

Senate Committee on Foreign Relations
Chairman Richard G. Lugar
Opening State for Hearing On Bilateral Law Enforcement Treaties
November 15, 2005

The Committee meets today to hear testimony on four bilateral law enforcement treaties. Within the Congress, the Senate Foreign Relations Committee is charged with the unique responsibility of reviewing treaties negotiated by the Administration. Our colleagues in the Senate depend on us to make timely and judicious recommendations on treaties. We are pleased that Administration officials are with us today, and we look forward to hearing why they believe the Senate should approve the four treaties under consideration.

In advance of this hearing, Committee staff members have reviewed these treaties carefully. They have held two formal Committee briefings covering the treaties, with Administration representatives available to answer questions. I appreciate the support and cooperation of Senator Biden throughout this process.

Today, we welcome Mr. Samuel Witten, Deputy Legal Adviser at the Department of State, and Ms. Mary Ellen Warlow, Director of the Office of International Affairs in the Criminal Division at the Department of Justice. They will testify on extradition treaties with the United Kingdom and Israel and mutual legal assistance treaties, or M-LATs, with Germany and Japan. These four countries are close U.S. allies, with whom the United States enjoys excellent cooperation in the areas of law enforcement and anti-terrorism.

Extradition and mutual legal assistance treaties provide critical tools for U.S. law enforcement authorities as they investigate and prosecute transnational crime, including terrorism. Extradition treaties ensure that those who commit crimes in the United States cannot escape justice by fleeing to other countries.

The extradition treaties with the United Kingdom and Israel are designed to update our existing extradition relationships with these two countries. Upon entry into force, the treaty with the United Kingdom would replace the existing U.S.-UK Extradition Treaty, which dates back to 1972. The Protocol with Israel would amend an existing agreement that was negotiated in 1962. Among other provisions, both treaties would move away from the use of a specified list of offenses that are extraditable and toward a modern dual criminality standard for extradition. The dual criminality standard allows perpetrators of serious offenses that are a crime in both countries to be extradited.

The Committee is aware that particular interest has been expressed about the treaty with the United Kingdom. The Committee will carefully consider this treaty, and expects to hold an additional hearing next year to hear from witnesses outside our government. Today, we want to establish a record of the Administration's views on the treaty to which the Committee and all interested parties can refer as we continue our deliberations.

Mr. Witten and Ms. Warlow also will address new mutual legal assistance treaties that have been negotiated with Germany and Japan. M-LATs commit the signatories to provide each other with assistance related to criminal investigations, including establishing streamlined mechanisms for sharing criminal evidence. The treaties with Germany and Japan are the latest in a series of such agreements negotiated by the United States over the last couple of decades. They contain many provisions similar to those in earlier agreements.

I commend the American negotiators who have worked on these four agreements, some of which are the product of years of patient diplomacy. I look forward to the contributions of our witnesses.

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