18 USC 3181: Scope and limitation of chapter Text contains those laws in effect on January 2, 2021

From Title 18-CRIMES AND CRIMINAL PROCEDURE PART II-CRIMINAL PROCEDURE CHAPTER 209-EXTRADITION Jump To:

Source Credit

Miscellaneous

§3181. Scope and limitation of chapter

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

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

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

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

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

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

HISTORICAL AND REVISION NOTES

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

EDITORIAL NOTES

AMENDMENTS

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

STATUTORY NOTES AND RELATED SUBSIDIARIES

EXTRADITION TREATIES INTERPRETATION

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

"SEC. 201. SHORT TITLE.

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

"SEC. 202. FINDINGS.

"Congress finds that-

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

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

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

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

"(5) many of the extradition treaties to which the United States is a party specifically list the offenses that are extraditable and use the word 'kidnapping', but it has been the practice of the United States not to consider the term to include parental abduction because these treaties were negotiated

by the United States prior to the development in United States criminal law described in paragraphs (3) and (4);

(6) the more modern extradition treaties to which the United States is a party contain dual criminality provisions, which provide for extradition where both parties make the offense a felony, and therefore it is the practice of the United States to consider such treaties to include parental abduction if the other foreign state party also considers the act of parental abduction to be a criminal offense; and

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

"SEC. 203. INTERPRETATION OF EXTRADITION TREATIES.

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

JUDICIAL ASSISTANCE TO INTERNATIONAL TRIBUNAL FOR YUGOSLAVIA AND INTERNATIONAL TRIBUNAL FOR RWANDA

Pub. L. 104–106, div. A, title XIII, §1342, Feb. 10, 1996, 110 Stat. 486 , as amended by Pub. L. 111–117, div. F, title VII, §7034(t), Dec. 16, 2009, 123 Stat. 3364 , provided that:

"(a) SURRENDER OF PERSONS.-

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

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

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

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

"(3) PAYMENT OF FEES AND COSTS.-(A) The provisions of the Agreement Between the United States and the International Tribunal for Yugoslavia and of the Agreement Between the United States and the International Tribunal for Rwanda shall apply in lieu of the provisions of section 3195 of title 18, United States Code, with respect to the payment of expenses arising from the surrender by the United States of a person to the International Tribunal for Yugoslavia or the International Tribunal for Rwanda, respectively, or from any proceedings in the United States relating to such surrender.

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

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

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

"(c) DEFINITIONS.-For purposes of this section:

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

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

"(3) AGREEMENT BETWEEN THE UNITED STATES AND THE INTERNATIONAL TRIBUNAL FOR YUGOSLAVIA.-The term 'Agreement Between the United States and the International Tribunal for Yugoslavia' means the Agreement on Surrender of Persons Between the Government of the United States and the

International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Law in the Territory of the Former Yugoslavia, signed at The Hague, October 5, 1994, as amended.

"(4) AGREEMENT BETWEEN THE UNITED STATES AND THE INTERNATIONAL TRIBUNAL FOR RWANDA.-The term 'Agreement between the United States and the International Tribunal for Rwanda' means the Agreement on Surrender of Persons Between the Government of the United States and the International Tribunal for the Prosecution of Persons Responsible for Genocide and Other Serious Violations of International Humanitarian Law Committed in the Territory of Rwanda and Rwandan Citizens Responsible for Genocide and Other Such Violations Committed in the Territory of Neighboring States, signed at The Hague, January 24, 1995."

