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WITHDRAWAL SHEET

Ronald Reagan Library

Collection Name NORTH, OLIVER: FILES

Withdrawer

DLB 1/3/2007

File Folder TERRORISM: UNITED STATES-BRITISH (10/01/1986-11/03/1986)

FOIA

F02-071/3

Box Number 14

COLLINS

35

ID	Doc Type	Document Description	No of Pages	Doc Date	Restrictions
31730	MEMO	OLIVER NORTH, ROBERT EARL, CRAIG COY TO JOHN POINDEXTER, RE: U.S.-UK TERRORISM TALKS ON NOVEMBER 17, 1986	1	10/1/1986	B1
31731	LETTER	OLIVER NORTH TO ROGER BONE <i>R 8/4/2008 F02-071/3</i>	1	10/14/1986	B1
31732	LETTER	R B BONE TO OLIVER NORTH RE: UK/US DISCUSSIONS ON TERRORISM <i>D 4/10/2012 F2002-071/3</i>	1	8/25/1986	B1
31733	MEMO	RODNEY MCDANIEL TO NICHOLAS PLATT, RE: RESPONSE TO UK ACTIONS <i>R 8/4/2008 F02-071/3</i>	1	ND	B1
31734	PAPER	IMMEDIATE USG RESPONSE <i>R 8/4/2008 F02-071/3</i>	1	ND	B1

Freedom of Information Act - [5 U.S.C. 552(b)]

B-1 National security classified information [(b)(1) of the FOIA]

B-2 Release would disclose internal personnel rules and practices of an agency [(b)(2) of the FOIA]

B-3 Release would violate a Federal statute [(b)(3) of the FOIA]

B-4 Release would disclose trade secrets or confidential or financial information [(b)(4) of the FOIA]

B-6 Release would constitute a clearly unwarranted invasion of personal privacy [(b)(6) of the FOIA]

B-7 Release would disclose information compiled for law enforcement purposes [(b)(7) of the FOIA]

B-8 Release would disclose information concerning the regulation of financial institutions [(b)(8) of the FOIA]

B-9 Release would disclose geological or geophysical information concerning wells [(b)(9) of the FOIA]

C. Closed in accordance with restrictions contained in donor's deed of gift.

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NATIONAL SECURITY COUNCIL
WASHINGTON, D.C. 20508

31731

October 14, 1986

~~U.S. SECRET~~

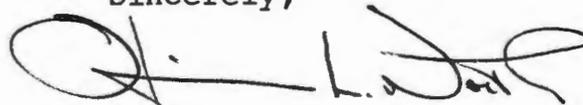
Dear Roger:

This is in response to your letter of August 25, 1986, inviting the U.S. counter-terrorist delegation to London for a further round of discussions with HMG. We are pleased to accept the invitation for discussions on Monday, November 17, 1986. As in the past, the Operations Sub-Group of our Terrorist Incident Working Group (OSG-TIWG) will serve as the U.S. delegation.

Our current plans call for our group to arrive London Sunday evening, November 16, and depart Monday evening, November 17, after the talks are completed. Unless plans change, we intend to arrive and depart via U.S. military aircraft.

Over the course of the next several weeks, we will coordinate with you on agenda items of interest to your government and ours.

Sincerely,



Oliver L. North

Mr. Roger Bone
Counselor
British Embassy
3100 Massachusetts Avenue, N.W.
Washington, D.C. 20008

~~U.S. SECRET~~
Declassify: OADR

DECLASSIFIED
NLRR F02-071/3# 31731
BY LOI NARA DATE 8/4/08

WITHDRAWAL SHEET

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NORTH, OLIVER: FILES

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31732	LETTER R B BONE TO OLIVER NORTH RE: UK/US DISCUSSIONS ON TERRORISM	1	8/25/1986	B1

Freedom of Information Act - [5 U.S.C. 552(b)]

- B-1 National security classified information [(b)(1) of the FOIA]
- B-2 Release would disclose internal personnel rules and practices of an agency [(b)(2) of the FOIA]
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National Security Council
The White House

