

(Translation)

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SENTENCE

Black Case No. 3425-3426/2552

Red Case No. 5581-5582/2553

In the Name of H.M. the King

Appeal Court

Date : 24th May 2010

Criminal Lawsuit

Between *Public Prosecutor, Office of the Attorney General* Prosecutor

Mr. Viktor Bout or Boris

or Victor But or Viktor Budd

or Viktor Bulakin or Vadim Markovich Aminov Defendant

Re : Act on Extradition, Act on Extradition between the Kingdom of Thailand and the United States of America, illegal detention or confinement

The prosecutor appealed the order and sentence given by the Criminal Court, dated 11th August 2009.

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The Appeal Court received them on 10th November 2009.

The prosecutor filed the lawsuit that the Act on Extradition between the Kingdom of Thailand and the United States of America, B.E. 2533, prescribes that the extradition between the Kingdom of Thailand and the United States of America, shall be shall be subject to the Treaty between the Government of the Kingdom of Thailand and the Government of the United States of America, which the Article 2, stipulates that an offense shall be extraditable if the conduct on which the offense is based is punishable under the laws in both States by deprivation of liberty for a period of one year or more or by a more severe penalty. The government of the United States of America, represented by the Embassy of the United States of America in Thailand, sent a formal request according to the Diplomatic Letter No. 1514, dated 1st May 2008, to the Ministry of Foreign Affairs, requesting the extradition of the defendant for prosecution in the United States of America. In this respect, Thai government, represented by the Ministry of Foreign Affairs and the Ministry of Interior, after consideration, it was decided to comply with the request, therefore, the proceedings were taken by the prosecutor. From the matters of fact, it was found

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that the defendant was involved in conspiracy to commit crime with “Fuerzas Armadas Revolucionarias de Colombia Ejercito del Pueblo” (FARC), a group of Colombian left-wing guerrillas designated by the U.S. Department of State as a foreign terrorist organization to protect their drug-trafficking business by using violence such as bombings, massacres, kidnappings, killing U.S. nationals and attacking U.S. interests in order to dissuade the United States from continuing its efforts to disrupt cocaine manufacturing and distribution activities as follows :

(1) Conspiracy to kill other people : In/about November 2007 to March 2008, the defendant and his conspirator(s) conspired to provide, compile weapons and train terrorism to FARC group to kill the U.S. nationals in order to intimidate or force the U.S. government not to disrupt cocaine manufacturing and distribution activities by agreement to provide the millions of U.S. dollars worth of war weapons to be used to attack the nationals and properties of the United States in Colombia.

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(2) Conspiracy to kill the officers and employees of the U.S. government : In/about November 2007 to March 2008, the defendant and his conspirator(s) conspired to provide, compile weapons and train terrorism to FARC group to kill the officers and supporters of the U.S. government who performed their duties or would perform their duties in order to with the purpose of intimidating or forcing the U.S. government not to disrupt cocaine manufacturing and distribution activities by agreement to provide the millions of U.S. dollars worth of war weapons to be used to attack the officers of the U.S. government.

(3) Conspiracy to acquire and use anti-aircraft missiles : In/about November 2007 to March 2008, the defendant and his conspirator(s) conspired to provide, supply and train the use of war weapons such as surface-to-air missiles, guided ballistic missiles, including devices and components for assembly, installation and modification to FARC group, in order to use against

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the U.S. government with the purpose of intimidating or forcing the U.S. government not to disrupt cocaine manufacturing and distribution activities by agreement to provide the millions of U.S. dollars worth of war weapons to be used to attack the nationals and properties of the United States in Colombia.

For those above 3 acts committed from 10th January to 6th March 2008, the defendant and his conspirator(s) discussed about providing and delivering surface-to-air missiles including devices and components several times through phone calls, meetings and electronic mails. Finally, on 6th March 2008, the defendant was arrested in Thailand.

