

Brazenly Courting The Criminal Elements

Extradition is the process by which persons charged with or convicted of a crime against the law of a State and found in a foreign State are returned by the latter to the former for trial and punishment. Jamaica and the US have an Extradition Treaty. Extradition Proceedings are not criminal in nature but are sui generis, a class by themselves.

Importantly, extradition proceedings do not involve the determination of the guilt or innocence of the accused, for its ultimate purpose is not to prosecute but only to determine whether the extradition request complies with the Extradition Treaty and the law implementing it, and whether the person sought is extraditable.

Jamaica's legal obligation to surrender a fugitive from US justice lies in the presence of the extradition treaty to which it is a party. It is an important, indeed significant obligation.

Extradition treaties are entered into mainly for the purpose of suppressing crimes. With the advancement of technology and the development of easier and more effective methods of private international travel, the opportunity for international criminals to evade prosecution is greater. Extradition Treaties facilitate the arrest and custodial transfer of a fugitive from one State to the other.

An Extradition treaty presupposes that both parties thereto have examined and they both accept and trust each other's legal system and judicial process. Jamaica, through its legal officers in both the Coke and Bingham requests has openly violated the US-Jamaica Extradition Treaty, by being non-responsive.

It is clear that this is a move in the wrong direction. Jamaica has serious narco-crime and needs U.S. financial support. This is the wrong time for Jamaica to brazenly court the criminal elements at the cost of its treaty obligations to the United States.

David P. Rowe is a Professor of Law at the University of Miami School of Law.

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