System # II *081*

Package # 90684

DOCLOG BI A/O _____

06 OCT 2 P 3 22

	SEQUENCE TO	HAS SEEN	DISPOSITION
Bob Pearson	<u>1</u>	<u>P</u>	<u>A</u>
Rodney McDaniel	<u>2</u>	<u>M</u>	<u>A</u>
Rodman/Cockell	_____	_____	_____
Al Keel	_____	_____	_____
Paul Thompson	_____	_____	_____
Florence Gantt	_____	_____	_____
John Poindexter	_____	_____	_____
Rodney McDaniel	_____	_____	_____
NSC Secretariat	<u>4</u>	_____	<u>D</u>
Situation Room	_____	_____	_____
<u>Nest</u>	<u>4</u>	_____	<u>A</u>

I = Information A = Action R = Retain D = Dispatch N = No further Action

cc: VP Regan Buchanan Other _____

COMMENTS

Should be seen by: _____

(Date/Time)

FAWN -
NEED OLCIE
TO SIGN

C

October 20, 1986

OLLIE:

Talk to Martin Morland about a call we received on Monday, October 20 (three calls) from Tom Bower, London BBC.

Mr. Bower claimed that he had spoken with Martin Morland regarding Libya and Mr. Morland had suggested that he talk to Oliver North on deep background.

We were going to suggest to Mr. Bower that he talk to Amb Bremer and in warning Bremer's office come to find out that Bower has already spoken to them (Mike Kraft, Dave Long).

Bower was called and told that Mr. North could not meet the request for a "deep backgrounder" and, in addition, we understood that he had already talked to State S/CT.

~~SECRET~~

North

SYSTEM II
90738
FOLLOW-ON

NATIONAL SECURITY COUNCIL
WASHINGTON, D.C. 20506

October 24, 1986

~~SECRET~~

ACTION

MEMORANDUM FOR JOHN M. POINDEXTER

FROM: OLIVER L. NORTH
DENNIS B. ROSS
JAMES R. STARK

SUBJECT: Further Response to Hindawi Conviction

Attached at Tab I is a memo from Rod McDaniel to Nicholas Platt requesting State concurrence on the draft White House press statement at Tab A and comments on the interagency suggested next steps at Tab B.

RECOMMENDATION

That you approve transmitting the memo at Tab I.

Approve _____

Disapprove _____

Attachments

- Tab I - McDaniel Memo to Platt
- Tab A - Draft White House Press Statement
- Tab B - Immediate USG Response to Hindawi Conviction

DECLASSIFIED

White House Guidelines, 10 June 88, 1007

dlb NARA, Date 11/2/07

~~SECRET~~

Declassify: OADR

~~SECRET~~

~~SECRET~~

SYSTEM II
90738
FOLLOW-ON

NATIONAL SECURITY COUNCIL
WASHINGTON, D.C. 20506

~~SECRET~~

31733

MEMORANDUM FOR MR. NICHOLAS PLATT
Executive Secretary
Department of State

SUBJECT: Response to UK Actions re: Hindawi Conviction (S)

Attached is a proposed press statement for use by the White House press spokesman at noon today. This statement further supports the decision of Her Majesty's Government to break relations with Syria and announces that, as a first step, the United States has recalled its Ambassador to Damascus. Your concurrence in the statement at Tab A is requested by 11:30 this morning so that it can be used by the Presidential party at 12:00 noon EDT. If the Department of State concurs in the attachment, appropriate reference to this decision will be included in the President's public remarks today. The attachment is classified Confidential until released. (C)

The President has also asked for an immediate review of additional steps which can be taken to support the British decision and help convince Syria to desist from its support for international terrorism. At Tab B are several immediate steps which have been suggested by our interagency counter-terrorist experts. It is requested that the Department of State in conjunction with the Department of Defense and the Central Intelligence Agency review the measures suggested at Tab B and develop appropriate coordinated public affairs guidance by close of business today. (S)

