U.S. Department of Justice
Criminal Division

# Procedure for Requesting International Extradition

**U.S. Department of Justice**

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# PROCEDURE

# FOR

# REQUESTING

# INTERNATIONAL EXTRADITION

U.S. Department of Justice
Office of International Affairs
Director,

By: John E. Harris
Senior Trial Attorney

9-15.000 EXTRADITION

9-15.001 International Extradition in General

9-15.100 Procedures for Requesting Extradition from A Foreign Country To The United States

International extradition is the process by which a person found in one country is surrendered to another country for trial or punishment. It is a formal process, regulated by treaty and conducted between the federal government of the United States and the government of a foreign country. Thus, it has a legal basis different from that of interstate rendition (frequently referred to as "interstate extradition"), which is mandated by Article 4, Section 2 of the Constitution, and regulated chiefly by state law and 18 U.S.C. 3182. Every request for international extradition must be approved by the Department of Justice, and formally presented to the foreign government by the Department of State through diplomatic channels. It is important to remember that the terms of an extradition treaty can only be invoked by the Department of State or persons authorized by it to do so. Prosecutors, police officers, or investigators are generally free to communicate directly with their foreign counterparts for the purpose of giving or receiving information on law enforcement matters, but they may not request the arrest of a fugitive for extradition. Unauthorized requests for foreign arrests cause serious diplomatic difficulties, and can subject the requestor to heavy financial liability or other sanctions. Cf. Sami v. United States, 617 F.2d 755 (D.C. Cir. 1979).

9-15.110 Determining if Extradition is Possible

A prosecutor or investigator interested in arranging for extradition should first contact the Office of International Affairs ("OIA"), Criminal Division, Department of Justice, in Washington, D.C., telephone number: (202) 786-3500. Extradition specialists in OIA determine whether the extradition request can succeed, taking into account the facts of the particular case, the language of the applicable treaties, and the law of the foreign country involved. In order for OIA to make this determination, the inquirer should be prepared to provide the following information:

(a) The country in which the fugitive is believed to be located, and his address or location there. We shall need to know his status (i.e., at large, incarcerated for another offense, etc.);

(b) The citizenship of the fugitive and whether the fugitive is a citizen of the foreign country from which extradition is contemplated. (It is not enough to determine that the fugitive is a United States citizen, since many persons have dual citizenships);

(c) The precise crime for which the fugitive has been charged or convicted, including the citation to the specific statute involved;

(d) The full title of the court in which criminal proceedings are pending, the name of the judge, the date on which the indictment or conviction was obtained, and the docket number of the proceedings;

(e) A brief description of the specific acts committed in connection with the offense, i.e., who did what to whom, when, where, and why; and

(f) A brief description of how the prosecutor intends to prove the violation (e.g., witness testimony, documentary evidence, undercover agents, codefendants who agreed to cooperate with the government).

Based on this information, OIA determines whether an extradition request can be made, taking the following factors into account:

-- whether there is an extradition treaty in force with the country in which the fugitive is located. (A list of the treaties on extradition to which the United States is a party (as of November 1, 1983) is set out at 9-15.111);

-- whether the treaty provides for extradition for the crime in question;

-- whether the offense in question is punishable under the law of the requested country;

-- whether there is sufficient evidence to justify extradition in accordance with the terms of the treaty;

-- whether the fugitive is a national of the requested country (many foreign countries do not extradite their own citizens); and

-- whether extradition is in the interests of justice in light of all the circumstances.

9-15.111

TREATIES IN FORCE RESPECTING EXTRADITION — July 1, 1982

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| Afghanistan | No bilateral extradition treaty<br>Single Convention on Narcotics<br>Hague Convention on Aircraft Hijacking |
| Albania | 49 Stat. 3313, TS 902 (1935) |
| Algeria | No bilateral extradition treaty<br>Single Convention on Narcotics |
| Antigua | 28 UST 227, TIAS 8468 (1977)<br>Single Convention on Narcotics - Amending Protocol<br>Hague Convention on Aircraft Hijacking<br>New York Convention on Terrorism against Diplomats |
| Argentina | 23 UST 3501, TIAS 7510 (1972)<br>Single Convention on Narcotics - Amending Protocol<br>Hague Convention on Aircraft Hijacking<br>New York Convention on Terrorism Against Diplomats |
| Australia | 27 UST 957, TIAS 8234 (1976)<br>Single Convention on Narcotics - Amending Protocol<br>Hague Convention on Aircraft Hijacking<br>New York Convention on Terrorism against Diplomats |
| Austria | 46 Stat. 2779, TS 822 (1930)<br>49 Stat. 2710, TS 873 (1939)<br>Single Convention on Narcotics - Amending Protocol<br>Hague Convention on Aircraft Hijacking<br>New York Convention on Terrorism Against Diplomats |
| The Bahamas | 47 Stat. 2122, TS 849 (1935)<br>TIAS 9185 (1978)<br>Single Convention on Narcotics - Amending Protocol<br>Hague Convention on Aircraft Hijacking |
| Bahrain | No bilateral extradition treaty<br>Single Convention on Aircraft Hijacking |

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| Bangladesh | No bilateral extradition treaty<br>Single Convention on Narcotics - Amending Protocol<br>Hague Convention on Aircraft Hijacking |
| Barbados | 47 Stat. 2122, TS 849 (1935)<br>Single Convention on Narcotics - Amending Protocol<br>Hague Convention on Aircraft Hijacking<br>New York Convention on Terrorism against Diplomats |
| Belgium | 32 Stat. 1894, TS 409 (1902)<br>49 Stat. 3276, TS 900 (1935)<br>15 UST 2252, TIAS 5715 (1964)<br>Single Convention on Narcotics - Amending Protocol<br>Hague Convention on Aircraft Hijacking |
| Belize | 28 UST 227, TIAS 8468 (1982) |
| Benin | No bilateral extradition treaty<br>Single Convention on Narcotics - Amending Protocol<br>Hague Convention on Aircraft Hijacking |
| Bhutan | No bilateral extradition treaty |
| Bolivia | 32 Stat. 1857, TS 399 (1902)<br>Single Convention on Narcotics - Amending Protocol<br>Hague Convention on Aircraft Hijacking |
| Botswana | No bilateral extradition treaty<br>Single Convention on Narcotics<br>Hague Convention on Aircraft Hijacking |
| Brazil | 15 UST 2093 TIAS 5691 (1964)<br>15 UST 2112, TIAS 5691 (1964)<br>Single Convention on Narcotics - Amending Protocol<br>Hague Convention on Aircraft Hijacking |
| Brunei | No bilateral extradition treaty |
| Bulgaria | 43 Stat. 1886, TS 687 (1924)<br>49 Stat. 3250, TS 894 (1934)<br>Single Convention on Narcotics<br>Hague Convention on Aircraft Hijacking<br>New York Convention on Terrorism Against Diplomats |

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| Burma | 47 Stat. 2122, TS 849 (1941)<br>Single Convention on Narcotics |
| Burundi | No bilateral extradition treaty<br>New York Convention on Terrorism Against Dipolmats |
| Cameroon | No bilateral extradition treaty<br>Single Convention on Narcotics - Amending Protocol |
| Canada | 27 UST 983, TIAS 8237 (1976)<br>Single Convention on Narcotics - Amending Protocol<br>Hague Convention on Aircraft Hijacking<br>New York Convention on Terrorism Against Diplomats |
| Cape Verde | No bilateral extradition treaty<br>Single Convention on Narcotics<br>Hague Convention on Aircraft Hijacking |
| Central African Republic | No bilateral extradition treaty |
| Chad | No bilateral extradition treaty<br>Single Convention on Narcotics<br>Hague Convention on Aircraft Hijacking |
| Chile | 32 Stat. 1850, TS 407 (1902)<br>Single Convention on Narcotics - Amending Protocol<br>Hague Convention on Aircraft Hijacking<br>New York Convention on Terrorism against Diplomats |
| China (PRC) | No bilateral extradition treaty<br>Hague Convention on Aircraft Hijacking |
| China (Taiwan) | No bilateral extradition treaty<br>Single Convention on Narcotics<br>Hague Convention on Aircraft Hijacking |
| Colombia | ___ U.S.T. ___, TIAS ___ (1982)<br>Single Convention on Narcotics - Amending Protocol<br>Hague Convention on Aircraft Hijacking |

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| Comorro Islands | No bilateral extradition treaty<br>Single Convention on Narcotics - Amending Protocol |
| Congo | 37 Stat. 1526, TS 561 (1911)<br>46 Stat. 2276, TS 787 (1929)<br>50 Stat. 1117, TS 909 (1936) |
| Costa Rica | 43 Stat. 1621, TS 668 (1923)<br>Single Convention on Narcotics - Amending Protocol<br>Hague Convention on Aircraft Hijacking<br>New York Convention on Terrorism against Diplomats |
| Cuba | 33 Stat. 2265, TS 440 (1905)*<br>33 Stat. 2273, TS 441 (1905)*<br>44 Stat. 2392, TS 737 (1926)*<br>Single Convention on Narcotics |
| Cyrus | 47 Stat. 2122, TS 734 (1926)<br>Single Convention on Narcotics - Amending Protocol<br>Hague Convention on Aircraft Hijacking<br>New York Convention on Terrorism against Diplomats |
| Czechoslovakia | 44 Stat. 2367, TS 734 (1926)<br>49 Stat. 3253, TS 895 (1935)<br>Single Convention on Narcotics<br>Hague Convention on Aircraft Hijacking<br>New York Convention on Terrorism against Diplomats |
| Denmark | 25 UST 1293, TIAS 7864 (1974)<br>Single Convention on Narcotics - Amending Protocol<br>Hague Convention on Aircraft Hijacking<br>New York Convention on Terrorism against Diplomats |
| Djibouti | No bilateral extradition treaty<br>Single Convention on Narcotics - Amending Protocol |
| Dominica | 28 UST 227, TIAS 8468 (1982)<br>Single Convention on Narcotics - Amending Protocol |
| Dominican Republic | 36 Stat. 2468, TS 550 (1910)<br>Single Convention on Narcotics<br>Hague Convention on Aircraft Hijacking<br>New York Convention on Terrorism against Diplomats |

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| Ecuador | 18 Stat. 199, TS 79 (1873)<br>55 Stat. 1196, TS 972 (1941)<br>Single Convention on Narcotics - Amending Protocol<br>Hague Convention on Aircraft Hijacking<br>New York Convention on Terrorism against Diplomats |
| Egypt | 19 Stat. 572, TS 270 (1875)<br>Single Convention on Narcotics - Amending Protocol<br>Hague Convention on Aircraft Hijacking |
| El Salvador | 37 Stat. 1516, TS (1911)<br>Hague Convention on Aircraft Hijacking<br>New York Convention on Terrorism against Diplomats |
| Estonia | 43 Stat. 1849, TS 703 (1924)*<br>49 Stat. 3190, TS 886 (1935)* |
| Ethopia | No bilateral extradition treaty<br>Single Convention on Narcotics<br>Hague Convention on Aircraft Hijacking |
| Fiji | 47 Stat. 2122, TS 849 (1935)<br>24 UST 1965, TIAS 7707 (1973)<br>Single Convention on Narcotics - Amending Protocol<br>Hague Convention on Aircraft Hijacking |
| Finland | 31 UST 944, TIAS 9629 (1980)<br>Single Convention on Narcotics - Amending Protocol<br>Hague Convention on Aircraft Hijacking<br>New York Convention on Terrorism against Diplomats |
| France | 37 Stat. 1526, TS 561 (1911)<br>22 UST 407, TIAS 7075 (1917)<br>Single Convention on Narcotics - Amending Protocol<br>Hague Convention on Aircraft Hijacking |
| Gabon | No bilateral extradition treaty<br>Single Convention on Narcotics - Amending Protocol<br>Hague Convention on Aircraft Hijacking<br>New York Convention on Terrorism against Diplomats |
| The Gambia | 47 Stat. 2122 TS 849 (1935)<br>Single Convention on Narcotics<br>Hague Convention on Aircraft Hijacking |

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| E. Germany (Dem.) | No bilateral extradition treaty<br>Single Convention on Narcotics<br>Hague Convention on Aircraft Hijacking<br>New York Convention on Terrorism against Diplomats |
| W. Germany (Fed.) | 32 UST 1485, TIAS 9785 (1980)<br>Single Convention on Narcotics - Amending Protocol<br>Hague Convention on Aircraft Hijacking<br>New York Convention on Terrorism against Diplomats |
| Ghana | 47 Stat. 2122, TS 849 (1935)<br>Single Convention on Aircraft Hijacking<br>New York Convention on Terrorism against Diplomats |
| Greece | 47 Stat. 2185, TS 855 (1932)<br>51 Stat. 357, EAS 1144 (1937)<br>Single Convention on Narcotics - Amending Protocol<br>Hague Convention on Aircraft Hijacking |
| Grenada | 47 Stat. 2122, TS 849 (1935)<br>Single Convention on Narcotics<br>Hague Convention on Aircraft Hijacking |
| Guatemala | 33 Stat. 2147, TS 425 (1903)<br>55 Stat. 1097, TS 963 (1941)<br>Single Convention on Narcotics - Amending Protocol |
| Guinea | No bilateral extradition treaty<br>Single Convention on Narcotics |
| Guinea Bissau | No bilateral extradition treaty<br>Hague Convention on Aircraft Hijacking |
| Guyana | 47 Stat. 2122, TS 849 (1935)<br>Single Convention on Narcotics<br>Hague Convention on Aircraft Hijacking |
| Haiti | 34 Stat. 2858, TS 447 (1905)<br>Single Convention on Narcotics - Amending Protocol<br>New York Convention on Terrorism against Diplomats |
| Honduras | 37 Stat. 1616, TS 568 (1912)<br>Single Convention on Narcotics - Amending Protocol |
| Hungary | 11 Stat. 691, TS 9 (1856)<br>Single Convention on Narcotics<br>Hague Convention on Aircraft Hijacking<br>New York Convention on Terrorism against Diplomats |

