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TITLE 18--CRIMES AND CRIMINAL PROCEDURE

PART II--CRIMINAL PROCEDURE

CHAPTER 209--EXTRADITION

Sec. 3181. Scope and limitation of chapter

(a) The provisions of this chapter relating to the surrender of persons who have committed crimes in foreign countries shall continue in force only during the existence of any treaty of extradition with such foreign government.

(b) The provisions of this chapter shall be construed to permit, in the exercise of comity, the surrender of persons, other than citizens, nationals, or permanent residents of the United States, who have committed crimes of violence against nationals of the United States in foreign countries without regard to the existence of any treaty of extradition with such foreign government if the Attorney General certifies, in writing, that--

(1) evidence has been presented by the foreign government that indicates that had the offenses been committed in the United States, they would constitute crimes of violence as defined under section 16 of this title; and

(2) the offenses charged are not of a political nature.

(c) As used in this section, the term ``national of the United States' has the meaning given such term in section 101(a)(22) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(22)).

(June 25, 1948, ch. 645, 62 Stat. 822; Pub. L. 104-132, title IV, Sec. 443(a), Apr. 24, 1996, 110 Stat. 1280.)

Historical and Revision Notes

Based on title **18**, U.S.C., 1940 ed., Sec. 658 (R.S. Sec. 5274).
Minor changes were made in phraseology.

Amendments

1996--Pub. L. 104-132 designated existing provisions as subsec. (a) and added subsecs. (b) and (c).

Extradition Treaties Interpretation

Pub. L. 105-323, title II, Oct. 30, 1998, 112 Stat. 3033, provided that:

``SEC. 201. SHORT TITLE.

``This title may be cited as the `Extradition Treaties Interpretation Act of 1998'.

``SEC. 202. FINDINGS.

``Congress finds that--

``(1) each year, several hundred children are kidnapped by a parent in violation of law, court order, or legally binding agreement and brought to, or taken from, the United States;

``(2) until the mid-1970's, parental abduction generally was not considered a criminal offense in the United States;

``(3) since the mid-1970's, United States criminal law has evolved such that parental abduction is now a criminal offense in each of the 50 States and the District of Columbia;

``(4) in enacting the International Parental Kidnapping Crime Act of 1993 (Public Law 103-173; 107 Stat. 1998; **18** U.S.C. 1204), Congress recognized the need to combat parental abduction by making the act of international parental kidnapping a Federal criminal offense;

``(5) many of the extradition treaties to which the United States is a party specifically list the offenses that are extraditable and use the word `kidnapping', but it has been the practice of the United States not to consider the term to include parental abduction because these treaties were negotiated by the United States prior to the development in United States criminal law described in paragraphs (3) and (4);

``(6) the more modern extradition treaties to which the United States is a party contain dual criminality provisions, which provide for extradition where both parties make the offense a felony, and

therefore it is the practice of the United States to consider such treaties to include parental abduction if the other foreign state party also considers the act of parental abduction to be a criminal offense; and

((7) this circumstance has resulted in a disparity in United States extradition law which should be rectified to better protect the interests of children and their parents.

SEC. 203. INTERPRETATION OF EXTRADITION TREATIES.

For purposes of any extradition treaty to which the United States is a party, Congress authorizes the interpretation of the terms 'kidnaping' and 'kidnapping' to include parental kidnapping.'

Judicial Assistance to International Tribunal for Yugoslavia and
International Tribunal for Rwanda

Pub. L. 104-106, div. A, title XIII, Sec. 1342, Feb. 10, 1996, 110 Stat. 486, provided that:

(a) Surrender of Persons.--

(1) Application of United States extradition laws.--Except as provided in paragraphs (2) and (3), the provisions of chapter 209 of title 18, United States Code, relating to the extradition of persons to a foreign country pursuant to a treaty or convention for extradition between the United States and a foreign government, shall apply in the same manner and extent to the surrender of persons, including United States citizens, to--

(A) the International Tribunal for Yugoslavia, pursuant to the Agreement Between the United States and the International Tribunal for Yugoslavia; and

(B) the International Tribunal for Rwanda, pursuant to the Agreement Between the United States and the International Tribunal for Rwanda.

