

(Decree 29-89) to confirm compliance with labor laws and reject new applications for benefits received from labor law violators.

Revoking Tax Benefits: Guatemala will issue a Government Accord requiring that the Ministry of Economy revoke tax and tariff benefits within five days of receiving notice from a labor court that an employer violated a labor law and failed to comply with the labor court's resolution.

Ensuring Worker Payments: With the help of an international institution, Guatemala will work to develop a contingency mechanism based on the extent of potential need to ensure payments owed to workers when Decree 29-89 companies close.

TRANSPARENCY AND COORDINATION

Stakeholder Input: Guatemala will publicize the Enforcement Plan and meet with the Tripartite Commission and other parties, as appropriate, to review its implementation.

Publication of Enforcement Statistics: Guatemala will publish data concerning labor complaints, inspections, violations, and court orders.⁴

BRIEF NOTES

U.S. Army Sergeant Pleads Guilty to Multiple Murders of Afghan Civilians

In June 2013, U.S. Army Staff Sergeant Robert Bales pleaded guilty before a military judge to multiple murder and other charges stemming from his killing of sixteen Afghan civilians in villages near his base in the Panjway district of Kandahar Province in March 2012.¹ Military prosecutors in the case sought the death penalty;² by pleading guilty, Bales reportedly will avoid a possible death sentence. He shot or stabbed his victims, including many women and children, before returning to his base where he was taken into custody.³ He was charged with multiple violations of the Uniform Code of Military Justice, including under Article 80 (attempted murder), Article 118 (premeditated murder), and Article 128 (assault).⁴ The killings are seen as the worst war crime committed by a single American soldier since the September 2001 terrorist attacks against the United States. Bales's sentencing is scheduled for August 2013.⁵

Two U.S. States Repeal the Death Penalty; U.S. Death Sentences Decline

Since April 2012, two more U.S. states have repealed the death penalty, bringing to seventeen the number of U.S. jurisdictions that have abandoned its use, either entirely or as a penalty

⁴ Office of the U.S. Trade Representative, Fact Sheet: Guatemala Agrees to Comprehensive Labor Enforcement Plan (Apr. 11, 2013), at <http://www.ustr.gov/about-us/press-office/fact-sheets/2013/april/guatemala-labor-enforcement>.

¹ Kirk Johnson, *Guilty Plea by Sergeant in Killing of Civilians*, N.Y. TIMES, June 6, 2013, at A11.

² Kirk Johnson, *Army Seeks Death Penalty in Afghan Massacre Case*, N.Y. TIMES, Nov. 14, 2012, at A13.

³ Kirk Johnson, *Pretrial Hearing Starts for Soldier Accused of Murdering 16 Afghan Civilians*, N.Y. TIMES, Nov. 6, 2012, at A16; Ernesto Londoño, *Soldier Is Said to Have Lacked Remorse After Afghan Massacre*, WASH. POST, Nov. 6, 2012, at A3; Ernesto Londoño, *Afghans to Take Stand in Soldier's War Crimes Hearing*, WASH. POST, Nov. 7, 2012, at A3; Kirk Johnson, *Two Views of Officer Emerge in Afghan Case*, N.Y. TIMES, Nov. 8, 2012, at A13.

⁴ A redacted copy of the DoD Form 458 charge sheet listing the charges and specifications against SSGT Bales is available online at <http://i2.cdn.turner.com/cnn/2012/images/03/23/bales.charge.pdf>.

⁵ James Dao, *Soldier Is Expected to Plead Guilty in Massacre*, N.Y. TIMES, May 30, 2013, at A13; Gene Johnson, *U.S. Soldier to Admit to Afghan Massacre*, WASH. POST, May 30, 2013, at A4; Peter Finn, *Soldier Admits to Killing 16 Afghans*, WASH. POST, June 6, 2013, at A1.

in future prosecutions.⁶ In April 2012, Connecticut's state legislature voted for repeal, and the state's governor concurred, although the repeal does not apply retroactively to eleven previously convicted persons currently under death sentences.⁷ In March 2013, Maryland's state legislature approved, and the governor signed, legislation repealing that state's death penalty.⁸ In May 2013, a group seeking revocation of Maryland's new law failed to collect sufficient signatures to force a statewide referendum on this issue.⁹

Recent efforts to end the death penalty have failed in other states. In a November 2012 statewide referendum in California, 53 percent of voters voted against a referendum to abolish the death penalty, while 47 percent of voters voted in favor.¹⁰ In May 2013, a bill to end Nebraska's death penalty failed in the state's unicameral legislature when supporters failed to gain the two-thirds majority required to end a filibuster. The vote to end the filibuster was 28-21.¹¹