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| Iceland | 32 Stat. 1096, TS 405 (1906)<br>34 Stat. 2887, TS 449 (1906)<br>Single Convention on Narcotics - Amending Protocol<br>Hague Convention on Aircraft Hijacking<br>New York Convention on Terrorism against Diplomats |
| India | 47 Stat. 2122, TS 849 (1942)<br>Single Convention on Narcotics - Amending Protocol<br>New York Convention on Terrorism against Diplomats |
| Indonesia | No bilateral extradition treaty<br>Single Convention on Narcotics - Amending Protocol<br>Hague Convention on Aircraft Hijacking |
| Iran | No bilateral extradition treaty<br>Single Convention on Narcotics - Amending<br>New York Convention on Terrorism against Diplomats |
| Iraq | 49 Stat. 3380, TS 907 (1936)<br>Single Convention on Narcotics - Amending Protocol<br>Hague Convention on Aircraft Hijacking<br>New York Convention on Terrorism against Diplomats |
| Ireland | 26 Stat. 1508, TS 139 (1889)*<br>32 Stat. 1864, TS 391 (1900)*<br>34 Stat. 2903, TS 458 (1905)*<br>8 Stat. 572, TS 119 (1842)*<br>Single Convention on Narcotics - Amending Protocol<br>Hague Convention on Aircraft Hijacking |
| Israel | 14 UST 1707, TIAS 5476 (1963)<br>18 UST 382, TIAS 6246 (1967)<br>Single Convention on Narcotics - Amending Protocol<br>Hague Convention on Aircraft Hijacking<br>New York Convention on Terrorism against Diplomats |
| Italy | 26 UST 493, TIAS 8052 (1975)<br>Single Convention on Narcotics - Amending Protocol<br>Hague Convention on Aircraft Hijacking |
| Ivory Coast | No bilateral extradition treaty<br>Single Convention on Narcotics - Amending Protocol<br>Hague Convention on Aircraft Hijacking |

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| Jamaica | 47 Stat. 2122, TS 849 (1935)<br>Single Convention on Narcotics<br>New York Convention on Terrorism against Diplomats |
| Japan | 31 UST 895, TIAS 9625 (1980)<br>Single Convention on Narcotics - Amending Protocol<br>Hague Convention on Aircraft Hijacking |
| Jordan | No bilateral extradition treaty<br>Single Convention on Narcotics - Amending Protocol<br>Hague Convention on Aircraft Hijacking |
| Kampuchea (Cambodia) | No bilateral extradition treaty |
| Kenya | 47 Stat. 2122, TS 849 (1935)<br>16 UST 1866, TIAS 5916 (1965)<br>Single Convention on Narcotics - Amending Protocol<br>Hague Convention on Aircraft Hijacking |
| Kiribati (Gilbert Islands) | 28 UST 227, TIAS 8468 (1977)<br>Single Convention on Narcotics - Amending Protocol<br>New York Convention on Terrorism against Diplomats |
| N. Korea | No bilateral extradition treaty |
| S. Korea | No bilateral extradition treaty<br>Single Convention on Narcotics - Amending Protocol<br>Hague Convention on Aircraft Hijacking |
| Kuwait | No bilateral extradition treaty<br>Single Convention on Narcotics - Amending Protocol<br>Hague Convention on Aircraft Hijacking |
| Laos | No bilateral extradition treaty<br>Single Convention on Narcotics |
| Latvia | 43 Stat. 1738, TS 677 (1924)*<br>49 Stat. 3131, TS 844 (1935)* |
| Lebanon | No bilateral extradition treaty<br>Single Convention on Narcotics - Amending Protocol<br>Hague Convention on Aircraft Hijacking |

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| Lesotho | 47 Stat. 2122, TS 849 (1935)<br>Single Convention on Narcotics - Amending Protocol<br>Hague Convention on Aircraft Hijacking |
| Liberia | 54 Stat. 1733, TS 955 (1939)<br>New York Convention on Terroris against |
| Libya | Diplomats<br>No bilateral extradiition treaty<br>Single Convention on Narcotics - Amending Protocol<br>Hague Convention on Aircraft Hijacking |
| Liechtenstein | 50 Stat. 1337, TS 915 (1937)<br>Single Convention on Narcotics |
| Lithuania | 43 Stat. 1835, TS 196 (1924)*<br>49 Stat. 3355, TS 904 (1936)* |
| Luxembourg | 23 Stat. 808, TS 849 (1935)<br>49 Stat. 3077 TS 904 (1936)<br>Single Convention on Narcotics - Amending Protocol<br>Hague Convention on Aircraft Hijacking |
| Madagascar | No bilateral extradition treaty<br>Single Convention on Narcotics - Amending Protocol |
| Malawi | 47 Stat. 2122, TS 849( (1935)<br>18 UST 1822, TIAS 6238 (1967)<br>Single Convention on Narcotics - Amending Protocol<br>Hague Convention on Aircraft Hijacking<br>New York Convention on Terrorism against Diplomats |
| Malaysia | 47 Stat. 2122, TS 849 (1939)<br>Single Convention on Narcotics - Amending Protocol |
| Maldives | No bilateral extradition treaty |
| Mali | No bilateral extradition treaty<br>Single Convention on Narcotics<br>Hague Convention on Aircraft Hijacking |
| Malta | 47 Stat. 2122, TS 849 (1935) |
| Mauritania | No bilateral extradition treaty<br>Hague Convention on Aircraft Hijacking |

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| Mauritius | 47 Stat. 2122, TS 849 (1935)<br>Single Convention on Narcotics |
| Mexico | 31 UST 5059, TIAS 9656 (1980)<br>Single Convention on Narcotics - Amending Protocol<br>Hague Convention on Aircraft Hijacking<br>New York Convention on Terrorism against |
| Monaco | Diplomats<br>54 Stat. 1780, TS (959 1940)<br>Single Convention on Narcotics - Amending Protocol |
| Mongolia | No bilateral extradition treaty<br>Hague Convention on Aircraft Hijacking<br>New York Convention on Terrorism against Diplomats |
| Morocco | No bilateral extradition treaty<br>Single Convention on Narcotics<br>Hague Convention on Aircraft Hijacking |
| Mozambique | No bilateral extradition treaty<br>Single Convention on Narcotics |
| Nauru | 47 Stat. 2122, TS 849 (1935)<br>Single Convention on Narcotics |
| Nepal | No bilateral extradition treaty<br>Hague Convention on Aircraft Hijacking |
| Netherlands | ___ UST ___, TIAS 10733 (1983)<br>Single Convention on Narcotics<br>Hague Convention on Aircraft Hijacking |
| New Zealand | 22 UST 1, TIAS 7035 (1970)<br>Single Convention on Narcotics<br>Hague Convention on Aircraft Hijacking |
| Nicaragua | 35 Stat. 1869, TS 462 (1907)<br>Single Convention on Narcotics - Amending Protocol<br>Hague Convention on Aircraft Hijacking<br>New York Convention on Terrorism against Diplomats |
| Niger | No bilateral extradition treaty<br>Single Convention on Narcotics - Amending Protocol<br>Hague Convention on Aircraft Hijacking |

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| Nigeria | 47 Stat. 2122, TS 849 (1935)<br>Single Convention on Narcotics - Amending Protocol<br>Hague Convention on Aircrafting Hijacking |
| Norway | 31 UST 5619, TIAS 9679 (1980)<br>Single Convention on Narcotics - Amending Protocol<br>Hague Convention on Aircraft Hijacking<br>New York Convention on Terrorism against Diplomats |
| Oman | No bilateral extraditon treaty<br>Hague Convention on Aircraft Hijacking |
| Parkistan | 47 Stat. 2122, TS 849 (1935)<br>Single Convention on Narcotics<br>Hague Convention on Aircraft Hijacking<br>New York Convention on Terrorism against Diplomats |
| Panama | 34 Stat. 2851, TS 445 (1905)<br>Single Convention on Narcotics - Amending Protocol<br>Hague Convention on Aircraft Hijacking<br>New York Convention on Terrorism agianst Diplomats |
| Papua New Guinea | 47 Stat. 2122, TS 849 (1935)<br>Single Convention on Narcotics - Amending Protocol<br>Hague Convention on Aircraft Hijacking |
| Paraguay | 25 UST 967, TIAS 7838 (1935)<br>Single Convention on Narcotics - Amending Protocol<br>Hague Convention on Aircraft Hijacking<br>New York Convention on Terrorism against Diplomats |
| Peru | 31 Stat. 1921, TS 288 (1901)<br>Single Convention on Narcotics - Amending Protocol<br>Hague Convention on Aircraft Hijacking<br>New York Convention on Terrorism agaist Dipolmats |
| Philippines | No bilateral extradition treaty<br>Single Convention on Narcotics - Amending Protocol<br>Hague Convention on Aircraft Hijacking<br>New York Convention on Terrorism against Diplomats |

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| Poland | 46 Stat. 2282, TS 789 (1929)<br>49 Stat. 3394, TS 908 (1936)<br>Single Convention on Narcotics<br>Hague Convention on Aircraft Hijacking |
| Portugal | 35 Stat. 2071, TS 512 (1908)<br>Single Convention on Narcotics - Amending Protocol<br>Hague Convention on Aircraft Hijacking |
| Qatar | No bilateral extradition treaty |
| Romania | 44 Stat. 2020, TS 713 (1925)<br>Single Convention on Narcotics - Amending Protocol<br>Hague Convention on Aircraft Hijacking<br>New York Convention on Terrorism against Diplomats |
| Rwanda | No bilateral extradition treaty<br>Single Convention on Narcotics - Amending Protocol<br>New York Convention on Terrorism against Diplomats |
| St. Lucia | 28 UST 227, TIAS 8648 (1977)<br>Single Convention on Narcotics - Amending Protocol |
| St. Vincent and the Grenadines | No bilateral extradition treaty |
| San Marino | 35 Stat. 1971, TS 495 (1908)<br>49 Stat. 3198, TS 891 (1935) |
| Sao Tome and Principe | No bilateral extradition treaty<br>Single Convention on Narcotics |
| Senegal | No bilateral extradition treaty<br>Single Convention on Narcotics - Amending Protocol<br>Hague Convention on Aircraft Hijacking |
| Seychelles | 47 Stat. 2122, TS 849 (1935)<br>Single Convention on Narcotics<br>Hague Convention on Aircraft Hijacking<br>New York Convention on Terrorism against Diplomats |
| Sierra Leone | 47 Stat. 2122, TS 849 (1935)<br>Hague Convention on Aircraft Hijacking |

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| Singapore | 47 Stat. 2122, TS 849 (1935)<br>Single Convention on Narcotics - Amending Protocol<br>Hague Convention on Aircraft Hijacking |
| Solomon Islands | 28 UST 277, TIAS 8468 (1977)<br>Single Convention on Narcotics - Amending Protocol |
| Somalia | No bilateral extradition treaty |
| South Africa | 2 UST 884, TIAS 2243 (1951)<br>Single Convention on Narcotics - Amending Protocol<br>Hague Convention on Aircraft Hijacking |
| Spain | 22 UST 737, TIAS 7136 (1971)<br>29 UST 2283, TIAS 8938 (1978)<br>Single Convention on Narcotics - Amending Protocol<br>Hague Convention on Aircraft Hijacking |
| Sri Lanka (Ceylon) | 47 Stat. 2122, TS 849 (1935)<br>Single Convention on Narcotics - Amending Protocol<br>Hague Convention on Aircraft Hijacking |
| Sudan | No bilateral extradition treaty<br>Single Convention on Narcotics<br>Hague Convention on Aircraft Hijacking |
| Suriname | 26 Stat. 1481, TS 256 (1889)<br>33 Stat. 2257, TS 436 (1904)<br>Single Convention on Narcotics<br>Hague Convention on Aircraft Hijacking |
| Swaziland | 47 Stat. 2122, TS 849 (1935)<br>21 UST 1930, TIAS 6934 (1970)<br>Single Convention on Narcotics |
| Sweden | 14 UST 1845, TIAS 5496 (1963)<br>Single Convention on Narcotics - Amending Protocol<br>Hague Convention on Aircraft Hijacking<br>New York Convention on Terrorism against Diplomats |
| Switzerland | 31 Stat. 1928, TS 354 (1901)<br>49 Stat. 3192, TS 889 (1935)<br>55 Stat. 1140, TS 969 (1941)<br>Single Convention on Narcotics<br>Hague Convention on Aircraft Hijacking |

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| Syrian Arab Republic | No bilateral extradition treaty<br>Single Convention on Narcotics - Amending Protocol<br>Hague Convention on Aircraft Hijacking |
| Tanzania | 47 Stat. 2122, TS 849 (1935) |
| Thailand | 16 UST 2066, TIAS 5946 (1965)<br>43 Stat. 1749, TS 681 (1924)<br>Single Convention on Narcotics - Amending Protocol<br>Hague Convention on Aircraft Hijacking |
| Togo | No bilateral extradition treaty<br>Single Convention on Narcotics - Amending Protocol<br>Hague Convention on Aircraft Hijacking<br>New York Convention on Terrorism against Diplomats |
| Tonga | 47 Stat. 2122, TS 849 (1966)<br>28 UST 5290, TIAS 8628 (1977)<br>Single Convention on Narcotics - Amending Protocol<br>Hague Convention on Aircraft Hijacking |
| Trinidad and Tobago | 47 Stat. 2122, TS 849 (1935)<br>Single Convention on Narcotics - Amending Protocol<br>Hague Convention on Aircraft Hijacking<br>New York Convention on Terrorism against Diplomats |
| Tunisia | No bilateral extradition treaty<br>Single Convention on Narcotics - Amending Protocol<br>Hague Convention on Aircraft Hijacking<br>New York Convention on Terrorism against Diplomats |
| Turkey | _____ UST ____, TIAS 9891 (1981)<br>Single Convention on Narcotics - Amending Protocol<br>Hague Convention on Aircraft Hijacking<br>New York Convention on Terrorism against Diplomats |
| Tuvalu | 28 UST 227, TIAS 8468 (1977)<br>Single Convention on Narcotics - Amending Protocol |
| Uganda | No bilateral extradition treaty<br>Hague Convention on Aircraft Hijacking |

