

ORDER
in the name of Georgia
on the Application of Extradition Detention

October 3, 2007
19:35

Tbilisi

Shorena Guntsadze, a judge of the Chamber of Criminal Cases of Tbilisi City Court, assisted by the secretary Tea Gegia, with the participation of the prosecutors K. Tsnobiladze and G. Baghdavadze, the accused Amir Hossein Ardebili, the translator G. Saltkhutsishvili, examined the motion of the prosecutor of the Department of the Office of the Prosecutor General of Georgia, Kakha Tsnobiladze on the application of extradition detention as a measure of constraint against the accused Amir Hossein Ardebili. The motion was examined on the public court session.

the following have been ascertained:

On September 10, 2007, the United States District Court of Delaware magistrate judge Mary Pat Thyng in the case #07-177M, and also on September 28, 2007, Massachusetts District Court magistrate judge Marianne B. Bowler in the case # 07-845-MBB issued the arrest warrants against the accused Amir Hossein Ardebili aka Amir Ahkam aka Alex Dave in relation to the charges of smuggling, violation of Arms Export Control Act, violation of International Emergency Powers Act and money laundering.

The criminal acts allegedly committed by Ardebili were revealed through the cover investigations conducted for the several times by the US Homeland Security Department. In particular, sometimes, Ardebili purchased different types of defence and arm equipments from the undercover agent and consigned them to Iran. Thus, he violated the regulations provided for in the relevant US statutes.

On October 1, 2007, in pursuance of Article 247 of the Criminal Procedure Code of Georgia, the Office of the Prosecutor General of Georgia and the United States Justice Department adopted the Joint Declaration Concerning the Provisional Arrest and the Extradition of Amir Hossein Ardebili aka Amir Ahkam aka Alex Dave from Georgia to the US. Based on the Declaration concerned, the US Department of Justice submitted the Request for the Extradition of Ardebili to the Office of the Prosecutor General of Georgia.

Upon the Request of the US Department of Justice, on October 2, 2007, at 18:40, the Retrieval Unit of the Criminal Police Department at the Ministry of Internal Affairs of Georgia arrested Amir Hossein Ardebili, a citizen of the Islamic Republic of Iran, wanted by the United States at the room #22, Hotel Dzveli Tbilisi (Hotel Old Tbilisi – translator's remark). He was placed in the Tbilisi Temporal Detention Place #2.

The prosecutor at the Department of the Procedural Supervision over the Investigation in the Inspectorate General, Criminal Police, Patrol Police Departments and in the Anti Drug Smuggling Unit of the Special Operative Department at the Ministry of Internal Affairs of the Office of the Prosecutor General of Georgia, K. Tsnobiladze submitted the motion on the application of the extradition detention as a measure of constraint against the accused Amir Hossein Ardebili to the court. The following reasons are referred to in the motion: to prevent the escape of the accused from the investigation and the judiciary, to suppress his future criminal

activities, to avoid the obstructive interference of the accused in the establishment of the truth in the criminal case, to conduct his extradition in line with the due procedures and to secure the execution of justice in the criminal case.

The defence counsel does not agree with the motion and states that the Request of the United States Department of Justice is groundless, the motion of the Office of the Prosecutor General of Georgia on the application of extradition detention as a measure of constraint against the accused Amir Hossein Ardebili is groundless as well, as Amir Hossein Ardebili has not committed the crimes with which he is charged by the United States Department of Justice.

The accused supports the reasoning of the defence counsel and states that he has never committed any crime and there is no ground to apply the extradition detention against him.

The court examined the motion, heard the submissions of the parties, acquainted with the submitted papers and considers that the prosecutor's motion is well-founded and should be granted due to the following reasons:

According to the submitted materials, on September 10, 2007, the US District Court of Delaware magistrate judge Mary Pat Thyng in the case #07-177M, and also on September 28, 2007, Massachusetts District Court magistrate Judge Marianne B. Bowler in the case # 07-845-MBB issued the arrest warrants against the accused Amir Hossein Ardebili aka Amir Ahkam aka Alex Dave in relation to the charges of smuggling, violation of Arms Export Control Act, violation of International Emergency Powers Act and money laundering.

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The court assumes that there are sufficient grounds provided for in Article 259 of the Criminal Procedure Code of Georgia for the application of extradition detention against the accused Amir Hossein Ardebili.

In the light of the foregoing, the court guided by Articles 140, 259 of the Criminal Procedure Code of Georgia,

Orders:

The motion of the prosecutor Kakha Tsnobiladze shall be granted.

The extradition detention for 3 (three) months as a measure of constraint shall be applied against the accused Amir Hossein Ardebili, born on July 3, 1974, in the city of Shiraz, the Islamic Republic of Iran, a citizen of the Islamic Republic of Iran.

The detention terms of the accused Amir Hossein Ardebili shall be calculated from the moment of his arrest and he shall be placed in Tbilisi Prison #5.

The Order shall be forwarded to the officials and the authorities provided for in paragraph 16, Article 140 and paragraph 6, Article 259 of the Criminal Procedure Code of Georgia for the notification and for the execution.