(2) Evidence on hearings.--For purposes of applying section 3190 of title 18, United States Code, in accordance with paragraph (1), the certification referred to in that section may be made by the principal diplomatic or consular officer of the United States resident in such foreign countries where the International Tribunal for Yugoslavia or the International Tribunal for Rwanda may be permanently or temporarily situated.

(3) Payment of fees and costs.--(A) The provisions of the Agreement Between the United States and the International Tribunal for Yugoslavia and of the Agreement Between the United States and the International Tribunal for Rwanda shall apply in lieu of the

provisions of section 3195 of title **18**, United States Code, with respect to the payment of expenses arising from the surrender by the United States of a person to the International Tribunal for Yugoslavia or the International Tribunal for Rwanda, respectively, or from any proceedings in the United States relating to such surrender.

``(B) The authority of subparagraph (A) may be exercised only to the extent and in the amounts provided in advance in appropriations Acts.

``(4) Nonapplicability of the federal rules.--The Federal Rules of Evidence [set out in the Appendix to Title 28, Judiciary and Judicial Procedure] and the Federal Rules of Criminal Procedure [set out in the Appendix to this title] do not apply to proceedings for the surrender of persons to the International Tribunal for Yugoslavia or the International Tribunal for Rwanda.

``(b) Assistance to Foreign and International Tribunals and to Litigants Before Such Tribunals.--[Amended section 1782 of Title 28, Judiciary and Judicial Procedure.]

``(c) Definitions.--For purposes of this section:

``(1) International tribunal for yugoslavia.--The term `International Tribunal for Yugoslavia' means the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law in the Territory of the Former Yugoslavia, as established by United Nations Security Council Resolution 827 of May 25, 1993.

``(2) International tribunal for rwanda.--The term `International Tribunal for Rwanda' means the International Tribunal for the Prosecution of Persons Responsible for Genocide and Other Serious Violations of International Humanitarian Law Committed in the Territory of Rwanda and Rwandan Citizens Responsible for Genocide and Other Such Violations Committed in the Territory of Neighboring States, as established by United Nations Security Council Resolution 955 of November 8, 1994.

``(3) Agreement between the united states and the international tribunal for yugoslavia.--The term `Agreement Between the United States and the International Tribunal for Yugoslavia' means the Agreement on Surrender of Persons Between the Government of the United States and the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Law in the Territory of the Former Yugoslavia, signed at The Hague, October 5, 1994.

``(4) Agreement between the united states and the international tribunal for rwanda.--The term `Agreement between the United States

and the International Tribunal for Rwanda' means the Agreement on Surrender of Persons Between the Government of the United States and the International Tribunal for the Prosecution of Persons Responsible for Genocide and Other Serious Violations of International Humanitarian Law Committed in the Territory of Rwanda and Rwandan Citizens Responsible for Genocide and Other Such Violations Committed in the Territory of Neighboring States, signed at The Hague, January 24, 1995.''

Extradition and Mutual Legal Assistance Treaties and Model Comprehensive Antidrug Laws

Pub. L. 100-690, title IV, Sec. 4605, Nov. 18, 1988, 102 Stat. 4290, which directed greater emphasis on updating of extradition treaties and on negotiating mutual legal assistance treaties with major drug producing and drug-transit countries, and called for development of model treaties and anti-narcotics legislation, was repealed by Pub. L. 102-583, Sec. 6(e)(1), Nov. 2, 1992, 106 Stat. 4933.