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| USSR | No bilateral extradition treaty<br>Single Convention on Narcotics<br>Hague Convention on Aircraft Hijacking<br>New York Convention on Terrorism against Diplomats |
| United Arab Emirates | No bilateral extradition treaty<br>Hague Convention on Aircraft Hijacking |
| United Kingdom | 28 UST 227, TIAS 8468 (1977) 1/<br>Single Convention on Narcotics - Amending Protocol<br>Hague Convention on Aircraft Hijacking<br>New York Convention on Terrorism against Diplomats |
| Upper Volta | No bilateral extradition treaty<br>Single Convention on Narcotics |
| Uruguay | 35 Stat. 2028, TS 501 (1908)<br>Single Convention on Narcotics - Amending Protocol<br>Hague Convention on Aircraft Hijacking<br>New York Convention on Terrorism against Diplomats |
| Vanuatu | No bilateral extradition treaty |
| Vatican City | No bilateral extradition treaty<br>Single Convention on Narcotics - Amending Protocol |
| Venezuela | 43 Stat. 1698, TS 675 (1923)<br>Single Convention on Narcotics |
| Vietnam 2/ | No bilateral extradition treaty<br>Single Convention on Narcotics<br>Hague Convention on Aircraft Hijacking<br>Hague Convention on Aircraft Hijacking |
| W. Samoa | No bilateral extradition treaty |
| S. Yemen | No bilateral extradition treaty<br>Single Convention on Narcotics |
| Yemen (Sanaa) | No bilateral extradition treaty |

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| Yugoslavia | 32 Stat. 1890, TS 406 (1902)<br>Single Convention on Narcotics - Amending Protocol<br>Hague Convention on Aircraft Hijacking<br>New York Convention on Terrorism against Diplomats |
| Zaire | No bilateral extradition treaty<br>Single Convention on Narcotics - Amending Protocol<br>Hague Convention on Aircraft Hijacking<br>New York Convention on Terrorism against Diplomats |
| Zambia | 47 Stat. 2122, TS 849 (1935)<br>Single Convention on Narcotics |
| Zimbabwe | 28 UST 227, TIAS 8468 (1977)<br>Single Convention on Narcotics |

* The State Department officially considers this treaty to be in force, but does not submit formal extradition requests to the country in question.

1/ Applies to Great Britain, Northern Ireland, the Channel Islands, the Isle of Man, Bermuda, British Indian Ocean Territory, British Virgin Islands, Cayman Islands, Falkland Islands and Dependencies, Gibraltar, Hong Kong, Montserrat, Pitcairn, Henderson, Ducie and Oeno Islands, St. Christopher, Nevis and Anguilla, St. Helena and Dependencies, Sovereign Base Areas of Akrotiri and Dhekelia in the Islands of Cyprus, and the Turks and Caicos Islands.

2/ The listings in Treaties in Force for Vietnam, the Republic of Viet-Nam (South Viet-Nam), the Democratic Republic of Viet-Nam (North Viet-Nam), the provisional Revolutionary Government of the Republic of South Viet-Nam, and the Socialist Republic of Vietnam are based on the last notice received by the United States Government from the depositary for treaty or agreement in question. The United States has been informed by the Socialist Republic of Vietnam that "... in the principle, the Government of the Socialist Republic of Vietnam is not bound by the treaties, agreements signed by the former Saigon administration. However... the Government of the Socialist Republic of Vietnam will consider the agreements, on an individual basis, and will examine adherence to those agreements, treaties which are in the interests of the Vietnamese people..."

9-15.120 Provisional Arrest

If OIA concludes that extradition is in order, it is possible in many cases to arrange for the immediate arrest of the fugitive in order to prevent any further flight while the documents and evidence in support of a formal request for extradition are being prepared. This procedure is known as "provisional arrest." Provisional arrest should not be regarded as the ordinary method of initiating extradition proceedings. Rather, it should only be considered in emergency situations, where there is a real danger of the fugitive fleeing further before the extradition documents can be completed. Under some of the newer treaties -- for example, those with Canada and Germany -- the Department of Justice can arrange provisional arrest directly with the authorities abroad by telephone, telex, or via INTERPOL. In other cases, OIA asks the Department of State to instruct the appropriate U.S. Embassy or consulate to make the request. All requests for provisional arrest should be made to OIA and should be supported by the information called for on the form shown in 9-15.121. The request should be in writing, but in urgent cases it can be made by phone with written confirmation immediately thereafter.

Because provisional arrest is reserved for exceptional cases, OIA requires that if the fugitive is wanted for federal charges the Section within the Criminal Division of the Department of Justice which has oversight responsibility for the case must also agree that provisional arrest is appropriate before further action is taken. For example, a request for the provisional arrest of a wanted narcotics trafficker must be approved by the Narcotic & Dangerous Drug Section. If the fugitive is wanted on state or local charges, the state extradition officer must support the request by attesting that the necessary documentation will be submitted on time, and that all of the expenses of the extradition request will be covered.

Please remember that when provisional arrest is effected, the time available to prepare, review, authenticate, translate, and transmit the documents in support of the extradition request is drastically reduced. The maximum period for provisional arrest under most treaties is shown on the following chart:

| Time | Country |
|---|---|
| 30 days | Denmark |
| 40 days | Belgium, France, Germany, Guatemala, Sweden |
| 45 days | Argentina, Australia, Canada, Italy, Japan, New Zealand, Paraguay, United Kingdom, Spain |
| 60 days | Brazil, Colombia, Haiti, Israel, Mexico, Nicaragua, Turkey, Uruguay |
| 2 months | Albania, Bolivia, Chile, Costa Rica, Czechoslovakia, Dominican Republic, El Salvador, Finland, Greece, |

Honduras, Liberia, Panama, Peru, South Africa, Switzerland, Venezuela, Yugoslavia

3 months Austria, Bulgaria, Iraq, Poland

In most countries, the fugitive will be released from custody if the documents do not arrive within a deadline prescribed by treaty, and in some countries the fugitive can never be surrendered or extradited thereafter. Therefore, when provisional arrest is involved the documents must be completed and sent to OIA within 14 days.

## INFORMATION NECESSARY TO INITIATE PROVISIONAL ARREST

A. Requesting State/Federal District: _____

B. Name of Fugitive: _____

C. Description: _____

1. Date of Birth: _____ 5. Sex: _____
2. Place of Birth: _____ 6. Eyes: _____
3. Height: _____ 7. Hair: _____
4. Weight: _____ 8. Race: _____

Other Physical Attributes (tattoos, missing digits, etc.): _____

_____

D. Other Identity information (alias, passport number, SS number, etc.): _____

_____

E. Present Location (Country/City): _____

_____

F. Description of Facts of Case (with date and place of offense):

_____

_____

_____

G. Criminal Offense for which Extradition is Sought (with statutory citation):

1. _____
2. _____
3. _____

H. Details of indictment or complaint (date, location, file no., court, judge's name): _____

_____

I. Details of Arrest Warrant (date, location, file no, court, judge's name): _____

_____

J. Reason for Requesting Provisional Arrest: _____

_____

_____

K. Extradition Approved (name and phone number of authorizing official):

9-15.130 Documents Needed for Extradition

In general, extradition documents are prepared by the federal or state authorities responsible for prosecuting the charges for which extradition is requested. It should be noted that the authority which prepares the papers must also pay all the expenses incurred in connection with the request, including the cost of translating the documents, any cost of legal representation in the foreign country, any charges levied by the asylum country for boarding the fugitive pending extradition, the transportation and other expenses of the escort officers handling the fugitive's physical return to this country, and the cost of transportation of the fugitive to the United States. In federal cases, the United States Attorney or Strike Force office should resolve any questions regarding costs with the Executive Office for U.S. Attorneys in Washington, D.C.

The documents needed for extradition are:

-- an affidavit from the prosecutor describing the case;

-- authenticated copies of the indictment and arrest warrant; and

-- evidence establishing the crime or proving that the fugitive was convicted, including sufficient evidence to identify the fugitive.

9-15.131 Prosecutor's Affidavit

Every extradition must be accompanied by an affidavit describing the state or federal laws applicable to the case, including the statute of limitations. Since this affidavit is sometimes the only opportunity that any United States authority will have to assist the foreign court in deciding whether extradition should be granted, it should be tailored to serve as a sort of "cover letter", introducing and explaining the rest of the documents.

The affiant (usually the prosecutor assigned to the case) should set forth enough of his background to assure foreign authorities that he is familiar with the case and with United States criminal law. If the documents are destined for Canada or England, the affiant's goal should be to qualify as an expert on federal criminal law or on the criminal law of his state. The affiant then should accomplish three major objectives:

First, he must identify and attest to the authenticity of any court papers, depositions, or other documents submitted in support of the extradition request.

Second, he should clearly identify the offenses with which the fugitive is charged, and the penalties prescribed for the offenses. He should also indicate that the statutes involved were in force when the offenses occurred and are currently in full force and effect. If the laws are not still in effect -- e.g., Title 21, United States Code, Sections 173 and 174 -- an explanation should be given. He must

also specifically state that the applicable statute of limitations has not expired. The affiant should set forth the text of each statute involved, including the applicable statute of limitations. If the statutes are relatively short ones, they can be set out in the affidavit itself, as shown in 9-15.190. If the statutes are lengthy, the text should be typed (not photocopied from an annotation) and attached as an exhibit to the affidavit. See pages 9-15.185.

Third, the prosecutor should give a brief description of the facts underlying the charges, indicating in general who is accused of doing what. This description of the crime should not simply track the language of the indictment, the applicable statute, or the treaty.

It is important that the language in the affidavit be as clear and lucid as possible. This is especially true when the extradition request is going to a non-English speaking country, because the papers will have to be translated into the language of that country. Please remember that the translators, who are usually from the State Department Language Services Division, are frequently unfamiliar with the precise meaning of jargon that attorneys take for granted, and hence will be unable to reproduce it accurately in the language of the country of refuge, which may not have an exactly equivalent term anyway. The following pointers are worth remembering:

-- Use plain language;

-- Use short sentences;

-- Avoid legal terms of art, even ones which sound simple in English (e.g., "due process of law");

-- Avoid "alleged", "purported", "aforementioned", "foregoing", "hereinafter", etc.; and

-- Avoid flowery expressions (most of it will be lost in translation anyway).

The prosecutor's affidavit may be executed before any person lawfully authorized to administer oaths, but it is highly desirable that the affidavit be executed before a judge or magistrate. In some jurisdictions, judges decline to execute affidavits, and insist that the clerk or deputy clerk of court perform this task. Where this is the case, the signature of a judicial official must appear somewhere on the affidavit. The preferred method is to have the judge or magistrate sign a jurat attesting to the signature and authority of the clerk or deputy clerk. See 9-15.183. Please make sure that the judge or magistrate certifies the signature that actually appears on the affidavit. Sometimes a deputy clerk signs in place of a clerk, and in such cases the judicial official must certify the signature, title and authority of the deputy clerk -- not the clerk. See 9-15.190.

9-15.132 Indictment and Warrant.

A fugitive can only be extradited on the basis of a formal criminal charge. Moreover, a person who has been extradited can be prosecuted or punished only for the specific charge for which he was surrendered -- even if there are other charges which could otherwise have been brought against him. United States v. Rauscher, 119 U.S. 907 (1886); Johnson v. Brown, 205 U.S. 309 (1907). Therefore, it is important to include in the extradition documents a copy of the outstanding indictment or complaint concerning all charges on which the fugitive will be tried or punished after his surrender.

The packet should also contain copies of the outstanding warrant of arrest for each offense for which the fugitive is sought. If the fugitive is merely accused of a crime, the outstanding warrant will usually show that it was unexecuted and any contrary indication should be explained. Where the fugitive has already been convicted, it is the outstanding warrant for bond jumping, jail break, etc. -- not the executed warrant for the offense underlying the conviction -- which must be submitted. Since the original indictment or complaint and warrant usually remain among the records of the court, the copies of those documents included in the extradition packet should show that they are true copies of the original. There there are several ways to indicate this fact. The best way to is to have the clerk of the court apply a stamp or seal to the document itself authenticating it as a true copy of original court records. Then the document should be attached as an exhibit to the prosecutor's affidavit. Alternatively, federal district court clerks have a standard form, A.O. Form 132, which is frequently used to achieve this end. See 9-15.191. Many state court clerks, too, use a standard form for this task; for example, California State court clerks use DA/8110-P76CL194C-REV.4/76. These forms are usually filled out by a clerk of the court, whose signature, title and authority are certified by the judge of the court.

9-15.133 Evidence Establishing the Case.

All of the treaties condition the extradition of an accused person on the presentation of evidence sufficient to justify commital for trial under the law of the requested country. England, Canada and other common law countries usually demand that the documents show a prima facie case. A prima facie case for extradition exists when the court believes that "if the evidence before the (extradition) magistrate stood alone at trial, a reasonable jury properly directed could accept it and find a verdict of guilty." STANBROOK AND STANBROOK, EXTRADITION: THE LAW AND PRACTICE 28 (1980), citing Schtraks v. Government of Israel (1964) AC 556. As a matter of policy, we do not submit an extradition request to any country unless we are persuaded that a prima facie case has been established.

The preferred method for demonstrating to the foreign government that this requirement has been satisfied is for the prosecutor to attach to his affidavit enough sworn statements from investigating agents, witnesses, co-conspirators, or experts to indicate that each

crime in question was committed and that the fugitive committed it. The affidavits, read together, should contain evidence on each charge for which extradition is sought.

Extradition affidavits should be prepared with formal captions showing the title of the case and the court in which the prosecution is pending. Each affiant should clearly and concisely set out the facts which he knows, avoiding hearsay if at all possible. The courts in England, Canada and other common law countries do not accept hearsay in extradition proceedings. In other countries, hearsay is admissible, but is accorded considerably less weight than statements based upon personal knowledge. Since the affidavits will be presented as exhibits to the prosecutor's affidavit, it is not absolutely necessary that they be signed by a judge, and they can be executed before any person authorized to administer an oath (including a notary public). It is also not necessary that all of the affidavits be executed within the state or federal district from which the request for extradition emanates. Where a witness resides or is located elsewhere, his affidavit can be taken wherever it is most convenient, then forwarded to the prosecutor preparing the request for inclusion in the packet. See, e.g., 9-15.188.