The number of death sentences imposed in the United States is declining sharply;¹² seventy-seven (also reported as eighty) were imposed in 2012, about one-third the number in 2000. Forty-three people were executed in 2012, three-quarters by just four states:¹³ Texas, Oklahoma, Mississippi, and Arizona.¹⁴ In all, nine states executed inmates in 2012, the lowest number in two decades.¹⁵

United States Active in Conference of CITES Parties; U.S. Polar Bear Initiative Fails to Win Approval

The United States participated actively in the Sixteenth Conference of the Parties to the Convention on International Trade in Endangered Species (CITES)¹⁶ in Bangkok, Thailand,

⁶ Editorial, *America's Retreat from the Death Penalty*, N.Y. TIMES, Jan. 2, 2013, at A18.

⁷ Peter Applebome, *Bill to Repeal Death Penalty in Connecticut Goes to Malloy*, N.Y. TIMES, Apr. 12, 2012, at A21; David Ariosto, *Connecticut Becomes 17th State to Abolish Death Penalty*, CNN JUSTICE, Apr. 25, 2012, at <http://www.cnn.com/2012/04/25/justice/connecticut-death-penalty-law-repealed>.

⁸ Editorial, *Maryland and the Death Penalty*, N.Y. TIMES, Jan. 19, 2013, at A14; John Wagner, *Md. End of Death Penalty Passes*, WASH. POST, Mar. 16, 2013, at A1; Ian Simpson, *Maryland Becomes Latest U.S. State to Abolish Death Penalty*, REUTERS, May 2, 2013, at <http://www.reuters.com/article/2013/05/02/us-usa-maryland-death-penalty-idUSBRE9410TQ20130502>; John Wagner & Aaron C. Davis, *Death Penalty Repeal Leads Parade of Md. Laws*, WASH. POST, May 2, 2013, at A1.

⁹ *Death Penalty Supporters Petition for a Referendum on Repeal*, CBS BALTIMORE, May 3, 2013, at <http://baltimore.cbslocal.com/2013/05/03/death-penalty-supporters-to-announce-whether-they-will-petition-for-a-referendum>; *Death-Penalty-Repeal Attempt Falls Short*, WASH. POST, June 1, 2013, at B3.

¹⁰ Aaron Smith, *California to Keep Death Penalty*, CNN MONEY, Nov. 7, 2012, at <http://money.cnn.com/2012/11/07/news/economy/california-death-penalty/index.html>.

¹¹ *Nebraska Death Penalty Repeal Bill Dead for Year*, KETV (Omaha, Neb.), May 14, 2013, at <http://www.ketv.com/news/politics/nebraska-death-penalty-repeal-bill-dead-for-year/-/9674400/20142336/-/otmymuz/-/index.html>.

¹² Mark Sherman, *Executions Down as Death Penalty Comes Under Scrutiny*, WASH. POST, Dec. 15, 2011, at A6; see also Editorial, *Executions on the Decline*, WASH. POST, Jan. 1, 2012, at A16.

¹³ Editorial, *supra* note 6.

¹⁴ Bill Mears, *Executions, Death Sentences Remain Steady over Past Year*, CNN U.S., Dec. 18, 2012, at <http://www.cnn.com/2012/12/18/us/death-penalty-numbers>.

¹⁵ Ethan Bronner, *Use of Death Sentences Continues to Fall in U.S.*, N.Y. TIMES, Dec. 21, 2012, at A22.

¹⁶ The text of CITES is available online at <http://www.cites.org/eng/disc/text.php>.

in March 2013.¹⁷ A U.S. proposal to grant polar bears the highest level of protection under Appendix I of the Convention by banning trade in their pelts and parts¹⁸ was strongly supported by Russia. However, it was not adopted in the face of opposition led by Canada, Greenland, and Norway. Canada's indigenous Arctic peoples strongly opposed the ban.¹⁹

The United States supported successful efforts by a coalition of counties to increase protection for five species of sharks and two species of manta rays.²⁰ Working with China and Vietnam, the U.S. delegation also succeeded in securing increased protection for several species of Asian and U.S. freshwater turtles.²¹

U.S. Seeks Agreement Closing Arctic "Doughnut Hole" to Commercial Fisheries Pending Scientific Study of Resources