Rodney B. McDaniel
Executive Secretary

Attachments

- Tab A - Draft White House Press Statement
- Tab B - Media USG Response to Hindawi Conviction

~~SECRET~~
Declassify: OADR

~~SECRET~~

DECLASSIFIED

NLRR F02-071/3# 31733
BY LOJ NAWA 8/4/08

Initial US Response to Hindawi Conviction

Today the British Government has broken diplomatic relations with Syria as a result of Syrian government involvement in the attempt to bomb an El Al passenger airplane. The conviction of Nizer Hindawi and his sentencing to 45 years in prison reflects the gravity of the crime and the natural response of a civilized nation. The President notes that had it not been for the vigilance of those responsible for security at Heathrow Airport, over 400 persons would have perished.

A state that encourages and takes part in terrorism isolates itself from the civilized world. The United States will consult and cooperate with others to bring practical meaning to that isolation--diplomatically, politically, economically.

We applaud the reaction of Her Majesty's Government. We support the British decision. Our Ambassador is being withdrawn from Syria. In the coming days we will be in close consultation with HMG and other allies regarding additional steps that we and others will take.

including 230 Americans

~~SECRET~~

~~SECRET~~

31734

IMMEDIATE USG RESPONSE TO HINDAWI CONVICTION (S)

The conviction of Nizar Hindawi for the attempted bombing of the El Al flight at London's Heathrow airport in April 1986 provides the most conclusive evidence since the early 1970's of direct Syrian involvement in terrorism. A month earlier, Syria was directly implicated in the bombing of the German-Arab Friendship Union in West Berlin. The British decision to break diplomatic relations with Syria affords us the opportunity to take steps that both support HMG's decision and galvanize the international community into action. (S)

The steps we take in the next few days will serve to emphasize that our opposition to state-sponsored terrorism is broader than just Libya. Most importantly, we have the opportunity to affect Assad's perception of American resolve and the consequences of his continued support for terrorism. Accordingly, the measures below are suggested as immediate next steps, following the announcement that our Ambassador to Damascus is being withdrawn:

- Restrict the movement of all Syrian diplomatic personnel in the United States to within 25 miles of their diplomatic posts. (S)
- Implement an immediate restriction on the availability of visas for Syrians travelling to the United States and conduct extensive (and time consuming) review of all applications. (S)
- Issue a travel advisory warning U.S. citizens against travel to Syria and urge those in Syria to depart. (S)
- Urge the Summit Seven countries, in the spirit of the Tokyo Summit, to take coordinated action against Damascus vis-a-vis Syria's support for terrorism. Urge similar coordinated action from moderate Arab and other governments. (S)

The President has asked that the Department of State, in conjunction with the Department of Defense and the Central Intelligence Agency, review the application of the measures above for implementation in the next 48-96 hours. The Department of State should develop appropriate, coordinated public affairs guidance to accompany each step in the process. (S)

~~SECRET~~
Declassify: OADR

~~SECRET~~

DECLASSIFIED
NLRP FOI-071/3#31734
BY LOI NARA DATE 8/4/08

OK
m

Q: WHAT FUTURE STEPS DO YOU INTEND TO TAKE?

A: We are in the process of consulting with the British, other Allies, and other interested countries to decide what future actions are most appropriate.

Q: WHAT KINDS OF STEPS ARE YOU CONSIDERING? DO THESE INCLUDE MILITARY STEPS?

A: We are considering a full range of actions, but I am not going to get into this any further at this point. We have already withdrawn our Ambassador in Damascus. Our first priority now will be to consult with the British, our other European allies, as well as other interested governments to ensure that the steps that we and they take have the greatest possible effect.

Q: YOU HAVE SAID THAT THOSE WHO SUPPORT TERRORISM WILL PAY A PRICE. LAST APRIL YOU TOOK MILITARY ACTION AGAINST LIBYA. WILL YOU TAKE THE SAME ACTION AGAINST SYRIA?

A: The President's policy on terrorism is very clear, as our statement indicated. I am not going to speculate further on what kinds of actions we may take.

Q: WILL THE U.S. BREAK DIPLOMATIC RELATIONS WITH SYRIA?

