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EXTRADITION TREATY WITH JORDAN

MAY 2 (legislative day, MAY 1), 1995.—Ordered to be printed

Mr. HELMS, from the Committee on Foreign Relations, submitted the following

REPORT

[To accompany Treaty Doc. 104–3]

The Committee on Foreign Relations, to which was referred the Extradition Treaty Between the Government of the United States of America and the Government of the Hashemite Kingdom of Jordan, signed at Washington on March 28, 1995, having considered the same, reports favorably thereon without amendment and recommends that the Senate give its advice and consent to ratification thereof.

PURPOSE

The Extradition Treaty Between the Government of the United States of America and the Government of the Hashemite Kingdom of Jordan, hereinafter "The Treaty," identifies the offenses for which extradition will be granted, establishes procedures to be followed in presenting extradition requests, enumerates exceptions to the duty to extradite, specifies the evidence required to support a finding of a duty to extradite, and sets forth administrative provisions for bearing costs and legal representation.

BACKGROUND

On March 28, 1995, the United States signed a treaty on extradition with the Hashemite Kingdom of Jordan. It was transmitted by the President to the Senate for advice and consent to ratification on April 24, 1995, and will become the first to enter into force with Jordan if ratified. Ratification of this Treaty is seen as a step forward in the efforts of the United States to win the cooperation of countries in the Middle East in combatting crimes such as transnational terrorism and international drug trafficking.

The United States currently has extradition treaties in force with nearly one hundred countries which enable the United States to extradite fugitives to other countries and to request that other countries extradite fugitives to the United States. These treaties play an increasingly important role in law enforcement as modern transportation has enabled criminals to operate on an international scale and to flee more easily from country to country. In March 1995, for example, the United States received 51 requests from treaty partners for surrender of fugitives found in this country, and the United States requested the extradition of 45 fugitives from other countries.

It is anticipated that the Treaty, if ratified, will be implemented in the United States pursuant to the procedural framework provided by Title 18, United States Code, Section 3184 et seq. No new implementing legislation will be needed. Jordan has its own internal legislation on extradition that will apply to U.S. requests under the Treaty.

MAJOR PROVISIONS

In general, many of the provisions contained in the Extradition Treaty with Jordan find precedent in other U.S. extradition treaties. There are some variations, however, and some of the key provisions are outlined below.

Article 2 defines extraditable offenses solely in terms of dual criminality. Defining extraditable offenses generically, rather than through an exclusive listing of crimes, broadens the scope of cooperation and obviates the need to renegotiate treaties to add new offenses to a list of extraditable crimes. A drawback of the exclusive dual criminality approach is that there may not be a complete congruence of elements of similar criminal offenses in different legal systems. Paragraph 3 of article 2 contains common provisions designed to focus on the criminality of the underlying acts instead of on the terminology used in describing various offenses.

Article 2 also provides for the inclusion of (1) ancillary misdemeanors and (2) attempts and conspiracies. This in effect creates an exception to the dual criminality rule. Further, the inclusion of all extraterritorial crimes, once an extraditable offense is proved, is viewed as a useful tool in obtaining perpetrators of such transnational crimes as drug dealing and terrorism.

Article 4 sets out the political offense exception to extraditable crimes. The provision is in keeping with the trend toward narrowing the scope of the political offense exception to exclude certain universally condemned crimes that are the subject of multilateral agreements. Under these agreements, covering such crimes as hostage taking, air hijacking, aircraft sabotage, and attacks on internationally protected persons, a party State must either prosecute a person accused of a covered crime or extradite the person for trial elsewhere. Attacks on a head of State or his or her family also are generally excluded from political offenses. The Jordan Treaty is consistent with this approach and Jordan is party to the major international agreements on sabotage, terrorism, narco-trafficking and similar universally condemned crimes.

Though the Jordan Treaty narrows the political offense exception somewhat, it does not do so to the same extent as certain recently

concluded treaties with democratic allies, such as in the 1986 treaty with the United Kingdom.

Article 5 addresses prior prosecution and bars extradition for an offense for which the person sought has been convicted or acquitted in the Requested State. Because the restriction is limited to offenses and not acts, it appears that extradition may be permissible where extradition is sought for a different offense arising from the same pattern of conduct that was the basis of the Requested State prosecution.

Like many recent treaties, the Jordan Treaty states that extradition is not precluded for offenses which the Requested State has investigated or begun and then dropped prosecution. Unlike some recent treaties, the Jordan Treaty does not permit discretionary denials of extradition in such cases.

Article 6 permits extradition regardless of the applicable statutes of limitation. Although there is precedent for this provision, it is uncommon as most treaties bar extradition if the statute of limitation in the Requesting State has lapsed. Under this Treaty, objections would be raised at trial after extradition has been completed.

Article 15 authorizes both the seizure and surrender of tangible evidence of the offense for which extradition is granted. The Treaty does not, however, constitute an independent legal basis for seizing and surrendering evidence.

Article 21 states that the Treaty will apply to offenses committed prior to the date it enters into force. This provision does not violate *ex post facto* protection under the Constitution as that provision applies only to punishing acts that were not criminal when committed, not to transferring a defendant for acts that were criminal when committed but for which no transfer agreement then existed. This retroactivity provision is of the broadest type but is common in many treaties concluded during the past 15 years.

COMMITTEE COMMENTS

The Committee on Foreign Relations recommends Senate advice and consent to ratification of the Extradition Treaty between the Government of the United States and the Government of the Hashemite Kingdom of Jordan. If ratified, the Treaty will be the first extradition treaty ever concluded between the United States and Jordan. The Treaty will enhance the U.S.-Jordan law enforcement relationship by enabling greater cooperation between the two Governments in the combat of crime.

The form and content of the Treaty is fairly typical of other extradition treaties recently concluded by the United States. Subject to the terms of the Treaty, the Parties agree to extradite to one another fugitives who have been accused or convicted of committing an offense punishable by both Parties by deprivation of liberty or other form of detention for more than 1 year, or by a more severe penalty. The Committee endorses this type of "dual criminality" clause, rather than a list of specific offenses, as it obviates the need for the Parties to agree on particular offenses that will be extraditable or to amend the treaty as new criminal offenses are developed by the Parties.