(4) Conspiracy to provide material support or resources to a foreign terrorist organization : In/about November 2007 to March 2008, the defendant and his conspirator(s) conspired to provide, supply and train the use of war weapons to FARC group, in order to use against the U.S. government with

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the purpose of intimidating or forcing the U.S. government not to disrupt cocaine manufacturing and distribution activities by agreement to provide the millions of U.S. dollars worth of war weapons to be used to attack the nationals and properties of the United States in Colombia..

It took place in Netherlands, Denmark, Russian Federation, Romania and Colombia, and it was all related. The acts committed by the defendant are the offenses pursuant to the U.S. law for conspiracy to kill other people, conspiracy to kill the officers and employees of the U.S. government, conspiracy to acquire and use anti-aircraft missiles and conspiracy to provide material support or resources to a foreign terrorist organization which are the offenses pursuant to the provisions of U.S. Criminal Law, Title 18, Section 2332(b) and 3238, Title 18, Section 1114, 1117, and Section 3238, Title 18, Section 2332 g(a)(1)(b) and 3238, and Title 18, Section 2339(b)(1), (d)(1) and Section 3238, and are punishable by imprisonment for more than 1 year or by more severe penalty. The offenses are punishable by Thai law equivalent to the

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offenses in Criminal Law, Section 135/1 to 135/3. The duration of prescription in law is not expired. It is not a political or military offense. The U.S. authorities filed the suit against the defendant on such offenses at the Court for the Southern District of New York, U.S.A., which the arrest warrant was issued on 27th February 2008. The defendant has never been on trial, convicted or released for such offenses in the United States of America or Thailand. The defendant is not being prosecuted in Thailand for offenses requested for extradition. Therefore, the offenses are extraditable between Thailand and the United States of America. On 9th April 2008, the defendant was rearrested, and on the same day, the prosecutor submitted the petition to the Court requesting provisional detention. Then, the Court of the First Instance issued the order of provisional detention for a period of 2 months from the date of order according to the Black Criminal Case No. Jor.5/2551. The Court was requested to issue the order in accordance with the Act on Extradition, B.E. 2472, Section 3, 4, 6, 7, 8, 11, 12, 15, Extradition Treaty between the government of the Kingdom of

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Thailand and the government of the United States of America, and to detain the defendant for extradition to be convicted according to the judgment of the U.S. Court.

The defendant raised the objection that the case requested by the prosecutor for extradition was political or involved with military. The prosecutor purposed to bring him for other charges than the requested ones. The prosecutor's accusation was ambiguous without stating the date, time and place. There were no facts to make the defendant understand the charges to defend the case efficiently. The necessary evidence and formal request for extradition were not submitted within the period prescribed by Thai law, international agreement, Act on Extradition, B.E. 2472 and B.E. 2533, and agreement in accordance with the Extradition Treaty between the government of requesting state and the government of requested state. The defendant did not have the names shown to the Court by the prosecutor and did not commit any offense as charged. The defendant has never traveled to the United States of America or Colombia. If

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the defendant was sent according to the request, it might affect the good international relations among related countries. The case was not extraditable for prosecution at the Court claimed by the prosecutor because the requesting country and requested country did not have sovereignty over Colombia and other countries mentioned by the party to the treaty in the petition that it took place in those countries. The petition submitted by the prosecutor was not in compliance with the Act on Extradition, B.E. 2472, Section 11, because the inquiry/investigation has not yet been conducted or completed, therefore it was considered that the inquiry/investigation was not conducted which it was contrary to the provisions of Criminal Procedure Code, Section 120. The arrest of the defendant at a room in Sofitel Hotel was not lawful because the arrest conducted in the private premise required the arrest warrant and search warrant, but in the arrest of the defendant, there was only the arrest warrant without the search warrant. The requesting country and Russian Federation were the antagonists in terms of administrative and political policies. The United States has never declared that the Russian Federation or Russian citizen was a terrorist or terrorism supporter. All charges took place outside the United States,

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therefore, the United States had no power to take the proceedings against the defendant. The petition should be rejected.