The other method of documenting the case is for the prosecutor to forward excerpts from the grand jury transcripts establishing that the fugitive committed the offense. We try to avoid using grand jury transcripts unless it is impossible to obtain affidavits, because the authorities in many foreign countries do not understand the purpose or function of a grand jury, and tend to accord grand jury transcripts less weight than affidavits or sworn statements containing the same information. Indeed, at least one country - Canada - has occassionally refused to accept grand jury transcripts as evidence. When grand jury transcripts are used, permission from the court for their release is generally required by Rule 6(e), Federal Rules of Criminal Procedure. Grand jury transcripts are best presented as an exhibit accompanying a short affidavit from the witness who testified attesting that the transcript in fact reflects what he said before the grand jury. See 9.15-189. Alternatively, the prosecutor who appeared before the grand jury can identify the transcripts and attach them as an exhibit to his own affidavit.

When the fugitive has already been convicted in this country, the extradition packet generally need not contain evidence of a prima facie case. Instead, it should contain proof that the fugitive was convicted after having been present at trial, and that he is unlawfully at large without having fully served his sentence. In federal cases, the Judgment and Committal Order (CR Form 25) is the best proof of conviction and sentence. A copy of that document should be authenticated like the indictment and warrant of arrest and included as an attachment to the affidavit by the prosecutor. A similar judicial document proving conviction is available in state proceedings, and it should be submitted in state cases. Special problems arise when the defendant in a federal case is convicted but becomes a fugitive before any sentence is imposed. Since Rule 43, Federal Rules of Criminal Procedure, requires that the the defendant

be personally present at sentencing, United States v. Brown, 456 F.2d 1112 (5th Cir. 1972), there is usually no CR Form 25 available in these cases. One solution to this problem is to ask the court to complete the top half of CR Form 25 anyway, crossing out the phrase "and the defendant appeared in person and" in the second line and leaving blank the portion of the form describing the term of imprisonment. Another possible solution is for the court to actually impose sentence in absentia, with the understanding that the sentence will be vacated and the defendant resentenced after he is returned to the jurisdiction. U.S. v. Brown, supra. Still another solution: obtain copies of the jury's verdict forms as proof of conviction. In any event, the prosecutor must explain in his affidavit exactly what occurred, and detail the procedural quirk involved, since in most foreign countries the defendant is sentenced immediately upon conviction. See 9-15.190.

Proof that a convicted and sentenced person is unlawfully at large can generally be presented in the form of an affidavit from the warden of the prison from which he escaped, or from his probation officer. Since some extradition treaties provide that a convicted person need not be surrendered unless a specified minimum period of imprisonment remains to be served, the affidavit should also indicate the portion of the sentence remaining to be served, and how the prisoner came to be at large. Please recall that in cases involving convicted persons the foreign government will still need a clear explanation of what the fugitive was convicted of doing, and since there will be no affidavits from witnesses, the explanation of the case in the prosecutor's affidavit assumes special importance.

The affidavits or grand jury transcripts must leave no room for any doubt about the identity of the fugitive. "Mistaken identity" is a universally accepted defense to extradition, so it is crucial that the documents establish (1) that the person who is accused or convicted indeed committed the crime, and (2) that the person whose extradition is sought is the person accused or convicted. This is usually done by having the witnesses identify a photograph of the accused, which the foreign authorities can compare to the person arrested for extradition. However, fingerprint cards, photocopies of passports or other identity evidence can be used, provided they are accompanied by sufficient proof to tie them to the accused.

Do not have the witness recount having picked the fugitive's photo out of a photo spread, and do not include an entire photo spread in the extradition documents. The practice of using a photo spread instead of a single photo to avoid unduly suggestive identification wholly is a creature of U.S. constitutional law, and is inappropriate in the extradition context. Attaching a photo spread simply invites an argument into the extradition proceedings which can and should be avoided. All exhibits should be initialed by the affiant, dated, and attached to the upper left-hand corner of a separate page of the affidavit, in order that the ribbon attaching the certificates containing the State Department's seal may pass through them. The evidence establishing the identity of the fugitive can be included in the same affidavit or grand jury testimony setting out the evidence of the offense.

9-15.140 Transmission of the Completed Documents to Washington

In cases prepared by federal prosecutors, the original and four copies of the documents should be sent directly to OIA, which reviews them for sufficiency and arranges for the seal of the Department of Justice to be affixed to them.

In cases prepared by state or local prosecutors, there are two paths the documents can take. In most jurisdictions, the original and four copies of the papers are first sent to the extradition officer for the state. The extradition officer reviews the documents, attaches to them a requisition bearing the seal of the state, and sends them to OIA for review. Alternatively, the original and four copies of the prosecutor's affidavit and its attachments can be sent directly to OIA for review, with a copy sent to the state extradition officer. OIA will then affix the Department of Justice seal to the papers (instead of the seal of the state) before sending them forward to the State Department. This latter procedure is particularly useful when a provisional arrest has been made and it is essential that the documents get to the foreign authorities as soon as possible. Please remember that OIA will not take action on a non-federal extradition case until it receives assurances from the state's extradition officer that the state supports the request and will be responsible for expenses incurred in the case.

Once OIA is satisfied that the documents are in order, it forwards them to the Department of State for final screening (chiefly to detect possible foreign policy or political problems which might stem from the request) and action. The Department of State affixes its seal to the documents, and, if necessary, arranges for translation of the documents, or for authentication of the documents at the foreign country's embassy in Washington. The State Department then sends the documents to the appropriate United States diplomatic post abroad, along with instructions for formally requesting extradition.

9-15.150 Presentation of the Extradition Request

United States diplomatic agents abroad present the documents to the foreign country's equivalent of the Department of State. What happens to the extradition case beyond this point depends upon the extradition laws of the requested country. Usually, the requested country's diplomats forward the case to their country's equivalent of the Department of Justice, which directs the appropriate authorities to make arangements for the fugitive's arrest.

In most cases, the courts of the requested country must also consider the matter, and judicial proceedings are conducted to determine whether the extradition request should be granted. The United States prosecutor, investigator and witnesses generally do not participate in these proceedings. If the foreign authorities require any evidence in addition to that already submitted, it is supplied by way of authenticated affidavits or depositions. If the court rules in favor of extradition, the fugitive may be able to appeal the decision in a higher court; in other countries, he can challenge the decision

through habeas corpus or its equivalent; in a few countries, he can do both. When the foreign court's approval of an extradition request has survived all review, the request goes back to the Executive authorities of the country, where the ultimate decision whether or not to order the fugitive turned over to us is made.

United States embassies abroad are obliged to report all developments in connection with extradition requests to the Department of State, which passes this information on to OIA and the interested prosecutor.

In some countries the United States must retain an attorney to handle the arrangements for the arrest, detention, and extradition of the fugitive. Where this is the case, United States foreign service officers abroad aid in the selection and retention of foreign counsel. (See 22 C.F.R. 92.82) In federal cases, OIA assists the prosecutor in seeing to it that the foreign counsel is compensated by the Department of Justice. State authorities must make their own arrangments--and pay the necessary expenses -- in cases involving the extradition of state fugitives.

9-15.160 Arrangements for Taking Custody After Extradition

Once the authorities in the foreign country indicate that they are ready to surrender the fugitive, OIA notifies the prosecutor and coordinates the logistics of the formal surrender. The law in many countries provides that a fugitive found extraditable is freed if he is not removed within a specified time. See, e.g., Article 12 of the English Extradition Act of 1870 (two months after committal for extradition); Article 16 of Denmark's Extradition of Offenders Law (Act No. 249 1967) (30 days after committal for extradition). Several of the newer extradition treaties contain similar provisions. Therefore, these steps must be accomplished as quickly as possible.

First, agents must be selected to go to the foreign country, take custody of the fugitive, and return with him to the United States. Since the Marshals Service maintains a cadre of officers with special training and experience in international escort duty of this kind, OIA generally arranges for the Enforcement Operations Division of the United States Marshals Service headquarters in Washington to designate the agents. Usually, at least two escort agents are dispatched for each federal or state fugitive to be guarded. In exceptional circumstances the prosecutor handling the case may request that a state or federal law enforcement officer familiar with the case be permitted to assist the Marshals in the transfer.

Once OIA is notified of the names of the escort agents, it arranges for the Department of State to issue a President's Warrant, the special authorization law enforcement officers need to accept custody of the fugitive on behalf of the United States and to convey him to his place of trial. As the name implies, these warrants were formerly issued by the President of the United States in accordance with 18 U.S.C. 3193. Now they are issued by the Secretary of State pursuant to Executive Order 11517. After the warrant has been signed,

arrangements are made for its delivery to the escort agents before their departure.

When all the arrangements have been made, OIA should be informed of the agents' travel plans so that this information can be transmitted to the foreign government and the relevant United States diplomatic or consular post. This notification assures that the agents will receive the assistance and cooperation of United States officials in the requested country upon their arrival. The agents should plan their return trip to be nonstop if at all possible, since a stop in a third country may provide an opportunity for the fugitive to arrange to have counsel or friends there obtain a local court order for his release and necessitate new extradition proceedings. If a stop in a third country is unavoidable, OIA must be notified so that appropriate arrangements can be made with the authorities in that country. Many extradition treaties contain clauses obliging each country to assist the other in the transit of prisoners being extradited from third states. By properly invoking these provisions, many of the problems of transit can be reduced.

If the foregoing has been handled smoothly, someone from the United States embassy or the investigative agency's liaison office in the requested country will meet the escort agents at the airport, see them through customs, and introduce them to the appropriate authorities in the requested country's law enforcement establishment. Custody of the fugitive is usually handed over at the airport just before the escort agents and their prisoner leave for their return to the United States.

Most treaties provide that evidence or fruits of the offense seized in the course of the fugitive's arrest are to be surrendered when extradition is granted. The agents may be asked to accept custody of such articles at the time the extraditee is surrendered. However, frequently the requested country chooses to make other arrangements, particularly if the articles are of significant value.

9-15.170 Alternatives to Extradition

If extradition is not possible, there are often alternative courses of action which can help bring the fugitive to justice. For example, OIA sometimes can arrange for the fugitive to be deported from the country of refuge to the United States, or to a third country from which extradition is available. If the fugitive is a citizen of the country of refuge, OIA can sometimes persuade that country to prosecute him there on the charges developed in the U.S., because many countries have jurisdiction over their nationals' extraterritorial offenses.

9-[illegible].180 Sample Documents
9-15.181 Certification by Attorney General

# United States
# Department of Justice

Washington, D.C., September 23, 19 83

To all to [illegible] these presents shall come, Greeting:

I certify that Philip T. White whose name is signed to the [illegible] hereto annexed paper, is now, and was at the time of signing the same, Director, [illegible] of International Affairs, Criminal Division, U.S. Department of Justice, [illegible]ington, D.C.

duly commissioned and qualified.

In witness whereof, I, William French Smith

Attorney General of the United States, have hereunto caused the Seal of the Department of Justice to be affixed and my name to be attested by the Deputy Assistant Attorney General for Administration, of the said Department on the day and year first above written.

William French Smith

Attorney General

By [signature]

Deputy Assistant Attorney General for Administration

FORM DJD-[illegible]
MAR. 8[illegible]

9-15.182 Certification of Director, Office of International Affairs

C E R T I F I C A T I O N

I certify that attached hereto is the original Affidavit in Support of Request for Extradition, with attachments A through E, prepared by Assistant United States Attorney Hamilton Burger. A true copy of these documents is maintained in the official files of the United States Department of Justice in Washington, D.C.

Philip T. White, Director
Office of International Affairs
Criminal Division
U.S. Department of Justice

IN THE SUPERIOR COURT OF DISTRICT OF COLUMBIA

CRIMINAL DIVISION

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IN THE MATTER OF THE EXTRADITION

OF JOHN SMITH, A/K/A "MAD DOG" NO. CR. 82-3456

---

Washington )
District of Columbia )

HAMILTON BURGER, being duly sworn, deposes and says that:

1. I am a citizen of the United States and a resident of Alexandria, Virginia.

2. I am 31 years old. In June, 1975, I received a Doctor of Law Degree, with Distinction, from Harvard University, and was admitted in that same year to the bar of the Supreme Court of Massachusetts. In September, 1976, I was admitted to the bar of the District of Columbia Court of Appeals. From July, 1976, to July, 1977 I was a law clerk to Judge John Marshall of the District of Columbia Court of Appeals.

3. From July 1977 until the present I have been an Assistant United States Attorney in the District of Columbia. My duties include the prosecution of persons charged with violations of federal and District of Columbia laws. I have personally participated in the preparation and trial of over three hundred cases involving alleged violations of these law. Based upon my training and experience, I am a an expert in the criminal laws and procedures of this District and of the United States.

4. I am currently assigned to the Superior Court Division of the United States Attorney's Office, and I am responsible for the preparation for trial of felony cases. In the course of my duties I have become familiar with the charges and the evidence in the case of United States v. John Smith, Docket Number 82-3456, and with the contents of the files of the Superior Court and of the United States Attorney's Office regarding this matter.

5. On May 15, 1982 John Smith was formally accused by Complaint of murder while armed with a dangerous and deadly weapon, in violation of Sections 22-2401 and 22-3202 of the District of Columbia Code. Based on these charges, Judge Dresden Black signed a warrant for Mr. Smith's arrest that same day.

6. Basically, the Complaint charges that Mr. Smith murdered one Fred Luckless on April 31, 1982. Mr. Smith is accused of shooting Mr. Luckless in the chest with a pistol after an altercation over admission to a house party at Mr. Luckless' home.

