

Sent: 16 December 2010 7:37 AM
To: extradition.review
Subject: Gary McKinnon

In the case of Gary McKinnon, he should undoubtedly be released from the threat of extradition to the United States, as he would suffer at the hands of the indiscriminate prison system; and, the severity which the American government would impose in handing down the harshest sentence possible for viewing materials which should be made public. This experience would not just jeopardize the life of McKinnon but would enable US officials to precedent with the extradition, sending a shock through the international relationship between the US and the European Union. No one would be safe from exposing the truth. Tyrants will cheer and the common decency of truth will suffer.

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Sent: 15 December 2010 2:29 AM
To: extradition.review
Subject: extradition

I live in the u.k and largely operate in the u.k. It is disgraceful that I could be extradited for ALLEGED crimes USING A DIFFERENT SET OF LAWS for internet "crime", whether or not my actions would be considered a crime in my country. The Garry McKinnon case is a disgrace....and seems to have been hyped up by the USA because it has caused them embarrassment...the only costs they will have incurred will have been the investigation of the intrusion, and putting the security lapse right...\$800,000 is a myth!!!!. It seems that foreign powers can make anything up they wish in order to transfer a person to their legislature..and then they can do whatever they wish. The USA have the death penalty which is a punishment that most Europeans find repugnant...would we extradite a person who might find themselves at the wrong end of such a punishment.

Which brings me onto...

Julian Assange has shown the world the USA military shooting children and reporters...and those responsible for those atrocities are now having questions asked of them. The Guantanamo Bay tortures were exposed by a relatively free press. There have been politicians guilty of incitement to murder of Assange, without the full weight of the law affecting their status. The sex allegations against Assange seem to be a joke (or maybe as has been reported a CIA honeypot entrapment exercise to extradite indirectly to the USA with the least backlash). He might be extradited! There are those in authority who say he "has blood on his hands" AND SHOULD BE EXECUTED. Assange is the extreme face of the free press, which we base much of our democracy on. If extradited there will be those that would like to have him killed...judicially or illegally! The ability to extradite just on accusation is an affront to civilisation...and is tantamount to international kidnapping. Once in foreign lands those extradited have zero influence...for instance Mordechi Vanunu..kidnapped by Israel seems to have no international support for his exposure of the Israeli nukes, which should preclude Israel from receiving much of its aid. Maybe he upset the US administration as they now have to explain why what is good for Israel is not good for (say) Iran. We all know why Iran shouldn't have nukes...that is not what I am arguing...why Israel should have them may JUST be arguable (but even they have shown extreme cruelty in war by dropping white phosphorus on civilian populations that should make us wonder whether they are fit guardians of such terrible weapons).

As far as a free press is concerned

I remember why Peers Morgan lost his job with the Daily Mirror, because the photos he printed were mocked up by TA squaddies. He ultimately said that if they were not genuine they were realistic representations of what was happening. When many of the genuine torture allegations were vented in the press,that couldn't be redacted I saw pictures very similar to those that Morgan had printed that got him the sack. The UK were obviously involved in torture by means of extraordinary rendition.

THE ABOVE RAMBLINGS ARE ALL ASSOCIATED WITH EXTRADITION BECAUSE PEOPLE ARE EFFECTIVELY BEING KIDNAPPED ACROSS LEGISLATURES WITH DIFFERENT POLITICS AND LAWS AND WITHOUT ANY PROTECTION. THE EXTRADITION TREATIES SEEM TO ALLOW FOREIGN STATES TO HAVE UNDUE INFLUENCE ON OUR CITIZENS, AND FRANKLY IT WOULD APPEAR THAT TRUMPED UP CHARGES WILL OFTEN BE USED TO CAUSE EXTRADITION.

[REDACTED]

Sent: 14 December 2010 2:17 AM

To: extradition.review

Subject: Extradition Review Input - Letter from one of the people.

14th December 2010

Extradition Review

Home Department - Home Secretary - And to whom this may concern.

I am writing to express my views on the extradition process.
To whom this may concern my views and my decree is expressed below.

I would like to suggest that any free man in this country be held accountable by this country's courts and by trial by jury. The fact that the jury holds the highest authority should be recognized by the people, parliament, government, the house of lords and the law society.
We have a great stage on which the law may be performed if it is appropriate recourse.

