

**Road Map showing areas of concern
in the proposed extradition treaty
between the United States and Great Britain**

As you review the new proposed extradition treaty between the USA and Britain now before the U.S. Senate for ratification, there are some areas of concern you should carefully examine.

Article 2, #4 (page 4)

This allows for extradition even if no American federal law is violated.

Article 4 (Pages 4 & 5)

The political exception protections are basically removed. The current extradition treaty, still in force, provides this very important safeguard that “...extradition shall not occur if the person sought establishes to the satisfaction of the competent judicial authority by a preponderance of the evidence that the request for extradition has in fact been made with a view to try or punish him on account of his race, religion, nationality, or political opinions...” (Article 3(a); UK-US Supplemental Treaty, 1986)

This protective language is missing from the new proposed extradition treaty between Britain and the United States.

This agreement would hinder our First Amendment right of free speech. If the new treaty is ratified, an American citizen who opposes British policy — for example, an investigative journalist who wrote of current and past police abuses in the north of Ireland for an American newspaper — could face arrest and extradition without having any ability to challenge, in an American court before an impartial judge, whether the criminal charges are really a pretext for the punishment on account of race, religion, nationality or political opinion. **This denial of due process and of our “day in court” is something so foreign to our American way of life and a serious erosion of over two centuries of freedoms every American takes for granted.**

Article 4, #3 & 4 (page 5)

Removal of Due Process: The last two sentences of these sections removes the role of the judiciary (our Federal court system) from the extradition process. These sentences transfer responsibility for determining whether the extradition request is politically motivated from the federal courts to the executive branch. Under this provision, a person will not have the right of his or her “day in

court” before an impartial judge. This will seriously impact the separation of powers that is at the heart of our American system of law.

Article 6 (page 6)

Removal of Statute of Limitations -- The terms of the proposed treaty will apply retroactively for offenses allegedly committed even before the treaty’s ratification. No American citizen active in Irish and Irish American affairs who oppose British policy in the north of Ireland will be safe if this treaty comes into force.

Article 8, #2 (b) (Page 6)

The treaty will eliminate the need for any showing of the facts by the United Kingdom sufficient that the person requested for extradition to Britain is really guilty of the crime he or she is charged with. Under this new treaty unsupported allegations are sufficient for deportation to Great Britain. Never before in our nation’s history has the United States government seriously considered subjecting the liberty of American citizens to the whims of a foreign government.

Article 8, #3(c), (Page 7)

There is no probable cause standard. This new treaty eliminates the need for the United Kingdom to present and show sufficient facts that the person requested for extradition is guilty of the crime he or she is charged with. Unsupported allegations will be sufficient. This new treaty does not specifically cite the existing “probable cause” standard of review that the allegations are legally sufficiency to support Britain’s request for extradition. In fact, the new treaty merely requires a bare recitation of unsupported allegations.

Article 12 (Page 8 and 9)

The new treaty will **allow for provisional arrest and detention of Americans for 60 days** upon request by Great Britain with no formal extradition request providing supporting details. Under this provision, a person will not have the right of his or her “day in court” before an impartial judge.

Article 16 (Page 11)

The new treaty allows for the seizure of our assets in the United States by the British government.

Article 18

Eliminates the “rule of specialty.” Finally, the new treaty allows for the extradition for one offense, and once handed over to British authorities the person can be subsequently prosecuted in Great Britain for an unrelated crime. This eliminates the time honored “rule of specialty.”