7. It is the practice of the Superior Court of the District of Columbia to retain the original Complaint and Warrant of Arrest on file among the records of the Court. Therefore, I have obtained a true and accurate copy of the Complaint and of the Warrant of Arrest from the Clerk of the Court, marked it Exhibit "A", and attached it to this affidavit.

8. I have also attached to this affidavit as Exhibit "B" a true and accurate copy of the text of Sections 22-2401, 22-2404, and 22-3202 of the District of Columbia Code, which are the statutes cited in the Complaint and applicable to this case. I have thoroughly reviewed these

statutes, and attest that each was duly enacted and in force at the time that the offense occurred, at the time that the Complaint was filed, and is currently in full force. A violation of any of these laws is a felony under United States law.

I have also included in Exhibit "B" a true and accurate copy of the text of Title 18, United States Code, Section 3281, which is the statute of limitations on prosecuting the crimes charged in the Complaint. I have thoroughly reviewed this statute, and attest that prosecution of the charges in this case is not barred by the statute of limitations.

9. I have attached to this affidavit a true and accurate copy of the statements of Mr. Charles Bystander (Exhibit C), Metropolitan Police Officer Joseph Friday (Exhibit D), former Assistant Medical Examiner Vinodbhai Patel (Exhibit E), and Mr. Stu L. Pidgeon (Exhibit F). Each of these affidavits was sworn to before a notary public duly and legally authorized to administer an oath for this purpose. I have thoroughly reviewed these statements and the attachments to them, and attest that this evidence indicates that JOHN SMITH is guilty of the offenses charged in the Complaint.

_____
HAMILTON BURGER
Assistant United States Attorney

Sworn to and subscribed before me
this _____ day of _____, 1982.

_____
JUDGE
SUPERIOR COURT OF THE DISTRICT OF COLUMBIA

USA 1789 81

Form W-36

SUPERIOR COURT OF THE DISTRICT OF COLUMBIA
CRIMINAL DIVISION

No. _____

COMPLAINT

District of Columbia, ss:

The undersigned having made oath before me declared that on the 31st day of April A.D. 19 82, at the District aforesaid, one John Smith a/k/a/ "Mad Dog" while armed with a dangerous or deadly weapon did then and there unlawfully and feloniously, with purpose, with premeditation and with malice aforethought, kill and murder one, Fred B. Luckless.

and 3202
in violation of Title 22 Section 2401 of the District of Columbia Code.

Frank Erskine
Affiant's Name:

Subscribed and sworn to before me this 15th day of May, A.D. 19 82

Judge, Superior Court

WARRANT

To *The United States Marshal or any other authorized federal officer or the Chief of Police of the District of Columbia*:

WHEREAS the foregoing complaint and affidavit supporting the allegations thereof have been submitted, and there appearing probable cause and reasonable grounds for the issuance of an arrest warrant for John Smith a/k/a Mad Dog

YOU ARE THEREFORE COMMANDED TO BRING THE DEFENDANT BEFORE SAID COURT OR OTHER PERSON ENUMERATED IN 18 U.S.C. 3041 forthwith to answer said charge.

Issued May 15 19 82

SEX: Male
DOB: 02-23-63
CCR: 366-885
ID:
Charge: Murder 1 (C-965) while armed

Date of Offense: on or about
Officer Frank Erskine Homicide Div.
Badge No.: 457

Judge
Superior Court of the District of Columbia

OFFICER MUST EXECUTE RETURN:
Officer's Name _____
Time _____
Date _____

A TRUE COPY W0060861
TEST:

Clerk, Superior Court of the
District of Columbia
By _____
Deputy Clerk

GOVERNMENT EXHIBIT A

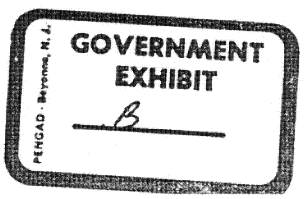
9-15.185 Text of Statutes Cited in Affidavit in Support of Extradition Request

Section 22-2401, District of Columbia Code, provides:

> §22-2401. Murder in the first degree -- Purposeful killing -- Killing while perpetrating certain crimes.
>
> Whoever, being of sound memory and discretion, kills another purposely, either of deliberate and premediated malice or by means of poison, or in perpetrating or attempting to perpetrate any offense punishable by imprisonment in the penitentiary, or without purpose so to do kills another in perpetrating, or in attempting to perpetrate any arson, as defined in section 22-401 or 22-402, rape, mayhem, robbery, or kidnapping, or in perpetrating or attempting to perpetrate any housebreaking while armed with or using a dangerous weapons, is guilty of murder in the first degree.

Section 22-2404, District of Columbia Code, provides:

> §22-2404. Punishment for murder in first and second degrees.
>
> The punishment of murder in the first degree shall be death by electrocution unless the jury by unanimous vote recommends life imprisonment; or if the jury, having determined by unanimous vote the guilt of the defendant as charged, is unable to agree as to punishment it shall impose either a sentence of death by electrocution or life imprisonment.
>
> Notwithstanding any other provision of law, a person convicted of first degree murder and upon whom a sentence of life imprisonment is imposed shall be eligible for parole only after the expiration of twenty years from the date he commences to serve his sentence.
>
> Whoever is guilty of murder in the second degree shall be imprisoned for life or not less than twenty years.
>
> Cases tried prior to March 22, 1962, and which are before the court for the purpose of sentence or resentence shall be governed by the provisions of law in effect prior to March 22, 1962: Provides, That the judge may, in his sole discretion, consider circumstances in mitigation and, in aggravation and make a determination as to whether the case in his opinion justifies a sentence of life imprisonment, in which event he shall sentence the defendant to life imprisonment. Such a sentence of life imprisonment shall be in accordance with the provisions of this Act.



In any case tried under this Act as amended where the penalty prescribed by law upon conviction of the defendant is death except in cases otherwise provided, the jury returning a verdict of guilty may by unanimous vote fix the punishment at life imprisonment; and thereupon the court shall sentence him accordingly; but if the jury shall not thus prescribe the punishment the court shall sentence the defendant to suffer death by electrocution unless the jury by its verdict indicates that it is unable to agree upon the punishment in which case the court shall sentence the defendant to death or life imprisonment.

Section 22-3202, District of Columbia, states:

§22-3202. Committing crime when armed -- Added punishment.

(a) Any person who commits a crime of violence in the District of Columbia when armed with or having readily available any pistol or other firearm (or limitation thereof) of other dangerous or deadly weapon (including a sawed-off shotgun, shotgun, machinegun, rifle, dirk, bowie knife, butcher knife switchblade knife, razor, blackjack, billy, or metallic or other false knuckles) --

(1) may, if he is convicted for the first time of having so commited a crime of violence in the District of Columbia, be sentenced, in addition to the penalty provided for such crime, to a period of imprisonment which may be up to life imprisonment; and

(2) shall, if he is convicted more than once of having so committed a crime of violence in the District of Columbia, be sentenced, in addition to the penalty provided for such crime- to a minimum period of imprisonment of not less than five years and a maximum period of imprisonment which may not be less than three times the minimum sentence imposed and which may be up to life imprisonment.

(b) Where the maximum sentence imposed under this section is life imprisonment, the minimum sentence imposed under subsection(a) may not exceed fifteen years' imprisonment.

(c) Any person sentenced under subsection(a)(2) of this section may be released on parole in accordance with chapter 2 of title 24, at any time after having served the minimum sentence imposed under that subsection.

(d) (1) Chapter 402 of title 18 of the United States Code (Federal Youth Corrections Act) shall not apply with respect to any person sentenced under paragraph (2) of subsection(a).

(2) The execution or imposition of any term of imprisonment imposed under paragraph(2) of subsection(a) may not be suspended and probation may not be granted.

(e) Nothing contained in this section shall be construed as reducing any sentence otherwise imposed or authorized to be imposed.

(f) No conviction with respect to which a person has been pardoned on the ground of innocence shall be taken into account in applying this section.

Title 18, United States Code, Section 3281, states:

§ 3281. Capital offenses

An indictment for any offenses punishable by death may be found at any time without limitation except for offenses barred by the provisions of law existing on August 4, 1939.

9-15.186 Sworn Statement of Witness

IN THE SUPERIOR COURT OF DISTRICT OF COLUMBIA

CRIMINAL DIVISION

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IN THE MATTER OF THE EXTRADITION

OF JOHN SMITH, A/K/A "MAD DOG"

NO. CR. 82-3456

---

Washington )
District of Columbia )

CHARLES O. BYSTANDER, being duly sworn, deposes and says that:

1. I am a citizen of the United States and a resident of Washington, D.C.

2. On April 31, 1982 I attended a party given by Fred Luckless at his home at 315 Ninth Street N.W., Washington, D.C. The purpose of the party was to raise money to donate to Fred's church, and the admission fee was six dollars. About thirty people were present.

3. At about 10:00 p.m. JOHN SMITH, whose nickname I know to be "MAD DOG," came to the door and asked to be admitted. "MAD DOG" said that he wanted to come in without paying the six dollars, but Fred would not let him. I saw them scuffle briefly, and saw Fred hit "MAD DOG" in the face. Then "MAD DOG" left.

4. At about 11:30 p.m. "MAD DOG" and three other men I do not know came to the door. One of them had a shotgun. They forced their way in, and one held the shotgun aimed at the guests while the others grabbed Fred and dragged him out on the porch. Though the open doorway

I saw the two men hold Fred while "MAD DOG" beat him in the face and chest with his fists. Then "MAD DOG" took a silver colored pistol out of his pocket and held it against Fred's chest. "MAD DOG" said, "This is it buddy, I'll teach you not to say 'no' to a sociopath like me." Then he shot Fred. As Fred fell, the four men ran away.

5. I went immediately to Fred's side, but I could see at once that he was dead. I shouted for someone to call the police.

6. I know JOHN SMITH, or "MAD DOG," quite well because he once lived in the same apartment building I live in. I have signed and dated a photograph of him, and attached it to this affidavit.

Charles Bystander
CHARLES BYSTANDER

Sworn to and subscribed before me
this 3rd day of June, 1982.

Lowell E Sinclair
NOTARY PUBLIC

Charles O. Bystander
6/31/82

9-15. 187 Sworn Statement of Police Officer

C-11

IN THE SUPERIOR COURT OF DISTRICT OF COLUMBIA

CRIMINAL DIVISION

---

IN THE MATTER OF THE EXTRADITION

OF JOHN SMITH, A/K/A

"MAD DOG"

NO. CR. 82-3456

---

Washington )
District of Columbia )

JOSEPH FRIDAY, being duly sworn deposes and says that:

1. I am a citizen of the United States and a resident of Washington, D.C. Since January 1972 I have been employed as a police officer with the Metropolitan Police. I hold the rank of Sargent.

2. At about 11:30 p.m. on April 31, 1982 I was on routine patrol in a police car with my partner, fellow officer Frank Erskine, when we received a radio transmission indicating that shots had been fired in the vicinty of Ninth and "D" Streets N.W. We activated our police lights and siren, and proceeded to the scene. As we arrived, I noticed four males running down Ninth Street in the opposite direction, and radioed for other officers to apprehend them.

3. When we arrived, we found the body of Mr. Fred Luckless sprawled on porch, his wife weeping by his side. There was a large gunshot wound in the body's chest area. I immediately checked the body for a pulse, a heartbeat, or other signs of life, but there were none.

4. My partner took statements from the people at the house while I escorted the body to the City Morgue and remained with it during autopsy by Dr. V. Patel.

Joseph Friday
JOSEPH FRIDAY

Sworn to and subscribed before
this 3 day of June, 1982.

Lowell E Scarbrough
NOTARY PUBLIC

9-15.188 Supp. State of Medical Examiner
C-13

IN THE SUPERIOR COURT OF DISTRICT OF COLUMBIA

CRIMINAL DIVISION

---

IN THE MATTER OF THE EXTRADITION

OF JOHN SMITH, A/K/A

"MAD DOG"

NO. CR. 82-3456

---

State of New York )
County of Queens )

Vinodbhai Patel, being duly sworn, deposes and says that:

1. I am a Doctor of Medicine fully licensed to practice in the State of New York and the District of Columbia. From January 1975 to May 3, 1982, I was employed as Associate Medical Examiner in the District of Columbia, and was assigned to the City Morgue. I am now retired, and reside in New York City.

2. On April 31, 1982, pursuant to my official duties, I performed an autopsy on the body of Fred Luckless.

3. As a result of this autopsy I determined that Mr. Luckless died at about 11:30 p.m. that evening. I found that the cause of death was an internal hemorrhage, caused by a gunshot wound in the chest resulting severe in trauma to the heart, lung, diaphragm, liver, and stomach. The gunshot was clearly homicidal in nature. A copy of my autopsy report is attached hereto.

Vinodbhai Patel

Vinodbhai Patel

Sworn to and subscribed before me
this 3rd day of June, 1982.

NOTARY PUBLIC

9-15. 189 Sworn Statement of Witness Attaching Transcript of Grand Jury Testimony

G-15

IN THE SUPERIOR COURT OF DISTRICT OF COLUMBIA

CRIMINAL DIVISION

---

IN THE MATTER OF THE EXTRADITION

OF JOHN SMITH, A/K/A "MAD DOG"

NO. CR. 82-3456

---

Washington )
District of Columbia )

STEWART L. PIDGEON, being duly sworn, deposed and says that:

1. I am a citizen of the United States and a resident of Washington D.C.

2. On May 15, 1982 I testified before a grand jury investigating the murder of Fred Luckless. A transcript of the proceedings, which I have signed and marked "Exhibit G-1," is attached to this affidavit. I attest that this transcript accurately reflects my testimony.

3. A photograph of the man I know as "Mad Dog" and refer to as such during my grand jury testimony is signed and marked Exhibit G-2," and attached to this affidavit.

Stewart L. Pidgeon
Stewart L. Pidgeon

Sworn to and subscribed before me
this 3/ day of [illegible], 1982.

