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Beide vertretungsberechtigt an
allen deutschen Amts-, Land-
und Oberlandesgerichten

Watson, Paul
wegen: Auslieferungsrecht
Unser Geschäftszeichen: 0066-12/WA

Captain Paul WATSON

Dear all,

I'm referring to the case of my client Mr. Paul Watson, who was arrested at Frankfurt airport on 13 May 2012 on an extradition request by Costa Rica. As you certainly know my client left this country. He was granted bail by the higher regional Court in Frankfurt, therefore, he was able to leave the country. I got the instructions from my client to inform you about several questions related to the extradition procedure, the German legal system on bail, and the charges of Costa Rica and Japan against Mr Watson and the Interpol red notice system.

1. Legal situation on skipping bail in Germany

Skipping bail in Germany is not a crime ! This is totally different from the US jurisdiction and from other countries in the world. Article 2 of the German constitution states, that Germany grants personal freedom. Therefore it is not even a crime in Germany to escape from prison. The decision of the client to leave the country leads only to the

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consequence, that the local (! not international) arrest warrant of the Higher regional Court was set into force, and that a decision of the court has to be taken on seizing the bail bond.

Because of the fact, that the client was arrested in an extradition procedure Germany is neither actively nor internationally searching for Mr. Watson. To my point of view the extradition procedure with Costa Rica will be stopped in Germany, because of the fact, that legal assistance cannot be provided by the German authorities any more - Germany would have been obliged to hand over the client to the Costa Rican authorities, if the extradition would have been granted; because Mr. Watson is not any longer in Germany, this legal assistance is not possible at this stage. I therefore filed a motion to the Higher regional Court to withdraw even the local arrest warrant here in Germany; a decision on this motion is outstanding.

2. Extradition procedure in Germany

In Germany, the parties responsible for the extradition proceedings and the decision on custody are the public prosecutor (GenStA) and the higher regional court (OLG) located in the district where the defendant was detained, or, in the absence of detention, in the district where notice of the extradition was served (§ 14 IRG).

Preparation of its decision on the admissibility of the extradition request pursuant to § 30 IRG presupposes that the higher regional court is in possession of all necessary supporting extradition documentation, which should have been submitted by the public prosecutor along with its application.

It is the obligation of the requesting country to provide the German authorities with the necessary information that means the charges, the arrest warrant, and the procedure that has taken place.

Furthermore, the country in question is prevented from pursuing the defendant in accordance with the principle of specialty (§ 11 IRG) as this principle protects the defendant from being pursued for other crimes following extradition.

In the case of Mr. Watson, we knew that besides the request of Costa Rica, there was also a blue note issued by Interpol on charges from Japan against the client. This blue note was not converted into a red notice with Interpol during the whole extradition procedure with Costa Rica. But we learned, that Japan was highly interested concerning the procedure with Costa Rica because they send requests through Interpol Tokyo to the Higher regional Court to gather more information on the procedure itself. This was absolutely unusual. The German authorities are allowed to extradite even without a special treaty with the requesting country. Therefore it was very likely, that Japan

would ask for extradition itself on a bilateral basis; after Mr. Watson left the country, we learned that such an extradition request was forwarded by the Japanese embassy through the Ministry of foreign affairs to the general public prosecution office in Frankfurt. Germany is not dealing with this extradition request anymore, because of the fact, that Mr. Watson is not any longer in Germany and therefore there is no jurisdiction here.

To my point of view these facts show, that there was a link between the extradition request from Costa Rica and the upcoming extradition request from Japan. Having in mind, that the president of Costa Rica visited Japan at the end of 2011, having in mind, that Japan, granted an enormous amount of money for the "environmental protection" in Costa Rica, it is obvious that these two countries have a very close relationship.

Under the German law the situation is as follows:

Once the defendant has been extradited, the country requesting extradition is entitled to file a so called "supplementary request", if it intends to accuse the defendant of crimes, details of which were not outlined in the original request for extradition. The same situation occurs with a request to extradite the defendant after the criminal procedure within the requesting country to another country. Because of this situation under the German jurisdiction Japan forwarded the extradition request already when the Costa Rican extradition request was pending.

The scenario would have been that Mr Watson would have been extradited to Costa Rica, and then extradited after the procedure over there to Japan.

3. Interpol red notice

INTERPOL Notices are international alerts allowing police in member countries to share critical crime-related information. Notices are published by INTERPOL's General Secretariat at the request of National Central Bureaus (NCBs) and authorized entities, and can be published in any of the Organization's official languages: Arabic, English, French and Spanish. In the case of Red Notices, the persons concerned are wanted by national jurisdictions and the notices requested are based on an arrest warrant or court decision. INTERPOL's role is to assist the national police forces in identifying and locating these persons with a view to their arrest and extradition.

This means: Interpol was not actively issuing arrest warrants, Interpol is not actively searching defendant, and Interpol is not involved in the extradition procedure - Interpol just **exchange information** between the police in the member countries.

The information, that Interpol has issued a red notice against Mr. Watson on the charges of Costa Rica, only mean, that the police in the member countries shall be aware, that Mr Watson is wanted by Costa Rica; it is up to the police and the judicial authorities within the Interpol member countries whether or not they want to act on this local arrest warrant from Costa Rica.

I have to admit, that the German extradition procedure only in principle gives the opportunity to have a closer look at the facts of the case within the requesting country; Germany is more or less. Looking at the procedure itself, and whether or not the defendant would get a fair trial within the requesting country. Germany is not so much interested in the case itself.

Because of the fact that these are individual cases and charges against Paul Watson (in Costa Rica and in Japan) - which are as stated probably politically motivated, there is no impact on the work of S.S.C.S as an NGO itself; it is a general principle, that criminal charges are against individuals, not against legal bodies.

We will have to find out if the client is able to travel in the near future. Further inquiries in each country are necessary, but I am convinced that Captain Paul Watson is able to continue his work, even with these bogus charges against him.

I got the instructions from the client that you are allowed to publish this letter, even on your webpage, to inform your supporters, and other interested people with **facts** on this case.

Best regards


Oliver Wallasch
Rechtsanwalt