



## Slain Airman's Father Wants U.S. Trial for Frankfurt Shooter

McNabb Associates, P.C. (U.S. Extradition Attorneys)

Submitted at 11:17 AM October 20, 2011

If the Cuddeback family has its way, the man on trial in Germany for murdering their son last winter in an attack on a group of U.S. airmen at Frankfurt Airport, is only at the beginning of his legal reckoning.

The family wants Arid Uka, charged with two counts of murder and three counts of attempted murder in March 2 shootings, brought to the U.S. for trial, where they say he would most likely face a harsher justice than they expect the German court will provide.

"It's a matter of sentencing," said Bob Cuddeback, the father of Airman 1st Class Zachary Cuddeback, during a phone interview. "He needs to spend the rest of his life in jail."

Cuddeback's son, stationed at Ramstein Air Base, was shot in the head as he sat behind the wheel of a U.S. Air Force bus at Frankfurt Airport, as U.S. airmen deploying to Afghanistan were boarding.

Uka has admitted to killing Cuddeback and Senior Airman Nicholas Alden, 25, and wounding two others during the shooting spree. The gun jammed when he pointed it at a third airman, prosecutors have said. Uka has said he was inspired by jihadist propaganda he has since called "lies" on the internet.

A murder conviction in Germany carries a life sentence. But parole is possible after 15 years, and there is no sentence of "life without parole."

"This kid is 21. He killed my son at 21," said Cuddeback, who was interviewed by telephone in New

York state where he lives. "Fifteen years is not a life sentence like he gave my son."

Cuddeback is to attend Uka's fourth court hearing on Monday in Frankfurt, when U.S. airmen are slated to testify. Cuddeback will have the opportunity to question Uka directly as a co-plaintiff, said Marcus Steffel, who represents the families of the two slain airmen. Cuddeback said he's been discussing with U.S. federal prosecutors prospects for Uka's extradition for prosecution in the U.S. Southern District Court in New York, which has filed criminal proceedings against Uka. Cuddeback said he believes that Uka would likely be sentenced to life without parole, if convicted in the U.S.

But whether the U.S. would seek a second prosecution if Uka is convicted in Germany and whether Germany would agree to surrender him to the U.S. is unknown.

"Extradition remains governed fundamentally by a wide array of political, diplomatic, and economic interests," said Daniel S. Margolies, a Virginia Wesleyan College history professor and extradition expert.

U.S. federal prosecutors filed a criminal complaint against Uka in June, a month before German charges were filed.

The U.S. charges were: two counts of murdering officers (employees) of the U.S. and one count of attempted murder; using a firearm during a crime that resulted in death; and committing an act of violence at an international civil airport resulting in death.

U.S. officials have declined to discuss whether they have sought or would seek Uka's extradition, citing the diplomatic sensitivity of the situation.

"I think it's the federal government covering all its bases," said Stephen Vladeck, a law professor at American University Washington College of Law and an expert on the role of the federal courts in the war on terrorism.

"We can only speculate," Vladeck said. "Maybe they think the German criminal justice system won't produce the result they're looking for," Vladeck said.

One thing is clear: Trying Uka again in the U.S. would not violate international law or "double jeopardy" proscriptions preventing successive trials and punishment for the same crimes, experts said.

The situation is similar to U.S. federal cases being brought after state criminal prosecutions, such as in civil rights cases.

"Usually, the reasons why it happens are political," Vladeck said. "Usually, the reason the federal government intervenes is there's a larger point to be made, a bigger fish to fry."

Germany and the United States are "separate sovereigns," both entitled to prosecute — Germany, for crimes committed on its soil; the U.S. for crimes committed against U.S. personnel.

What's less clear is whether the U.S. would want to spend diplomatic capital seeking extradition and whether Germany would surrender the 21-year-old.

The extradition treaty between the two countries provides exceptions to extradition: Germany generally

won't extradite its citizens, or anyone in a capital case unless there are guarantees the death penalty won't be sought. Uka, a Kosovo Albanian who immigrated to Germany with his family in the 1990s when political repression, war and economic hardship induced scores of thousands to leave, is not a German citizen. "He's a citizen of Kosovo," said Jens Joerg Hoffmann, his defense lawyer.