The Treaty provides that extradition shall not be refused based on the nationality of the person sought, and that a decision wheth-

er to grant a request for extradition shall be made without regard to provisions of the law of either Contracting State concerning statutes of limitation on the extraditable offense. The Treaty also provides for the provisional arrest and detention of fugitives pending receipt by the competent authority of the Requested State of a fully documented extradition request. It specifies the procedures to govern the surrender and return of fugitives, and also provides for the temporary surrender of fugitives incarcerated in one State to stand trial on other charges in the courts of the other State. The Committee notes that the Treaty is retroactive, and, if ratified, will permit the extradition of persons charged with offenses committed before as well as after the Treaty enters into force.

The Committee supports ratification of the Treaty as it is a positive step in bilateral relations between the United States and Jordan, and most importantly, in the efforts of both Governments to combat serious crime, such as terrorism and sabotage. The Committee therefore recommends that the Senate grant early advice and consent to ratification.

COMMITTEE ACTION

The Committee considered the Treaty at its business meeting on May 2, 1995, and voted by voice vote with a quorum present to report it favorably to the Senate for its advice and consent.

ARTICLE-BY-ARTICLE ANALYSIS OF PROVISIONS

ARTICLE 1—OBLIGATION TO EXTRADITE

The first article of the Treaty, like the first article in every recent United States extradition treaty, formally obligates each Party to extradite to the other persons charged with or convicted of an extraditable offense, subject to the provisions of the remainder of the Treaty. The article refers to charges brought by the authorities "in" the Requesting State rather than "of" the Requesting State, since the obligation to extradite, in cases arising from the United States, would include state and local prosecutions as well as federal cases. It was agreed that the term "found guilty" includes instances in which the person has been convicted but a sentence has not yet been imposed.[1] The negotiators intended to make it clear that the Treaty applies to persons who have been adjudged guilty but fled prior to sentencing.

ARTICLE 2—EXTRADITABLE OFFENSES

This article contains the basic guidelines for determining what are extraditable offenses. This treaty, like the recent United States extradition treaties with Jamaica, Italy, Ireland, Thailand, Sweden (Supplementary Convention), and Costa Rica, does not list the offenses for which extradition may be granted. Instead, paragraph 1 of the article permits extradition for any offense punishable under the laws of both countries by deprivation of liberty (i.e., imprisonment, or other form of detention), for more than 1 year, or by a more severe penalty such as capital punishment. Defining extraditable offenses in terms of "dual criminality" rather than attempt-

[1] See, Stanbrook and Stanbrook, "Extradition: The Law and Practice," 25–26 (1979).

ing to list each extraditable crime obviates the need to renegotiate the treaty or supplement it if both countries pass laws dealing with a new type of criminal activity or if the list inadvertently fails to cover an important type of criminal activity punishable in both countries.

During the negotiations, the United States delegation received assurances from the Jordanian delegation that key offenses such as operating a continuing criminal enterprise (Title 21, United States Code, Section 848) would be extraditable, and that offenses under the RICO statutes (Title 18, United States Code, Sections 1961–1968) would be extraditable if the predicate offense is an extraditable offense. The Jordanian delegation also stated that extradition would be possible for such high priority offenses as drug trafficking, terrorism, money laundering, certain forms of tax fraud or tax evasion, certain environmental protection offenses, and antitrust offenses that would be punishable in both states by at least one year of imprisonment.[2] The delegations also agreed that the international abduction of a child by one of its own parents is a crime in both states for which extradition would be possible in appropriate circumstances.[3]

Paragraph 2 follows the practice of recent extradtion treaties in providing that extradition should also be granted for attempting or conspiring to commit, or participating in the commission of an extraditable offense. Conspiracy charges are frequently used in United States criminal cases, particularly those involving complex transnational criminal activity, so it was especially important that the Treaty be clear on this point. According to the Jordanian delegation, Jordan has no general conspiracy statute like Title 18, United States Code, Section 371.[4] Therefore, paragraph 2 creates an exception to the "dual criminality" rule of paragraph 1 by expressly making conspiracy an extraditable crime if the offense which was the object of the conspiracy is an extraditable offense. The paragraph creates a similar exception for the Jordanian offense of participation in an offense.

Paragraph 3 reflects the intention of both countries to interpret the principles of this article broadly. Judges in foreign countries are often confused by the fact that many United States federal statutes require proof of certain elements (such as use of the mails or interstate transportation) solely to establish jurisdiction in the United States federal courts. Because these foreign judges know of no similar requirement in their own criminal law, they occasionally have denied the extradition of fugitives sought by the United States on federal charges on this basis. This paragraph requires that such elements be disregarded in applying the dual criminality

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[2] In response to a question from the Jordanian delegation, the U.S. delegation noted that in general incest is punishable by more than one year of imprisonment in the U.S., but that blasphemy, adultery, and criminal defamation are not punishable by more than 1 year of imprisonment.

[3] See Title 18, U.S. Code, Section 1204. Jordan's delegation told the U.S. delegation that if one of the parents obtains a court order for custody of a minor child, and the other parent abducts the child, the abducting parent would be punishable under Article 291 of Jordan's Penal Code 1960, which states: "Anyone who abducts or takes away a minor under the age of 15 years, even with his/her consent, with the aim of removing him/her from those who have custody or guardianship over him/her, shall be punished by a prison sentence ranging from 1 month to 3 years, and a fine ranging from 5 to 25 dinars. * * *"

[4] The closest analogue seems to be the offense of "ishtorok," proscribed in Section 75 of Jordan's Penal Code, which makes it an offense to participate in or plan a criminal offense.

principle. For example, Jordanian authorities must treat United States mail fraud charges (Title 18, United States Code, Section 1341) in the same manner as fraud charges under state laws, and view the federal crime of interstate transportation of stolen property (Title 18, United States Code, Section 2314) in the same manner as unlawful possession of stolen property. This paragraph also requires a Requested State to disregard differences in the categorization of the offense in determining whether double criminality exists, and to overlook mere differences in the terminology used to define the offense under the laws of each country. A similar provision is contained in all recent United States extradition treaties.

Paragraph 4 deals with the fact that many federal crimes involve acts committed wholly outside United States territory. Our jurisprudence recognizes jurisdiction in our courts to prosecute offenses committed outside of the United States if the crime was intended to, or did, have effects in this country, or if the legislative history of the statute shows clear Congressional intent to assert such jurisdiction.[5] In Jordan, however, the Government's ability to prosecute extraterritorial offenses is much more limited. Therefore, Article 2(4) reflects Jordan's agreement to recognize United States jurisdiction to prosecute offenses committed outside of the United States regardless of where the offense was committed.

