The Senate Report on the US-France extradition treaty (see page 82 of the PDF) includes a statement that the French delegation made clear that they will not extradite their nationals absent a change of law. France's code of criminal procedure (which is cited in the Tchikaya letter, CPP 696-2), but also CPP 696-4, underlies the refusal to extradite a French person from France. *FYI, before we rely on this in your opposition I'd want to check with State to make sure that this is the best report to reference.*
- Finally, I spoke to the head of MOJ's Central Authority this morning and he said he sees no problem providing us a letter stating that France does not extradite its nationals. He did not think it would be feasible to make a pronouncement on this defendant in particular, but was comfortable making a general statement. He agreed that there is no extradition waiver procedure in France (although someone can, of course, voluntarily return out of custody) and certainly no advance waiver. I have asked that any such letter refute any suggestion to the country... but we'll need to see specifically what the argument is. It's not impossible that one of his bosses would take a different position, but this is a good sign that we can get something from them on this.

EFTA00086946

That's what I have for now.

[REDACTED]
[REDACTED]
DOJ Attaché/Magistrat de liaison américain
U.S. Embassy, Paris
[REDACTED]
[REDACTED]
[REDACTED]

From: [REDACTED]
Sent: Saturday, December 5, 2020 8:32 AM
To: [REDACTED] <[REDACTED]>
Cc: [REDACTED] <[REDACTED]>; [REDACTED] (USANYS) <[REDACTED]>
Subject: RE: SDNY case

[REDACTED]:

Sure. How about noon on Monday? - [REDACTED]

[REDACTED]
DOJ Attaché/Magistrat de liaison américain
U.S. Embassy, Paris
[REDACTED]
[REDACTED]
[REDACTED]

From: [REDACTED] <[REDACTED]>
Sent: Friday, December 4, 2020 8:29 PM
To: [REDACTED] <[REDACTED]>
Cc: [REDACTED] <[REDACTED]>; [REDACTED] (USANYS) <[REDACTED]>
Subject: RE: SDNY case

Hi [REDACTED]

I hope you're doing well. Ghislaine Maxwell is filing a renewed bail application on Monday, and we expect that the motion will raise issues relating to the possibility of extradition from France. Are you available for a call on Monday for a few questions? I know we discussed this issue over the summer, and it would be very helpful to ask a few follow up questions.

Thanks very much,

[REDACTED]

From: [REDACTED] <[REDACTED]>
Sent: Wednesday, July 8, 2020 11:48 AM
To: [REDACTED] <[REDACTED]>
Subject: RE: SDNY case

My cell # is: +33 6 13 36 16 86.

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?

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,

[REDACTED]

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

Sent from my iPhone

On Jul 8, 2020, at 11:21 AM, McNeil, John (CRM) <[REDACTED]> wrote:

[REDACTED] -

I am putting you in touch with [REDACTED] 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,

John