If a man is the target of an extradition request we as a country should stand together and say there will be no extradition. There is no purpose to trade a guilty or innocent man or woman to a corporate country such as the UNITED STATES OF AMERICA
Any crime committed in this country should be addressed in this country. To do otherwise would be foolish and irresponsible. As we are a great nation we should up hold great integrity.

A certain Gary McKinnon should not be extradited. He has committed no crime. He has caused no harm or loss to anybody. I state this as fact unless it can be proven otherwise. The claims of damage are false and obviously artificial and "trumped up".

Gary did no damage to warrant any extradition proposal from the very beginning of his case, innocent.


We need to recognize unlawful claims for extradition as an insult to our intelligence and competence. We are a great country that stands for freedom, an empire no more.

God bless.

Many thanks


[REDACTED]

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Sent: 14 December 2010 12:19 PM
To: extradition.review
Subject: Extradition Review

I write to record my belief that the UK-US Extradition Treaty is unbalanced and should be replaced with balanced provisions. I also believe there should be sufficient discretion/powers available within the UK to prevent extraditions to the USA in cases such as that of Gary McKinnon.



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[REDACTED]

Sent: 14 December 2010 4:38 PM
To: extradition.review
Subject: No extradition without the return of Shaker Aamer

This country should not extradite people to the USA unless and until Shaker Aamer is allowed to return to his wife and children in this country. The reality is that the USA has wrongly held captive a man who has committed no wrong. The facts are as below.

11 February 2010

The Editor
Financial Times
London

Sir

Washington denounces UK court ruling to reveal torture secrets, page 1 today

You report that the White House says it is "deeply disappointed with the court's judgment". There will be many people in this country who are equally disappointed with our ally's failure to close the detention centre at Guantánamo Bay, Cuba, in accordance with President Barack Obama's undertaking to do so


Specifically, it is disappointing that the US refuses the UK government's request to return British resident Shaker Aamer, who has been held without charge or trial for some eight years, and whose right of residence in the UK has been recognised by the British government. The US government continues to cite unspecified security concerns, which it will not detail, as the reason for keeping him locked up.

Last year Mr Aamer declined repatriation to Saudi Arabia, a country he fled from many years ago. This makes it clear that "security concerns" are not the real reason.

What secrets is the US administration trying to hide?

[REDACTED]

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Sent: 13 December 2010 9:56 PM
To: extradition.review
Subject: Extradition

To Whom It May Concern,

In response to this review I ask our government to put the needs of its own people in the forefront of their mind. As it stands, extradition is hopelessly weighed in the United States favour for no apparent gain. We are viewed with contempt, as puppets for the American government with demand after demand thrown our way and expected to jump to their commands. Britain allies us to the point of destroying the freedoms of its own citizens. We allow for British subjects to be detained without charge by the US. And if they are unable to get to someone they want, then they simply call us up and demand extradition, without any form of evidence provided. For what purpose? They can serve their time here if proven guilty in a court of law, on US shores they have no knowledge of US law, no local support, financial aid, and may face a kangaroo court with nothing they can do about it. And since these British subjects did not agree to adhere to US law in the first place, to extradite them for their local law is beyond silly. You are the British government, you serve your people, you defend US, as in your own people not US as in the US of A. You are supposed to be there for your people and you aren't. I know if I were to be detained by Americans for no apparent reason, you would do nothing to support me, maybe beg and plead in the background as the leaked cables suggest but nothing in the sense of sticking your neck out.

This is a sad state of affairs and we the people demand more from you. You must tear up extradition treaties that serve only the USA, which attacks your own people, it is simply unacceptable. We have committed to every demand of the USA and for any benefit that can be named; I can name several more where we have been disadvantaged.

Kind regards,



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Sent: 13 December 2010 7:44 PM

To: extradition.review

Subject: Extradition to US

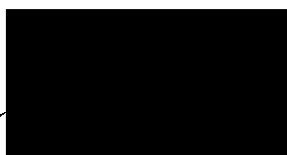
Have just discovered this ill publicised review completely by accident.

How can the US`s writ run in this country?


How can a British subject sitting in his own home following his own curiosity be at risk of extradition and disproportionate sentence to satisfy a vengeful foreign power?

How can any government have any respect if they cravenly deliver up a subject for a show trial to a country which as far as I know said subject has never even set foot in?

We should all be ashamed that successive governments should have spent more than five minutes even considering this rubbish.