A: At this time, we have decided to withdraw our Ambassador in Damascus. It would not be productive to comment further.

Q: DID YOU KNOW IN ADVANCE OF THE BRITISH DECISION TO BREAK RELATIONS WITH SYRIA:

A: The British Government made their decision on the basis of the evidence presented in the Hindawi trial. We applaud their action. Our governments are in close consultation on this matter.

Q: WHAT WILL THE IMPACT OF THIS DECISION BE ON THE MIDDLE EAST PEACE PROCESS?

A: We should be very clear on this. The peace process is the target of those who conduct terrorism. Their aim is to threaten those who would make peace. We are determined to resist terrorism and to promote the peace process. I might add that as of today Syria has directly and publicly been implicated as a sponsor of an international act of terrorism. The destruction of an Israeli airliner with over 300 innocent passengers, including 230 Americans, could never be justified.

Q: WHAT STEPS HAS THE U.S. TAKEN AGAINST SYRIA?

A: Syria is included in the list of countries identified as sponsors of terrorism along with Libya, Iran, South Yeman, and North Korea. We already imposed bans against the shipment of arms to Syria.

Q: WAS LIBYA INVOLVED IN THE ATTEMPTED BOMBING OF THE EL AL AIRLINER?

A: There was no evidence presented in the Hindawi trial that implicated Libya in this particular incident.

Q: WAS SYRIA INVOLVED IN THE HIJACKING OF THE PAN AM AIRCRAFT IN KARACHI? WHAT ABOUT ANY NEW EVIDENCE OF LIBYAN INVOLVEMENT?

A: The Pakistani Government is continuing its investigation of the hijacking. It would not be proper to comment further as their legal process proceeds.

Q: HOW WILL THIS ACTION AFFECT THE AMERICANS HELD HOSTAGE IN BEIRUT? ARE THE HOSTAGES IN JEOPARDY AS A RESULT OF THIS ACTION?

A: This case is not related to the American hostages. We have consistently charged the captors with responsibility for the safety of the Americans they hold hostage.

Q: HAS THE ADMINISTRATION BEEN IN CONTACT WITH THE SYRIAN GOVERNMENT?

A: The Government of Syria has been notified of our plans to withdraw our Ambassador. We have consistently expressed our deep concern about their continued involvement in international terrorism.

Q: THE SOVIETS ARE THE SYRIAN'S PATRONS. ARE THEY RESPONSIBLE FOR THIS IN SOME WAY AS WELL?

A: The issue of terrorism has come up in our discussions with the Soviets. They have said they oppose terrorism. We count on them to use their influence with the Syrians to bring about an end to Syrian sponsorship of international terrorism.

Coy

NATIONAL SECURITY COUNCIL
WASHINGTON, D.C. 20506

SEN _____
RLE _____
CPC _____
FILE _____
COMMENT _____

November 3, 1986

ACTION

MEMORANDUM FOR JOHN M. POINDEXTER

FROM: PETER R. SOMMER *PS*

SUBJECT: Ratification of Supplementary Extradition Treaty
with the United Kingdom

Attached at Tab A for signature by the President is the instrument of ratification of the Supplementary Extradition Treaty with the United Kingdom. The Senate gave its advice and consent to ratification on July 17, 1986, subject to amendments which are incorporated in the instrument of ratification.

This is the instrument of ratification for our long sought revision to the US-UK Extradition Treaty -- which does away with the political exception offense. You will recall it took the Senate over a year to ratify the amended treaty and that Senate consent included strong language to the effect that the US will not sign similar treaties with totalitarian or non-democratic countries and that this amended treaty should not be considered a precedent.

RECOMMENDATION

That you sign the Tab I memo forwarding the Treaty to the President for signature.

Approve _____ Disapprove _____

C
Craig Coy and Paul Thompson *(re-hand)* concur.

