

obtained technology from non-U.S suppliers, and forwarded that non-U.S. technology to Hizballah. However, those transfers are not at issue in this criminal case, which alleges only a conspiracy to violate U.S. export control law, not the export control laws of any other nation.

The United States now seeks to extradite two defendants, Usama and Issam Hamade, from South Africa for trial. As part of that extradition process, the United States will need to provide the South African authorities with a copy of the Second Superseding Indictment. Because international extradition between the United States and South Africa is the creation of a treaty (here, the Extradition Treaty Between the Government of the United States of America and the Government of the Republic of South Africa, U.S.-S. Afr., Sept. 16, 1999, S. TREATY DOC. NO. 106-24 (2000)), the extradition package will be delivered, by U.S. State Department personnel at the United States Embassy in Pretoria, to the South African Ministry of Foreign Affairs, which will pass the extradition request on to the South African Ministry of Justice. In consequence, both diplomatic and legal officials of South Africa will work with the extradition request, and therefore both diplomatic and legal officials will need to see the Second Superseding Indictment. Accordingly, the United States respectfully asks this Court to allow a limited unsealing of

the Second Superseding Indictment, to allow it to be disclosed, as necessary to support the extradition request of the United States, to diplomatic and legal officials of the Republic of South Africa.

CONCLUSION

For the foregoing reasons, the United States respectfully asks that this Court enter an Order permitting the government to share with South African legal and diplomatic personnel a copy of the Second Superseding Indictment; a copy of the affidavit in support of extradition of Assistant United States Attorney John Docherty; and a copy of the affidavit in support of extradition of FBI Special Agent Steven Warfield, all as necessary to support the efforts of the United States government to have defendants Usama Hamade and Issam Hamade extradited from South Africa to the United States, to stand trial in the District of Minnesota on the charges alleged in the Second Superseding Indictment.

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Respectfully Submitted,

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