

**Section of International Law and Practice; Section of Criminal Justice (Annual Meeting 1983)**

BE IT RESOLVED, That the American Bar Association:

1. Recognizes the need for early enactment of legislation modernizing U.S. international extradition practices along the lines proposed in S.220 "The Extradition Act of 1983" introduced in the Senate on 01/27/83 or approved by the Committee on the Judiciary of the House of Representatives in Report No. 97-627, part I, 06/24/83 regarding the Extradition Act of 1982;
2. Strongly recommends that the legislation:
  - (a) preserve the jurisdiction of federal courts to make the initial determination whether extradition is barred by the political offense exception to extradition,
  - (b) exclude all acts of terrorist violence from the application of the political offense exception, particularly those denounced by multilateral conventions to prevent and punish acts of international terrorism,
  - (c) preclude the application of the political offense exception from offenses which constitute serious breaches of the norms established under international humanitarian law applicable in international and non-international armed conflicts, without subjecting to extradition combatants from warlike acts which do not transgress those norms,
  - (d) provide that a person sought for extradition shall be entitled to bail under the same conditions as though he were charged with an offense against the United States unless the Government establishes by a preponderance of the evidence that: (1) such person has fled the requesting nation to avoid prosecution or confinement on the charge for which extradition is sought; or (2) the failure to detain such a person will adversely affect, in a significant way, the relations of the United States with the requesting nation.