According to press reports, fisheries officials from the United States met with delegations from Canada, Denmark, Norway, and Russia in a round of negotiations in late April 2013 aimed at developing an agreement to limit commercial fishing in the increasingly ice-free Arctic waters surrounding the North Pole beyond the five countries' exclusive economic zones. The objective of the talks, supported by the United States, is said to be an agreement preserving the newly ice-free waters from intensive commercial exploitation until their resources are sufficiently understood to allow proper fisheries management.²² As summarized in a May 2013 press release by Alaska's Senator Mark Begich:

The U.S. proposal to close international waters of the Central Arctic to commercial fishing enjoys general support from Canada, Denmark and Greenland and emphasizes the need for strong institutional mechanisms to manage, monitor, and control commercial fishing. The closure does not include the region covered by the North East Atlantic Fisheries Convention.²³

¹⁷ For information on the CITES Conference of the Parties, see <http://www.cites.org/eng/cop/index.php>.

¹⁸ U.S. Fish and Wildlife Service Factsheet, The 16th Meeting of the Conference of the Parties. U.S. Proposal to Transfer the Polar Bear to CITES Appendix I (Oct. 2012), at <http://www.fws.gov/international/cites/cop16/cop16-polar-bear-proposal-factsheet.pdf>.

¹⁹ David M. Herszenhorn, *U.S. and Russia Team Up in Bid to Aid Polar Bears*, N.Y. TIMES, Mar. 4, 2013, at A10; *Conservation Body Rejects Polar Bear Trade Ban*, USA TODAY, Mar. 7, 2013, at <http://www.usatoday.com/story/news/world/2013/03/07/polar-bear-trade-ban/1971549>; Bettina Wassener, *Proposals to Protect Polar Bears Fail*, N.Y. TIMES, Mar. 8, 2013, at A9; Juliet Eilperin, *U.S. Proposal to Protect Polar Bears Fails*, WASH. POST, Mar. 8, 2013, at A9.

²⁰ Juliet Eilperin, *Shark, Manta Ray Species Win New Trade Protections*, WASH. POST, Mar. 12, 2013, at A7; National Oceanic and Atmospheric Administration Press Release, *Sharks and Manta Rays Receive Protection Under CITES* (Mar. 14, 2013), at http://www.nmfs.noaa.gov/ia/slider_stories/2013/02/cites_cop16.html.

²¹ Daniel Fears, *At Summit, Asia and U.S. Harden Turtle Safeguards*, WASH. POST, Mar. 9, 2013, at A7.

²² Andrew Revkin, *Arctic Nations Seek Common Management of Fishing as Open Water Spreads*, N.Y. TIMES, Apr. 17, 2013, at <http://dotearth.blogs.nytimes.com/2013/04/17/arctic-nations-seek-common-management-of-fishing-as-open-water-spreads>; Andrew E. Kramer, *Accord Would Regulate Fishing in Arctic Waters*, N.Y. TIMES, Apr. 17, 2013, at A9; Editorial, *Reaching an Arctic Accord*, N.Y. TIMES, Apr. 20, 2013, at A20; *Begich to Sec. Kerry: Keep Fisheries at Forefront of Arctic Negotiations*, ALASKA BUS. MONTHLY (May 2013), at <http://www.akbizmag.com/Alaska-Business-Monthly/May-2013/Begich-to-Sec-Kerry-Keep-Fisheries-at-Forefront-of-Arctic-Negotiations>.

²³ U.S. Senator Mark Begich Press Release, *Begich to Sec. Kerry: Keep Fisheries at Forefront of Arctic Negotiations* (May 13, 2013), at <http://www.begich.senate.gov/public/index.cfm/pressreleases?ID=433fe835-1514-4d0a-b5ba-11e4dcb01868>.

Continued U.S. Role in Somali Piracy Contact Group

The United States participates actively in the continuing and increasingly successful international effort to combat piracy off the coast of Somalia.²⁴ Antipiracy efforts are coordinated in part through the Contact Group on Piracy off the Coast of Somalia, a broadly based informal body that includes governments, international organizations, and private actors. In late April 2013, the U.S. Department of State issued a brief summary of the group's accomplishments.

The United States will join partners from over 85 countries, international organizations, and the private sector at the United Nations in New York on May 1 for a plenary meeting of the Contact Group on Piracy off the Coast of Somalia. The Contact Group is a growing diplomatic effort that is taking action against criminal activity that threatens commerce and humanitarian aid deliveries along one of the world's busiest shipping corridors. On May 2, the Contact Group will hold a symposium, "Creating Economic Opportunities for Somalis," at the Institute for International Education.

