

## **Notes on International Extradition**

1. Extradition rights and responsibilities are established by treaty with a foreign state, usually a bilateral treaty. Provisions for extradition differ depending on the particular agreement.
2. Actions to seek extradition to the United States (or to a specific state within the US such as Mississippi) are made through the US Department of State.
3. International extradition, unlike domestic extradition, observes the doctrine of speciality. According to this legal doctrine, an individual who is extradited may only be tried for the offense(s) specified in the extradition request.
4. Generally, a request for extradition will not be honored by a foreign state if the crime for which the accused is sought is a “political crime.”
5. Generally, a request for extradition will not be honored if the crime for which trial is sought is not a criminal offense in the sending state.
6. Most “first world” countries have outlawed the death penalty and refuse extradition of a defendant who will be exposed to the death penalty. Among the leading nations, only the US, Japan, and the Peoples’ Republic of China impose the death penalty. To avoid this problem, US authorities frequently agree to waive the death penalty in specific cases in order to facilitate the extradition process.