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Sent: 16 December 2010 5:06 PM
To: extradition.review
Subject: Extradition Opinion

It is my opinion that no individual should be considered for extradition to anywhere unless the authority requesting extradition can provide sufficient evidence of criminal behaviour under UK law. In other words, if there is insufficient evidence to charge the individual under UK criminal law then any extradition request should be declined. If there is sufficient evidence to charge an individual under UK criminal law, then that individual should be tried (and sentenced if applicable) inside the UK negating the need for extradition.

It appears to me that anti-terrorism legislation is being abused by various state entities creating a deep uneasiness about the moral authority of such entities and of those who accede to pressure from such entities. It seems apparent that the US Federal government tops the list of spurious extradition requests. The ability of the US to request extradition with little evidence is quite clearly an imbalance and at the very least, the treaty enforcement should be amended to eliminate this imbalance, and force US federal officials to provide sufficient evidence re any extradition request.

The idea that US law can be enforced upon a non-US citizen outside the national boundaries of the US is in my opinion a stark betrayal of natural justice. In my opinion such a move by any national executive, including the US, is a direct threat to the future and freedom of all people in the UK. It is simply not reasonable to insist that individuals should be acquainted with every legal system in the world, especially when one considers that it can take a lifetime to learn about one single system. I feel so strongly about this that I would be prepared to tear up the extradition treaty altogether if the US did not agree to a more balanced treaty, and stopped trying to apply US Law to non-US citizens outside the US.

This whole matter is of such direct importance to every UK national that the UK government ignores the public sentiment at their own political peril. I for one will not vote for any candidate or political party that allows the status quo to continue. If the major political parties don't stand up for the rights of British citizens, then I shall be forced to vote for a small party, even if that means doing the unthinkable by voting BNP.



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[REDACTED]

Sent: 16 December 2010 8:13 PM
To: extradition.review
Subject: My views on the UK's extradition arrangements

Hello

* the Home Secretary's powers to stop extradition - the UK is a sovereign country, so I believe the Home Secretary should have total power to stop extradition.

* the operation of the European Arrest Warrant, which deals with extradition requests between European countries - given the disproportionate influence of the world superpowers that can "lever" undue influence (with promises of preferential treatment, trade deals, money), the EAW should be watered down or abolished.

* where a crime is mainly committed in the UK, whether the person should be tried here - absolutely, why not?

* whether the US-UK Extradition Treaty is unbalanced - completely, totally, insanely unbalanced, currently the US does not have even to provide the prime facie evidence; and, given the US' belief that there is a military solution to everything, I venture to suggest that the UK is more civilised than the US.

* whether requesting countries should be required to provide sufficient evidence to prove an allegation - of course, otherwise the UK risks subjugating the British idea of justice to some other country's idea of justice which might not be as "evolved" or independent or objective.

[REDACTED]



Sent: 17 December 2010 11:32 AM
To: extradition.review
Subject: Garry McKinnon

Dear Sir/Madam,
Garry did wrong and is foolish but he is not a terrorist. He should be sent to prison in England if the trial finds him guilty. But the USA want to send him down for over twenty years as a punishment for being a terrorist - which he most definitely is not. Garry is naive but that is all. The Terrorist Laws were not made with him in mind.

I do hope he is punished appropriately in Britain and not sent to the USA to receive a punishment he just doesn't deserve.
Yours faithfully



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Sent: 17 December 2010 11:38 AM

To: extradition.review

Dear Sir Madam

Garry McKinnon did wrong and should be punished in England if the trial finds him guilty - But he is not a terrorist . The USA want to send him down for over twenty years for being a terrorist: whic he definitely isn't. Garry is naive but that is all.

The terrorist and extradition laws where not made with people like Garry in mind. He should be punished appropriately in a British prison and not sent to the USA on charges which he doesn't deserve.

Yours faithfully



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[REDACTED]

Sent: 17 December 2010 11:47 AM
To: extradition.review
Subject: Garry McKinnon


Dear Sir/Madam

Garry McKinnon did wrong and should be punished appropriately if his trial finds him guilty - but he is not a terrorist. The USA want to send him down for over twenty years for being a terrorist, which he definitely isn't.

Garry is naive, but that is all. The Terrorist Laws and Extradition Agreement with the USA weren't made with the likes of Garry McKinnon in mind. He doesn't deserve to be put on trial in America for terrorist charges. Please stand up to the USA on Garry's behalf. Let him have his trial in Britain.

