

**DECLARATION OF KLAUS G. WALTER
REGARDING SVEN ECHTERNACH**

I, Klaus G. Walter, declare and state as follows:

1. I am Klaus G. Walter, an attorney licensed to practice in Germany. My office address is as follows: Kempf & Dannenfeldt / Rechtsanwälte, Siesmayerstraße 58, D - 60323 Frankfurt am Main, Germany. My phone number is +49 69 9596490, my fax number is +49 69 95964910, and my email address is klaus.walter@ra-kempf.de.
2. I am acting as Mr. Echternach's criminal defense attorney in three different investigation proceedings of the Frankfurt/Main prosecution authorities under three file numbers [numbers omitted to preserve confidentiality].
3. I was informed by the Frankfurt prosecution authorities that the two investigation proceedings under the file numbers [omitted] result directly from requests of the U.S. authorities under the mutual legal assistance and extradition treaty ("MLAT"). Furthermore, I was told



that the requests ask for the arrest and extradition of Mr Echternach to the United States in order to prosecute him in the proceedings regarding megaupload.com. As a matter of fact, Mr. Echternach is a German citizen and cannot be extradited on request of the United States. As a result, German criminal investigations had to be opened to investigate the facts mentioned in the request of the United States.

4. The further German investigation [file number omitted] prosecutes Mr. Echternach for offenses which differ from, but resulted indirectly out of, the United States' request.
5. Based on the aforementioned information and context, I believe it is more than likely that, should Mr. Echternach travel to the United States at the moment, he would be arrested and not be allowed to leave the United States and return to Germany in a timely manner.
6. Mr. Echternach was born in Germany and has lived in Frankfurt/Main since 1999, where he is making his permanent residency.

7. Therefore, I have advised Mr. Echternach to undertake no further steps which would put his availability for the German prosecution authorities at risk. An arrest following his entry to the United States would make him unavailable for the German prosecution authorities.

8. If Mr. Echternach were unavailable for the German prosecution authorities to cooperate or stand trial in the three German investigative proceedings, his absence will lead to additional disadvantages for Mr. Echternach and can even result in a German arrest warrant in order to enforce his availability to complete those investigations. As a consequence, Mr. Echternach would be facing an arrest warrant in his home country. Alternatively, he could also face a non-revocable judgement / sentence in Germany [in his absence] following para. 412 Strafprozeßordnung [German criminal procedure code].

9. It must be concluded that Mr. Echternach cannot be advised from my German criminal defense attorney's point of view to travel to the United States as long as:
 - (a) at least one of the three German criminal investigations is still pending;

and

(b) his return from the U.S. to Germany remains highly questionable due to his requested arrest in the United States.

10. I have advised Mr. Echternach about the Germany-United States MLAT, *e.g.* Article 4(4).

I declare under penalty of perjury that the foregoing is true and correct.

Signed on this 13th day of January, 2015, in Frankfurt, Germany.



KLAUS G. WALTER