- Attachments
- Tab I Memo to the President
 - Tab A Document for Signature
 - Tab II Incoming Memorandum from State

THE WHITE HOUSE

WASHINGTON

7916

ACTION

MEMORANDUM FOR THE PRESIDENT

THROUGH: THE EXECUTIVE CLERK

FROM: JOHN M. POINDEXTER

SUBJECT: Ratification of Supplementary Extradition Treaty
with the United Kingdom

Issue

To sign the instrument of ratification of the Supplementary Extradition Treaty with the United Kingdom.

Facts

After long debate and your personal involvement, the Senate gave its advice and consent to ratification on July 17, 1986, subject to amendments which are incorporated in the instrument of ratification. The Supplementary Treaty revises the existing treaty to do away with the political offense exception.

You will recall that in giving its advice and consent, the Senate included strong language to the effect that the US will not sign similar treaties with totalitarian or non-democratic countries and that this amended treaty -- with its political offense exception -- should not be considered a precedent.

Recommendation

OK

NO

—

—

That you sign the instrument of ratification,
in duplicate, at Tab A.

Attachment

Tab A Document for Signature

Prepared by:
Peter R. Sommer



October 30, 1986

MEMORANDUM FOR VADM JOHN M. POINDEXTER
THE WHITE HOUSE

Subject: Ratification of Supplementary Extradition Treaty with
the United Kingdom

Attached for signature by the President is the instrument of ratification, in duplicate, of the Supplementary Extradition Treaty between the United States of America and the United Kingdom of Great Britain and Northern Ireland, with Annex signed at Washington on June 25, 1985.

The Senate gave its advice and consent to ratification on July 17, 1986, subject to amendments which are incorporated in the instrument of ratification. The United Kingdom has indicated its acceptance of the amendments. In addition to the amendments, the Senate gave its advice and consent to ratification subject to the following declaration: "The Senate of the United States declares that it will not give its advice and consent to any treaty that would narrow the political offense exception with a totalitarian or other non-democratic regime and that nothing in the Supplementary Treaty with the United Kingdom shall be considered a precedent by the executive branch or the Senate for other treaties."

The purpose of the Supplementary Extradition Treaty is to revise and supplement the extradition treaty now in effect with the United Kingdom.

Article V of the current treaty that has been in force since 1977 provides that extradition shall not be granted if "the offense for which extradition is requested is regarded by the requested party as one of a political character." This clause excepting extradition for political offenses is similar to that found in all U.S. extradition treaties. However, as with these other treaties, nowhere in the U.K. treaty is it set out what crimes constitute political offenses. As a result, the courts have decided the issue on a case-by-case basis.

In three recent cases the Federal courts have denied requests by the United Kingdom for the extradition of members of the Provisional Irish Republican Army accused or convicted of committing acts of violence on the grounds that the offenses were political. Because of those cases, on June 25, 1985, the United States and the United Kingdom signed the Supplementary Extradition Treaty. It was submitted to the Senate for advice

and consent to ratification on July 17, 1985. The supplementary treaty as submitted would, for all intents and purposes, have eliminated the political exception for acts of violence and with it the traditional role of U.S. courts to deny extradition in connection with alleged political offenses.



Nicholas Platt
Executive Secretary

Attachments:

Instrument of
ratification,
in duplicate

RONALD REAGAN

President of the United States of America

TO ALL TO WHOM THESE PRESENTS SHALL COME, GREETING:

CONSIDERING THAT:

The Supplementary Extradition Treaty between the United States of America and the United Kingdom of Great Britain and Northern Ireland, with Annex was signed at Washington on June 25, 1985; and

The Senate of the United States of America by its resolution of July 17, 1986, two-thirds of the Senators present concurring therein, gave its advice and consent to ratification of the Treaty, with Annex, subject to the following amendments:

"(1) Amend Article 1 to read as follows:

'For the purposes of the Extradition Treaty, none of the following shall be regarded as an offense of a political character:

(a) an offense for which both Contracting Parties have the obligation pursuant to a multilateral international agreement to extradite the person sought or to submit his case to their competent authorities for decision as to prosecution;

(b) murder, voluntary manslaughter, and assault causing grievous bodily harm;

(c) kidnapping, abduction, or serious unlawful detention, including taking a hostage;

(d) an offense involving the use of a bomb, grenade, rocket, firearm, letter or parcel bomb, or any incendiary device if this use endangers any person; and

(e) an attempt to commit any of the foregoing offenses or participation as an accomplice of a person who commits or attempts to commit such an offense.'