The Court of the First Instance questioned and ordered to reject the petition submitted by the prosecutor and release the defendant after 72 hours from the time of reading the order, unless within the period, the prosecutor wishes to appeal.

The prosecutor made the appeal.

The Appeal Court examined the case file and discussed about it. It is found that, on 5th March 2008, the Ministry of Foreign Affairs sent a letter to the Ministry of Interior stating that the Embassy of the United States of America in Thailand requested the provisional detention of the defendant, of Russian nationality, for extradition purpose from supporting weapons to the terrorist organization according to the letter from the Ministry of Foreign Affairs, Exhibit Jor.8. On 6th March 2008, the Ministry of Interior sent a letter asking the Office of the Attorney General to proceed with the Act on Extradition by requesting the Court to issue the arrest warrant, Exhibit Jor.9. On 9th April 2008,

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the police officers arrested the defendant and the public prosecutor submitted the petition requesting the provisional detention. On 6th May 2008, the Ministry of Foreign Affairs sent a letter to the Ministry of Interior requesting the extradition of the defendant, Exhibit Jor.10. The Ministry of Interior received the letter and requested the Office of the Attorney General to proceed with the extradition procedure, Exhibit Jor.11. Mr. Robert Zakkariasevich, a special agent of the U.S. Drug Enforcement Administration, was responsible for collecting evidence in connection with the defendant's trade of war weapons from worldwide data sources such as witnesses, documents, evidence, and conversation records. It was found that the defendant was the world's largest arms trafficker such as missiles, rifles, etc. The defendant provided airplanes to transport goods and weapons to the ostracized places all over the world and supplied arms to terrorist organizations including FARC, for an organization to fight against another organization, or for an organization to fight against the lawful government for profit making. FARC was the Colombian left-wing organization which has fought against the Colombian Government for decades in order to overthrow the

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democratically elected Government. FARC controlled cocaine areas and sold 75% of all cocaine in the world. The income from cocaine trade was spent to support fighting operations against the Government of Colombia to protect its financial interests in the cocaine business. FARC engaged in terrorism acts such as kidnappings, bombings, massacres and other acts which were considered crimes aiming at the United States civilians. FARC has been designated by the U.S. Department of State as a terrorist organization for more than 10 years. The defendant knew that FARC was a terrorist organization that obtained weapons to protect their sale of cocaine and directed acts of terrorism against the interests of United States and United States nationals. The defendant discussed with a United States undercover agent whom he believed to be a member of FARC. The defendant opened the meeting by expressing sympathy for the death of a high-level FARC commander. The defendant mentioned that he felt bored when the United States helicopters flew around Colombia. The agent said that the snipers could not be used and the surface-to-air missiles would be needed. The

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defendant said he had hundreds of surface-to-air missiles which could be supplied immediately. The defendant knew that FARC would use the arms to kill the United States nationals. The defendant came to the meeting with documents obtained on internet about FARC organization. The documentary evidence was stored in the safe at the office of Mr. Robert Zakkariasevich in Virginia, U.S.A. There was some phone tapping evidence which it was permitted by the Court from cooperation with the police officers in Romania and Curacao. There were some recordings from the device that was provided to the undercover agent to record the telephone conversation between the defendant and undercover agent. There were CD which recorded the meeting with the defendant, copies of electronic mails between the defendant and undercover agent, telephone conversation recordings in Romania and Curacao. The acts committed by the defendant were are the offenses pursuant to the U.S. law for conspiracy to kill the United States people, conspiracy to kill the officers of the United States government, conspiracy to provide and use weapons to kill the United States people in Colombia and conspiracy to provide weapons to FARC

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for terrorism. Such offenses pursuant to Thai law are equivalent to the provisions of the Criminal Law, Section 135/1, 135/2 and 135/3.