The plenary, chaired by the United States, will be the fourteenth gathering of this outstanding international partnership. Since its initial meeting in January 2009, the Contact Group has nearly tripled in size while successful pirate attacks have declined by 75 percent. This demonstrates the clear global consensus that has emerged against piracy, as well as the recognition that concerted coordinated international action was needed in response. Among its accomplishments to date, the Contact Group has:

- Facilitated coordination of international naval patrols through the operational coordination of an unprecedented international naval effort from more than 30 countries working together to protect transiting vessels. The United States coordinates in these efforts with other multilateral coalitions such as Combined Maritime Forces, NATO's Operation Ocean Shield, the European Union's Operation ATALANTA, and independent deployers such as China, India, Japan, and Russia.
- Partnered with the shipping industry to improve practical steps merchant ships and crews can take to avoid, deter, delay, and counter pirate attacks. The shipping industry's use of Best Management Practices and the increasing use of Privately Contracted Armed Security Personnel are among these measures, which continue to be the most effective deterrents against pirate attacks.
- Strengthened the capacity of Somalia and other countries in the region to counter piracy, in particular by contributing to the UN Trust Fund Supporting Initiatives of States Countering Piracy off the Coast of Somalia; and
- Advanced new initiatives aimed at disrupting the pirates' networks ashore through law enforcement approaches similar to those used to target other types of organized transnational criminal networks.

²⁴ See John R. Crook, *Contemporary Practice of the United States*, 100 AJIL 455, 487 (2006), 100 AJIL 690, 700 (2006), 102 AJIL 155, 169 (2008), 103 AJIL 132, 146 (2009), 103 AJIL 741, 750 (2009), 104 AJIL 489, 500 (2010), 105 AJIL 122, 131 (2011) & 106 AJIL 138, 160 (2012).

To learn more about U.S. support for international efforts against piracy, visit www.state.gov/t/pm/ppa/piracy/index.htm and www.thecgpcs.org.²⁵

International Criminal Court Defendant Surrenders to U.S. Embassy in Rwanda, Is Transferred to International Criminal Court

The International Criminal Court (ICC) has sought Bosco Ntaganda, a commander of rebel forces in the Democratic Republic of the Congo, since January 2006. Ntaganda, nicknamed “The Terminator,” allegedly directed the massacre of more than five hundred Congolese civilians.²⁶ As noted on the Court’s website, ICC prosecutors have charged him with multiple offenses, including recruiting and using child soldiers, murder, rape, and sexual slavery, pillaging, and persecution.²⁷

In March 2013, Ntaganda appeared at the U.S. embassy in Kigali, Rwanda, and asked to be transferred to the International Criminal Court (ICC).²⁸ U.S. diplomats encouraged the government of Rwanda, which allegedly has supported Ntaganda and his rebel forces, not to interfere with his removal to the Netherlands, and Rwanda allowed his transfer to the ICC.²⁹ U.S. Secretary of State John Kerry later issued a statement on Ntaganda’s transfer to the ICC.

The United States welcomes the removal of one of the most notorious and brutal rebels in the Democratic Republic of the Congo, Bosco Ntaganda, from Rwanda to the International Criminal Court in The Hague. This is an important moment for all who believe in justice and accountability. For nearly seven years, Ntaganda was a fugitive from justice, evading accountability for alleged violations of international humanitarian law and mass atrocities against innocent civilians, including rape, murder, and the forced recruitment of thousands of Congolese children as soldiers. Now there is hope that justice will be done.

Ultimately, peace and stability in the [Democratic Republic of the Congo] and the Great Lakes will require the restoration of civil order, justice, and accountability. Ntaganda’s expected appearance before the International Criminal Court in The Hague will contribute to that goal, and will also send a strong message to all perpetrators of atrocities that they will be held accountable for their crimes.

The United States is particularly grateful to the Rwandan, Dutch, and British Governments for their cooperation in facilitating the departure of Bosco Ntaganda from Rwanda and his expected surrender to The Hague.³⁰

²⁵ U.S. Dep’t of State Press Release No. 2013/0478, Contact Group on Piracy off the Coast of Somalia Meets in New York (Apr. 29, 2013), at <http://www.state.gov/r/pa/prs/ps/2013/04/208108.htm>.

²⁶ Jeffrey Gettleman, *Rebel Leader in Congo Is Flown to The Hague*, N.Y. TIMES, Mar. 23, 2013, at A8.

²⁷ See International Criminal Court, Situations: Prosecutor v. Ntaganda, Case No. ICC-01/04-02/06, at http://www.icc-cpi.int/en_menus/icc/situations%20and%20cases/situations/situation%20icc%200104/related%20cases/icc%200104%200206/Pages/icc%200104%200206.aspx.