(2) Amend Article 2 to read as follows:

'Nothing in this Supplementary Treaty shall be interpreted as imposing the obligation to extradite if the judicial authority of the requested Party determines that the evidence of criminality presented is not sufficient to sustain the charge under the provisions of the treaty. The evidence of criminality must be such as, according to the law of the requested Party, would justify committal for trial if the offense had been committed in the territory of the requested Party.

'In determining whether an individual is extraditable from the United States, the judicial authority of the United States shall permit the individual sought to present evidence on the questions of whether:

(1) there is probable cause;

(2) a defense to extradition specified in the Extradition Treaty or this Supplementary Treaty, and within the jurisdiction of the courts, exists; and

(3) the act upon which the request for extradition is based would constitute an offense punishable under the laws of the United States.

'Probable cause means whether there is sufficient evidence to warrant a man of reasonable caution in the belief that:

(1) the person arrested or summoned to appear is the person sought;

(2) in the case of a person accused of having committed a crime, an offense has been committed by the accused; and

(3) in the case of a person alleged to have been convicted of an offense, a certificate of conviction or other evidence of conviction or criminality exists.'

(3) Insert after Article 2 the following new article:

'Article 3

'(a) Notwithstanding any other provision of this Supplementary Treaty, 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, or that he would, if surrendered, be prejudiced at his trial or punished, detained or restricted in his personal liberty by reason of his race, religion, nationality or political opinions.

'(b) In the United States, the competent judicial authority shall only consider the defense to extradition set forth in paragraph (a) for offenses listed in Article 1 of this Supplementary Treaty. A finding under paragraph (a) shall be immediately appealable by either party to the United States district court, or court of appeals, as appropriate. The appeal shall receive expedited consideration at every stage. The time for filing a notice of appeal shall be 30 days from the date of the filing of the decision. In all other respects, the applicable provisions of the Federal Rules of Appellate Procedure or Civil Procedure, as appropriate, shall govern the appeals process.'

(4) Renumber the remaining articles 4, 5, 6, 7."

NOW, THEREFORE, I, Ronald Reagan, President of the United States of America, ratify and confirm the said Treaty, with Annex, subject to the above amendments.

IN TESTIMONY WHEREOF, I have signed this instrument of ratification and caused the seal of the United States of America to be affixed.

DONE at the city of Washington

our Lord one thousand
nine hundred eighty-six
and of the Independence
of the United States of
America the two hundred
eleventh.

By the President:

Secretary of State

SUPPLEMENTARY EXTRADITION TREATY WITH THE
UNITED KINGDOM

MESSAGE

FROM

THE PRESIDENT OF THE UNITED STATES

TRANSMITTING

THE SUPPLEMENTARY EXTRADITION TREATY BETWEEN THE
UNITED STATES OF AMERICA AND THE UNITED KINGDOM OF
GREAT BRITAIN AND NORTHERN IRELAND, WITH ANNEX,
SIGNED AT WASHINGTON ON JUNE 25, 1985



JULY 17, 1985.—Treaty was read the first time, and together with the
accompanying papers, referred to the Committee on Foreign Relations
and ordered to be printed for use of the Senate

U.S. GOVERNMENT PRINTING OFFICE

51-118 O

WASHINGTON : 1985

LETTER OF TRANSMITTAL

THE WHITE HOUSE, July 17, 1985.

To the Senate of the United States:

With a view to receiving the advice and consent of the Senate to ratification, I transmit herewith the Supplementary Extradition Treaty between the United States of America and the United Kingdom, with annex, signed at Washington on June 25, 1985.

I transmit also, for the information of the Senate, the report of the Department of State with respect to the Supplementary Treaty.