Paragraph 5 states that when extradition has been granted for an extraditable offense it shall also be granted for any other offense for which all of the requirements for extradition have been met except for the requirement that the offense be punishable by more than 1 year of imprisonment. For example, if Jordan agrees to extradite to the United States a fugitive wanted for prosecution on a felony charge, the United States will also be permitted to obtain extradition for any misdemeanor offenses that have been charged, as long as those misdemeanors would also be recognized as criminal offenses in Jordan. Thus, the Treaty incorporates recent United States extradition practice by permitting extradition for misdemeanors committed by a fugitive when the fugitive's extradition is granted for a more serious extraditable offense. This practice is generally desirable from the standpoint of both the fugitive and the prosecuting country in that it permits all charges against the fugitive to be disposed of more quickly, thereby facilitating trails while evidence is still fresh and permitting the possibility of concurrent sentences. Similar provisions are found in recent extradition treaties with countries such as Australia, Ireland, Italy, and Costa Rica.

Some recent United States extradition treaties provide that persons who have convicted of an extraditable offense and sentenced to imprisonment may be extradited only if at least a certain specified portion of the sentence (often 6 months) remains to be served on the outstanding sentence. The treaty with Jordan contains no such requirement. Provisions of this kind are an attempt to limit extradition to serious cases because of the significant costs associated with the process. However, the negotiators of this treaty felt that the particular sentence imposed or outstanding is not nec-

[5] Restatement (Third) of the Foreign Relations Law of the United States §402 (1987); Blakesley, "United States Jurisdiction over Extraterritorial Crime," 73 Journal of Criminal Law and Criminology 1109 (1982).

essarily a measure of the seriousness of the crime,[6] and concluded that the Treaty's goals could be served by the exercise of discretion and good judgment in the administration of the Treaty without arbitrary limits imposed in the terms of the agreement itself. This is the approach taken in our extradition treaties with other countries including Australia, Canada, Jamaica, New Zealand, and the United Kingdom.

ARTICLE 3—NATIONALITY

Some countries refuse to extradite their own nationals to other countries for trial or punishment, or are prohibited from doing so by their statutes or constitution. The United States does not deny extradition on the basis of the offender's citizenship,[7] and the Extradition Law 1927 contains no exception for Jordanian nationals. Therefore, in Article 3 of the Treaty, each State promises not to refuse extradition on the ground that the person sought is a national of the Requested State.

ARTICLE 4—POLITICAL AND MILITARY OFFENSES

Paragraph 1 of this article prohibits extradition for a political offense. This is a common provision in United States extradition treaties. The United States and Jordanian delegations discussed the jurisprudence of each country regarding the "political offense" doctrine. For the United States, political offense has generally been construed narrowly by our courts to exclude common crimes. The Jordanian delegation indicated that in addition to "political" crimes such as treason and sedition, in some circumstances Jordan may consider some common crimes such as robbery to fund a political movement as a political offense.

Paragraph 2 describes three categories of offenses that shall not be considered to be political offenses.

First, the political offense exception does not apply where there is a murder or other violent crime[8] against the person of a Head of State of the Contracting States or a member of the Head of State's family.

Second, the political offense exception does not apply to offenses that are included in a multilateral treaty, convention, or international agreement that requires the parties to either extradite the person sought or submit the matter for prosecution. The treaties to which this clause applies include the Convention on Offenses and Certain Other Acts Committed On Board Aircraft;[9] the Convention

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[6] *Cf. United States* v. *Clark*, 470 F. Supp. 976, 978 (D. Vt. 1979) ("Leniency in sentencing does not give rise to a bar to extradition.") Reliance on the amount of the sentence remaining to be served can produce anomalous results. For instance, a murderer who escapes from custody with less than 6 months of his sentence remaining can hardly resist extradition on the ground that murder is not a serious offense.

[7] See generally Shearer, "Extradition in International Law" 110–114 (1970); 6 Whiteman, "Digest of International Law" 871–876 (1968). Our policy of drawing no distinction between nationals of the United States and those of other countries in extradition matters is underscored by Title 18, U.S. Code, Section 3196, which authorizes the Secretary of State to extradite U.S. citizens pursuant to treaties that permit (but do not expressly require) surrender of citizens, if other requirements of the Treaty have been met.

[8] The phrase "violent crime" was used to make it clear that offenses such as defamation would not fall within this provision.

[9] Done at Tokyo September 14, 1963, and entered into force December 4, 1969 (20 UST 2941; TIAS 6768; 704 UNTS 219).

on the Suppression of Unlawful Seizures of Aircraft (Hijacking);[10] the Convention for the Suppression of Unlawful Acts Against the Safety of Civil Aviation (Sabotage);[11] the Convention on the Prevention and Punishment of Crimes Against Internationally Protected Persons, Including Diplomatic Agents;[12] the International Convention Against the Taking of Hostages;[13] and the United Nations Convention Against the Illicit Traffic in Narcotic Drugs and Psychotropic Substances.[14]

Third, the political offense exception does not apply to conspiracy or attempt to commit, or participation in, any of the foregoing offenses.

Article 4(3) provides that extradition shall be denied if the competent authority of the Requested State finds that the request was politically motivated.[15] The term "competent authority" is defined in Article 22 of the Treaty, and means, for the United States, the appropriate authorities of the executive branch. This is consistent with the longstanding law and practice of the United States, under which the Secretary of State alone has the discretion to determine whether an extradition request is based on improper political motivation.[16]

The final paragraph of the article states that the competent authority of the Requested State may deny extradition if the request relates to an offense under military law which would not be an offense under ordinary criminal law.[17]

ARTICLE 5—PRIOR PROSECUTION

This article will permit extradition in situations in which the fugitive is charged with different offenses in each of the two countries arising out of the same basic transaction.

The first paragraph prohibits extradition if the offender has been convicted or acquitted in the Requested State for the offense for which extradition is requested, and is similar to language present in many United States extradition treaties. The parties agreed that this provision applies only when the offender is convicted or acquitted in the Requested State of exactly the same crime with which he is charged in the Requesting State. It would not be enough that

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[10] Done at the Hague December 16, 1970, and entered into force October 14, 1971 (22 UST 1641; TIAS 7192).

[11] Done at Montreal September 23, 1971, and entered into force January 26, 1973 (24 UST 564; TIAS 7570).

[12] Done at New York December 14, 1973, and entered into force February 20, 1977 (28 UST 1975; TIAS 8532).

[13] Done at New York December 17, 1979, and entered into force June 3, 1983 and for the United States Jan. 6, 1985 (TIAS 11081).