The defendant attested that he did not commit the offenses as charged by the prosecutor. He engaged in the business of air transport and construction. He entered into Thailand for holiday and had an appointment with Mr. Nawee for coordination. The reason he was interested in visiting Thailand was Thailand and Russian Federation had a long relationship. He arrived at Suvarnabhumi Airport, on 6th March 2008, at approx. 9.00 hours. He booked a room at Sofitel Hotel for 7 days and arrived at the hotel at approx. 11.00 – 12.00 hours. Then, he entered into the Room No. 1420. After that, he contacted with Mr. Andrew Smulian who would take him to meet some foreign businessmen being interested in purchasing an airplane. They made an appointment for meeting at a conference room in the hotel. Mr. Andrew Smulian hired a

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conference room in the hotel for approx. 2 hours and took 4 foreigners to meet with the defendant. After a 15-minute meeting and conversation, there were 6 officers of the U.S. government and 3 Thai officers with firearms who forcibly entered into the meeting room, ordered the defendant to raise his hands, and then handcuffed him. Then, he was presented with charges of aiding terrorist activities pursuant to the provisions of the Criminal Law without showing any document to the defendant. After that, they brought the defendant to the room in order to search for illegal items, but they found only personal belongings. Then, they brought the defendant to the Crime Suppression Division. The officers of the U.S. government tried to persuade the defendant to travel to the U.S.A., but he disagreed. During the inquiry, the defendant did not want to testify until a lawyer and representative from the Embassy of the Russian Federation were there. On the next day, the inquiry could be conducted, but there were no officers of the U.S. government. The defendant denied the accusation. On 8th March 2008, the defendant was brought to the Court and detained in the prison.

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In September 2008, the public prosecutor had the non-prosecution order as per the release warrant, Exhibit Lor.14. After that, on 9th April 2008, an officer of the U.S. government and an interpreter pressed charges against the defendant and requested the extradition of the defendant. The arrest of the defendant in the first case was for terrorism and the second case was for extradition, which the arrest was conducted in the same case because the law used for reference was related. The defendant was arrested in this case because Thai Court issued the arrest warrant based on the arrest warrant of the Court for the Southern District of New York, dated 24th April 2008, and the arrest warrant, dated 27th February 2008, but in the case file, there was only the arrest warrant, dated 24th April 2008, which the defendant was already arrested in Thailand and the arrest warrant was issued after the defendant was already arrested. The defendant perceived that the United States made the false charges in order to arrest him because at the moment of issuing the arrest warrant, the defendant was still in the Russian Federation, and if they wanted to arrest the defendant, they should have sent the arrest warrant to arrest him in the Russian Federation, but instead, they submitted it to arrest him in Thailand. The defendant perceived that the

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objectives of the arrest were to cause conflict between the United States and the Russian Federation, and to prevent Thailand from having good relations with the Russian Federation. The defendant has never been to Colombia and the United States. FARC was Colombia's conflict. The United States intervened and sided with the Colombian government. The accusation claiming that the defendant supplied arms to FARC was not true because the defendant has never met nor discussed with FARC's representative. When the United States alleged that the defendant committed the offenses, why did they not present the documents to the Russian Federation? Instead, they submitted the documents to Thailand before the defendant's arrival in Thailand for approx. 6-7 days, despite the good relations among Thai police officers, International Organizations between the Russian Federation and the United States. Furthermore, the defendant had only one Passport of the Russian Federation, Exhibit Lor.4. From the past 2 years until present, the defendant traveled to Albania, only once or twice, and other countries, as per the letter issued by the Embassy of the Russian Federation with

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its translation, Exhibit Lor.15. The Letter issued by the Embassy of the United States of America claimed that the defendant was a holder of British Passport, but it was not his passport because he has never acquired other nationalities, except the Russian nationality.