The Supplementary Treaty adds to and amends the Extradition Treaty between the United States and the United Kingdom, signed at London on June 8, 1972.

It represents a significant step in improving law enforcement cooperation and combatting terrorism, by excluding from the scope of the political offense exception serious offenses typically committed by terrorists, e.g., aircraft hijacking and sabotage, crime against diplomats, hostage taking, and other heinous acts such as murder, manslaughter, malicious assault, and certain serious offenses involving firearms, explosives, and damage to property.

The Supplementary Treaty, in addition to narrowing the application of the political offense exception to extradition, will also help improve implementation of the current Extradition Treaty in several other respects. I recommend that the Senate give early and favorable consideration to the Supplementary Treaty and give its advice and consent to ratification.

RONALD REAGAN.

LETTER OF SUBMITTAL

DEPARTMENT OF STATE,
Washington, July 3, 1985.

The PRESIDENT,
The White House.

THE PRESIDENT: I have the honor to submit to you the Supplementary Extradition Treaty between the United States of America and the United Kingdom of Great Britain and Northern Ireland, with annex, signed at Washington on June 25, 1985. I recommend that the Supplementary Treaty be transmitted to the Senate for advice and consent to ratification.

The Supplementary Treaty supplements and amends the Extradition Treaty between the United States and the United Kingdom, signed at London on June 8, 1972 (28 U.S.T. 227; TIAS 8468). The Supplementary Extradition Treaty would exclude specified crimes of violence, typically committed by terrorists, from the scope of the political offense exception to extradition. It therefore represents a significant step to improve law enforcement cooperation and counter the threat of international terrorism and other crimes of violence.

Article 1 of the Supplementary Treaty effectively limits the scope of Article V, paragraph (1)(c)(i) of the current Extradition Treaty—the political offense exception—by listing the crimes which shall not be regarded as offenses of a political character, namely: aircraft hijacking; aircraft sabotage; crimes against internationally protected persons, including diplomats; hostage taking; as well as murder; manslaughter; malicious assault; kidnapping; and specified firearms, explosives, and serious property damage offenses.

Article 2 of the Supplementary Treaty amends Article V, paragraph (1)(b) of the current Extradition Treaty by providing that extradition shall be denied if prosecution would be barred by the statute of limitations of the requesting State. The current treaty provision permits the statute of limitations of either the requesting or requested State to apply.

Article 3 of the Supplementary Treaty amends Article VIII, paragraph (2) of the current Extradition Treaty by providing that the requesting State shall have as much as 60 days following provisional arrest to submit evidence in support of an extradition request, and that if by that time such evidence has not been submitted the person arrested shall be set at liberty. The current treaty allows only 45 days.

Article 4 of the Supplementary Treaty provides that its provisions shall apply to any offense committed before or after the entry

into force of the Supplementary Treaty, but shall not apply to an offense committed before the Supplementary Treaty enters into force if the offense in question was not an offense under the laws of both Contracting Parties at the time of its commission.

Article 5 of the Supplementary Treaty provides that it shall form an integral part of the current Extradition Treaty and sets forth its territorial application for the United States and the United Kingdom, respectively.

Article 6 of the Supplementary Treaty provides that it shall enter into force upon the exchange of instruments of ratification and shall be subject to termination in the same manner as the current Extradition Treaty.

The Department of Justice joins the Department of State in favoring transmission of this Supplementary Treaty to the Senate at the earliest possible date.

Respectfully submitted,

GEORGE P. SHULTZ.