[14] Done at Vienna December 20, 1988, and entered into force November 11, 1990. Both the United States and Jordan also are parties to the Single Convention on Narcotic Drugs, done at New York March 30, 1961, entered into force December 13, 1964, and the Amending Protocol to the Single Convention, done at Geneva March 25, 1972, and entered into force August 8, 1975.

[15] There are similar provisions in many recent treaties. See Article III(3), US-Jamaica Extradition Treaty, signed at Kingston June 14, 1983, entered into force July 7, 1991 (UST); Article 5(4), US-Spain Extradition Treaty, signed at Madrid May 29, 1970, and entered into force June 16, 1971 (22 UST 737, TIAS 7136, 796 UNTS 245); Article 4, US-Netherlands Extradition Treaty, signed at The Hague June 24, 1980, and entered into force September 15, 1983 (TIAS 10733); and Article IV(c), US-Ireland Extradition Treaty, signed at Washington July 13, 1983, and entered into force December 15, 1984 (TIAS 10813).

[16] See *Eain* v. *Wilkes*, 641 F.2d 504, 513–518 (7th Cir.) *cert. denied* 454 U.S. 894 (1981); *Koskotas* v. *Roche*, 740 F. Supp. 904 (D. Mass. 1990), *aff'd* 931 F.2d 169 (1st Cir. 1991).

[17] An example of such an offense is desertion. *Matter of Suarez-Mason*, 694 F. Supp. 676, 703 (N.D. Cal. 1988).

the same facts were involved. Thus, if an offender is accused in one State of illegally smuggling narcotics into the country, and is charged in the other State of unlawfully exporting the same shipment of drugs, an acquittal or conviction in one State would not insulate him from extradition, for different crimes are involved.

Paragraph 2 makes it clear that neither State can refuse to extradite an offender on the ground that the Requested State's authorities declined to prosecute the offender, or instituted proceedings against the offender and thereafter elected to discontinue the proceedings. This provision was included because a decision of the Requested State to forego prosecution, or to drop charges already filed, may result from failure to obtain sufficient evidence or witnesses for trial, whereas the Requesting State may not suffer from the same impediments. This provision should enhance the ability to extradite if the Requesting State has the better chance of a successful prosecution.

ARTICLE 6—LAPSE OF TIME

Article 6 states that the decision to grant an extradition request must be granted or denied without regard to provisions of the law regarding lapse of time in either contracting state. The U.S. and Jordanian delegations agreed that a claim that the statute of limitations has expired is best resolved by the courts of the Requesting State after the fugitive has been extradited.[18]

ARTICLE 7—CAPITAL PUNISHMENT

The first paragraph of Article 7 permits the Requested State to refuse extradition in cases where the offense for which extradition is sought would be punishable by death in the Requesting State, but not in the Requested State, unless the Requesting State, provides assurances the Requested State considers sufficient that the death penalty will not be carried out. Similar provisions are found in many recent United States extradition treaties.[19] The United States delegation sought this provision because Jordan imposes the death penalty for some crimes that are not punishable by death in the United States.[20]

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[18] This is consistent with settled law in the United States, which holds that lapse of time is not a defense to extradition unless the treaty specifically provides to the contrary. *Freedman* v. *United States*, 437 F. Supp. 1252 (D. Ga. 1977); *United States* v. *Galanis*, 429 F. Supp. 1215 (D. Conn. 1977).

Some United States extradition treaties do permit extradition to be denied if the statute of limitations has run in the Requesting State. See, e.g., Article 4(1)(ii), U.S.-Canada Extradition Treaty, signed December 3, 1971, and entered into force March 22, 1976 (3 UST 2826, TIAS 8237). Others require denial of the request if the statute of limitations would have run in the Requested State had the offense been committed in that state. See, e.g., Article 6, U.S.-Netherlands Extradition Treaty, supra note 14; Article 4, U.S.-Japan Extradition Treaty, signed March 3, 1978, and entered into force March 26, 1980 (31 UST 892, TIAS 9625). A few treaties require denial if the statute of limitations has run or would have run in either State. See, e.g., Article V(1)(b), U.S.-U.K. Extradition Treaty, signed June 8, 1972, and entered into force January 21, 1977 (28 UST 227, TIAS 8468); U.S.-Mexico Extradition Treaty signed May 4, 1978, and entered into force January 25, 1980 (TIAS 9656, 31 UST 5059).

[19] E.g., Article 7, U.S.-Netherlands Extradition Treaty, *supra* note 17; Article 6, US-Ireland Extradition Treaty, *supra* note 17.

[20] The Jordanian delegation informed the U.S. delegation that in Jordan, the death penalty is prescribed in the 1960 Penal Code, the 1952 Military Penal Code, and several individual laws for murder, for crimes against the security of the state, for illegal possession of weapons, for the rape of a girl less than fifteen years of age, and for a number of offenses related to drug trafficking. The death penalty is also permitted for killing, torture, or "barbaric treatment" by an armed gang (defined as three or more persons roaming public roads or countryside together).

The second paragraph of this article provides that when the Requesting State gives assurances in accordance with paragraph 1, the assurances shall be respected, and the death penalty, if imposed, shall not be carried out.

ARTICLE 8—EXTRADITION PROCEDURES AND REQUIRED DOCUMENTS

This article sets out the documentary and evidentiary requirements for an extradition request, and is generally similar to articles in the United States' most recent extradition treaties.

The first paragraph requires that each formal request for extradition be submitted through the diplomatic channel.[21] A formal extradition request may be preceded by a request for the provisional arrest of the fugitive under Article 11, and provisional arrest requests need not be initiated through diplomatic channels if the requirements of Article 11 are met.

Article 8(2) outlines the information that must accompany every request for extradition under the Treaty. Article 8(3) describes the additional information needed when the person is sought for trial in the Requesting State; Article 8(4) describes the information needed, in addition to the requirements of Article 8(2), when the person sought has already been tried and convicted in the Requesting State.

Most of the items listed in Article 8(2) enable the Requested State to determine quickly whether extradition is appropriate under the Treaty. For example, Article 8(2)(c) calls for "the texts of the laws describing the essential elements of the offense for which extradition is requested," enabling the Requested State to determine easily whether any claimed lack of dual criminality would be a basis for denying extradition under Article 2. Some of the items listed in Article 8(2), however, are required strictly for information purposes. Thus, Article 8(2)(a) calls for information on the nationality of the person sought even though this Treaty does not permit denial of extradition based on nationality. The United States and Jordanian delegations agreed that Article 8(2)(a) should require this information so that the Requested State would be fully informed about the offender's background.

