

TRANSNATIONAL CRIMINAL LITIGATION

SPRING 2006 – MALOY

I. INTRODUCTION

U.S. Attorneys' Manual
Sections 9-13.500 to 9-15.800

II. INTERNATIONAL EXTRADITION

M. Cherif Bassiouni*¹. *International Extradition: United States Law and Practice*,
Fourth Edition, pp. 29-51.

- A. Modern or Conventional Extradition Treaty
 - Martin v. Warden*, 993 F.2d 824 (11th Cir. 1993)
 - Valentine v. United States ex. rel. Neidecker*, 299 U.S. 5, 57 S.Ct. 100 (1936)
 - John G. Kester, *Myths of United States Extradition Law*, 76 Georgetown Law Journal, 1441-93 (1988)
 - M. Cherif Bassiouni*, *International Extradition: United States Law Practice*, Fourth Edition, pp. 67-96

- B. Kidnapping or Trickery – “Extraordinary Rendition”
 - Ker v. Illinois*, 119 U.S. 436, 7 S.Ct. 225 (1886)
 - Frisbie v. Collins*, 342 U.S. 519, 72 S.Ct. 509 (1952)
 - United States v. Alvarez-Machain*, 504 U.S. 655, 112 S.Ct. 2188 (1992)

- C. The *Toscanino* Exception
 - United States v. Toscanino*, 500 F.2d 267 (2d Cir. 1974)
 - United States v. Lira*, 515 F.2d 68 (2d Cir. 1975)

- D. The Doctrine of Specialty
 - United States v. Rauscher*, 119 U.S. 407, 7 S.Ct. 234 (1886)

- E. The “Political Offense” Exception
 - [Handout will be provided later]

- F. Deportation and Asylum
 - *I.N.S. v. Doherty*, 502 U.S. 314, 112 S.Ct. 719 (1992)
 - Demjanjuk v. Meese*, 784 F.2d 1114 (D.C. Cir. 1986)
 - Singh v. I.N.S.*, 94 F.3d 1353 (9th Cir. 1996)
 - I.N.S. v. Aguirre-Aguirre*, 526 U.S. 415, 119 S.Ct. 1439 (1999)

- G. Separation of Powers
 - In re Extradition of Chan Seong-I*, 346 F.Supp.2d 1149 (D.N.M. 2004)

¹ All Bassiouni Articles are provided in printed form at the copy center.

- H. Review by Secretary of State
M. Cherif Bassiouni*, *International Extradition: United States Law and Practice*, Fourth Edition, pp. 890-898

III. USING INTERNATIONAL LAW TO CREATE RIGHTS AND REMEDIES

- A. *Soering*, 161 Eur. Ct. H.R. (ser. A) at 3945 (1989), 11 Eur. H.R. Rep. 439 (1989)
- B. William A. Schabas, *Indirect Abolition: Capital Punishment's Role in Extradition Law and Practice*, 25 Loyola L.A. Int'l. and Comp. L. Rev. 581 (2003)
- C. *Cornejo-Barreto v. Seifert*, 379 F.3d 1075 (9th Cir. 2004)
- D. *United States v. Duarte-Acero*, 208 F.3d 1282 (11th Cir. 2000)
- E. *Breard v. Greene*, 523 U.S. 371, 118 S.Ct. 1352 (1998)
- F. *Sosa v. Alvarez-Machain*, 124 S.Ct. 2739 (2004)
- G. *Medellin v. Dretke*, 371 F.3d 270 (5th Cir. 2004)
- H. On Petition for Writ of Certiorari to the United States Court of Appeals for the Fifth Circuit, *Medellin v. Dretke*, 2004 WL 2851246 (2004)
- I. Vienna Conventions provision

IV. EXTRATERRITORIAL JURISDICTION

- A. *Cook v. United States*, 288 U.S. 102, 53 S.Ct. 305 (1933)
- B. *United States v. Noriega*, 117 F.3d 1206 (11th Cir. 1997)
- C. *United States v. Yunis*, 681 F. Supp. 909 (D.D.C. 1988)

V. OBTAINING EVIDENCE FROM ABROAD

- A. *United Kingdom v. United States*, 238 F.3d 1312 (11th Cir. 2001)
- B. *In re Commissioner's Subpoenas*, 325 F.3d 1287 (11th Cir. 2003)
- C. *United States v. Nippon Paper Industries*, 17 F. Supp.2d 38 (D. Mass. 1998)
- D. *United States v. McKeeve*, 131 F.3d 1 (1st Cir. 1997)
- E. *United States v. Verdugo-Urquidez*, 494 U.S. 259, 110 S.Ct. 1056 (1990)
- F. *United States v. Barona*, 56 F.3d 1087 (9th Cir. 1995)
- G. *United States v. Bin Laden*, 2001 WL 30061 (S.D.N.Y. 2001)

H. *United States v. Yates*, 391 F.3d 1182 (11th Cir. 2004)

VI. INTERNATIONAL PROSECUTIONS

A. *Foreign Corrupt Practices Act Indictment Need Not Allege Details of Business Nexus*, 74 Crim. L. Rep. (BNA) 328 (2004). (*U.S. v. Kay* summary)

B. *United States v. Lee*, 90 F. Supp. 2d 1324 (D.N.M. 2000)

VII. APPENDIX