

**A CUBAN-BORN AMERICAN CITIZEN  
WILL BE SENT UNJUSTLY TO A SWISS JAIL  
WITHOUT YOUR HELP!  
SWITZERLAND DOES NOT EXTRADITE ITS  
CITIZENS.**

Roberto Polo is a Cuban-American citizen who has never been charged or convicted of a criminal offense anywhere. Article I of the Extradition Treaty between the U.S. and Switzerland only provides for the extradition of persons who have been charged or convicted by the country requesting the extradition (Switzerland). (Exhibit A). Yet, he continues incarcerated in the U.S. for over ten months and denied bail due solely to the prerogative of a Swiss investigating magistrate who gave privileged treatment to Roberto Polo's accusers. Switzerland requested Roberto Polo's extradition from the U.S. for two identical criminal complaints filed in Geneva, one by a Cayman Islands private investment company, Rostuca Holdings Ltd. ("Rostuca"), whose owner is one Emilio Martinez-Manautou, a Mexican politician, and the other by a group of ten offshore private investment companies and one individual, generally referred to as Aida et al. ("Aida"), owned by a Mexican family who own "Corona" beer. Rostuca and Aida inexplicably claim that their US\$120 million were transferred to the accounts of PAMG, S.A. at Credit Suisse in Geneva. PAMG, S.A. is a Geneva company which Roberto Polo would have managed had he obtained work and residence permits there. Contrary to U.S. law, Swiss law permits the filing of criminal complaints by civil plaintiffs. Furthermore, Swiss law permits the civil plaintiffs to lie. Perjury is applicable only to the defendant or a witness. Moreover, the Swiss investigating magistrate is not required by Swiss law to conduct a preliminary verification of the allegations made by the civil plaintiffs. Thus, Switzerland is the perfect country if one wants to "frame" someone. In fact, Roberto Polo's case is a civil case dressed in criminal clothes. **Switzerland does not extradite its citizens.** The only American citizen ever extradited to Switzerland was charged there for murdering his girlfriend in the territory of Switzerland. **It is as if Swiss law, alien to the American scheme of due process, has discriminately stripped Roberto Polo of the quintessential rights afforded all American citizens.**

Roberto Polo is the flower of the Cuban-American community. He is forty-one years old. He immigrated to the U.S. when he was nine years old with his family who, like him, reside in Dade County. He is a graduate of The Corcoran School of Art and The American University, both in Washington, D.C., as well as of Columbia University in New York, from where he received his Masters in Fine Arts degree. His studies were financed by scholarships he received from The Ford Foundation, The Organization of American States, and the schools which he attended. He is an internationally known

art investment advisor and artist. In 1988, the French government invested him with the highest honor awarded by its Minister of Culture: Commander in Arts and Letters. He is a Benefactor and Patron of The Metropolitan Museum of Art in New York and the Louvre Museum in Paris, France; both of these museums have carved his name in stone in homage. He is also a Trustee of Casita Maria, Inc. in New York, the oldest Hispanic charitable institution in the U.S., founded over forty years ago by the Astor family. He has also been a Patron and Benefactor of Memorial Sloan-Kettering Cancer Research Center, where he has done much charity work, and of Save Venice Organization, Inc., both in New York.

Roberto Polo was incarcerated for over seven months in Italy and hospitalized after suffering a serious nervous eating disorder that resulted from the frustration of not being able to defend himself in the conditions in which he was held. The Italian authorities never advised the American authorities in Italy that Roberto Polo, an American citizen, was incarcerated there. His family in the U.S. notified the State Department in Washington, D.C. of his condition. The State Department in turn notified the U.S. General Consul in Florence, Virginia Morris. Subsequently, he was released on bail and returned to the U.S., thanks to the help of Virginia Morris, who found him dying in the public hospital in Florence. In full knowledge that he had been ordered extraditable by Italy to Switzerland, Virginia Morris arranged for his passport to return home to the U.S. (where he could recuperate his health and defend himself as a free man). According to the General Prosecutor of Florence, Francesco Fleury, he had been kept incarcerated beyond the limits permitted by Italian law in cases of this nature as a result of undue pressures put on the Italian Ministry of Justice in Rome by Switzerland. After living openly and legally as an artist in Miami for twenty months, he was arrested and incarcerated again on April 27, 1992, as a result of a renewed Swiss Extradition Request. In 1991, the Italian government returned the bail which had been paid by friends and family on behalf of Roberto Polo. A few days before his arrest he had made a special installation of his art work at The Museum of Art in Ft. Lauderdale.