Article 8(3)(c) requires that if the fugitive is a person who has not yet been convicted of the crime for which extradition is requested, the Requesting State must provide "such evidence as would provide a reasonable basis to believe that the person sought committed the offense for which extradition is requested." U.S. law permits extradition only when there is probable cause to believe that an extraditable offense was committed and the offender committed it,[22] and this clause effectively includes that requirement in the Treaty. During the negotiations, the Jordanian delegation assured the United States that under Jordanian law, the outstanding U.S. arrest warrant and the "recovery file," or formal papers supporting the request, should constitute sufficient evidence for extradition.

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[21] This is consistent with Section 8, Extradition Law 1927.

[22] Courts applying Title 18, U.S. Code, Section 3184, have long required probable cause for international extradition. Restatement (Third) of the Foreign Relations Law of the United States, § 476, comment b (1987).

Article 8(4) describes the information needed in addition to the requirements of Article 8(2) when the person sought has already been tried and convicted in the Requesting State. Article 8(4) makes it clear that once a conviction has been obtained, no showing of probable cause is required. In essence, the fact of conviction speaks for itself, a position taken in recent United States court decisions, even without a specific treaty provision.[23] However, Article 8(4)(d) states that if the person sought was found guilty *in absentia*, the documentation required for extradition must include both proof of conviction and the documentation required under paragraph 3 of this article. This is consistent with the longstanding United States policy of requiring such documentation in extradition proceedings of persons convicted *in absentia*.

ARTICLE 9—ADMISSIBILITY OF DOCUMENTS

Article 9 governs the authentication procedures for documents prepared for use in extradition cases.

The article requires that the documents be certified by the principal diplomatic or consular officer of the Requested State resident in the Requesting State.[24]

The article also permits documents to be admitted into evidence if they are authenticated in such other manner as may be permitted under the law of the Requested State. For example, there may be information in the Requested State itself which is relevant and probative to extradition, and the Requested State is free under this subsection to utilize that information if the information satisfies the ordinary rules of evidence in that State. This ensures that evidence that is acceptable under the evidentiary rules of the Requested State may be used in extradition proceedings even if it is not otherwise authenticated pursuant to the Treaty. This paragraph also should ensure that relevant evidence that would normally satisfy the evidentiary rules of the requested country is not excluded at the extradition hearing simply because of an inadvertent error or omission in the authentication process.

ARTICLE 10—TRANSLATION

Article 10 of the Treaty requires that all extradition documents be translated into the language of the Requested State. The Parties could consult pursuant to Article 20 regarding this requirement and consider waiving it in particular cases.

ARTICLE 11—PROVISIONAL ARREST

This article describes the process by which a person in one country may be arrested and detained while the formal extradition papers are being prepared in the Requesting State.

Paragraph 1 expressly provides that a request for provisional arrest may be made directly between the United States Department of Justice and the Ministry of Justice in the Hashemite Kingdom of Jordan. The provision also indicates that Interpol may be used

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[23] See, e.g., *Spatola* v. *United States*, 741 F.Supp. 362, 374 (E.D.N.Y. 1990), *aff'd* 925 F.2d 615 (2nd Cir. 1991); *United States* v. *Clark*, 470 F.Supp. 976 (D. Vt. 1979).

[24] This provision is consistent with requirements imposed by United States law. See Title 18, U.S. Code, Section 3190.

to transmit such a request.[25] Experience has shown that the ability to use such direct channels in emergency situations can be crucial when a fugitive is poised to flee.

Paragraph 2 states the information that the Requesting State must provide in support of such a request.

Paragraph 3 states that the Requesting State must be notified without delay of the outcome of the request and the reasons for any denial.

Paragraph 4 provides that the fugitive may be released from detention if the Requesting State does not file a fully documented request for extradition with the competent authority of the Requested State within sixty days of the date on which the person was arrested pursuant to this treaty.[26] Article 22 states that the term "competent authority" means the "appropriate authorities of the executive branch" for the United States. Thus, when the United States is the Requested State, the "competent authority" for purposes of Article 11(4) would include the Secretary of State or the United States Embassy in Amman.[27] The Requested State has the discretion, upon application of the Requesting State, to extend the sixty day period by an additional thirty days.

Although the person sought may be released from custody if the documents are not received within the sixty day period or any extension thereof, the extradition proceedings against the fugitive need not be dismissed. Article 11(5) makes it clear that in such cases the person may be taken into custody again and the extradition proceedings may commence when the formal request is presented.

ARTICLE 12—DECISION AND SURRENDER

This article requires that the Requested State promptly notify the Requesting State of its decision on the extradition request. If extradition is denied, the Requested State must provide the reasons for the denial. If extradition is granted, the article requires that the two States agree on a time and place for surrender of the person. The Requesting State must remove the fugitive within the time prescribed by the law of the Requested State, or the person may be discharged from custody, and the Requested State may subsequently refuse to extradite for the same offense. United States law requires that such surrender occur within two calendar months of the finding that the offender is extraditable,[28] or of the conclusion of any litigation challenging that finding,[29] whichever is later. The law in Jordan specifies that the surrender must take place within two months.[30]

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[25] Similar provisions appear in many recent U.S. extradition treaties.

[26] Section 9(3) of the Extradition Law 1927 requires the Magistrate handling a provisional arrest to release the person arrested "unless he receives an order from [the King] (within a period of time whose duration shall be determined by the magistrate depending upon the circumstances of that case) informing him that [the King] had received an extradition request for that criminal."

[27] *United States* v. *Clark,* 470 F. Supp. 976, 979 (D. Vt. 1979).

[28] Title 18, U.S. Code, Section 3188.

[29] *Jimenez* v. *United States District Court,* 84 S.Ct. 14, 11 L. Ed 2d 30 (1963) (decided by Goldberg, J., in chambers). See also *Liberto* v. *Emery,* 724 F. 2d 23 (2d Cir. 1983); *In Re United States,* 713 F. 2d 105 (5th Cir. 1983); *Barrett* v. *United States,* 590 F. 2d 624 (6th Cir. 1978).

[30] Section 13, Extradition Law 1927.

ARTICLE 13—DEFERRED AND TEMPORARY SURRENDER

Occasionally, a person sought for extradition may be facing prosecution or serving a sentence on other charges in the Requested State. Article 13 provides a means for the Requested State to defer extradition in such circumstances until the conclusion of the proceedings against the person sought and the service of any punishment that may have been imposed. Similar provisions appear in our recent extradition treaties with countries such as The Bahamas and Australia.