That could make his extradition, if requested, more likely.

"Assuming that all of the treaty prerequisites for extradition have been met and that no treaty exception to extradition applies, then the treaty obligates Germany to extradite to the United States," said Ryan Scoville, an assistant professor at Marquette University Law School.

The U.S. has sought to extradite a number of foreign citizens without success.

The U.S. has been seeking extradition since 2004 of Abu Hamza al-Masri, the radical, Egyptian-born British cleric, on 11 counts of criminal conduct related to the taking of 16 hostages in Yemen in 1998, advocating violent jihad in Afghanistan in 2001 and conspiring to establish a jihad training camp in Bly, Oregon.

Hamza, who is serving a seven-year sentence in Britain on terrorism related charges, has appealed extradition to the U.S. with the European Court of Human Rights and that case is still pending, according to a court spokeswoman. The British government had agreed to extradite him to the U.S. in 2007, but his extradition was halted last year.

Hamza argued in his appeal that U.S. "supermax" prisons and life without parole sentences violate human rights. The court said it would consider the arguments.

Six years ago, the U.S. State Department sent a letter of protest to German authorities after they

released Hezbollah member and airliner hijacker Mohammed Ali Hammadi from prison — after he'd served 19 years — and allowed him to return to his native Lebanon.

The State Department had sought Hammadi's extradition for two decades, officials said, on charges in connection with the 1985 hijacking of a TWA flight and the killing of a U.S. sailor on board — one of the most infamous terrorist attacks of the 1980s.

This article was written by Nancy Montgomery and published by Stars and Stripes on October 20, 2011.

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Douglas McNabb and other members of the U.S. law firm practice and write and/or report extensively on matters involving Federal Criminal Defense, INTERPOL Red Notice Removal, International Extradition and OFAC SDN List Removal.

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## Drug Trafficker Extradited from Colombia to US

McNabb Associates, P.C. (U.S. Extradition Attorneys)

Submitted at 11:42 AM October 20, 2011

On Tuesday, October 18, 2011 the United States Attorney's Office for the Southern District of New York released the following:

Joint Undercover Operation Between The DEA And The Government Of Liberia Led To Charges in June 2010 Against The Defendant And Eight Other

Individuals. Preet Bharara, the United States Attorney for the Southern District of New York, announced the arrival of Marcel Acevedo Sarmiento, who was extradited from Colombia on charges that he conspired to import cocaine into the United States. Acevedo arrived Thursday, October 13, 2011 and was presented and arraigned on Friday, October 14, 2011, before U.S. District Judge Jed S. Rakoff. The charges against Acevedo arise out of a historic joint undercover operation, "Operation Relentless," between the United States Drug Enforcement Administration ("DEA") and the Government of Liberia.

Manhattan U.S. Attorney Bharara stated: "As alleged, Marcel Acevedo Sarmiento was prepared to facilitate the importation of prodigious quantities of cocaine into Liberia so that he and his co-conspirators could resell it in countries around the world, including the United States, and reap millions of dollars in profits. Thanks to the tremendous efforts of the DEA and our international law enforcement partners, his alleged plans were thwarted and he will now face American justice."

According to the Indictment, documents previously filed in Manhattan federal court, and other information in the public record:

During the last decade, drug trafficking organizations based in South America have increasingly used countries along, or near, the West African coast as trans-shipment hubs for importing massive quantities of cocaine to be later distributed in Europe or elsewhere within Africa. Through a combination of privately owned aircraft and maritime vessels, these organizations, predominantly based in Colombia and Venezuela, have transported hundreds of tons of cocaine, worth billions of dollars, to West African countries, including Liberia.

Acevedo is an alleged cocaine supplier based in Colombia and Venezuela, who was capable of transporting thousand-kilogram quantities of cocaine from South America to various locations in West Africa, for distribution within Africa and for further distribution to Europe and elsewhere. ACEVEDO worked in the international drug business with other members of the conspiracy charged in the Indictment, including in connection with a 4,000 kilogram shipment of cocaine which was to be flown from Venezuela to Monrovia, Liberia, for a retail value of over \$100 million.

