



Cmdr. Allan Gibson  
1104 Tower Block,  
New Scotland Yard,  
Broadway,  
London SW1H 0BG.

Tel: 020 7230 3146  
Fax: 020 7230 1298

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## REVIEW OF EXTRADITION

Rt Hon Sir Scott Baker,

Dear Sir Scott,

Thank you for your letter of 3rd November asking for contributions to your review of the United Kingdom's extradition arrangements. I reply on behalf of ACPO and the Metropolitan Police. Your enclosure breaks the review into five areas, some of which are not pertinent to operational policing matters or are political issues that are more suitable for debate in the Houses of Parliament.

The role of the police in the extradition arena is relatively straightforward, it is to execute a properly issued arrest warrant, be that a European arrest warrant (EAW) or a warrant issued by magistrates following a request of a country designated under Part 2 of the Act. After arrest, the police ensure that the subject is brought before the City of Westminster Magistrates Court within the required timescales, supply evidence of identification and submissions regarding bail.

To answer your questions in the headings that you have suggested, I would make the following observations:

### Secretary of State's discretion

This is not an area that I would wish to comment upon and such discretion does not form part of the police jurisdiction in extradition.

### The operation of the EAW and additional UK safeguards

The additional safeguard that applies is the requirement for the competent UK authority (SOCA at present) to review the EAW and certify that it is executable within the UK. Practically, this is an administrative function that is no hindrance to operational efficiency but does ensure that an extradition hearing does not fall at the first hurdle due to the warrant being defective. I am sure that SOCA will make further submissions in this area.

It is my view, and one that I have previously communicated, that the EAW would operate more efficiently if a proportionality test could be applied. The process involved in circulating persons as wanted internationally and effecting their arrest and repatriation does require the

commitment of significant levels of resource when aggregated for the police service. The ways in which member states use EAWs varies considerably, with some using the system for relatively minor offences.

Whether the forum bar to extradition should be commenced

At present, there have been a number of occasions where extradition requests have been delayed owing to submissions being made on behalf of the subject that proceedings should be commenced within the jurisdiction of UK courts e.g. Gary McKinnon and Lucy Robertson (Wright). The McKinnon case is well known and I describe that case no further. Lucy Robertson was arrested attempting to smuggle a large quantity of class A drugs out of Argentina, she was granted bail and fled the jurisdiction, returning to the UK. Her solicitor has written to the CPS and the MPS intimating that her client would plead guilty to conspiring to import class A drugs into the UK should the matter be heard in a UK court. The MPS and the CPS have declined to follow this course of action. Such requests are made to frustrate the extradition process and if acceded to, would prevent the matter being properly heard in the jurisdiction where the primary offending took place, in these cases, the USA and Argentina. I do not believe that if allowed, such a practice would serve the long-term interests of mutual legal assistance and law enforcement relationships internationally.

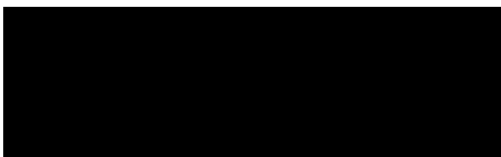
Whether the US-UK Extradition Treaty is unbalanced

Operationally, I do not recognise that there is a difference between the level of evidence required to initiate either a provisional or full order request either from the UK to the US or vice versa.

Whether requesting states should be required to provide prima facie evidence

This subject is a matter for Parliament and the judiciary to decide. From an operational policing perspective my observation would be the potential that more rigorous requirements on the part of the UK may be reciprocated and this may have implications for law enforcement and the judiciary.

Yours sincerely,



Allan Gibson  
Commander