Yours faithfully
[REDACTED]

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Sent: 17 December 2010 12:31 PM
To: extradition.review
Subject: Extradition review

To whom it may concern,

I am writing to express my deep concern for the current state of the extradition laws. I find it appalling that there has been no formal consultation process.


I believe that our Home Secretary should have the power to stop extradition on a case by case basis. We need to keep power over European countries and laws as this is an absolute abuse of human rights not to have reasonable / sufficient evidence before extradition is enforced. This leaves absolutely everyone vulnerable to injustice and cases of mistaken identity. We also become incredibly vulnerable as a country to European pressure and failings within their own legal systems.

If it is necessary under the grounds of terrorism then there should be a holding period with a review panel who can make decisions along the way based upon the level of sufficient evidence to warrant holding someone.


I believe that individuals should have a right to be tried in their own country where they have access to their own support networks, legal teams, family members and media and political infrastructure which will help to bring any unbalanced or miscarriages of justice to the correct agencies for reassessment.

It is absolutely necessary for requesting countries to have sufficient evidence to request extradition, this leaves great danger for corruption and injustice otherwise.

Yours sincerely



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Sent: 17 December 2010 2:04 PM
To: extradition.review
Subject: Gary Mckinnon/extradition.

Hello,

I agree that the Home Secretary should have the power to stop extradition as the minister sees fit. Also, if the crime was committed in the U.K., the accused should have the right to choose where they are tried. I suspect that the US - UK treaty is biased towards the americans - we should also be more european orientated and independent of american pressure. There is no such thing as a special relationship.

GARY McKINNON. The US thinks that Gary is an easy target to make an example of.

In truth, American military and commercial servers across the US are routinely hacked daily in their thousands.

Many of these originate in China, but the US DOES NOT TRY TO EXTRADITE THERE.

Gary McKinnon has shown that american computer security to be appallingly bad and he should be thanked not persecuted. He is merely a scapegoat and I'm very angry towards the american government for making a mountain out of a mole hill all these years - Gary has suffered enough.

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Sent: 17 December 2010 6:49 PM
To: extradition.review
Subject: Views on Extradition Laws.

Dear Review Panel members,

My concern with the legislation as it stands at present is w.r.t. the amount of evidence that is required to be submitted to the UK courts to facilitate an extradition. It is my understanding (in the EU at least) that only an allegation has to be made to enable this process. How is this possibly justifiable?

If extradition is by definition a part of the legal process then surely by definition it must be subject to the legal process (evidence based only and processed within courts). Any extradition request made, or extradition legislation (for instance US-UK treaty) that does not operate within the boundaries of evidence based legal process should not be processed. In this situation, the guidance given to judges by those in power is critical to justice being served, as guidance can be given that would facilitate an easier / more difficult processing of a case, depending on what outcome was desired by those in power. This suggests transparent guidance and independent courts as a system.

The red line of no extradition to countries where the defendant may be tortured must be re-implemented and stuck to.

Ultimately, the question is about whether you want justice to be served or the law to be served. They are not necessarily the same. Laws should be designed to facilitate justice - otherwise it is not a justice system but a set of laws designed to uphold and facilitate a system which is not just.



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Sent: 17 December 2010 9:46 PM

To: extradition.review

Subject: Extradition review

The Home Office is currently conducting a review of the UK's extradition laws and wants public opinion about:

*** the Home Secretary's powers to stop extradition**

The home secretary is an elected politician and as such is susceptible to making decisions for political reasons. I believe that extradition should always be a matter for the judiciary.

*** the operation of the European Arrest Warrant, which deals with extradition requests between European countries**

The guiding principle should be reciprocity. If a UK citizen cannot be extradited from the extraditing country for the same offence then no extradition should be possible.

*** where a crime is mainly committed in the UK, whether the person should be tried here**

In principle, yes. But this should not be a basis for providing immunity from extradition for crimes executed remotely.

A man who kills by shooting across a border should not escape trial for murder in the place where the murder occurred. Immunity from extradition because he pulled the trigger in another jurisdiction would be wrong – unless he would be executed or his human rights abused in some other way.

If the gun were moved across the border and fired by means of a string pulling the trigger the position should be the same.

If a radio controlled device were used instead of string the position should also be the same, and likewise if any other telecommunications were used, including the Internet.

The trial should take place at the locus of the principal effect of the crime, or at the locus of greatest effect if there are several.

*** whether the US-UK Extradition Treaty is unbalanced**

Yes it is. The previous home secretary has acknowledge it and it appears that the treaty intended to address terrorism has been used for other purposes.

