

# Independent Austrian Prosecutor Rejects Dmitry Firtash Extradition Decision by Austrian Appeals Court

Asserts U.S. Political Motivation Was Not Sufficiently Considered by Court, According to Firtash Lawyer Lanny Davis

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Lanny Davis →

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WASHINGTON, March 20, 2019 /PRNewswire/ -- In a rare development, the Austrian independent prosecutor's office, called the Office of the Procurator General and charged with safeguarding the interests of the Republic of Austria in the administration of criminal justice, contested the decision of the Vienna Higher Regional Court to extradite Dmitry Firtash to the United States. The Procurator General stated that the appeals court's decision did not correctly interpret the U.S./Austrian Extradition Treaty that allows the requested state to deny extradition if it finds that the request was politically motivated. The Procurator General also maintained that the appeals court did not satisfactorily explain its opinion that there was no sufficient evidence of political motivation.

Mr. Firtash is currently residing in Vienna, Austria while he awaits a decision from the Supreme Court of Austria as to whether or not he should be extradited to the U.S. The U.S. made the extradition request after Chicago U.S. Department of Justice prosecutors secured an indictment in U.S. federal court for allegations of a proposed bribery scheme. Mr. Firtash strongly denies these charges as well as any attempts to extradite him to the U.S.

"From October 2013 to March 2014, while the U.S. was trying to convince Ukraine to sign a European Union Association agreement, U.S. authorities asked Austria to arrest Mr. Firtash. U.S. authorities withdrew the request when it appeared that Ukraine would sign a European Union

association agreement but then reissued it as the Ukrainian president wavered in his decision to sign the agreement," said Lanny J. Davis, the U.S. spokesperson for Mr. Firtash. "Once it was clear Ukraine would not sign with the EU, Mr. Firtash was finally apprehended by Austrian authorities at the request of U.S. prosecutors. Are we supposed to believe that timing is just a coincidence?"

In April 2015, the Regional Criminal Court in Vienna, the first court to consider the extradition issue, denied the U.S. request for extradition of Mr. Firtash, finding the request politically motivated. However, in February 2017, the Vienna Higher Regional Court overturned the Regional Criminal Court's decision and approved Mr. Firtash's extradition to the U.S. It is that ruling, which is currently pending before the Austrian Supreme Court, that the Procurator General contests.

"It is absolutely significant that Austria's own Procurator General, who acts as a guardian of Austrian law at the level of the Austrian Supreme Court and is tasked with safeguarding the interests of the Republic of Austria in the administration of criminal justice, has determined that the appeals court did not sufficiently consider the issue of political motivation," said Dan Webb, attorney for Mr. Firtash and former Chicago U.S. Attorney. "We are confident that a proper review of this issue will show, just as the Regional Criminal Court initially ruled, that the arrest and attempted extradition to the U.S. of Mr. Firtash were clearly politically motivated."

The Procurator General's decision to contest the decision of the Vienna Higher Regional Court is just the latest setback for U.S. prosecutors in their case against Mr. Firtash. In late December 2018, the New York Times published a lengthy report proving that the document relied on by U.S. prosecutors as "clear proof" of Firtash's alleged proposal to bribe Indian officials was not such proof at all. Rather, the Times proved that document - a single PowerPoint slide - that mentioned using bribes to pay named Indian officials to secure the mining license was, in fact, created entirely by McKinsey & Company, not Firtash and colleagues. See link here.

***DISSEMINATED BY DAVIS GOLDBERG GALPER, A REGISTERED FOREIGN AGENT, ON BEHALF OF DMITRYO FIRTASH. ADDITIONAL INFORMATION IS AVAILABLE AT THE US DEPT OF JUSTICE, WASHINGTON, D.C.***

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Contact: Eleanor McManus

emcmanus@dggpllc.com

(202) 899-3846 office

(202) 460-1451 cell

SOURCE Lanny Davis

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