

The Department of State refers to Note No. NV-16-058, dated September 26, 2016, from the Embassy of Panama requesting the extradition of Ricardo Alberto Martinelli Berrocal (Martinelli).

The Department informs the Embassy that the United States has authorized the extradition of Martinelli to stand trial for: 1) crime against the inviolability of secret and the right to privacy (interception of private telecommunications without judicial authority); 2) crime against the inviolability of secret and the privacy (tracking, persecution and surveillance without judicial authority); 3) crime against the public administration different kinds of embezzlement (embezzlement by theft or misappropriation); and 4) crime against the public administration, different kinds of embezzlement (embezzlement of use), as requested by the Government of Panama, and that he is immediately available for transfer. The Department notes that the rule of specialty provision contained in Article VIII of the Treaty between the United States and Panama for the Mutual Extradition of Criminals of May 25, 1904, applies.

Martinelli was found extraditable for the above charges on August 31, 2017, by a U.S. Magistrate Judge after extradition proceedings in the United States District Court for the Southern District of Florida. Martinelli challenged

the decision by petitioning for a writ of habeas corpus, which was denied on January 23, 2018. The court stayed its decision denying habeas until February 13, 2018. On March 23, 2018, Martinelli filed a notice of appeal with the 11th Circuit indicating that he would challenge this denial, but on May 24 filed a motion requesting that his appeal be dismissed. On May 29, the Court granted this motion and dismissed his appeal. On June 7, 2018, the Deputy Secretary of State signed a warrant authorizing the surrender of Martinelli.

The Department notes that Martinelli has been receiving medical treatment for a number of chronic conditions during his confinement in the United States. The Department requests that, consistent with Panamanian regulations, Martinelli be given a full physical upon arrival in Panama so that he can receive appropriate medical care while in Panamanian custody.

Martinelli is in the custody of the United States Marshal for the Southern District of Florida. Martinelli has been in custody in the United States solely based on this extradition request since June 12, 2017.

Department of State,

Washington, June 8, 2018.

