

The Miami Herald

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THE READERS' FORUM

Polo calls case persecution, not prosecution

To The Editor:

Upon hearing my petition for a writ of *habeas corpus* three weeks ago, Federal Judge Federico Moreno ordered my conditional release despite "the strong presumption against granting bond in extradition proceedings." He further said that "the nature of this case and the strong evidence . . . compels this court to consider it as a unique extradition case with special circumstances."

The new evidence consists mainly of tape recordings made by two Swiss journalists who interviewed the Swiss investigating magistrate who issued the request to extradite me. They are further proof that the Swiss magistrate lied to obtain my extradition from Italy and the United States. These are serious due process violations.

The assistant U.S. attorney who represents the Swiss case in Miami, William K. Hoyt Jr., has appealed

Judge Moreno's order to the 11th U.S. Circuit Court of Appeals in Atlanta to continue to deprive me of my liberty.

I consider Judge Moreno's offer of conditional release pending the resolution of my extradition case most humane and just, and I respect him for having made it.

Contrary to the Swiss magistrate's unsubstantiated assertions, the documented facts remain that:

1. The only witnesses mentioned in the extradition request have not been questioned or testified against me.

2. I remain empowered to invest the plaintiffs' funds "on a discretionary basis."

3. The extradition request does not contain a single bank record. I have given the court a transaction-by-transaction analysis of all the accounts of the Swiss company PAMG, S.A. made by the internationally known accountants Deloitte & Touche. They show that not one cent of the plaintiffs' funds were transferred there. Therefore, I could not have stolen them.

I lament that U.S. District Attorney Roberto Martinez has permitted Mr. Hoyt to pursue what is in fact not a prosecution but a persecution amid judicial pandemonium.

Should Mr. Hoyt ultimately prevail and I be delivered to the Swiss, the dangerous precedent will be established: A foreign country's archaic laws, alien to ours, can be used as a weapon against Americans.

ROBERTO C. POLO
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