After consideration, it is found that the defendant is a Russian national. Thailand and the United States have entered into the Extradition Treaty between the government of the Kingdom of Thailand and the government of the United States of America, which the Act on Extradition between the Kingdom of Thailand and the United States of America, B.E. 2533, prescribes that the extradition between the Kingdom of Thailand and the United States of America shall be subject to the Treaty. The Article 2 of the Treaty stipulates that “An offense shall be extraditable if the conduct on which the offense is based is punishable under the laws in both States by deprivation of liberty for a period of one year or more or by a more severe penalty...”

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The Article 3 stipulates that “Extradition shall not be granted when : A. The offense for which extradition is requested is a political offense, or B. It is established that extradition is requested for political purposes, or C. The offense for which extradition is sought is exclusively a military offense...” In connection with this case, on 5th March 2008, the Ministry of Foreign Affairs sent a letter to the Ministry of Interior stating that the Embassy of the United States of America in Thailand requested the provisional detention of the defendant for extradition purpose from supporting weapons to the terrorist organization. Subsequently, the defendant was arrested. The Ministry of Foreign Affairs sent a letter, dated 6th May 2008, to the Ministry of Interior, stating that the Embassy of the United States of America in Thailand requested the extradition of the defendant in writing. The defendant was the person stated in the sealed complaint, dated 27th February 2008, and the sealed plaint, dated 24th April 2008. The judge at the Court for the Southern District of New York, the United States, already issued the arrest warrant for conspiracy to kill the United States people, which is the offense pursuant to the provisions of U.S.

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Criminal Law, Title 18, Section 2332(b), conspiracy to kill the officers and employees of the U.S. government, which is the offense pursuant to the provisions of U.S. Criminal Law, Title 18, Section 1114, 1117, conspiracy to acquire and use anti-aircraft missiles, which is the offense pursuant to the provisions of U.S. Criminal Law, Title 18, Section 2332 g, and conspiracy to provide material support or resources to a foreign terrorist organization, which is the offense pursuant to the provisions of U.S. Criminal Law, Title 18, Section 2339 (b). All four charges are punishable by imprisonment for more than 1 year.

In this case, the prosecutor filed the lawsuit to the court while the Act on Extradition, B.E. 2472, was still effective, and when the case was in the course of the trial proceeding at the Court of the First Instance, the Act on Extradition, B.E. 2551, was enforceable. The Section 33 of the Act stipulates that “All extradition cases submitted to the court by the public prosecutor for litigation, before or on the date of enforcement of this Act, shall be subject to the provisions of Extradition Act, B.E. 2472, until the procedures end.” Therefore,

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this case must be subject to the Act on Extradition, B.E. 2472, which the Article 17, second paragraph, prescribes about the jurisdiction of the Appeal Court that “If there is any evidence as to the facts found by the lower Court to justify the order made, the Appeal Court has no power to interfere, the Appeal Court will only see that the Lower Court had such evidence before it as to give it authority and jurisdiction to make the order and for this purpose may review the evidence and consider arguments:

(1) As to the nationality of the accused

(2) That the crime charged is not extraditable

(3) That the offense is of a political character; or that the extradition request was in fact made with a view to punish the accused for a political offense,
or

(4) That there was no evidence before the Lower Court upon which such Court could exercise its discretion whether to make the order or not.”

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The first point for consideration in the prosecutor's appeal is if the alleged offenses are extraditable or not. Pursuant to the Extradition Treaty between the government of the Kingdom of Thailand and the government of the United States of America, Article 2, it prescribes that an offense shall be extraditable if the conduct on which the offense is based is punishable under the laws in both States by deprivation of liberty for a period of one year or more or by a more severe penalty. In this matter, the prosecutor filed the lawsuit and adduced that the defendant was charged at the Court for the Southern District of New York, the United States, for 4 counts, and the arrest warrant was issued by the court. The 4 charges/counts are conspiracy to kill the U.S. nationals, conspiracy to kill the officers and employees of the U.S. government, conspiracy to acquire and use anti-aircraft missiles and conspiracy to provide material support or resources to a foreign terrorist organization, which are punishable by imprisonment for more than 1 year. The point for consideration is if the charges for the offenses are punishable pursuant to Thai law or not.