I would only extradite on the basis of full reciprocity and for ordinary crimes with ordinary tariffs.

For other crimes I suggest that the UK reserve the right in future to have indicted persons attend remote proceedings virtually and to serve any sentence in the UK. This is perfectly possible technically and the nation responsible for "virtual extradition", in this case the US, can and should provide the facilities to enable this. This will ensure that persons convicted of crimes in the US need not necessarily be subject to US prison conditions (solitary confinement, rape, loss of family visits etc.)

The American justice systems is seriously flawed and vindictive in the extreme, as one might expect in a country where judges are elected. It executes innocent people routinely and it jails a disproportionate number of citizens from minority communities. America has declined to participate in the International Criminal Court and has thus set itself above international law. Its record of kidnapping, torture and other human rights abuses, as well as interference in trials in other countries, are an outrage to civilization and should be confronted and repudiated robustly. I wouldn't extradite a dog to America as long as it pursues its policies of legal exceptionalism (Guantanamo e.g.) and unaccountability. Nobody should be extradited to a country whose leaders and citizens guarantee themselves impunity for war crimes. Continued acquiescence in this matter simply confirms to the US that it has effective impunity and panders to "global superpower" supremacist attitudes.

*** whether requesting countries should be required to provide sufficient evidence to prove an allegation**



Sent: 23 December 2010 3:48 PM
To: extradition.review
Subject: Reform of the Law Of Extradition

Dear Sirs,

Please see attached.

Kind regards



<<Scan001.PDF>>

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By E-mail

23 December 2010

Sir

REFORM OF THE LAW OF EXTRADITION

I am writing to you in response to the extradition review announced by the Home Secretary on 8 September 2010. I urge the reform of the law of extradition and in particular the asymmetric US / UK extradition treaty ("the Treaty").

No Requirement for the US to Show a *Prima Facie* Case

I am particularly concerned by the fact that under the Treaty, there is no requirement for the US to show a *prima facie* case when extraditing from the UK. As such the UK courts do not make an evidential assessment in extradition proceedings to the US.

However, to extradite from the US, the UK has to show "*such information as would provide a reasonable basis to believe that the person sought committed the offense for which extradition is requested*" under Article 8 of the Treaty. The Treaty is therefore unfair and imbalanced.

Further Concerns

US extradition is of particular concern, not just because of the Treaty but because of the extensions of international criminal jurisdiction and the aggressive sentencing provisions of the US.

Extension of International Criminal Jurisdiction

The historical basis of English common law criminal jurisdiction is territorial because it is the function of the English criminal courts to maintain the Queen's peace within her realm. Additionally, the courts have held that it would be an unjustifiable interference with the sovereignty of other nations over the conduct of the persons in their own territory, if we were to punish persons for harmful conduct which did not take place in the UK. There were some exceptions to this general rule, including piracy and treason.

A significant in-road to the English territorial approach to jurisdiction has been made regarding bribery and corruption, first in the Anti-Terrorism, Crime and Security Act 2001 and recently in the Bribery Act 2010. Additionally, there are also a number of international crimes of universal jurisdiction such as war crimes, torture or terrorist crimes. The House of Lords has held that English courts have and always have had



INVESTOR IN PEOPLE

extraterritorial criminal jurisdiction in respect of crimes of universal jurisdiction under customary international law.

A number of high profile extradition cases have involved "white-collar" criminals. Serious fraud invariably involves cross-border transactions but they are not international crimes. The Court of Appeal has held that where a substantial measure of the activities constituting a crime takes place within the UK, the UK courts accept jurisdiction.

The US has a much broader approach to jurisdiction, particularly in relation to fraud, due to the relationship between State and Federal criminal responsibilities. The offence of wire fraud is deliberately configured widely to cover the situation where criminal activity occurs in more than one State and thereby confer jurisdiction on the US federal courts. However, the wording is so broad as to embrace criminal jurisdiction against those outside of the US but whose activities impact on US interests. The situation is therefore that any fraudulent enterprise in which an e-mail or electronic communication passes through a US internet service provider is indictable in the US.

Additionally, the Sherman Anti-Trust Act makes specific mention of those in "foreign nations" and the anti-bribery provisions of the US Foreign Corrupt Practices Act were extended in 1998 to catch individuals and companies with a relevant US nexus.

