



## **CONFERENCE ON CROSS-BORDER PROSECUTION AND EXTRADITION IN THE U.S.-MEXICAN CONTEXT**

Sponsored by the

USD School of Law and the USD Trans-Border Institute

THURSDAY, DECEMBER 2, 2004

### **DESCRIPTION:**

On December 2, 2004, the USD School of Law and Trans-Border Institute will co-sponsor a conference on cross-border prosecution and extradition in the U.S.-Mexican context. This conference will bring together prosecutors and legal experts to address several complex legal issues that impact cross-border collaboration in law enforcement and security.

Extradition is one of the most sensitive issues in U.S.-Mexican relations. While there are numerous successful extraditions of individuals from Mexico to the United States, the U.S.-Mexico extradition treaty prohibits the use of extradition in cases where defendants face the death penalty, a punishment that is used in the United States but has not been applied in Mexican criminal law since the 1950s. In October 2001, the Mexican Supreme Court ruled that the application of life sentences in extradition cases goes against the principle of rehabilitation that forms the basis of Mexican criminal law, and therefore violates the Mexican Constitution. This ruling has caused frustration for U.S. law enforcement authorities that wish to prosecute suspected criminals who flee to Mexico using the maximum allowable penalties under the law.

Both countries have a strong desire to ensure enforcement of the law and respect for domestic legal norms, yet this issue has generated enormous tension in recent years. Moreover, despite these challenges, there are alternative legal mechanisms for cross-border prosecution and evidence gathering in the U.S.-Mexican context. These are relatively well developed, but have not been subject to in-depth evaluation and assessment. One important mechanism, Article 4 of the Mexican criminal code, allows U.S. prosecutors to assist Mexican authorities in the trial and sentencing of offenders that have fled to Mexico. Recent California legislation has allowed for the creation of a tracking mechanism for Article 4 prosecutions.

This conference will provide an opportunity for legal experts and prosecutors to discuss the legal and procedural challenges for effective cross-border collaboration between the United States and Mexico, and to consider the prospects for improved law enforcement cooperation between the two countries.