In a series of recorded telephone conversations with a confidential source working for the DEA ("the CS"), Acevedo, who claimed to have been involved in the cocaine trafficking business for over 20 years, coordinated efforts to arrange what was ultimately supposed to be a shipment of between 2,000 and 2,500 kilograms of cocaine on a plane from Venezuela to Liberia. Acevedo confirmed to the CS that the cocaine shipment had been protected by the Fuerzas Armadas Revolucionarias de Colombia (the "FARC"), an international terrorist group dedicated to the violent overthrow of the democratically elected Government of Colombia.

On May 29, 2010, Acevedo indicated that Venezuelan authorities had seized his plane as well as the cocaine that it contained, and had directed him to leave the country. After apprising the CS of the seizure, Acevedo invited the CS to invest 500 kilograms in a new shipment out of Bolivia, which Acevedo understood the CS intended to import into New York. Acevedo instructed the CS to wire transfer a \$100,000 payment to him, and provided the CS with the relevant bank account information for the transfer.

Acevedo is charged with one count of conspiracy to distribute and possess with intent to distribute cocaine, knowing and intending that the cocaine would be imported into the United States. This offense carries a mandatory minimum sentence of ten years in prison and a maximum term of life in prison.

Acevedo was charged along with CHIGBO PETER UMEH, KONSTANTIN YAROSHENKO, NATHANIAL FRENCH, KUDUFIA MAWUKO and JORGE IVAN SALAZAR CASTANO. UMEH and YAROSHENKO were convicted following a jury trial in April 2011 and sentenced to thirty years in prison and twenty years in prison, respectively.

FRENCH and MAWUKO were acquitted after trial. CASTANO is incarcerated in Spain, awaiting extradition to the United States.

Mr. Bharara praised the work of the Special Operations Division of the DEA, the DEA Lagos Country Office, the DEA Bogota Country Office, the U.S. Department of Justice Office of International Affairs, the U.S. State Department, the U.S. Embassy in Liberia, and the Republic of Liberia and its National Security Agency.

This prosecution is being handled by the Office's Terrorism and International Narcotics Unit. Assistant United States Attorneys JENNA M. DABBS, RANDALL JACKSON, CHRISTOPHER LAVIGNE, and MICHAEL M. ROSENSAFT are in charge of the prosecution.

The charges contained in the Indictment are merely accusations and the defendant is presumed innocent unless and until proven guilty.

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## Portuguese Court Places American Fugitive Under House Arrest

McNabb Associates, P.C. (U.S. Extradition Attorneys)

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A court has allowed captured American fugitive George Wright to leave jail and stay at his Portuguese home while he fights extradition to the United States, his lawyer said Friday.

A judge hearing the case released Wright from custody on condition he remain at his house and wear an electronic tag that monitors his movements, lawyer Manuel Luis Ferreira said.

Wright spent seven years in a U.S. prison for a 1962 murder in New Jersey before escaping in 1970. He was on the run for 41 years until his arrest in Portugal almost three weeks ago. Wright had been held in a Lisbon jail since he was caught.

The United States is trying to extradite him to serve the rest of his 15- to 30-year sentence.

Portuguese broadcaster SIC showed Wright on Friday arriving at his home in Almocageme, a hamlet about 25 miles from Lisbon, Portugal's capital. Wright was escorted into the house by two police officers. He kissed his Portuguese wife, Maria do Rosario Valente, who was waiting at the front door.

"He wants to say ... that he doesn't intend to run away. He just wants to spend his life here with his family," Ferreira said.

Ferreira contends that Wright is now a Portuguese citizen and should be allowed to serve the remainder of his sentence in Portugal.

U.S. Justice Department spokeswoman Laura Sweeney declined to comment.

Wright was captured in the village after authorities matched his fingerprint on a Portuguese identity card to one in the United States. Locals say Wright spoke fluent Portuguese and was a regular churchgoer who lived from odd jobs.