Pub. L. 100-204, title VIII, Sec. 803, Dec. 22, 1987, 101 Stat. 1397, provided that: ``The Secretary of State shall ensure that the Country Plan for the United States diplomatic mission in each major illicit drug producing country and in each major drug-transit country (as those terms are defined in section 481(i) of the Foreign Assistance Act of 1961 [22 U.S.C. 2291(i)]) includes, as an objective to be pursued by the mission--

``(1) negotiating an updated extradition treaty which ensures that drug traffickers can be extradited to the United States, or

``(2) if an existing treaty provides for such extradition, taking such steps as may be necessary to ensure that the treaty is effectively implemented.''

Pub. L. 99-93, title I, Sec. 133, Aug. 16, 1985, 99 Stat. 420, provided that: ``The Secretary of State, with the assistance of the National Drug Enforcement Policy Board, shall increase United States efforts to negotiate updated extradition treaties relating to narcotics offenses with each major drug-producing country, particularly those in Latin America.''

TREATIES OF EXTRADITION

The United States currently has bilateral extradition treaties with the following countries:

Country	Date signed	Entered into force	Citation
Albania.....	Mar. 1, 1933.....	Nov. 14, 1935.....	49 Stat. 3313.
Antigua and Barbuda.....	June 3, 1996.....	July 1, 1999.....	
Argentina.....	June 10, 1997.....	June 15, 2000.....	
Australia.....	May 14, 1974.....	May 8, 1976.....	27 UST 957.
	Sept. 4, 1990.....	Dec. 21, 1992.....	
Austria.....	Jan. 8, 1998.....	Jan. 1, 2000.....	
	May 19, 1934.....	Sept. 5, 1934.....	49 Stat. 2710.
Bahamas.....	Mar. 9, 1990.....	Sept. 22, 1994.....	TIAS.
Barbados.....	Feb. 28, 1996.....	Mar. 3, 2000.....	
Belgium.....	Apr. 27, 1987.....	Sept. 1, 1997.....	
Belize.....	Mar. 30, 2000.....	Mar. 27, 2001.....	
Bolivia.....	June 27, 1995.....	Nov. 21, 1996.....	
Brazil.....	Jan. 13, 1961.....	Dec. 17, 1964.....	15 UST 2093.
	June 18, 1962.....	Dec. 17, 1964.....	15 UST 2112.
Bulgaria.....	Mar. 19, 1924.....	June 24, 1924.....	43 Stat. 1886.
	June 8, 1934.....	Aug. 15, 1935.....	49 Stat. 3250.
Burma.....	Dec. 22, 1931.....	Nov. 1, 1941.....	47 Stat. 2122.
Canada.....	Dec. 3, 1971.....	Mar. 22, 1976.....	27 UST 983.
	June 28, July 9, 1974...	Mar. 22, 1976.....	27 UST 1017.
	Jan. 11, 1988.....	Nov. 26, 1991.....	TIAS.
	Jan. 12, 2001.....	Apr. 30, 2003.....	
Chile.....	Apr. 17, 1900.....	June 26, 1902.....	32 Stat. 1850.
Colombia.....	Sept. 14, 1979.....	Mar. 4, 1982.....	TIAS.
Congo.....	Jan. 6, 1909.....	July 27, 1911.....	37 Stat. 1526.
	Jan. 15, 1929.....	May 19, 1929.....	46 Stat. 2276.
	Apr. 23, 1936.....	Sept. 24, 1936.....	50 Stat. 1117.
		Aug. 5, 1961.....	13 UST 2065.
Costa Rica.....	Dec. 4, 1982.....	Oct. 11, 1991.....	TIAS.
Cuba.....	Apr. 6, 1904.....	Mar. 2, 1905.....	33 Stat. 2265.
	Dec. 6, 1904.....	Mar. 2, 1905.....	33 Stat. 2273.
	Jan. 14, 1926.....	June 18, 1926.....	44 Stat. 2392.
Cyprus.....	June 17, 1996.....	Sept. 14, 1999.....	
Czech Republic.....	July 2, 1925.....	Mar. 29, 1926.....	44 Stat. 2367.
	Apr. 29, 1935.....	Aug. 28, 1935.....	49 Stat. 3253.
Denmark.....	June 22, 1972.....	July 31, 1974.....	25 UST 1293.
Dominica.....	Oct. 10, 1996.....	May 25, 2000.....	
Dominican Republic.....	June 19, 1909.....	Aug. 2, 1910.....	36 Stat. 2468.
Ecuador.....	June 28, 1872.....	Nov. 12, 1873.....	18 Stat. 199.
	Sept. 22, 1939.....	May 29, 1941.....	55 Stat. 1196.

