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 §§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.