



United States Department of State

Washington, D.C. 20520

www.state.gov

June 8, 2018

Dear Ms. Shapovalov:

I am writing in response to your communication of May 15, 2018, submitting materials for the Secretary of State's consideration regarding the determination of whether to extradite Ricardo Alberto Martinelli Berrocal to Panama, and requesting confirmation that the rule of specialty would apply if he were to be extradited.

Following a review of all pertinent information, including the materials submitted directly to the Department of State and pleadings and filings submitted to the U.S. District Court for the Southern District of Florida and the U.S. Court of Appeals for the Eleventh Circuit on behalf of Mr. Martinelli, on June 7, 2018, the Deputy Secretary of State decided to authorize Mr. Martinelli's surrender to Panama on the four charges for which his extradition was requested, pursuant to 18 U.S.C. § 3186 and the Extradition Treaty between United States and Panama. Pursuant to Article VIII of that treaty, the rule of specialty applies.

As a party to the Convention Against Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment (the "Convention"), the United States has an obligation not to extradite a person to a country "where there are substantial grounds for believing that he would be in danger of being subjected to torture." Pursuant to the implementing regulations found at 22 C.F.R. part 95, this obligation involves consideration of "whether a person facing extradition from the U.S. 'is more likely than not' to be tortured in the State requesting extradition."

A decision to surrender a fugitive who has made a claim of torture invoking the Convention reflects either a determination that the claimed "torture" does not meet the definition set forth in 22 C.F.R. § 95.1(b) or a determination that the fugitive is not "more likely than not" to be tortured if extradited. Claims that do not come within the scope of the Convention also may raise significant humanitarian issues. The Department carefully and thoroughly considers both claims cognizable under the Convention and such humanitarian claims and takes appropriate steps, which may include obtaining information or commitments from the requesting government, to address the identified concerns.

As the official responsible for managing the Department's responsibilities in cases of international extradition, I confirm that the decision to surrender Mr. Martinelli to Panama complies with the United States' obligations under the Convention and its implementing statute and regulations.

Thank you,

A handwritten signature in blue ink, appearing to read "Tom Heinemann", with a stylized, flowing script.

Tom Heinemann

Assistant Legal Adviser

Law Enforcement and Intelligence