²⁸ D.H., *A Surprising Surrender*, ECONOMIST, Mar. 19, 2013, at <http://www.economist.com/blogs/baobab/2013/03/bosco-ntaganda>.

²⁹ Jeffrey Gettleman, *Team on the Way to Collect Congo War Crimes Suspect*, N.Y. TIMES, Mar. 21, 2013, at A8; Gettleman, *supra* note 26.

³⁰ U.S. Dep’t of State Press Release No. 2013/0328, Statement by U.S. Secretary of State John Kerry, Bosco Ntaganda’s Expected Surrender to the International Criminal Court (Mar. 22, 2013), at <http://www.state.gov/secretary/remarks/2013/03/206556.htm>.

Sixth Circuit Rejects Refugee Status Based on German Parents' Inability to Homeschool Their Children

In May 2013, the U.S. Court of Appeals for the Sixth Circuit rejected German parents' application for asylum in the United States predicated upon Germany's refusal to allow them to homeschool their children.³¹ The introductory paragraphs of the court's opinion follow:

Uwe and Hannelore Romeike have five children, ages twelve, eleven, nine, seven and two, at least at the time this dispute began. Rather than send their children to the local public schools, they would prefer to teach them at home, largely for religious reasons. The powers that be refused to let them do so and prosecuted them for truancy when they disobeyed orders to return the children to school. Had the Romeikes lived in America at the time, they would have had a lot of legal authority to work with in countering the prosecution. *See Wisconsin v. Yoder*, 406 U.S. 205, 213–14 (1972); *Pierce v. Soc'y of Sisters*, 268 U.S. 510, 534–35 (1925); *Meyer v. Nebraska*, 262 U.S. 390, 400–01 (1923).

But the Romeikes lived in Germany when this dispute began. When the Romeikes became fed up with Germany's ban on homeschooling and when their prosecution for failure to follow the law led to increasingly burdensome fines, they came to this country with the hope of obtaining asylum. Congress might have written the immigration laws to grant a safe haven to people living elsewhere in the world who face government strictures that the United States Constitution prohibits. But it did not. The relevant legislation applies only to those who have a "well-founded fear of persecution on account of race, religion, nationality, membership in a particular social group, or political opinion." 8 U.S.C. §1101(a)(42)(A). There is a difference between the persecution of a discrete group and the prosecution of those who violate a generally applicable law. As the Board of Immigration Appeals permissibly found, the German authorities have not singled out the Romeikes in particular or homeschoolers in general for persecution. As a result, we must deny the Romeikes' petition for review and, with it, their applications for asylum.³²

D.C. Circuit Declines to Enforce a Colombian Court Judgment Said to Grant Rights to Sunken Treasure

In an unpublished April 2013 per curiam ruling, the U.S. Court of Appeals for the D.C. Circuit affirmed dismissal of a salvage concern's claim against Colombia, allegedly based upon a favorable Colombian court judgment.³³ The lower court's opinion summarizes the plaintiff's allegations and its decision.

According to the [complaint], in September 1984, Plaintiff Sea Search Armada entered an agreement with the Republic of Colombia to recover sunken treasure from the site of an ancient shipwreck. Under the agreement, SSA would receive a specified share of the booty in exchange for retrieving the valuables from the ocean floor. At Colombia's request, SSA disclosed the precise location of the shipwreck, but afterward Colombia refused to permit SSA to perform full salvage operations at the designated site. The Colombian Parliament then enacted a law giving Colombia all rights to the treasure from the shipwreck

³¹ *Romeike v. Holder*, 718 F.3d 528 (6th Cir. 2013), *reh'gen banc denied*, 2013 U.S. App. LEXIS 14295 (July 12, 2013).

³² *Romeike*, 718 F.3d at 530.

³³ *Sea Search Armada v. Colombia*, No. 11-7144, 2013 U.S. App. LEXIS 12839 (D.C. Cir. Apr. 8, 2013) (unpublished judgment).

site. In 1989, SSA filed suit in Colombia challenging the constitutionality of the new law. Although SSA prevailed, Colombia refused to honor the ruling of the Colombia Supreme Court and permit SSA access to the site of the shipwreck.