EXTRADITION AND MUTUAL LEGAL ASSISTANCE TREATIES AND MODEL COMPREHENSIVE ANTIDRUG LAWS

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

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

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

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

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

EXTRADITION AGREEMENTS

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

Country	Date signed	Entered into force	e Citation
Albania	Mar. 1, 1933	Nov. 14, 1935	49 Stat. 3313.
Antigua and Barbuda	June 3, 1996	July 1, 1999	TIAS 99-701.1.
Argentina	June 10, 1997	June 15, 2000	TIAS 12866.
Australia	Dec. 22, 1931	Aug. 30, 1935	47 Stat. 2122.
	May 14, 1974	May 8, 1976	27 UST 957.
	Sept. 4, 1990	Dec. 21, 1992	1736 UNTS 344.
Austria	Jan. 8, 1998	Jan. 1, 2000	TIAS 12916.
	July 20, 2005	Feb. 1, 2010	TIAS 10-201.2.
Bahamas	Mar. 9, 1990	Sept. 22, 1994	TIAS.
Barbados	Feb. 28, 1996	Mar. 3, 2000	TIAS 00-303.
Belgium	Apr. 27, 1987	Sept. 1, 1997	TIAS 97-901.
	Dec. 16, 2004	Feb. 1, 2010	TIAS 10-201.
Belize	Mar. 30, 2000	Mar. 27, 2001	TIAS 13089.
Bolivia	June 27, 1995	Nov. 21, 1996	TIAS 96-112.
Brazil	Jan. 13, 1961	Dec. 17, 1964	15 UST 2093.
	June 18, 1962	Dec. 17, 1964	15 UST 2112.
Bulgaria	Mar. 19, 1924	June 24, 1924	43 Stat. 1886.
	June 8, 1934	Aug. 15, 1935	49 Stat. 3250.
	Sept. 19, 2007	May 21, 2009	TIAS 09-521.
Burma	Dec. 22, 1931	Nov. 1, 1941	47 Stat. 2122.
Canada	Dec. 3, 1971	Mar. 22, 1976	27 UST 983.

	•	June 28, July 9, 19	74 Mar. 22, 1976	6 27 UST 1017.
		Jan. 11, 19		
		Jan. 12, 20	•	
Chile		Apr. 17, 19		
Colombia		Sept. 14, 19		
Congo (Brazzaville)		Jan. 6, 19		
	Jan. 15, 1929		May 19, 1929	46 Stat. 2276.
Casta Dias	Apr. 23, 1936	Dec 4 40	Sept. 24, 1936	50 Stat. 1117.
Costa Rica		Dec. 4, 19		
Cuba		Apr. 6, 19		
		Dec. 6, 19 Jan. 14, 19		
Cyprus		June 17, 19		
Cyprus		Jan. 20, 20	•	
- · - · · · 1		July 2, 19		
Czech Republic ¹	Apr. 29, 1935	001y 2, 10	Aug. 28, 1935	49 Stat. 3253.
	· · · · · · · · · · · · · · · · · · ·	May 16, 20	-	
Denmark		June 22, 19		
		June 23, 20	•	
Dominica		Oct. 10, 19		
Dominican Republic		June 19, 19	•	
Ecuador		June 28, 18	-	
		Sept. 22, 19	39 May 29, 1941	55 Stat. 1196.
Egypt		Aug. 11, 18	74 Apr. 22, 1875	5 19 Stat. 572.
El Salvador		Apr. 18, 19	July 10, 1911	37 Stat. 1516.
Estonia		Nov. 8, 19	23 Nov. 15, 1924	43 Stat. 1849.
		Oct. 10, 19	34 May 7, 1935	5 49 Stat. 3190.
		Feb. 8, 20	-	
European Union		June 25, 20	03 Feb. 1, 2010) TIAS 10-201.
Fiji		Dec. 22, 19		
	July 14,	1972, Aug. 17, 19	•	
Finland		June 11, 19	•	
_		Dec. 16, 20		
France		Apr. 23, 19		
		Sept. 30, 20		
Gambia		Dec. 22, 19		
Germany		June 20, 19	-	
		Oct. 21, 19		
Ghana		Apr. 18, 20 Dec. 22, 19		
Greece		May 6, 19		
Greece		Sept. 2, 19		
		Jan. 18, 20	•	
Grenada		May 30, 19		
Guatemala		Feb. 27, 19	•	
Guatomala		Feb. 20, 19	•	
Guyana		Dec. 22, 19		
Haiti		Aug. 9, 19		
Honduras		Jan. 15, 19		
		Feb. 21, 19	-	
Hong Kong		Dec. 20, 19		
Hungary		Dec. 1, 19		
3 ,		Nov. 15, 20		
Iceland		Jan. 6, 19		
		Nov. 6, 19	•	
India		June 25, 19		
Iraq		June 7, 19	•	
Ireland		July 13, 19	83 Dec. 15, 1984	TIAS 10813.