[illegible]
NOTARY PUBLIC

GOVERNMENT EXHIBIT G

SUPERIOR COURT FOR THE DISTRICT OF COLUMBIA

---

IN RE: POSSIBLE VIOLATION

OF D.C. CODE 22-2401

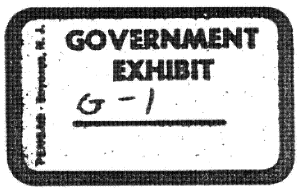
---

Grand Jury Room 5
District of Columbia Superior Court
Washington, D.C.

June 15, 1982

The testimony of STEWART L. PIDGEON was taken in the presence of a full quorum of the Grand Jury before:

HAMILTON BURGER, Esquire
Assistant United States Attorney




Stewart L Pidgeon

PROCEEDINGS

Whereupon,

STEWART L. PIDGEON was called as a witness, and after being first duly sworn by the Foreman of the Grand Jury, was examined and testified as follows:

By MR. BURGER:

Q: Would you tell the Grand Jury your name, please?

A: Stewart L. Pidgeon.

Q: Mr. Pidgeon, in return for your cooperation in this matter, the Government has promised that you will not be prosecuted for first degree murder; is that correct?

A: Yeah.

Q: Have any other promises been made to you by the Government?

A: No, they have not.

Q: Now, directing your attention to the night of April 31, 1982. Where were you?

A: Look, man, you know all this. At around 11:00 p.m. I was in the Cutthroat Bar and Grill, shooting pool, when Mad Dog comes in, mad as can be.

Q: Wait a minute, who is "Mad Dog?"

A: John Smith.

Q: Where is he now?

A: He got away. I hear he left the country. Anyway "Mad Dog" said some guy embarassed him by not letting him into a party. Said he wanted to teach the guy a lesson. He gave me and "Fingers" Bailey and Rick Thomas twenty-five bucks apiece to help him.

Q: Did he say what he wanted you to do "to help" him.

A: Naw, but I thought I knew: hold the guy so Mad Dog -- he's kinda short -- could work him over.

Q: Did you agree to this proposal?

A: Yeah.

Q: Did you then proceed to the home of Fred Luckless?

A: Yeah.
Q: What happened when you arrived?

A: It started out fine. "Fingers" held a shotgun on the people in the party, so they wouldn't get any smart ideas, and Rick and I held the dude Mad Dog was after by his arms, and Mad Dog whacked him around a couple of times.

Then Mad Dog pulls out a pistol, says something to the guy, and shoots him. Just like that. I was so surprised I almost died, too.

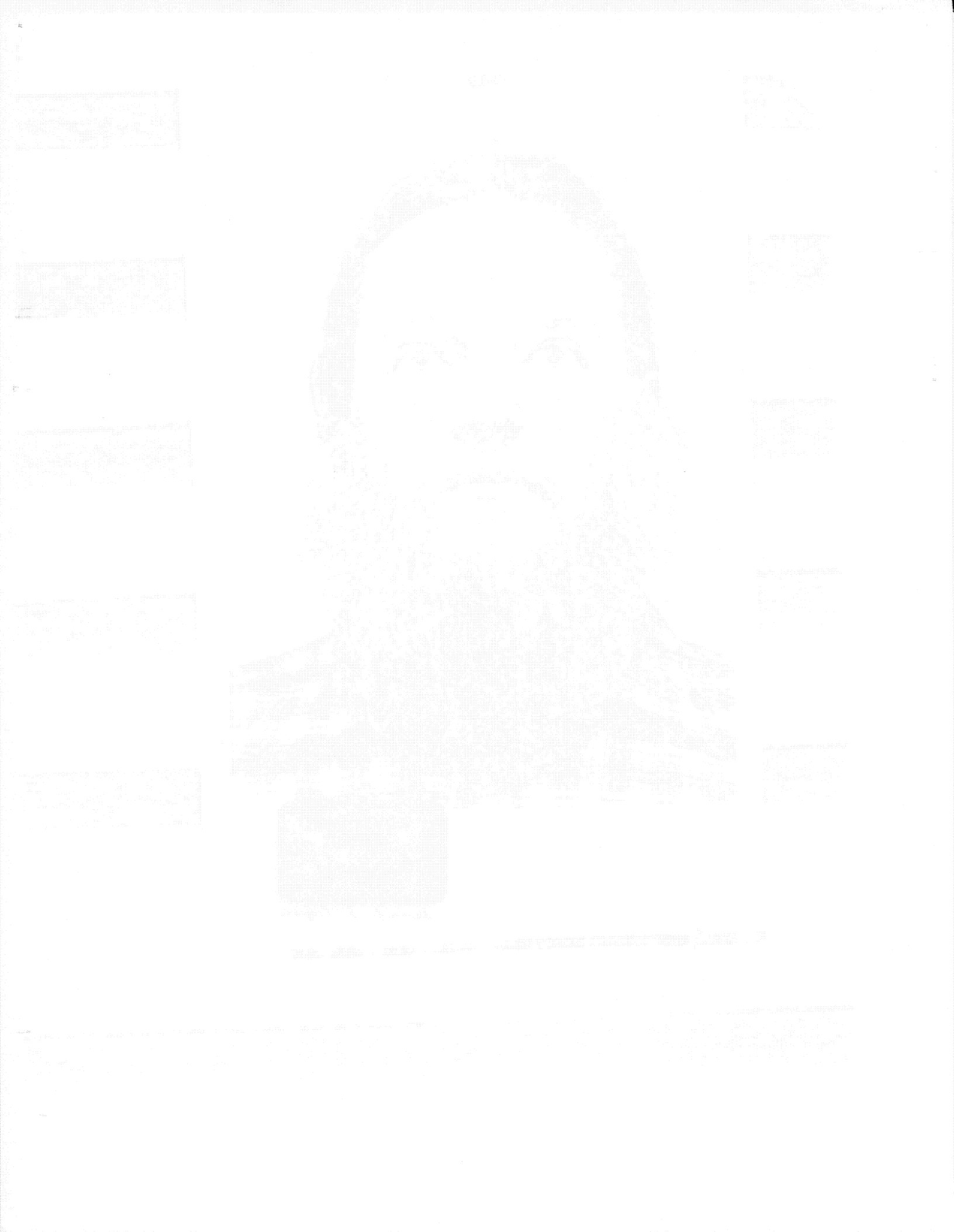
Q: What happened then?

A: We all ran like hell. The cops picked me up five blocks away, down Ninth Street.

MR. BURGER: I have no further questions. Any questions from the Grand Jury? No? All right, Mr. Pidgeon, thank you very much. You may step outside.

(Witness excused.)

GOVERNMENT
EXHIBIT
2



G. WILLIAM HUNTER
United States Attorney

HAMILTON BURGER
Assistant United States Attorney

450 Golden Gate Avenue
San Francisco, California 94102
Telephone: (415) 556-9508

Attorneys for Plaintiff

IN THE UNITED STATES DISTRICT COURT

FOR THE NORTHERN DISTRICT OF CALIFORNIA

| | |
|---|---|
| UNITED STATES OF AMERICA,<br><br>Plaintiff,<br><br>v.<br><br>JOE DOAKS,<br><br>Defendant. | NO. CR-80-0462-SC<br><br>AFFIDAVIT IN SUPPORT OF REQUEST FOR EXTRADITION |

I, HAMILTON BURGER, being duly sworn, depose and states:

1. I am a citizen of the United States, residing in San Francisco, California.

2. I am 31 years old. In June 1973, I received a Doctor of Laws Degree from the University of California, and I was admitted in the same year to the Bar of the State of California. From December 1973, to November 1979, I was employed by the United States Securities and Exchange Commission as an enforcement attorney in San Francisco, California.

3. From November 1979, until the present, I have been employed by the United States Department of Justice as an Assistant United States for the Northern District of California. My duties are to prosecute persons charged with criminal violations of the laws of the United States.

4. During my practice in the Office of the United States Attorney for the Northern District of California, I have become knowledgeable about criminal statutes and case law of the United States, and more particularly in that area of the criminal law relating to violations of

the Federal Counterfeiting Statutes. I also represented the Government in the case of United States v. Joe Doaks, CR-80-1234-SC (N.D. Cal.). Thus, I am familiar with the evidence and charges in the case, and the contents of the files of the United States District Court and of the Office of the United States Attorney regarding this matter.

5. On November 5, 1980, a grand jury formally accused Joe Doaks of violating the criminal laws of the United States. This indictment was replaced by a new or "superceding" indictment on January 7, 1981.

I have obtained true copies of the two indictments from the Clerk of Court, and attached them to this affidavits as Exhibits A and B.

6. The statutes cited in the indictment and applicable to this case are Title 18, United States Code, Sections 471 and 472.

Section 471 states:

> Whoever, with intent to defraud, falsely makes, forges, counterfeits, or alters any obligation or other security of the United States, shall be fined not more than $5,000 or imprisoned not more than fifteen years, or both.

Section 472 states:

> Whoever, with intent to defraud, passes, utters, publishes or sell, of attempts to pass, utter, publish or sell, or with like intent brings into the counterfeited, or altered obligations or other security of the United States, shall be fined not more than $5,000 or imprisoned not more than fifteen years, or both.

A violation of either of these statutes is a felony under United States law. Each of these statutes was the duly enacted law of the United States at the time that the offenses were committed, at the time that the indictment was filed, and is now in full force.

The statute of limitations on prosecuting these offenses is Section 3282 of Title 18, United States Code, which states:

> Except as otherwise expressly provided by law, no person shall be prosecuted, tried, or punished for any offense, not capital, unless the indictment is found or the information is instituted within five years next after such offense shall have been committed.

Since the applicable statute of limitations is five years, the indictments, which charged criminal violations beginning in July 1980, were filed within the prescribed time.

9-15.191

# United States Department of Justice

Washington, D. C., July 1, 1982

[illegible] whom these presents shall come, Greeting:

[illegible] That Michael Abbell whose name is signed [illegible] accompanying paper, is now, and was at the time of [illegible] the same, Director, Office of International Affairs, Criminal [illegible] United States Department of Justice, Washington, D.C. [illegible] duly commissioned and qualified.

[illegible] whereof, I, William French Smith

Attorney General of the United States, have hereunto caused the Seal of the Department of Justice to be affixed and my name to be attested by the Deputy Assistant Attorney General for Administration, of the said Department on the day and year first above written.

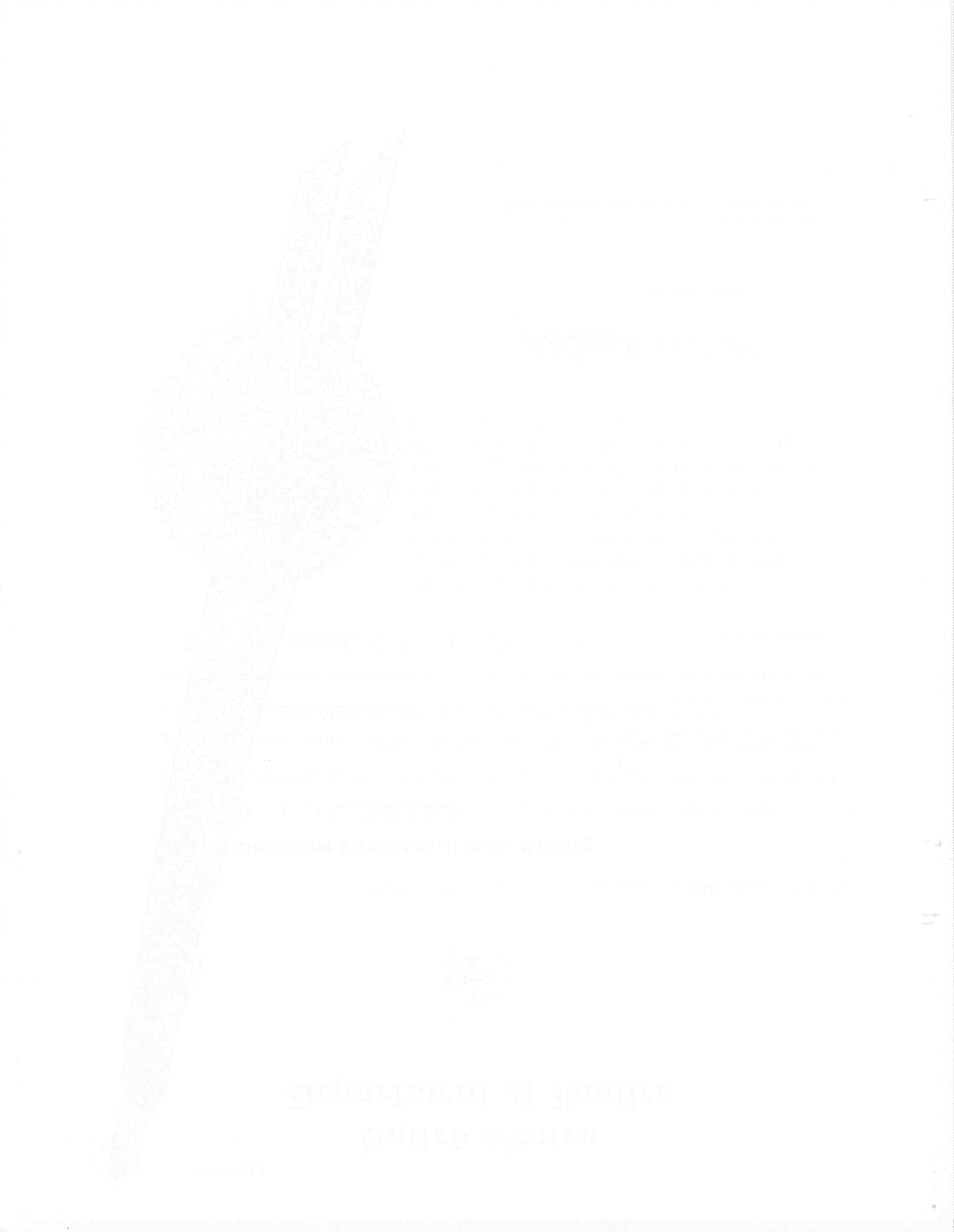
William French Smith

Attorney General.