In 2010, SSA filed the instant suit against Colombia for breach of contract and conversion. SSA also sought recognition and enforcement of the Colombia Supreme Court's ruling that SSA is entitled to half the treasure recovered from the shipwreck. . . . Because statutes of limitations bar the first two counts and because no specific money judgment exists to be enforced, the Court will dismiss the case without needing to reach the other issues.³⁴

As to the plaintiff's claim to enforce a Colombian court judgment, the D.C. Circuit emphasized that the Colombian judgment, said by the plaintiff to confer rights in treasure than might be recovered, was not a money judgment. Hence, it did not fall within the ambit of the Uniform Foreign-Country Money Judgments Recognition Act as enacted in 2011 by the District of Columbia, providing for enforcement "to the extent that the judgment . . . [g]rants or denies recovery of a sum of money."³⁵ The court seems to have had some doubt whether there was in fact a judgment, referring to "the purported Colombian judgment (which appellant has yet to produce)."³⁶

United States, European Union to Begin Negotiations on Comprehensive Trade and Investment Agreement

In his February 12, 2013, State of the Union address, President Barack Obama announced that "we will launch talks on a comprehensive Transatlantic Trade and Investment Partnership with the European Union—because trade that is fair and free across the Atlantic supports millions of good-paying American jobs."³⁷ Secretary of State John Kerry and other U.S. officials have urged rapid action on the "TTIP" agreement, which, if successful, would encompass about 40 percent of world trade.³⁸ The negotiations, planned to begin in the summer of 2013, are expected to emphasize harmonization of regulatory requirements and other nontariff barriers, rather than tariff reduction.³⁹

Negotiators will face many contentious issues.⁴⁰ For Europe, these topics include France's demands for "cultural exceptions" for French-language media and for distinctive traditional

³⁴ *Sea Search Armada v. Colombia*, 821 F.Supp.2d 268, 270 (D.D.C. 2011).

³⁵ Uniform Foreign-Country Money Judgments Recognition Act of 2011, D.C. CODE §15-363 (2012); *Sea Search*, 2013 U.S. App. LEXIS 12839, at *2.

³⁶ *Sea Search*, 2013 U.S. App. LEXIS 12839, at *2.

³⁷ White House Press Release, Remarks by the President in the State of the Union Address (Feb. 12, 2013), at <http://www.whitehouse.gov/the-press-office/2013/02/12/remarks-president-state-union-address>; see Nicholas Kulish & Jackie Calmes, *Obama Bid for Trade Pact with Europe Stirs Hope*, N.Y. TIMES, Feb. 14, 2013, at A1; Howard Schneider, *U.S., E.U. to Engage in Talks with Aim of Streamlining Global Market*, WASH. POST, Feb. 14, 2013, at A12; Howard Schneider, *Evolving Obama Pushes Hard for Global Pacts*, WASH. POST, Mar. 9, 2013, at A1.

³⁸ Anne Gearan, *Kerry Urges Quick Action on U.S.-European Free-Trade Deal*, WASH. POST, Mar. 28, 2013, at A9.

³⁹ See U.S. Dep't of State Press Release, Remarks by Under Secretary of State Robert D. Hormats, The Transatlantic Trade and Investment Partnership: America's New Opportunity to Benefit from, and Revitalize Its Leadership of the Global Economy (Apr. 23, 2013), at <http://www.state.gov/e/rls/rmk/207997.htm>.

⁴⁰ *EU Envoy: US-EU Trade Pact Will Be 'Game Changer'*, VOICE OF AMERICA, May 9, 2013, at <http://www.voanews.com/content/eu-envoy-says-us-eu-trade-pact-will-be-game-changer/1658096.html>.

products such as those protected by appellations of origin, as well as widely held European concerns about genetically modified crops,⁴¹ U.S. “buy-American” requirements in public procurement by states, and the varying and sometimes conflicting interests of the European Union’s twenty-eight member states.⁴² For their part, U.S. congressional leaders have insisted on liberalization in areas, notably in trade in agricultural products, which are longstanding sources of conflict.⁴³

United States Relaxes Additional Sanctions on Burma

In May 2013, as a further step in the relaxation of U.S. sanctions on Burma in recognition of that nation’s progress toward democratization and greater observance of human rights,⁴⁴ the U.S. Department of State announced the termination of a seventeen-year-old ban on U.S. visas for most Burmese officials and military officers and members of their families.⁴⁵ The department’s announcement follows:

The Secretary of State has determined that Presidential Proclamation 6925, also known as the 1996 Visa Ban, which suspended entry into the United States as immigrants or non-immigrants of “persons who formulate, implement, or benefit from policies that impede Burma’s transition to democracy, and the immediate family members of such persons,” is no longer necessary. This termination, effective immediately, is consistent with the Administration’s calibrated approach to strengthen and encourage further reform while holding Burma to its commitments on human rights and democratization.