The "feeble" Swiss Extradition Request is composed of lies. These lies set in motion a five-year tortuous and complex legal war of which Roberto Polo is the worst casualty. There are three false core assertions made in the Swiss Extradition Request, without which it cannot stand. Contrary to the three false core assertions, the documented facts are:

1. The former employees of PAMG, S.A. were not deposed by the Swiss investigating magistrate and did not testify against Roberto Polo. These are the only witnesses mentioned in the entire Swiss Extradition Request; The auditors and accountants of PAMG, S.A., Deloitte & Touche, one of the "Big Six" international auditing and accounting firms, have identified all of the former employees of PAMG, S.A. (Exhibit B). They have all declared that they have never been deposed by the Swiss investigating magistrate and that they have never testified against Roberto Polo. (Exhibit C).

2. Roberto Polo was empowered to invest Rostuca's and Aida's funds on a discretionary basis: The General Powers of Attorney granted to Roberto Polo by Emilio Martinez-Manautou and the owners of Aida are evidence of this. (Exhibit D). These General Powers of Attorney have been suppressed for almost five years. This is an extremely revealing fact!

3. Rostuca's and Aida's funds were not transferred to PAMG, S.A.'s accounts at Credit Suisse in Geneva: The analysis of all the accounts of PAMG, S.A. at Credit Suisse in Geneva made by Deloitte & Touche reveals that Rostuca's and Aida's funds were not transferred there, and therefore, could not have been converted or stolen by Roberto Polo. (Exhibit E).

This is a financial case and yet, the Swiss have not produced a single bank record or sworn statement to substantiate their assertions, in flagrant violation of the evidentiary requirement of Article V of the Treaty. The Swiss have also failed to prove that Roberto Polo committed any offense "in the territory" of Switzerland, as required by Article I of the Treaty. The only piece of documentary evidence submitted by the Assistant U.S. Attorney (who represented the Swiss case at Roberto Polo's Extradition Certification Hearing which took place in Miami on December 14th, 1992, before Federal Magistrate Ted E. Bandstra) is a letter written on PAMG, S.A. stationery and purportedly signed by Roberto Polo. The Assistant U.S. Attorney submitted this letter in support of his Swiss territoriality argument. It has been established by a court-approved handwriting expert that Roberto Polo's signature is forged! (Exhibit F). One of the three criminal offenses for which the Assistant U.S. Attorney obtained Roberto Polo's extraditability, unfaithful management, is not an enumerated criminal offense for which extraditability can be ordered as required by Article II of the Treaty. Embezzlement by a public official or by an employee from his employer is a criminal offense enumerated in Article II of the Treaty and for which extraditability can be ordered; except, not within the context of Roberto Polo's case, because he has never been a public official and Rostuca and Aida were not his employers. The last of the criminal offenses for which the Assistant U.S. Attorney obtained Roberto Polo's extraditability is fraud. However, the double-criminality requirement of Article II of the Treaty requires that the conduct of the criminal offense be equivalent in both the U.S. and Switzerland. While fraud in the U.S. is defined as stealing in general, in Switzerland it is defined only as "fraud in the inducement". (Exhibit G). Thus, the double-criminality requirement of the Treaty is not met within the context of Roberto Polo's case. Moreover, the existence of the suppressed General Powers of Attorney granted by Emilio Martinez-Manautou and the owners of Aida to Roberto Polo excludes any possibility that he committed any "fraud in the inducement".

On January 11th, 1993, Magistrate Bandstra found Roberto Polo extraditable to Switzerland. Magistrate Bandstra has made unfortunate legal history. He admitted all of Roberto Polo's explanatory evidence which demonstrates the falsity of the "feeble" Swiss Extradition Request and then ignored it, and violated the Treaty, thus denying Roberto Polo, an American citizen, his freedom and delivering him into the hands of the same Swiss investigating magistrate who ruthlessly lied, falsified, and suppressed crucial evidence in order to extradite him.

Roberto Polo should not be extradited.

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