By _____

Deputy Assistant Attorney General for Administration

Form [illegible]
JAN [illegible]



7. The superseding indictment charged three offenses. Count one charged that Mr. Doaks manufactured counterfeit obligations of the United States (in this case, money) and did so knowingly, willfully, and with the intent to defraud. Specifically, the indictment charged that Mr. Doaks printed counterfeit United States money appearing to be worth approximately $462,444.

Count Two charged that on November 6, 1980, Mr. Doaks knowingly and willfully and with intent to defraud, sold approximately $1,000 of the counterfeit obligations (money) of the United States which he had manufactured to one Roger Able. Roger Able is a Special Agent of the United States Secret Service, the United States government agency responsible for investigating the manufacture and distribution of counterfeit United States money.

Count three charged that on November 7, 1980, the defendant, Joe Doaks, attempted to sell $100,000 of the counterfeit obligations (money) which he had manufactured to Roger Able.

8. I was present in Court on February 2 through 5, 1981, as Mr. Doaks was tried before presiding Judge Samuel Conti and a jury. Mr. Doaks, who had been released from custody on bail, was present and was represented by his attorney, Joyce Davenport. I saw Mr. Doaks present in Court on each day of trial until the afternoon of February 5, 1981, when the jury began its deliberations. On February 9, 1981, the Court found Mr. Doaks guilty on all three charges of the indictment. I have attached a true copy of the jury's verdict form to this affidavit as Exhibit C.

9. Although he was required to appear in Court on February 5, 6 and 9, 1981, Mr. Doaks did not appear in Court those days, and has not returned for sentencing. Under United States law, a defendant who is present at the beginning of the trial but leaves the jurisidiction of the Court after the evidence in the case has been presented to the jury, and thereafter fails to return to court, can be found guilty by the jury without being personally present. However, under United States law the defendant may not be sentenced unless he is personally present. Accordingly, while Mr. Doaks has been convicted of the offenses as charged in the indictment, he has not been sentenced yet.

10. When Mr. Doaks failed to appear on February 9, 1981, United States District Judge Samuel Conti ordered the Clerk of the Court to issue a warrant for Mr. Doak's arrest. I have attached a true copy of this warrant to this affidavit as Exhibit D.

11. Attached as Exhibit E is the original affidavit of Richard Baker, Special Agent of the United States Secret Service. This affidavit is sworn to before a Clerk of the United States District Court, Northern District of California, who is a person duly empowered to administer an oath for this purpose. On November 7, 1980, Agent Baker, together with Agent Roger Able, placed Mr. Doaks under arrest shortly after Mr. Doaks attempted to sell the counterfeit money to Agent Able. Mr. Baker transported Mr. Doaks to the Secret Service offices, where he photographed Mr. Doaks and took his fingerprints. Attached as Exhibit 1 to the affidavit of Richard Baker is the photograph of Joe Doaks. Mr. Doak's fingerprints are attached as Exhibit 2 to Richard Baker's affidavit.

HAMILTON BURGER
Assistant United States Attorney
Northern District of California

SWORN AND SUBSCRIBED TO BEFORE ME
THIS ___ DAY OF _____, 1981.

I. STAMPUM, Deputy Clerk
United States District of Court for the
Northern District of California

I, NOAH PEALE, Judge of the United States District Court for the Northern District of California, hereby certify that I, STAMPUM, whose name and signature appears on this affidavit, is and was on the date thereof Deputy Clerk of this Court, duly appointed and sworn, and is authorized to administer an oath for general purposes.

This ___ day of _____, 1981.

A. O. Form 132 (Rev. Dec. 1955) Exemplification Certificate

# United States District Court

for the

NORTHERN DISTRICT OF CALIFORNIA

I, WILLIAM L. WHITTAKER, Clerk of the United States District Court for the Northern District of California, and keeper of the records and seal thereof, hereby certify that the documents attached hereto are true copies of CR80-462SC: Indictment, Superseding Indictment, Jury Verdict, Warrant of Arrest now remaining among the records of the Court.

In testimony whereof I hereunto sign my name and affix the seal of said Court, in said District, at San Francisco Ca, this 2nd day of July 1981.

William L. Whittaker

William L. Whittaker Clerk.

---

I, WILLIAM T. SWEIGERT, United States District Judge for the Northern District of California, do hereby certify that William L. Whittaker whose name is above written and subscribed, is and was at the date thereof, Clerk of said Court, duly appointed and sworn, and keeper of the records and seal thereof, and that the above certificate by him made, and his attestation or record thereof, is in due form of law.

July 6, 1981

William T. Sweigert

United States District Judge.

William T. Sweigert

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I, WILLIAM L. WHITTAKER, Clerk of the United States District Court for the Northern District of California, and keeper of the seal thereof, hereby certify that the Honorable WILLIAM T. SWEIGERT whose name is within written and subscribed, was on the 6th day of July 1981, and now is Judge of said court, duly appointed, confirmed, sworn, and qualified; and that I am well acquainted with his handwriting and official signature and know and hereby certify the same within written to be his.

In testimony whereof I hereunto sign my name, and affix the seal of said Court at the city of San Francisco, in said State, on this 6th day of July 1981.

William L. Whittaker

William L. Whittaker Clerk.

GOVERNMENT EXHIBIT A

FILED
JUL 7 4 05 PM '81

J. WILLIAM HUNTER
United States Attorney

Attorneys for Plaintiff

I hereby certify that the foregoing instrument is a true and correct copy of the original on file in my office
ATTEST:
WILLIAM L. WHITTAKER
Clerk, U.S. District Court
Northern District of California
By [illegible] Deputy Clerk
Date 6-29-81

COURTROOM 10

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

| | |
|---|---|
| UNITED STATES OF AMERICA,<br>Plaintiff,<br>v.<br>JOE DOAKS,<br>Defendant. | CR. NO: 80-0462-SC<br>VIOLATIONS: Title 18, United States Code, Section 471 - Manufacturing Federal Reserve Notes; Title 18, United States Code, Section 472 - Selling Counterfeit Federal Reserve Notes |

SUPERSEDING INDICTMENT

COUNT ONE: (Title 18, United States Code, Section 471)

The Grand Jury charges: THAT

between on or about July 1, 1980, and on or about September 9, 1980, in the City of Daly City, County of San Mateo, State and Northern District of California,

JOE DOAKS,

defendant herein, did knowingly, willfully, and with intent to defraud, falsely make, forge, alter and counterfeit obligations of the United States. Those obligations consisted of approximately $40,344 in counterfeited Federal Reserve Notes of the following [illegible] and bearing [illegible] the following amounts:

| DENOMINATION | SERIES NO. | NUMBER OF NOTES | VALUE |
|---|---|---|---|
| 1. $100 | [illegible] | 1290 | $129,000 |
| 2. [illegible] | [illegible] | 2001 | $200,100 |
| 3. [illegible] | [illegible] | 913 | $ 45,650 |
| 4. [illegible] | [illegible] | [illegible] | $ 18,150 |

EXHIBIT A

| | DENOMINATION | SERIAL NO. | NUMBER OF NOTES | VALUE |
|---|---|---|---|---|
| 5. | $20 | L-06187151-C | 780 | $ 15,600 |
| 6. | $10 | L-92837057-D | 1,149 | $ 22,980 |
| 7. | $20 | F-41830019-[illegible] | 9 | $ 180 |
| 8. | $10 | C-86950644-B | 133 | $ 1,330 |
| 9. | $10 | L-27669675-A | 1,211 | $ 12,110 |
| 10. | $10 | L-49182452-A | 525 | $ 5,250 |
| 11. | $5 | L-53937360-B | 134 | $ 670 |
| 12. | $5 | L-18136473-A | 1,205 | $ 6,025 |
| 13. | $1 | L-96630303-F | 529 | $ 529 |

COUNT TWO: (Title 18, United States Code, Section 472)

The Grand Jury further charges: T H A T

On or about November 6, 1990, in the City and County of San Francisco, State and Northern District of California,

JOE DOAKS,

defendant herein, did knowingly, willfully, and with intent to defraud, have in his possession, pass, utter, publish and sell to Roger Able approximately one thousand dollars ($1,000) in counterfeited obligations of the United States. These counterfeited obligations consisted of nine counterfeited $100 Federal Reserve Notes, Serial Number B-71348093-A, and five counterfeited $20 Federal Reserve Notes, Serial Number F-12342804-A.

COUNT THREE: (Title 18, United States Code, Section 472)

The Grand Jury further charges: T H A T

On or about November 7, 1990, in the City and County of San Francisco, State and Northern District of California,

JOE DOAKS,

defendant herein, did knowingly, willfully, and with intent to defraud, have in his possession, control, and attempt to pass, utter, publish and sell, and did pass, utter, publish and sell to Roger Able approximately $12,740 in counterfeited

obligations of the United States. These counterfeited obligations consisted of approximately 1,229 counterfeited $100 Federal Reserve Notes, Serial No. B-71343093-A; approximately 127 counterfeited $20 Federal Reserve Notes, Serial Number F-42842804-A; approximately 20 counterfeited $10 Federal Reserve Notes, Serial Number G-06950644-B; and approximately 20 counterfeited $5 Federal Reserve Notes, Serial Number L-53937360-B.

A True Bill.

FOREMAN

G. WILLIAM HUNTER
United States Attorney

(Approved as to Form _____)
DATAGEN

G. WILLIAM HUNTER
United States Attorney

Attorney for Plaintiff

COURTRAN

I hereby certify that the annexed instrument is a true and correct copy of the original on file in my office.
ATTEST:
WILLIAM L. WHITTAKER
Clerk U.S. District Court
Northern District of California
By [signature]
Deputy Clerk
Dated 6-29-81

COURTRAN

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

| | |
|---|---|
| UNITED STATES OF AMERICA, Plaintiff, v. JOE DOAKS, Defendant. | CR. NO. [illegible] VIOLATIONS: Title 18, United States Code, Section 471 - Manufacturing Federal Reserve Notes; Title 18, United States Code, Section 472 - Selling Counterfeit Federal Reserve Notes |

I N D I C T M E N T

COUNT ONE: (Title 18, United States Code, Section 471)

The Grand Jury charges: T H A T

Between on or about July 1, 1980, and on or about November 6, 1980, in the City of Daly City, County of San Mateo, State and Northern District of California,

JOE DOAKS,

defendant herein, did knowingly, willfully, and with intent to defraud, falsely make and counterfeit obligations of the United States. These obligations consisted of approximately $462,444 in counterfeited Federal Reserve Notes of the following denominations and serial numbers, in the following amounts:

| | DENOMINATION | SERIAL NO. | NUMBER OF NOTES | VALUE |
|---|---|---|---|---|
| 1. | $100 | B-71348093-A | 1293 | $129,300 |
| 2. | $100 | L-07028917-A | 2058 | $205,[illegible] |
| 3. | $50 | B-55557474 | 913 | $ 45,650 |
| 4. | $20 | F-42842304-A | 906 | $ 18,120 |

GOVERNMENT EXHIBIT B

| | DENOMINATION | SERIAL NO. | NUMBER OF NOTES | VALUE |
|---|---|---|---|---|
| 5. | $20 | L-06487151-B | 780 | $ 15,600 |
| 6. | $20 | L-82837057-D | 1,149 | $ 22,980 |
| 7. | $20 | F-41836049-A | 9 | $ 180 |
| 8. | $10 | G-86950644-B | 133 | $ 1,330 |
| 9. | $10 | L-27669675-A | 1,121 | $ 11,210 |
| 10. | $10 | L-48182452-A | 525 | $ 5,250 |
| 11. | $5 | L-53937360-B | 134 | $ 670 |
| 12. | $5 | L-18136473-A | 1,205 | $ 6,025 |
| 13. | $1 | L-96630263-F | 529 | $ 529 |

COUNT TWO: (Title 18, United States Code, Section 472)

The Grand Jury further charges: T H A T

On or about November 6, 1980, in the City and County of San Francisco, State and Northern District of California,

JOE DOAKS,

defendant herein, did knowingly, willfully, and with intent to defraud, sell to Roger Able approximately one thousand dollars ($1,000) in counterfeited obligations of the United States. These counterfeited obligations consisted of nine counterfeited $100 Federal Reserve Notes, Serial Number B-71348093-A, and five counterfeited $20 Federal Reserve Notes, Serial Number F-42842004-A.

COUNT THREE: (Title 18, United States Code, Section 472)

The Grand Jury further charges: T H A T

On or about November 7, 1980, in the City and County of San Francisco, State and Northern District of California,

JOE DOAKS,

defendant herein, did knowingly, willfully, and with intent to defraud, sell to Roger Able approximately $126,740 in counterfeited obligations of the United States. These counterfeited obligations consisted of approximately 1,239 counterfeited $100 Federal Reserve Notes, Serial No. B-71348093-A;

approximately 127 counterfeited $20 Federal Reserve Notes, Serial Number F-42842804-A; approximately 22 counterfeited $10 Federal Reserve Notes, Serial Number G-86950644-B; and approximately 20 counterfeited $5 Federal Reserve Notes, Serial Number L-53937360-B.

A True Bill.

FOREMAN

G. WILLIAM HUNTER
United States Attorney

(Approved as to Form _____)
AUSA/DA

9-15. 193 Jury Verdict

FILED C-31

FEB 9 10 55 AM '81 UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

39

UNITED STATES OF AMERICA,

Plaintiff,

v.

JOE DOAKS,

Defendant

No. Crim. 80-0462-SC

JURY VERDICT

WE, THE JURY, find the defendant at the bar, GUILTY of Count One (1) of the indictment.

WE, THE JURY, find the defendant at the bar, GUILTY of Count Two (2) of the indictment.

WE, THE JURY, find the defendant at the bar, GUILTY of Count Three (3) of the indictment.