Article 13(1) provides for the temporary surrender of a person wanted for prosecution in the Requesting State who is being prosecuted or is serving a sentence in the Requested State. A person temporarily transferred pursuant to this provision will be returned to the Requested State at the conclusion of the proceedings in the Requesting State. Such temporary surrender furthers the interests of justice in that it permits trial of the person sought while evidence and witnesses are more likely to be available, thereby increasing the likelihood of successful prosecution. Such transfer may also be advantageous to the person sought in that: (1) it allows him to resolve the charges sooner; (2) subject to the laws of each State, it may make it possible for him to serve any sentence in the Requesting State concurrently with the sentence in the Requested State; and (3) it permits him to defend the charges while favorable evidence is fresh and more likely to be available to him. Similar provisions are found in many recent extradition treaties.

Article 13(2) provides that the executive authority of the Requested State may postpone the surrender of a person who is serving a sentence in the Requested State until the full execution of the punishment which has been imposed.[31] The provision's wording makes it clear that the Requested State may postpone the initiation of extradition proceedings as well as the surrender of a person facing prosecution or serving a sentence.

ARTICLE 14—REQUESTS FOR EXTRADITION MADE BY SEVERAL STATES

This article reflects the practice of many recent United States extradition treaties and lists some of the factors that the executive authority of the Requested State must consider in determining to which country a person should be surrendered when reviewing requests from two or more States for the extradition of the same person. For the United States, the Secretary of State would make this decision;[32] for Jordan, the decision would be made by the King.[33]

ARTICLE 15—SEIZURE AND SURRENDER OF PROPERTY

This article provides for the seizure by the Requested State of all property—articles, instruments, objects of value, documents, or other evidence—relating to the offense, to the extent permitted by the Requested State's internal law. The article also provides that these objects shall be surrendered to the Requesting State upon the

[31] Under United States law and practice, the Secretary of State would make this decision. *Koskotas* v. *Roche*, 740 F. Supp. 904, 920 (D. Mass. 1990), *aff'd*, 931 F. 2d 169 (1st Cir. 1991).

[32] *Cheng Na-Yuet* v. *Hueston*, 734 F. Supp. 988 (S.D. Fla. 1990), *Aff'd*, 932 F. 2d 977 (11th Cir. 1991).

[33] The Extradition Law 1927 appears to be silent on this.

granting of the extradition or even if extradition cannot be effected due to the death, disappearance, or escape of the fugitive. The second paragraph states that the Requested State may condition its surrender of property upon satisfactory assurances that the objects will be returned as soon as practicable. The obligation to surrender property under this provision is subject to due respect for the rights of third parties to such property. The article also permits the surrender of property to be deferred if it is needed as evidence in the Requested State.

ARTICLE 16—RULE OF SPECIALITY

This article covers the principle known as the rule of speciality, which is a standard aspect of United States extradition practice. Designed to ensure that a fugitive surrendered for one offense is not tried for other crimes, the rule of speciality prevents a request for extradition from being used as a subterfuge to obtain custody of a person for trial or service of sentence on different charges that may not be extraditable under the Treaty or properly documented at the time that the request is granted.

Since a variety of exceptions to the rule have developed over the years, this article codifies the current formulation of the rule by providing that a person extradited under the Treaty may only be detained, tried, or punished in the Requesting State for (1) the offense for which extradition was granted,[34] or a differently denominated offense based on the same facts, provided the offense is extraditable or is a lesser included offense; (2) for offenses committed after the extradition; and (3) for other offenses for which the competent authority of the Requested State gives consent.[35] Article 16(1)(c)(ii) permits the State which is seeking consent to pursue new charges to detain the defendant for ninety days while the Requested State makes its determination on the application.

Paragraph 2 prohibits the Requesting State from surrendering the person to a third State for a crime committed prior to extradition under this treaty without the consent of the State from which extradition was first obtained. [36]

Finally, paragraph 3 permits the detention, trial, or punishment of an extraditee for additional offenses, or the extradition of that person to a third State, (1) if the extraditee leaves and returns to the Requesting State, or (2) if the extraditee does not leave the Requesting State within 10 days of being free to do so.

The delegations discussed including a provision to the Treaty that would have required that the person extradited receive credit for the time spent in custody in the Requested State prior to extradition. The delegations also considered a provision stating that if the person extradited is acquitted, the Requesting State must return him to the Requested State at its own expense. It was decided to leave both these matters to be handled in accordance with the law of the Requesting State.

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[34] See section 6(B), Extradition Law 1927.

[35] In the United States, the Secretary of State has the authority to consent. See *Berenguer v. Vance*, 473 F. Supp. 1195, 1199 (D.D.C. 1979).

[36] A similar provision is contained in all recent U.S. extradition treaties.

ARTICLE 17—WAIVER OF EXTRADITION

Persons sought for extradition frequently elect to waive their right to extradition proceedings and to expedite their return to the Requesting State. This article provides that when a fugitive consents to surrender to the Requesting State, the person may be returned to the Requesting State as expeditiously as possible without further proceedings. The Parties anticipate that in such cases there would be no need for the formal documents described in Article 8, or further judicial or administrative proceedings of any kind.

If the United States is the Requested State and the person sought elects to return voluntarily to Jordan before the United States Secretary of State signs a surrender warrant, the process would not be deemed an "extradition," and the long-standing U.S. policy is that the rule of speciality in Article 16 will not apply to such cases.[37]

ARTICLE 18—TRANSIT

Article 18(1) gives each State the power to authorize transit through its territory of persons being surrendered to the other country by third countries.[38] Requests for transit are to contain a description of the person whose transit is proposed and a brief statement of the facts of the case with respect to which he is being surrendered to the Requesting State. The request may be transmitted via diplomatic channels or through Interpol. The negotiators agreed that the diplomatic channels will be employed as much as possible for requests of this nature.

Article 18(2) describes the procedure each State should follow when seeking to transport a person in custody through the territory of the other. Under this provision, no advance authorization is needed if the person in custody is in transit to one of the Parties and is travelling by aircraft and no landing is scheduled in the territory of the other Party. Should an unscheduled landing occur in the other State, that State may require a request for transit at that time, and may grant the request if, in its discretion, it deems it appropriate to do so. The Treaty ensures that the person will be kept in custody for up to 96 hours until a request for transit is received, and thereafter until the transit executed. During the negotiations, the delegations agreed that when transit under this article is contemplated, the costs entailed by transit would be allocated in accordance with the extradition arrangement between the Requesting and Requested States with respect to the particular extradition at issue.