Egypt.....	Aug. 11, 1874.....	Apr. 22, 1875.....	19 Stat. 572.
El Salvador.....	Apr. 18 , 1911.....	July 10, 1911.....	37 Stat. 1516.
Estonia.....	Nov. 8, 1923.....	Nov. 15, 1924.....	43 Stat. 1849.
	Oct. 10, 1934.....	May 7, 1935.....	49 Stat. 3190.
Fiji.....	Dec. 22, 1931.....	June 24, 1935.....	47 Stat. 2122.
	.....	Aug. 17, 1973.....	24 UST 1965.
Finland.....	June 11, 1976.....	May 11, 1980.....	31 UST 944.
France.....	Apr. 23, 1996.....	Feb. 1, 2002.....	
Gambia.....	Dec. 22, 1931.....	June 24, 1935.....	47 Stat. 2122.
Germany.....	June 20, 1978.....	Aug. 29, 1980.....	32 UST 1485.
	Oct. 21, 1986.....	Mar. 11, 1993.....	
Ghana.....	Dec. 22, 1931.....	June 24, 1935.....	47 Stat. 2122.
Greece.....	May 6, 1931.....	Nov. 1, 1932.....	47 Stat. 2185.
	Sept. 2, 1937.....	Sept. 2, 1937.....	51 Stat. 357.
Grenada.....	May 30, 1996.....	Sept. 14, 1999.....	
Guatemala.....	Feb. 27, 1903.....	Aug. 15, 1903.....	33 Stat. 2147.
	Feb. 20, 1940.....	Mar. 13, 1941.....	55 Stat. 1097.
Guyana.....	Dec. 22, 1931.....	June 24, 1935.....	47 Stat. 2122.
Haiti.....	Aug. 9, 1904.....	June 28, 1905.....	34 Stat. 2858.
Honduras.....	Jan. 15, 1909.....	July 10, 1912.....	37 Stat. 1616.
	Feb. 21, 1927.....	June 5, 1928.....	45 Stat. 2489.
Hong Kong.....	Dec. 20, 1996.....	Jan. 21, 1998.....	
Hungary.....	Dec. 1, 1994.....	Mar. 18 , 1997.....	
Iceland.....	Jan. 6, 1902.....	.....	32 Stat. 1096.
	Nov. 6, 1905.....	Feb. 19, 1906.....	34 Stat. 2887.
India.....	June 25, 1997.....	July 21, 1999.....	
Iraq.....	June 7, 1934.....	Apr. 23, 1936.....	49 Stat. 3380.
Ireland.....	July 13, 1983.....	Dec. 15, 1984.....	TIAS 10813.
Israel.....	Dec. 10, 1962.....	Dec. 5, 1963.....	14 UST 1707.
	.....	Apr. 11, 1967.....	18 UST 382.
Italy.....	Oct. 13, 1983.....	Sept. 24, 1984.....	TIAS 10837.
Jamaica.....	June 14, 1983.....	July 7, 1991.....	
Japan.....	Mar. 3, 1978.....	Mar. 26, 1980.....	31 UST 892.
Jordan.....	Mar. 28, 1995.....	July 29, 1995.....	
Kenya.....	Dec. 22, 1931.....	June 24, 1935.....	47 Stat. 2122.
	.....	Aug. 19, 1965.....	16 UST 1866.
Kiribati.....	June 8, 1972.....	Jan. 21, 1977.....	28 UST 227.
Korea.....	June 9, 1998.....	Dec. 20, 1999.....	
Latvia.....	Oct. 16, 1923.....	Mar. 1, 1924.....	43 Stat. 1738.
	Oct. 10, 1934.....	Mar. 29, 1935.....	49 Stat. 3131.
Lesotho.....	Dec. 22, 1931.....	June 24, 1935.....	47 Stat. 2122.
Liberia.....	Nov. 1, 1937.....	Nov. 21, 1939.....	54 Stat. 1733.
Liechtenstein.....	May 20, 1936.....	June 28, 1937.....	50 Stat. 1337.