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To consider this point, it is necessary to consider if such offenses are criminal offenses in Thailand or not, and it is not to consider if Thai court can punish the defendant for these acts or not. In this case, all 4 charges for the offenses are the same charges for the offenses pursuant to the provisions of Thai criminal law, Section 135/1, 135/2 and 135/3, especially Section 135/1 (1) any act causing a danger to life by the aim to enforce foreign government to make or not to make any act causing serious damage, and Section 135/2 (2) collect arms to terrorize or commit any offense in a part of plan to terrorize ; Section 135/3 is the punishment for supporters in committing offense under Section 135/1 and 135/2. Such offenses are punishable by imprisonment for more than 1 year although the alleged acts committed by the defendant do not take place in the United States, but in comparison with the provisions of Thai criminal law, the offenses committed outside the kingdom are punishable in the kingdom, as prescribed in the Section 7. Section 7 includes the offenses under Section 135/1, 135/2 and

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135/3. Therefore, Thai court can punish the person committing such offenses outside the kingdom. As a result, the offenses as charged are extraditable.

The next point for consideration in the prosecutor's appeal is if the alleged offenses are of political nature or not. The prosecutor brought Mr. Robert Zakkariasevich, the special agent of the U.S. Drug Enforcement Administration who was the head of investigation in this case to testify that the defendant was the world's largest arms trafficker such as missiles, rifles, etc. The evidence revealed that the defendant provided airplanes to transport goods and weapons to the ostracized places all over the world. The defendant supplied arms for an organization to fight against another organization, or for an organization to fight against the lawful government for profit making. From the investigation conducted by the witness, it was found that the organization which the defendant was in contact about supplying arms was FARC, the Colombian left-wing organization fighting against the Colombian Government for decades

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in order to overthrow the democratically elected Government. FARC controlled cocaine areas and sold 75% of all cocaine in the world. The income from cocaine trade was spent to support fighting operations against the Government of Colombia to protect its financial interests in the cocaine business. FARC engaged in terrorism acts such as kidnappings, bombings, massacres, etc. FARC has been designated by the U.S. Department of State as a terrorist organization for more than 10 years, and this organization aimed at committing crimes against the United States nationals and killing the United States nationals in Colombia. Therefore, the defendant is charged with those 4 counts. Mr. Weerachai Plasai, the Director-General of Department of Treaties and Legal Affairs, Ministry of Foreign Affairs, testified that the Department of Treaties and Legal Affairs was of the opinion that the arms trafficking had nothing to do with the politics. The defendant testified that he has never been to the United States and Colombia. FARC was the armed forces in Colombia. The United States intervened and

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sided with the Colombian government. The court is of the opinion that the defendant is not a member of FARC acting against the Colombian government, and the Colombian government is not the state requesting extradition from the acts of such group, which shall be then deemed as the political offense. The charges against the defendant which are conspiracy to kill people, officers and employees of the United States, conspiracy to acquire and use anti-aircraft missiles and conspiracy to provide material support to a foreign terrorist organization, shall be deemed as general crimes and considered as crimes in both requesting state and requested state, therefore, it is not of any political nature. The Court of the First Instance judged that the defendant's act supported the political action, while the Appeal Court disagrees. The prosecutor's appeal in this point is reasonable.