ARTICLE 19—REPRESENTATION AND EXPENSES

The first paragraph of this article provides that the United States will represent Jordan in connection with a request from Jordan for extradition before the courts in this country, and the Jordanian Government will arrange for the representation of the United States in connection with United States extradition requests to Jordan.

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[37] *Cf.* Article 16, US-Netherlands Treaty, *supra* note 17.
[38] A similar provision is in all recent U.S. extradition treaties.

Paragraph 2 provides that the Requested State will bear all expenses of extradition except those expenses relating to the ultimate transportation of a fugitive to the Requesting State and the translation of documents, which expenses are to be paid by the Requesting State. Cases may arise in which it may be necessary for the Requesting State to retain private counsel to assist in the presentation of the extradition request, and in such cases the fees of private counsel retained by the Requesting State must be paid by the Requesting State.

Paragraph 3 provides that neither State shall make a pecuniary claim against the other in connection with extradition proceedings, including arrest, detention, examination, or surrender of the fugitive. This includes any claim by the fugitive for damages, reimbursement, or legal fees, or other expenses occasioned by the execution of the extradition request.

ARTICLE 20—CONSULTATION

Article 20 of the Treaty provides that the United States Department of Justice and the Ministry of Justice in Jordan may consult with each other directly or via Interpol with regard to an individual extradition case or on extradition procedures in general. A similar provision is found in a number of U.S. extradition treaties awaiting ratification.[39]

ARTICLE 21—APPLICATION

This treaty, like most of the other United States extradition treaties negotiated in the past two decades, is expressly made retroactive, and accordingly covers offenses that occurred before the Treaty entered into force.

ARTICLE 22—DEFINITION

Article 22 states that for the United States, the term "competent authority" used in Articles 4(3), 4(4), 11(4), 14, and 16(1)(c) in the Treaty means the appropriate authorities of its executive branch.

ARTICLE 23—RATIFICATION AND ENTRY INTO FORCE

Article 23 contains standard treaty language providing that the Treaty shall be subject to ratification after each contracting state has completed its internal legal processes for approval of the Treaty. The exchange of instruments of ratification will take place at Washington, DC, and the Treaty will enter into force immediately upon the exchange.

ENTRY INTO FORCE

The Treaty shall enter into force upon the exchange of instruments of ratification by the United States and Jordan.

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[39] See Article 19, U.S.-Belgium Extradition Treaty, signed at Brussels April 27, 1987; Article 24, U.S.-Switzerland Extradition Treaty, signed at Bern Nov. 11, 1990; Article 18, U.S.-Philippines Extradition Treaty, signed at Manila Nov. 13, 1994; Article 21, U.S.-Hungary Extradition Treaty, signed at Budapest Dec. 1, 1994.

TEXT OF RESOLUTION OF RATIFICATION

Resolved (two-thirds of the Senators present concurring therein), That the Senate advise and consent to the ratification of the Extradition Treaty between the Government of the United States of America and the Government of the Hashemite Kingdom of Jordan, signed at Washington on March 28, 1995.

APPENDIX

QUESTIONS FOR THE RECORD SUBMITTED TO THE DEPARTMENTS OF STATE AND JUSTICE BY THE SENATE COMMITTEE ON FOREIGN RELATIONS, MAY 1, 1995

Jordan

Question. With which other countries has the United States negotiated an extradition treaty of this type, which does not specifically list the offenses for which extradition may be granted?

Answer. United States extradition treaties since the late 1970's have generally used a "dual criminality" formulation, which typically provides that an offense will be extraditable if it is punishable under the laws in both Contracting States by deprivation of liberty for a period of more than one year or by a more severe penalty. Older U.S. extradition treaties typically included a negotiated list of extraditable offenses. Defining extraditable offenses using a dual criminality approach obviates the need to renegotiate or supplement the treaty if both Parties pass laws dealing with new types of criminal behavior or if the list inadvertently fails to cover an important type of criminal activity punishable in both countries.

In addition to the treaty with Jordan, dual criminality provisions are standard in other extradition treaties recently negotiated by the United States. Examples of "dual criminality" treaties currently in force are Australia, Canada, Costa Rica, Denmark, Finland, Germany, Ireland, Italy, Jamaica, The Netherlands, Spain, Sweden and Thailand.

Question. Does the definition of "extraditable offense" include only federal offenses or also those offenses punishable by more than a year of imprisonment under individual state laws?

Answer. The definition of "extraditable offense" includes offenses under both federal and state laws in the United States. This means that both state and federal prosecutors may seek the extradition of fugitives from Jordan under the treaty.

Question. Under what circumstances or for what reasons may the United States legally, under the treaty, refuse extradition to Jordan of a U.S. citizen?

Answer. The treaty provides a number of grounds under which the United States may deny extradition of U.S. citizens and of non-U.S. citizens. For example, the United States can deny extradition if the offense for which extradition sought does not comply with the treaty's dual criminality provisions (Article 2); if the crimes charged are political or military offenses, or if the charges are politically motivated (Article 4); if the fugitive has been convicted or acquitted of the charges in the United States (Article 5); if assur-

ances regarding the death penalty are requested by the United States but not granted by Jordan (Article 7); if Jordan does not submit the documentation required to support a request for extradition (Article 8); if the fugitive is not removed from the Requested State once extradition has been granted (Article 12); or if the fugitive is extradited to another State (Article 14). In addition, extradition may be delayed until a United States prosecution or punishment of the fugitive sought by Jordan is completed.

Moreover, the treaty does not in any way alter existing U.S. law which requires, as a prerequisite for extradition, that a U.S. court must find, based on the information submitted by the country requesting extradition, that there is probable cause to believe that the crime charged was committed and that the person whose extradition is sought committed that crime.

Question. Could the United States refuse extradition in the case of a U.S. citizen who is charged with a crime for which the penalty in Jordan is significantly more severe than the penalty in the United States?

Answer. The United States could refuse extradition in circumstances where a particular crime was punishable by the death penalty in Jordan but not in the United States. Article 7 of the Treaty provides that when the offense for which extradition is sought is punishable by death under the laws in the Requesting State and is not punishable by death under the laws in the Requested State, the Requested State may refuse extradition unless the Requesting State provides such assurances as the Requested State considers sufficient that the death penalty, if imposed, shall not be carried out.