SUPPLEMENTARY TREATY CONCERNING THE EXTRADITION TREATY BETWEEN THE GOVERNMENT OF THE UNITED STATES OF AMERICA AND THE GOVERNMENT OF THE UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND, SIGNED AT LONDON ON 8 JUNE 1972

The Government of the United States of America and the Government of the United Kingdom of Great Britain and Northern Ireland;

Desiring to make more effective the Extradition Treaty between the Contracting Parties, signed at London on 8 June 1972 (hereinafter referred to as "the Extradition Treaty");

Have resolved to conclude a Supplementary Treaty and have agreed as follows:

ARTICLE 1

For the purposes of the Extradition Treaty, none of the following offenses shall be regarded as an offense of a political character:

- (a) an offense within the scope of the Convention for the Suppression of Unlawful Seizure of Aircraft, opened for signature at The Hague on 16 December 1970;
- (b) an offense within the scope of the Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation, opened for signature at Montreal on 23 September 1971;
- (c) an offense within the scope of the Convention on the Prevention and Punishment of Crimes against Internationally Protected Persons, including Diplomatic Agents, opened for signature at New York on 14 December 1973;
- (d) an offense within the scope of the International Convention against the Taking of Hostages, opened for signature at New York on 18 December 1979;
- (e) murder;
- (f) manslaughter;
- (g) maliciously wounding or inflicting grievous bodily harm;
- (h) kidnapping, abduction, false imprisonment or unlawful detention, including the taking of a hostage;
- (i) the following offenses relating to explosives:
 - (1) the causing of an explosion likely to endanger life or cause serious damage to property; or
 - (2) conspiracy to cause such an explosion; or
 - (3) the making of possession of an explosive substance by a person who intends either himself or through another person to endanger life or cause serious damage to property;
- (j) the following offenses relating to firearms or ammunition:
 - (1) the possession of a firearm or ammunition by a person who intends either himself or through another person to endanger life; or

- (2) the use of a firearm by a person with intent to resist or prevent the arrest or detention of himself or another person;
- (k) damaging property with intent to endanger life or with reckless disregard as to whether the life of another would thereby be endangered;
- (l) an attempt to commit any of the foregoing offenses.

ARTICLE 2

Article V, paragraph 1(b) of the Extradition Treaty is amended to read as follows:

“(b) the prosecution for the offense for which extradition is requested has become barred by lapse of time according to the law of the requesting Party; or”

ARTICLE 3

Article VIII, paragraph (2) of the Extradition Treaty is amended to read as follows:

“(2) A person arrested upon such an application shall be set at liberty upon the expiration of sixty days from the date of his arrest if a request for his extradition shall not have been received. This provision shall not prevent the institution of further proceedings for the extradition of the person sought if a request for extradition is subsequently received.”

ARTICLE 4

This Supplementary Treaty shall apply to any offense committed before or after this Supplementary Treaty enters into force, provided that this Supplementary Treaty shall not apply to an offense committed before this Supplementary Treaty enters into force which was not an offense under the laws of both Contracting Parties at the time of its commission.

ARTICLE 5

This Supplementary Treaty shall form an integral part of the Extradition Treaty and shall apply:

- (a) in relation to the United Kingdom: to Great Britain and Northern Ireland, the Channel Islands, the Isle of Man and the territories for whose international relations the United Kingdom is responsible which are listed in the Annex to this Supplementary Treaty;
 - (b) to the United States of America;
- and references to the territory of a Contracting Party shall be construed accordingly.

ARTICLE 6

This Supplementary Treaty shall be subject to ratification and the instruments of ratification shall be exchanged at London as soon as possible. It shall enter into force upon the exchange of instruments of ratification. It shall be subject to termination in the same manner as the Extradition Treaty.

IN WITNESS WHEREOF, the undersigned, being duly authorized thereto by their respective Governments, have signed this Supplementary Treaty.

DONE in duplicate at Washington this twenty-fifth day of June, 1985.

FOR THE GOVERNMENT OF THE UNITED STATES OF AMERICA:



FOR THE GOVERNMENT OF THE UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND:



ANNEX

- Anguilla
- Bermuda
- British Indian Ocean Territory
- British Virgin Islands
- Cayman Islands
- Falkland Islands
- Falkland Islands Dependencies
- Gibraltar
- Hong Kong
- Montserrat
- Pitcairn, Henderson, Ducie and Oeno Islands
- St. Helena
- St. Helena Dependencies
- The Sovereign Base Areas of Akrotiri and Dhekelia in the Island of Cyprus
- Turks and Caicos Islands

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