The last point for consideration in the prosecutor's appeal is if there is the sufficient evidence to order to detain the defendant for extradition or not. In this point, Mr. Robert Zakkariasevich, the witness for the prosecution,

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testified about the reasons for charges against the defendant at the Court for the Southern District of New York, United States of America, as stated above. Mr. Robert Zakkariasevich also testified that he gathered evidence about the defendant's arms trafficking. According to the defendant's statement, he knew that FARC was a terrorist organization that obtained weapons to protect their sale of cocaine and directed acts of terrorism against the interests of United States and United States nationals. The witness was ready to reveal the evidence and agreement which the defendant discussed with the United States undercover agent whom he believed to be from FARC. The defendant said that he felt tired when the United States airplanes brought the Colombian forces to fly around Colombia. The agent said that if the American pilots were shot, the American people would leave Colombia, but the snipers could not be used and the surface-to-air missiles would be needed. The defendant said he had hundreds of surface-to-air missiles which could be supplied immediately. Furthermore, the witness had various sources of information from various countries such as persons, recorded conversation, documents and evidence stored in the safe at his office in

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the United States of America. The copies of official documents were submitted to the New York Attorney Office, and after consideration, the New York Attorney Office had the prosecution order against the defendant. Mr. Satawut Kunwanit, the Diplomatic Officer 6, Ministry of Foreign Affairs, testified that the Ministry of Foreign Affairs submitted the extradition request made by the United States authority and necessary documents to the Office of the Attorney General, Exhibit Jor.3 and Jor.4. The court examined the Exhibit Jor.4 and found that it was related to the charges against the defendant such as the letter from the U.S. Embassy in Thailand, the suit against the defendant at the Court for the Southern District of New York, United States of America, affidavit of witness in support of extradition request, warrant for the arrest issued by the court. All documents were certified true copies by the relevant persons and judges of the Court for the Southern District of New York, United States of America. These documents were considered as authentic. From the testimonies given by the witnesses and documentary evidence, there is the sufficient evidence to order to detain the defendant for extradition. When the defendant adduced to defend that he has never sold the weapons to FARC and

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he has not committed the crimes as charged, in fact, it shall be the subject to be discussed further in the course of trial at the court in the United States, because the Act on Extradition, B.E. 2472, does not give authority to Thai court to judge if the defendant indeed commits the crime in any state or not. The appeal in this point made by the prosecutor is reasonable. From the above consideration, the case meets the requirements to issue the order to detain the defendant for extradition pursuant to the Act on Extradition, B.E. 2472, Section 12 and 15.

In this respect, in the course of inquiry at the Court of the First Instance, the defendant submitted a petition requesting the Court to order that the detention was illegal pursuant to the Criminal Procedure Code, Section 90, and after consideration, the Court of the First Instance ordered that the petition be rejected. The defendant submitted the appeal by making the petition. The Court of the First Instance ordered the defendant to make the petition accurately within 15 days. Subsequently, the defendant submitted the petition requesting the withdrawal of appeal, and the Court of the First Instance ordered to submit it to the Appeal Court for trial. The Appeal Court is of the opinion that,

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because the Court of the First Instance has not yet ordered to accept the appeal from the defendant, therefore, it is unnecessary for the Appeal Court to order to withdraw the appeal.

It is judged that the defendant be further detained for extradition to the United States of America. If the defendant is not extradited within 3 months from the date of this judgment, the defendant shall be released pursuant to the Extradition Act, B.E. 2472, Section 15.

Mr. Amnart Puangchompu (Signature)

Mr. Somkiat Tangsakun (Signature)

Mr. Sunai Manomai-udom (Signature)

(Seal Affixed)

Criminal Court

20th August 2010

On the appointment to hear the sentence at the Appeal Court, the prosecutor, defendant, lawyer for the defendant, and Miss Patcharapee Thapanosot, Russian interpreter, appeared at the court.

The sentence of the Appeal Court was read to the parties.

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....handwriting is not clear....

Signature

(Mr. Jittakorn Pattanasiri)

Signature

(..Illegible.. Tasanaprachayanon) Read

Signature

(Miss Siripan ...Illegible...)

Signature

Prosecutor

Signature

Defendant

Signature

Lawyer for the defendant

Signature

Interpreter