Joseph Michelson
Foreperson

Dated February 9, 1981

I hereby certify that the annexed instrument is a true and correct copy of the original on file in my office
ATTEST
[illegible] L. WHITTAKER
Clerk, [illegible] Court
Northern District of California
By [illegible]
Deputy Clerk
Date 6-29-81

GOVERNMENT EXHIBIT
C

9-15. 194



# WARRANT OF ARREST

UNITED STATES DISTRICT COURT

INSTRUCTIONS: Type or legibly print. Forward copies No. 1 through No. 3 intact to the U.S. Marshal or other authorized officer; retain No. 4 copy. If applicable, use No. 4 copy to withdraw warrant. After completion of return, U.S. Marshal will distribute copies No. 1 through No. 3 as appropriate.

| NAME OF PERSON TO BE ARRESTED | DISTRICT OF ISSUE (Include City and State) | MAGISTRATE/CLERK DOCKET NO. |
|---|---|---|
| JOE DOAKS | NORTHERN DISTRICT OF CALIFORNIA | CR-90-0462-SC |

REASON FOR WARRANT

| ☐ Complaint | ☐ Indictment | ☐ Information | ☐ Probation Violation | ☒ OTHER (Specify) |
|---|---|---|---|---|

| U.S.C. TITLE | SECTION | BRIEF DESCRIPTION OF CHARGE(S) | BAIL (If applicable) |
|---|---|---|---|
| 18 | 1163 | Defendant was NOT present at time of the return of jury verdict. FTA: FAILURE TO APPEAR | Ordered that bail be revoked. No bail set. |

| DATE OF ISSUE | TITLE OF ISSUING OFFICIAL | SIGNATURE OF ISSUING OFFICIAL |
|---|---|---|
| 2/9/91 | Deputy Clerk | Mary G. Austin |

To: ANY U.S. MARSHAL OR ANY OTHER AUTHORIZED OFFICER

☐ You are hereby commanded to arrest the above named person and bring this individual forthwith before the nearest available United States Magistrate or District Court Judge to answer the above stated charge(s) in the complaint.

☐ You are hereby commanded to arrest the above named person and bring this individual forthwith before the nearest United States District Court or (if applicable) before the nearest United States Magistrate in the arresting district to answer the above stated charge(s) in the indictment or information.

☐ You are hereby commanded to arrest the above named person and bring this individual forthwith before the United States District Court or (if applicable) before the United States Magistrate in the issuing district at the location shown above to answer to charges of violation of conditions of probation imposed by the United States District Court.

THE U.S. MARSHAL IN THE DISTRICT OF ARREST IS HEREBY FURTHER AUTHORIZED AND COMMANDED TO TAKE CUSTODY OF THE ABOVE NAMED PERSON. IF AFTER BRINGING THE PERSON BEFORE ANY APPLICABLE JUDICIAL OFFICER IN THE MANNER INDICATED ABOVE, THE INDIVIDUAL FAILS TO FURNISH BAIL FOR APPEARANCE PER ORDERS AND DIRECTIONS OF SUCH JUDICIAL OFFICER, THE U.S. MARSHAL IS AUTHORIZED AND COMMANDED TO KEEP SAFELY THIS INDIVIDUAL UNTIL DISCHARGED IN DUE COURSE OF LAW.

You are hereby commanded to withdraw this warrant and return it immediately to the issuing official with this No. 4 copy.

| DATE | SIGNATURE OF ISSUING OFFICIAL | DATE WITHDRAWN | SIGNATURE OF U.S. MARSHAL |
|---|---|---|---|
| | | | |

☐ TO U.S. ATTORNEY: ADVICE ON WITHDRAWAL OF WARRANT

CA FORM 5 NORTHERN DISTRICT OF CALIFORNIA

4. ISSUING OFFICIAL

I hereby certify that the annexed instrument is a true and correct copy of the original on file in my office.

ATTEST:

RICHARD W. WIEKING

Clerk, U.S. District Court

By: _____ Deputy

Date: 6-27-91

GOVERNMENT EXHIBIT D

G. WILLIAM HUNTER
United States Attorney

HAMILTON BURGER
Assistant United States Attorney

450 Golden Gate Avenue
San Francisco, California 94102
Telephone: (415) 556-9508

Attorneys for Plaintiff

IN THE UNITED STATES DISTRICT COURT

FOR THE NORTHERN DISTRICT OF CALIFORNIA

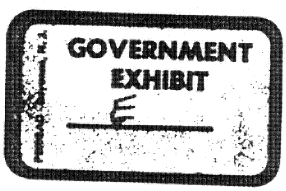
| | |
|---|---|
| UNITED STATES OF AMERICA,<br><br>Plaintiff,<br><br>v.<br><br>JOE DOAKS,<br><br>Defendant. | NO. CR-80-0462-SC<br><br>AFFIDAVIT OF SPECIAL AGENT RICHARD BAKER IN SUPPORT OF REQUEST FOR EXTRADITION |

I, RICHARD BAKER, being duly sworn, depose and states:

1. I am a citizen of the United States, residing in San Francisco, California.

2. I am a Special Agent with the United States Secret Service. I have been employed by the Secret Service for eleven (11) years. The Secret Service is the United States government agency responsible for protecting the President of the United States of America and other elected officials. In addition, the Secret Service is responsible for enforcement of the laws of the United States relating to the manufacture and distribution of counterfeit United States currency.

2. My duties included assisting Special Agent Roger Able in the investigation of Joe Doaks, suspected of counterfeiting U.S. Currency. On November 6, 1980 I placed on Agent Able a remote monitoring device. I then observed from a distance as Agent Able met with Mr. Doaks (who believed that Agent Able was a prospective purchaser of counterfeit money) and listened at my receiver as they talked. I heard Mr. Doaks brag that he had printed up "nearly half a million dollars" in counterfeit money, which he claimed "is so perfect even Secret Service would be fooled." He then offered to sell Agent Able a sample of the counterfeit money. I then saw him give Agent Able counterfeit bills apparently worth one thousand dollars in return for one hundred dollars



in genuine currency.

3. On November 8, 1980, I again outfitted Agent Able with a listening device, and listened and observed from a distance as he met with Mr. Doaks. I heard Mr. Doaks agree to sell Agent Able more counterfeit money, and saw him open a suitcase containing the counterfeit bills. Mr. Doaks then gave Agent Able counterfeit bills apparently worth $126,740 in return for one thousand dollars in genuine currency.

4. Agent Able and I then placed Mr. Doaks under arrest, and confiscated the suitcase. I then transported Mr. Doaks to the Secret Service Office, where I photographed him and took his fingerprints. Attached as Exhibit 1 to this affidavit is the photograph I took of Mr. Doaks after I placed him under arrest on November 7, 1980. Attached as Exhibit 2 to this affidavit is the fingerprint card on which I took the fingerprints of Mr. Doaks upon his arrest on November 7, 1980.

DATED: June 31, 1981

ROGER BAKER, Special Agent
United States Secret Service

SUBSCRIBED AND SWORN TO
BEFORE ME THIS ___ DAY
OF ___, 1981

WILLIAM L. WHITTAKER
Clerk, U.S. District Court
Northern District of California

Exhibit 1

LEAVE BLANK

TYPE OR PRINT ALL INFORMATION IN BLACK

FBI LEAVE BLANK

DOAKS, JOE

Joe Doaks

CA5540800
USSS
SAN FRANCISCO CALIF

12 21

11/5/80

11-7-80 | M | N | 511 | 180 | BR | BK | Lagos, Nige

J-408-41,046-S

Title 18 U.S.C. Sec. 473 -
Dealing counterfeit currency

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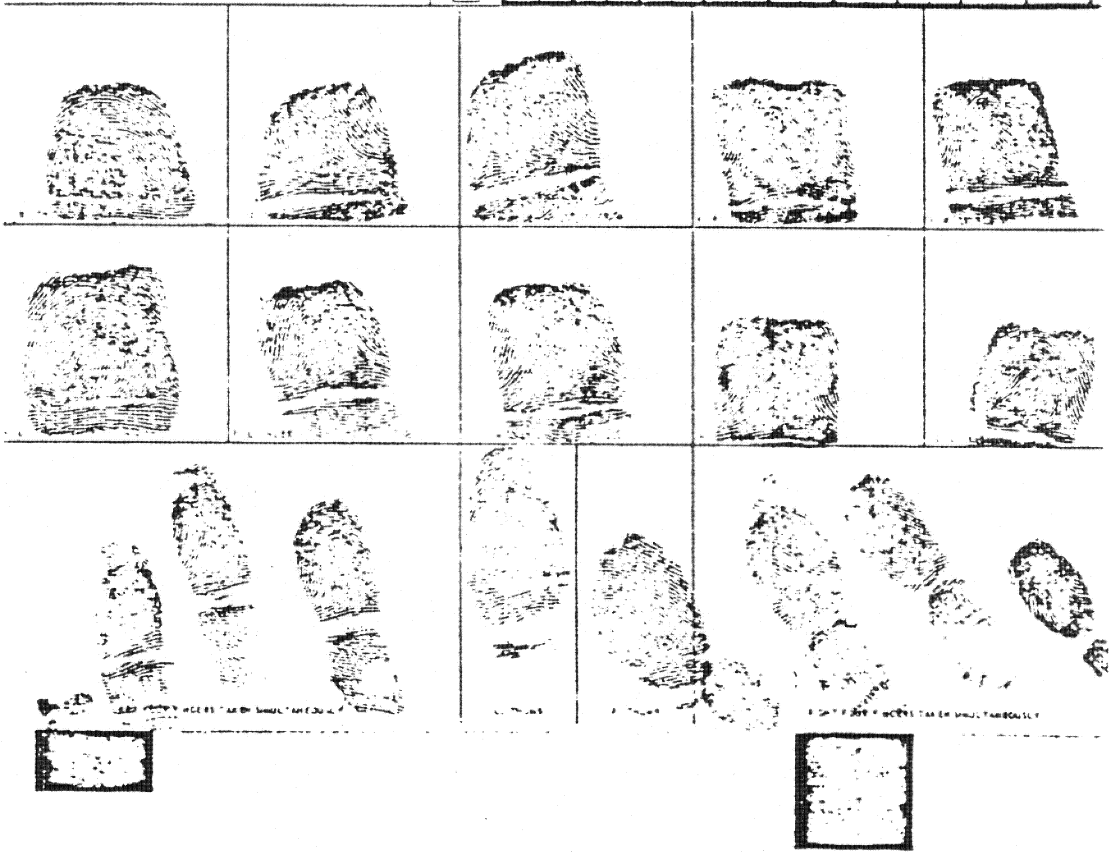
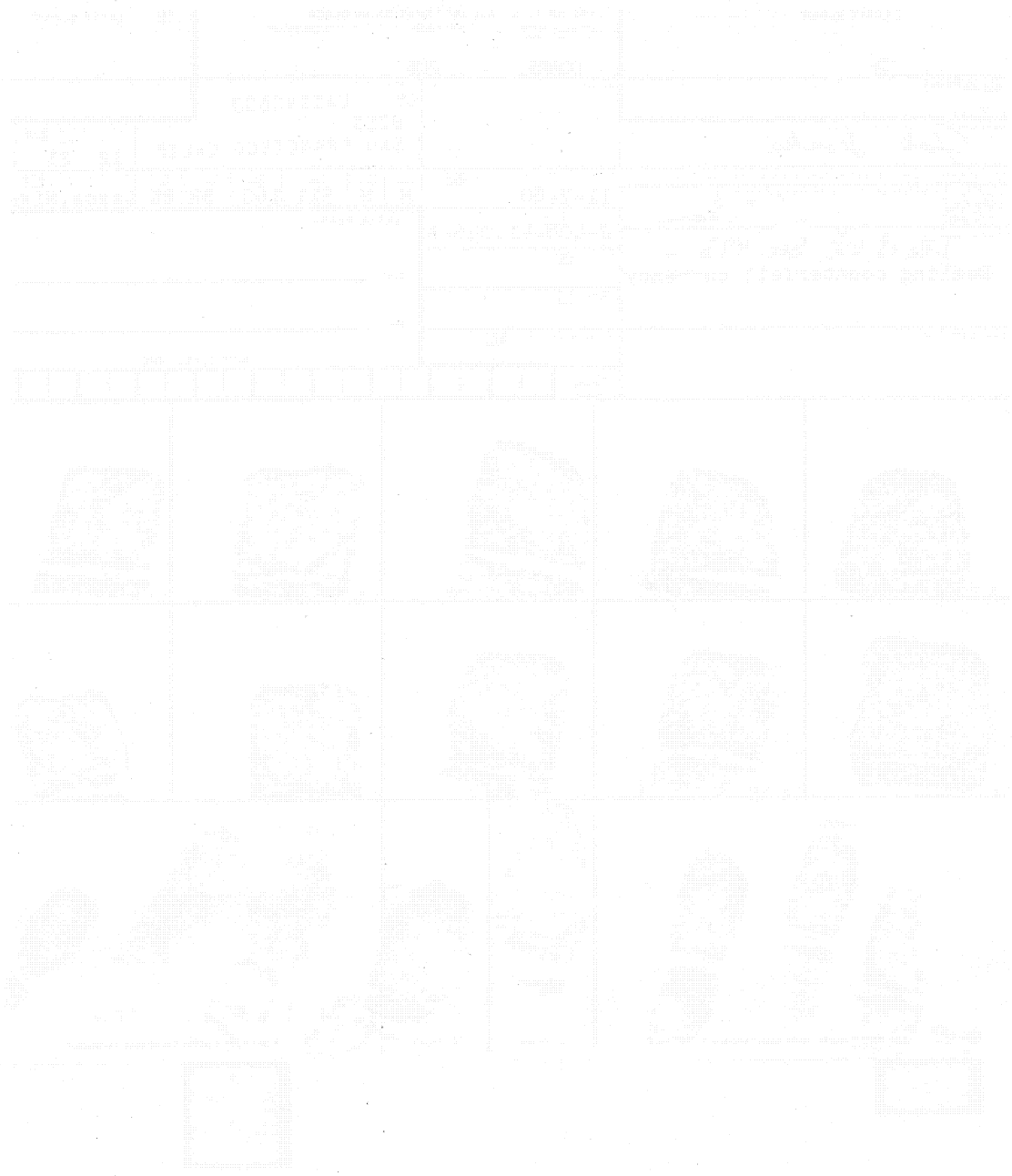


EXHIBIT 2

41

32

DOJ-1985-03

DOJ

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