In other cases, in keeping with modern U.S. extradition treaty practice, a crime will be extraditable if it is punishable under the laws in both Contracting States by deprivation of liberty for a period of more than one year or by a more severe penalty, regardless of whether the punishment might be more severe in one or the other Contracting State. Because the United States frequently imposes more severe penalties for crimes than our treaty partners, we do not negotiate provisions that would allow one party to refuse extradition based on the severity of the penalty, with the exception of the special death penalty provision noted above.

We note that under United States law, the Secretary of State has the ultimate discretion to refuse extradition to another government under any extradition treaty.

Question. Could the United States refuse extradition in the case of a U.S. citizen accused of a crime if such crime was committed in response to an act which is a crime in the U.S. but not in Jordan? For example, if a woman fled to the U.S. with her child (which is kidnapping) because her husband had married another woman, or had committed some other act which is illegal in the U.S. but not in Jordan, would she be extraditable under the treaty?

Answer. Crimes are extraditable under the treaty if they are punishable under the laws in both Contracting States by deprivation of liberty for a period of more than one year or by a more severe penalty. The exceptions to this general obligation to extradite are discussed in our answer to Question #3. In addition, the Secretary of State has the ultimate discretion under United States law

to refuse extradition to another government under the extradition treaty.

The Jordan extradition treaty, like other extradition treaties negotiated by the United States, does not address the motivation of the individuals sought under the treaty, but instead focuses on whether the crime at issue is criminal in both jurisdictions and whether the treaty's other criteria for extradition are met.

Question. Can residents of either country use the treaty to force a government to initiate extradition procedures? For instance, could a Palestinian living in Jordan appeal under the treaty for extradition from the U.S. of an Israeli citizen accused of expropriation of Palestinian land or other offenses?

Answer. The rights under the treaty are held by the two Contracting States, i.e., the United States and Jordan. The treaty specifically provides that requests for extradition shall be submitted by the Requesting State to the Requested State. While private parties can request that their governments take certain actions under the treaty, they cannot "force" their government to initiate extradition procedures.

Question. How does the treaty define "political offense"? Who, specifically, will make the ultimate determination of whether or not an offense is political or whether a request for extradition is politically motivated?

Answer. The phrase "political offense" is not defined in the treaty, not is it defined any of the extradition treaties of the United States, although it appears in virtually all of them. Consequently, what constitutes a non-extraditable "political offense" under United States law is a product of U.S. jurisprudence, i.e., the body of judicial decisions that has addressed the issue. Under U.S. jurisprudence, certain offenses such as treason, espionage and conducting peaceful political demonstrations would be considered political offenses by their very nature. In addition, under U.S. law, even common crimes such as assault or kidnapping have sometimes been considered political offenses for which extradition has been barred based on the particular circumstances of the case.

As under virtually all of our extradition treaties, it is the U.S. extradition court which determines whether an offense is a political offense. If the court finds the crime is a political offense for which extradition is barred, the person may not be surrendered. However, even where a court does not find the crime to be a political offense, the Secretary of State reserves the right to refuse extradition based on a determination that particular conduct is a political offense.

Under Article 4930 of the treaty, a determination that conduct is "politically motivated" and therefore non-extraditable may only be made by the "competent authority" of the Requested State, which for the United States will be the Secretary of State. This is consistent with U.S. caselaw on the issue of political motivation in extradition cases.

Question. In what ways, if any, does Article 4 of this treaty differ from political offense articles in other extradition treaties that the United States has ratified?

Answer. Article 4 of the treaty is typical of several of the political offense articles negotiated in recent years by the United States (e.g., The Bahamas and The Philippines). It provides that political

offenses are non-extraditable, but states that the following are not to be considered political offenses: a murder or other violent crime against the person of a Head of State of one of the Contracting States, or of a member of the Head of State's family; an offense for which both Contracting States have the obligation pursuant to a multilateral international agreement or treaty to extradite the person sought or to submit the case to their competent authorities for decision as to prosecution; and a conspiracy or attempt to commit, or participate in, any of the foregoing offenses. Thus, offenses under terrorism or narcotics multilateral conventions to which the United States and Jordan are both parties would never be considered political offenses under the treaty. Some recent U.S. extradition treaties, particularly those negotiated with Canada and several European countries, limit even further the possible application of the political offense exception to preclude denial of extradition for certain enumerated common crime.

Article 4 also includes other provisions typical of recent U.S. extradition treaties, providing that extradition shall not be granted if the competent authority of the Requested State determines that the request was politically motivated, and that the competent authority of the Requested State may refuse extradition for offenses under military law which are not offenses under ordinary criminal law.

Question. The Department of State's ''Country Reports on Human Rights Practices for 1994'' states that in Jordan, ''human rights abuses include arbitrary arrest; mistreatment of detainees; prolonged detention without charge; lack of due process; official discrimination against adherents of the Baha'i faith; and restrictions on women's rights. Citizens do not have the right to change their form of government* * *''. Should the United States conclude extradition treaties with governments that do not protect human rights and civil liberties we regard as fundamental?

Answer. The United States and the Hashemite Kingdom of Jordan have cooperated on law enforcement issues for many years. The negotiation of this treaty is a logical outgrowth of our past mutually beneficial cooperation and reflects our joint commitment to combat serious crime. Ratification of the U.S.-Jordan extradition treaty will enhance the scope of this cooperation. The two governments initiated treaty negotiations in 1994 when the absence of such a treaty precluded the extradition from Jordan to the United States of a dual U.S.-Jordanian national charged in the U.S. with the murder of his wife and the kidnapping of his minor children.

As noted in your question, the State Department expressed concern about a number of human rights issues in Jordan in this year's human rights report. Jordan's record can, in our view, be improved. The Government of Jordan has been responsive to U.S. concerns raised in the annual report in the past. We will continue to urge further progress in this area. We have had a useful dialogue with Jordan on human rights and legal issues, including in connection with this treaty.

We are confident that legal proceedings facing an American citizen in Jordan, extradited under the terms of this treaty, would be handled fairly and expeditiously under the provisions of Jordanian law and practice. In addition, the Committee may be assured that

the trial and rights of U.S. citizens extradited to Jordan would be carefully monitored by our Embassy in Amman.

With respect to Jordan's political system, we continue to support strongly progress toward greater political participation by Jordanian citizens. Encouragement of this process has been a regular feature of our bilateral dialogue.

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