The judge overseeing the case may call witnesses before announcing his decision on extradition in coming weeks. That decision can be appealed to higher courts, and the entire process could take months or longer.

Wright got Portuguese citizenship through marriage in 1991 after Guinea-Bissau, a former Portuguese colony in West Africa, gave him the new name of "Jose Luis Jorge dos Santos" and made him a citizen.

The identity from Guinea-Bissau was granted after the country gave Wright political asylum in the 1980s, and that was accepted by Portugal, according to the lawyer.

Wright broke out of Bayside State Prison in Leesburg, N.J., on Aug. 19, 1970. In 1972, Wright — dressed as a priest and using an alias — hijacked a Delta flight from Detroit to Miami along with others, police said. After releasing the plane's 86 other passengers for a \$1 million ransom, the hijackers forced the plane to fly to Boston, then to Algeria, where the hijackers sought asylum.

This article was written by Barry Hatton and published by the Kansas City Star October 14, 2011.

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## WikiLeaks is Not About to Dry Up, Assange Warns

McNabb Associates, P.C. (U.S. Extradition Attorneys)

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WikiLeaks founder Julian Assange on Monday told Latin American media that his organization was far from financially endangered despite sanctions slapped on it by the United States.

Purportedly "our biggest problem is an economic problem related due to that US banking and financial embargo. But we're not taking this lying down," Assange told the general assembly of the Inter-American Press Association by teleconference.

"We have been presently in a strong enough cash position to survive entirely on our cash reserves for the past 11 months, and there are not many staff organizations that are in such a strong cash position," Assange stressed from London where he is living until a court rules on his potential extradition to Sweden.

In a 50-minute speech, he said whistleblowing website WikiLeaks was nowhere near financial Armageddon because "we have thousands of pending disclosures for publications, we have signed contracts with more than 50 media organizations around the world."

Assange is currently living under stringent bail conditions in Britain, fighting extradition to Sweden where he is wanted for questioning over alleged rape and sexual assault. Assange supporters argue that the United States may seek extradition of Assange once he if he is extradited to Sweden.

This article was published by 9 News on October 18, 2011.

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## Britons Believe UK Extradition Laws Fail to Protect Citizens

McNabb Associates, P.C. (U.S. Extradition Attorneys)

Submitted at 12:42 PM October 20, 2011

The long-awaited independent review of Britain's extradition arrangements was greeted with anger and frustration. Janis Sharp,

mother of Gary McKinnon who suffers from Asperger's and is wanted in the US on hacking charges, damned the report a 'whitewash'.

Human rights groups like Liberty professed themselves baffled, while politicians across the political divide urged the government to ignore the findings.

The report, by senior judge Sir Scott Baker, took 486 pages to conclude that, far from failing to protect British citizens from

The last Labour government signed up to EU and US agreements that stripped Britain of virtually all discretion, so the current system lacks common sense. Under the UK/US treaty, Gary McKinnon is wanted for hacking from home into top-secret US security computers in search of evidence of UFOs.

More misfit than terrorist, if McKinnon is prosecuted at all, it should be in this country. He faces decades in jail if convicted in the US.

The Baker report dismissed calls for a change in the law to allow such cross-border cases to be prosecuted in Britain, claiming 'we have no evidence that any injustice is being caused'.

The Baker findings fly in the face of a recent report by the Joint Committee on Human Rights – a cross-party committee, of which I am a member – that called for radical reform of UK extradition rules.

Unlike the Baker review, we listened to the victims and their families tell their ordeals. Like Frank Symeou, who gave evidence about the nightmare endured by his son.

Andrew, a British student, was carted off to Greece under a European Arrest Warrant (EAW) for involvement in a fight at a night club that left another man dead, despite eye witness accounts that Andrew was not in the club at the time

Fast-track EAW extradition is based on the assumption that standards of justice are adequate across Europe. The Symeou case shows this is a cruel sham. Greek police beat identical statements out of witnesses that were then retracted.