	July 14, 2005	Feb. 1, 2010	TIAS 10-201.12.
Israel	Dec. 10, 1962	Dec. 5, 1963	14 UST 1707. ²
	July 6, 2005	Jan. 10, 2007	TIAS 07-110.
Italy	Oct. 13, 1983	Sept. 24, 1984	35 UST 3023.
	May 3, 2006	Feb. 1, 2010	TIAS 10-201.13.
Jamaica	June 14, 1983	July 7, 1991	TIAS.
Japan	Mar. 3, 1978	Mar. 26, 1980	31 UST 892.
Jordan	Mar. 28, 1995	July 29, 1995	TIAS.
Kenya	Dec. 22, 1931	June 24, 1935	47 Stat. 2122.
,	May 14, Aug. 19, 1965	Aug. 19, 1965	16 UST 1866.
Kiribati	June 8, 1972	Jan. 21, 1977	28 UST 227.
Latvia	Oct. 16, 1923	Mar. 1, 1924	43 Stat. 1738.
	Oct. 10, 1934	Mar. 29, 1935	49 Stat. 3131.
	Dec. 7, 2005	Apr. 15, 2009	TIAS 09-415.
Lesotho	Dec. 22, 1931	June 24, 1935	47 Stat. 2122.
Liberia	Nov. 1, 1937	Nov. 21, 1939	54 Stat. 1733.
Liechtenstein	May 20, 1936	June 28, 1937	50 Stat. 1337.
Lithuania	Oct. 23, 2001	Mar. 31, 2003	TIAS 13166.
	June 15, 2005	Feb. 1, 2010	TIAS 10-201.14.
Luxembourg	Oct. 1, 1996	Feb. 1, 2002	TIAS 12804.
5	Feb. 1, 2005	Feb. 1, 2010	TIAS 10-201.15.
Malawi	Dec. 22, 1931	June 24, 1935	47 Stat. 2122.
	Dec. 17, 1966, Jan. 6, Apr. 4, 1967	Apr. 4, 1967	18 UST 1822.
Malaysia	Aug. 3, 1995	June 2, 1997	TIAS 97-602.
Malta	Dec. 22, 1931	June 24, 1935	47 Stat. 2122.
	May 18, 2006	July 1, 2009	TIAS 09-701.
Marshall Islands	Apr. 30, 2003	May 1, 2004	TIAS 04-501.2.
Mauritius	Dec. 22, 1931	June 24, 1935	47 Stat. 2122.
Mexico	May 4, 1978	Jan. 25, 1980	31 UST 5059.
	Nov. 13, 1997	May 21, 2001	TIAS 12897.
Micronesia, Federated States of	May 14, 2003	June 25, 2004	TIAS 04-625.4.
Monaco	Feb. 15, 1939	Mar. 28, 1940	54 Stat. 1780.
Nauru	Dec. 22, 1931	Aug. 30, 1935	47 Stat. 2122.
Netherlands	June 24, 1980	Sept. 15, 1983	35 UST 1334.
	Sept. 29, 2004	Feb. 1, 2010	TIAS 10-201.16.
New Zealand	Jan. 12, 1970	Dec. 8, 1970	22 UST 1.
Nicaragua	Mar. 1, 1905	July 14, 1907	35 Stat. 1869.
Nigeria	Dec. 22, 1931	June 24, 1935	47 Stat. 2122.
Norway	June 9, 1977	Mar. 7, 1980	31 UST 5619.
Pakistan	Dec. 22, 1931	Mar. 9, 1942	47 Stat. 2122.
Panama	May 25, 1904	May 8, 1905	34 Stat. 2851.
Papua New Guinea	Dec. 22, 1931	Aug. 30, 1935	47 Stat. 2122.
	Feb. 2, 23, 1988	Feb. 23, 1988	TIAS.
Paraguay	Nov. 9, 1998	Mar. 9, 2001	TIAS 12995.
Peru	July 26, 2001	Aug. 25, 2003	TIAS 03-825.
Philippines	Nov. 13, 1994	Nov. 22, 1996	TIAS 96-1122.
Poland	July 10, 1996	Sept. 17, 1999	TIAS 99-917.
	June 9, 2006	Feb. 1, 2010	TIAS 10-201.17.
Portugal	May 7, 1908	Nov. 14, 1908	35 Stat. 2071.
	July 14, 2005	Feb. 1, 2010	TIAS 10-201.18.
Romania	July 23, 1924	Apr. 7, 1925	44 Stat. 2020.
	Nov. 10, 1936	July 27, 1937	50 Stat. 1349.
	Sept. 10, 2007	May 8, 2009	TIAS 09-508.
Saint Kitts and Nevis	Sept. 18, 1996	Feb. 23, 2000	TIAS 12805.
Saint Lucia	Apr. 18, 1996	Feb. 2, 2000	TIAS 00-202.
Saint Vincent and the Grenadines	Aug. 15, 1996	Sept. 8, 1999	TIAS 99-908.
San Marino	Jan. 10, 1906	July 8, 1908	35 Stat. 1971.
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¹ Status of agreements with successor states of Czechoslovakia and Yugoslavia is under review; inquire of the Treaty Office of the United States Department of State.

² Typographical error corrected by diplomatic notes exchanged Apr. 4 and 11, 1967. See 18 UST 382, 383.

CONVENTION ON EXTRADITION

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

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