The broad travel restriction was implemented in 1996, largely in response to the then-military regime’s poor human rights practices, including repression of the pro-democracy National League for Democracy (NLD) opposition political party. Since 2011, the civilian-led Government of Burma has taken important steps toward significant social, political, and economic reform that demonstrate substantial progress on areas of concern emphasized in the 1996 Proclamation. These reforms include legislative by-elections in 2012, in which the NLD contested and successfully secured seats in the Burmese Parliament.

Termination of Presidential Proclamation 6925 will facilitate increased engagement between the United States and Burma. The termination, however, does not automatically entitle persons, formerly excludable under its provisions, to visas for entry into the United States. Ineligibilities that apply under provisions of the Immigration and Naturalization Act (INA), the Tom Lantos Block Burmese JADE (Junta’s Anti-Democratic Efforts) Act of 2008, and Executive Order 13619 of July 11, 2012 remain in effect.⁴⁶

⁴¹ Michael Birnbaum, *Planting a Seed of Discord*, WASH. POST, May 18, 2013, at A1.

⁴² Howard Schneider, *Europe’s Differences May Stall U.S.-E.U. Deal*, WASH. POST, Mar. 19, 2013, at A8; David Jolly, *France Seeks Slower Pace of Negotiations for a U.S.-Europe Trade Pact*, N.Y. TIMES, Mar. 26, 2013, at B2; Howard Schneider, *Disputes Threaten to Bog Down Talks on U.S.-E.U. Trade*, WASH. POST, May 14, 2013, at A10.

⁴³ Howard Schneider, *Senate Leaders Warn on E.U. Deal*, WASH. POST, Feb. 13, 2013, at A17.

⁴⁴ See John R. Crook, *Contemporary Practice of the United States*, 106 AJIL 843, 858 (2012).

⁴⁵ Steven Lee Myers, *U.S. Lifts Ban on Visas for Burmese Officials*, N.Y. TIMES, May 3, 2013, at A6; Joby Warrick, *U.S. Relaxes Restrictions on Burma as Rights Record Improves*, WASH. POST, May 3, 2013, at A11.

⁴⁶ U.S. Dep’t of State Press Release No. 2013/0502, *Burma: Termination of Presidential Proclamation 6925* (May 2, 2013), at <http://www.state.gov/r/pa/prs/ps/2013/05/208858.htm>.

Osama bin Laden's Son-in-Law Arraigned in U.S. District Court in Manhattan

In March 2013, Sulaiman Abu Ghaith, a former spokesman and propagandist for Al Qaeda and Osama bin Laden, was arraigned in federal district court in Manhattan on a conspiracy charge. Abu Ghaith is married to Osama bin Laden's oldest daughter. According to press reports, he was arrested by Turkish authorities in February 2013 and was later taken into custody by U.S. officials during an airport stopover in Jordan as he was being deported to Kuwait. Before entering Turkey, he reportedly spent several years under a form of house arrest in Iran. The decision to try Abu Ghaith in federal district court, rather than by military commission at Guantánamo Bay, Cuba, was criticized by several senior Republican members of Congress.⁴⁷

Abu Ghaith pleaded not guilty to a single charge that he conspired to kill Americans. The assistant U.S. attorney stated at the arraignment that Abu Ghaith had given an extensive post-arrest statement, but provided no details.⁴⁸

United States Extradites War Crimes Suspect to Bosnia

In June 2013, the U.S. Department of Justice announced the extradition of Sulejman Mujagic to Bosnia to face charges relating to torture and murder of prisoners of war during the Bosnian war. Excerpts from the department's announcement follow:

The United States has extradited Sulejman Mujagic, a citizen of Bosnia and Herzegovina and a resident of Utica, N.Y., to stand trial in Bosnia for charges relating to the torture and murder of one prisoner of war and the torture of another during the armed conflict in Bosnia.

....

Mujagic is being extradited to Bosnia to be tried for war crimes committed on or about March 6, 1995, during the armed conflict that followed the breakup of the former Yugoslavia. Bosnia has alleged that Mujagic, then a platoon commander in the Army of the Autonomous Province of Western Bosnia, summarily tortured and executed a disarmed Bosnian Army soldier and tortured a second soldier after the two prisoners had been captured by Mujagic and his men.

In response to the Bosnian government's request for extradition pursuant to the extradition treaty currently in force between the United States and Bosnia, the U.S. Department of Justice filed a complaint in U.S. federal district court on Nov. 27, 2012, and [Homeland Security Investigations] special agents arrested Mujagic the next day in Utica for purposes of extradition.