Andrew Symeou spent almost a year in squalid prison conditions before being bailed. Left with a flea-ridden blanket in a cell exposed to a sewer and crawling with cockroaches, he was abused by guards and watched helplessly as another prisoner was beaten to death for drug money.

The trial proceeded at a snail's pace, with court translators who speak little English. Eventually cleared in June of this year, after a two year ordeal, the 22 year old student is left to re-build his shattered life.

The Baker report makes no recommendations for preventing such horror stories being inflicted on other innocent people.

Nor does it address another major concern. Foreign investigators fire off EAWs without investigating the facts, let alone preparing for trial. Michael Turner set up a property business in Hungary in 2005.

When it failed, he paid off his staff, filed for bankruptcy and returned to Britain. Three years later, he was extradited back to a Hungarian jail, accused of defrauding on administration fees and detained in a prison formerly run by the KGB.

He has been allowed to return home, but remains under investigation. The Hungarian authorities assured the UK court they were ready to prosecute.

Yet, six years after the alleged offence, Mr Turner has not even been charged with any crime. The extradition that threw his life into turmoil was little more than a 'hit and hope' fishing expedition.

Again, the Baker report remains blind to the injustice, denying that EAWs are being used 'in cases

where there is insufficient evidence'.

The EAW licenses the most Kafkaesque practices. Deborah Dark, a grandmother of two, was acquitted of drug offences in France over twenty years ago. Without telling her, French prosecutors appealed, and a two year jail sentence was imposed in her absence.

Seventeen years later, on holiday in Turkey, she was stunned to be arrested at gunpoint.

After a three year legal ordeal, French investigators dropped the case. Traumatized, Mrs Dark told our committee: 'I had been walking around for over 20 years as a wanted person and I did not know.'

These are not isolated cases. Britain now receives 29% of all EAWs. The UK number doubled since 2007 - to four times more than France, and fifteen times more than Poland.

The number of British citizens surrendered under an EAW rose from two per month, in 2004, to two per day. The EAW works both ways. But, for every warrant the UK issues abroad, it receives twenty back.

Fewer people are extradited under the UK-US treaty, but it is still lopsided: 1 American was transferred to the UK, and 24 Britons to the US, since 2004. These are hardly balanced international deals, given the high price being paid by the innocent.

The JCHR also highlighted weak human rights protections under EAW extradition compared to deportation, where Article 8 (the right to family life) regularly allows foreign criminals to avoid being returned.

Recently, a convicted drug-dealer who drove into - and killed - a father of two whilst high on heroin, claimed the right to family life to block deportation.

Successful challenges to deportation orders by convicted offenders, under Article 8, are

running at a rate of 400 per year. Too often, foreign criminals can successfully claim the protection of 'rights' denied to British innocent citizens subject to extradition.

The JCHR calls for an overhaul to address these systematic failings. First, it recommends implementing a 'forum' clause, allowing UK courts to refuse extradition where an individual should be tried in this country - as in the McKinnon case.

Second, it proposes stronger preliminary evidence that a crime has been committed, before extradition is authorized.

Dealing specifically with the EAW, it calls for longer periods to allow UK courts to clear up cases of mistaken identity, safeguards to ensure warrants are not issued for minor offences, and checks to prevent extradition for investigation rather than prosecution.

The failings in the current system are largely the result of increasingly authoritarian EU law, subverting basic principles of British justice. Needless to say, the Human Rights Act has done precious little to prevent these miscarriages of justice.

Instead of exposing the fraud involved in EU law that demands blind faith in the adequacy of the justice systems in Greece, Romania and various other countries, the Baker review calls for yet more EU regulation.

That is the last thing the British justice system needs. In opposition, both the Conservatives and Liberal Democrats pledged to fix our broken extradition system. Reform ought to be an area of common ground, the glue around which both sides can unite.

Extradition is a vital part of international cooperation in the fight against terrorism and organized crime. But, not at any price.

The government should grasp the nettle, adopt the JCHR recommendations and take this

opportunity to stand up for basic rights of innocent British Citizens.

This article was written by Dominic Raab and published by Mail Online on October 19, 2011.

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