Lithuania.....	Oct. 23, 2001.....	Mar. 31, 2003.....	
Luxembourg.....	Oct. 1, 1996.....	Feb. 1, 2002.....	
Malawi.....	Dec. 22, 1931.....	June 24, 1935.....	47 Stat. 2122.
	.....	Apr. 4, 1967.....	18 UST 1822.
Malaysia.....	Aug. 3, 1995.....	June 2, 1997.....	
Malta.....	Dec. 22, 1931.....	June 24, 1935.....	47 Stat. 2122.
Mauritius.....	Dec. 22, 1931.....	June 24, 1935.....	47 Stat. 2122.
Mexico.....	May 4, 1978.....	Jan. 25, 1980.....	31 UST 5059.
	Nov. 13, 1997.....	May 21, 2001.....	
Monaco.....	Feb. 15, 1939.....	Mar. 28, 1940.....	54 Stat. 1780.
Nauru.....	Dec. 22, 1931.....	Aug. 30, 1935.....	47 Stat. 2122.
Netherlands.....	June 24, 1980.....	Sept. 15, 1983.....	TIAS 10733.
New Zealand.....	Jan. 12, 1970.....	Dec. 8, 1970.....	22 UST 1.
Nicaragua.....	Mar. 1, 1905.....	July 14, 1907.....	35 Stat. 1869.
Nigeria.....	Dec. 22, 1931.....	June 24, 1935.....	47 Stat. 2122.
Norway.....	June 9, 1977.....	Mar. 7, 1980.....	31 UST 5619.
Pakistan.....	Dec. 22, 1931.....	Mar. 9, 1942.....	47 Stat. 2122.
Panama.....	May 25, 1904.....	May 8, 1905.....	34 Stat. 2851.
Papua New Guinea.....	Dec. 22, 1931.....	Aug. 30, 1935.....	47 Stat. 2122.
Paraguay.....	Nov. 9, 1998.....	Mar. 9, 2001.....	
Peru.....	July 26, 2001.....	Aug. 25, 2003.....	
Philippines.....	Nov. 13, 1994.....	Nov. 22, 1996.....	
Poland.....	July 10, 1996.....	Sept. 17, 1999.....	
	Apr. 5, 1935.....	June 5, 1936.....	49 Stat. 3394.
Portugal.....	May 7, 1908.....	Nov. 14, 1908.....	35 Stat. 2071.
Romania.....	July 23, 1924.....	Apr. 7, 1925.....	44 Stat. 2020.
	Nov. 10, 1936.....	July 27, 1937.....	50 Stat. 1349.
Saint Christopher and Nevis.....	Sept. 18 , 1996.....	Feb. 23, 2000.....	
Saint Lucia.....	Apr. 18 , 1996.....	Feb. 2, 2000.....	
Saint Vincent and the Grenadines....	Aug. 15, 1996.....	Sept. 8, 1999.....	
San Marino.....	Jan. 10, 1906.....	July 8, 1908.....	35 Stat. 1971.
	Oct. 10, 1934.....	June 28, 1935.....	49 Stat. 3198.
Seychelles.....	Dec. 22, 1931.....	June 24, 1935.....	47 Stat. 2122.
Sierra Leone.....	Dec. 22, 1931.....	June 24, 1935.....	47 Stat. 2122.
Singapore.....	Dec. 22, 1931.....	June 24, 1935.....	47 Stat. 2122.
	.....	June 10, 1969.....	20 UST 2764.
Slovak Republic.....	July 2, 1925.....	Mar. 29, 1926.....	44 Stat. 2367
	Apr. 29, 1935.....	Aug. 28, 1935.....	49 Stat. 3253.
Solomon Islands.....	June 8, 1972.....	Jan. 21, 1977.....	28 UST 277.
South Africa.....	Sept. 16, 1999.....	June 25, 2001.....	
Spain.....	May 29, 1970.....	June 16, 1971.....	22 UST 737.
	Jan. 25, 1975.....	June 2, 1978.....	29 UST 2283.
	Feb. 9, 1988.....	July 2, 1993.....	