On April 2, 2013, the federal district court in the Northern District of New York ruled that Mujagic was subject to extradition to Bosnia to stand trial for the murder and torture of the two unarmed victims. On May 31, 2013, Mujagic was delivered to Bosnian author-

⁴⁷ Mark Mazzetti & William K. Rashbaum, *Qaeda Figure Is Held to Face New York Trial*, N.Y. TIMES, Mar. 8, 2013, at A1; Greg Miller & Peter Finn, *Terror Suspect Brought to U.S.*, WASH. POST, Mar. 8, 2013, at A1.

⁴⁸ Marc Santora & William K. Rashbaum, *In Courtroom Near Ground Zero, Bin Laden Relative Pleads Not Guilty*, N.Y. TIMES, Mar. 9, 2013, at A14; Greg Miller & Julie Tate, *Bin Laden Son-in-Law Pleads Not Guilty to Conspiracy Charge*, WASH. POST, Mar. 9, 2013, at A3.

ities and removed from the United States. The Office of the Cantonal Prosecutor of the Una-Sana Canton in Bihac is handling Mujagic's prosecution in Bosnia.

....

The case was a result of the close cooperation between the U.S. and Bosnian authorities, particularly the Ministry of Internal Affairs and the Office of the Public Prosecutor of the Una-Sana Canton in Bihac, Bosnia.⁴⁹

U.S. Department of Justice Secures Forfeiture of Corrupt Nigerian Official's Property

In May 2013, the U.S. Department of Justice announced execution against real property in Rockville, Maryland, purchased with proceeds of corruption by a former Nigerian official. The forfeiture is part of the department's efforts to combat "kleptocracy" involving sheltering in the United States of proceeds of foreign officials' corruption.⁵⁰ An excerpt from the department's announcement follows:

A forfeiture judgment was executed today against real property with an estimated value of more than \$700,000 in Rockville, Md., that had been purchased with corruption proceeds traceable to Diepreye Solomon Peter Alamieyeseigha, a former Governor of Bayelsa State, Nigeria, announced Acting Assistant Attorney General Mythili Raman of the Criminal Division and U.S. Immigration and Customs Enforcement (ICE) Director John Morton.

"Foreign officials who think they can use the United States as a stash-house are sorely mistaken," said Acting Assistant Attorney General Raman. "Through the Kleptocracy Initiative, we stand with the victims of foreign official corruption as we seek to forfeit the proceeds of corrupt leaders' illegal activities."

....

Alamieyeseigha, aka DSP, was the elected governor of oil-producing Bayelsa State in Nigeria from 1999 until his impeachment in 2005. As alleged in the U.S. forfeiture complaint, DSP's official salary for this entire period was approximately \$81,000, and his declared income from all sources during the period was approximately \$248,000. Nevertheless, while governor, DSP accumulated millions of dollars' worth of property located around the world through corruption and other illegal activities. The complaint alleges that DSP acquired the Rockville property during his first term as governor of Bayelsa State with funds obtained through corruption, abuse of office, money laundering and other violations of Nigerian and U.S. law. . . .

On May 24, 2013, U.S. District Court Judge Roger W. Titus of the District of Maryland granted a motion for a default judgment filed by the Criminal Division's Asset Forfeiture and Money Laundering Section and issued a final decree of forfeiture. The order extinguishes all prior title and authorizes forfeiture to the United States of the private residence located in Rockville, Maryland, estimated to be worth more than \$700,000 and allows the United States to liquidate the property in accordance with federal law. In a related action in the District of Massachusetts, the Department of Justice and ICE Homeland Security Investigations successfully forfeited approximately \$400,000 from an investment account traceable to DSP.

⁴⁹ U.S. Dep't of Justice Press Release No. 13-633, *Bosnian National Extradited to Stand Trial for Murder and Torture* (June 3, 2013), at <http://www.justice.gov/opa/pr/2013/June/13-crm-633.html>.

⁵⁰ See John R. Crook, *Contemporary Practice of the United States*, 106 AJIL 843, 882 (2012).

Both actions were brought under the Justice Department's Kleptocracy Asset Recovery Initiative announced by the Attorney General in 2010. Through this initiative, the Department of Justice, along with federal law enforcement agencies, seeks to identify and forfeit the proceeds of foreign official corruption, and where possible and appropriate return those corruption proceeds for the benefit of the people of the nations harmed by the corruption.⁵¹

⁵¹ U.S. Dep't of Justice Press Release No. 13-628, Rockville, Md., Property Purchased with Nigerian Corruption Proceeds Forfeited Through Justice Department's Kleptocracy Initiative (May 31, 2013), at <http://www.justice.gov/opa/pr/2013/May/13-crm-628.html>.