	Mar. 12, 1996.....	July 25, 1999.....	
Sri Lanka.....	Sept. 30, 1999.....	Jan. 12, 2001.....	
Suriname.....	June 2, 1887.....	July 11, 1889.....	26 Stat. 1481.
	Jan. 18, 1904.....	Aug. 28, 1904.....	33 Stat. 2257.
Swaziland.....	Dec. 22, 1931.....	June 24, 1935.....	47 Stat. 2122.
	.....	July 28, 1970.....	21 UST 1930.
Sweden.....	Oct. 24, 1961.....	Dec. 3, 1963.....	14 UST 1845.
	Mar. 14, 1983.....	Sept. 24, 1984.....	TIAS 10812.
Switzerland.....	Nov. 14, 1990.....	Sept. 10, 1997.....	
Tanzania.....	Dec. 22, 1931.....	June 24, 1935.....	47 Stat. 2122.
	.....	Dec. 6, 1965.....	16 UST 2066.
Thailand.....	Dec. 30, 1922.....	Mar. 24, 1924.....	43 Stat. 1749.
Tonga.....	Dec. 22, 1931.....	Aug. 1, 1966.....	47 Stat. 2122.
	.....	Apr. 13, 1977.....	28 UST 5290.
Trinidad and Tobago.....	Mar. 4, 1996.....	Nov. 29, 1999.....	
Turkey.....	June 7, 1979.....	Jan. 1, 1981.....	32 UST 3111.
Tuvalu.....	June 8, 1972.....	Jan. 21, 1977.....	28 UST 227.
	.....	Apr. 25, 1980.....	32 UST 1310.
United Kingdom.....	June 8, 1972.....	Jan. 21, 1977.....	28 UST 227.
	June 25, 1985.....	Dec. 23, 1986.....	TIAS.
Uruguay.....	Apr. 6, 1973.....	Apr. 11, 1984.....	TIAS 10850.
Venezuela.....	Jan. 19, 21, 1922.....	Apr. 14, 1923.....	43 Stat. 1698.
Yugoslavia \1\.....	Oct. 25, 1901.....	June 12, 1902.....	32 Stat. 1890.
Zambia.....	Dec. 22, 1931.....	June 24, 1935.....	47 Stat. 2122.
Zimbabwe.....	July 25, 1997.....	Apr. 26, 2000.....	

\1\ For the successor States of Yugoslavia, inquire of the Treaty Office of the United States Department of State.

Convention on Extradition

The United States is a party to the Multilateral Convention on Extradition signed at Montevideo on Dec. 26, 1933, entered into force for the United States on Jan. 25, 1935. 49 Stat. 3111.

Other states which have become parties: Argentina, Chile, Colombia, Dominican Republic, Ecuador, El Salvador, Guatemala, Honduras, Mexico, Nicaragua, Panama.

Section Referred to in Other Sections

This section is referred to in section 3184 of this title; title 22 section 7432.