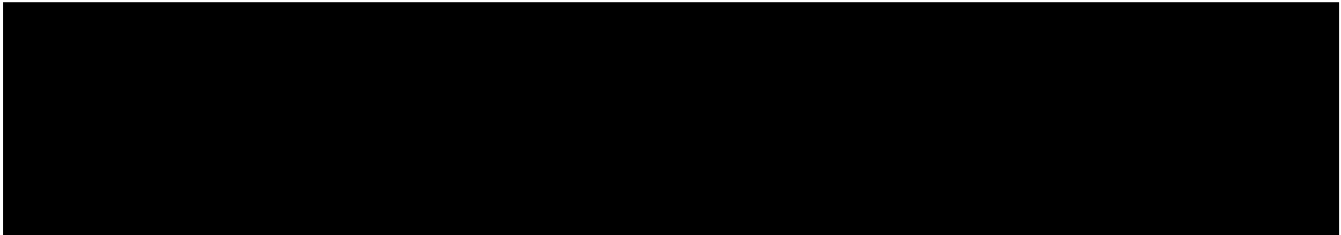
The result of this is that a large number of white collar crimes committed in the UK potentially fall within the ambit of US prosecutors. I further note that, following various public sector cuts, the resources of our own prosecutorial bodies have decreased. Given the superior resources of the US prosecutors, I am concerned that we are in essence out-sourcing justice for many UK citizens.

Sentencing Provisions in the US

Sentencing provisions in the US are much harsher than in the UK. As a result of this, those facing a trial in the US often face a sentence of as much as 20 years if they contest the charges and are then found guilty. Due to the combination of the sentencing provisions and the plea-bargain process, the majority of defendants in federal courts plead guilty.

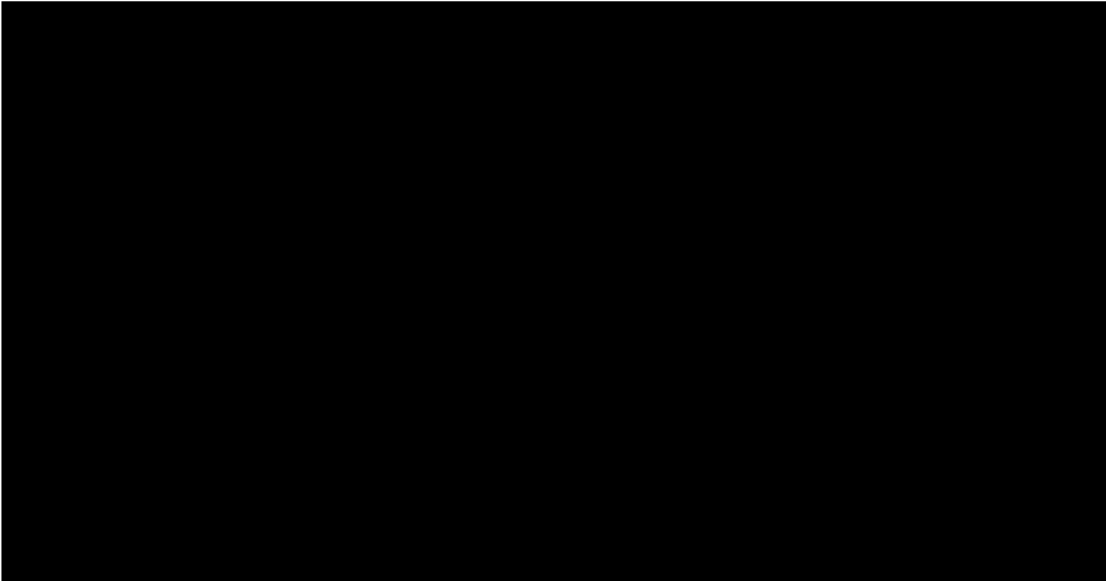
Particular Concerns

I find the Treaty particularly concerning because I can envision circumstances where several parties are engaged in a competitive bidding process with a US nexus and one party makes an allegation against a UK party in the hope of engaging an extradition process led by a US prosecutorial agency. In such circumstances, the Treaty as it now is could mean that an innocent UK party faced extradition to the US on the basis of a mere allegation and circumstantial evidence, as there is no need to show a *prima facie* case. Given the extra-territorial reach of US legislation, such a scenario is possible even if the alleged misconduct occurred in a third country.



Recommendations

In terms of reform of the law, I would make the following recommendations:

- a person should not be extradited to stand trial in the US without evidence being presented to a UK Court proving that there is a basic case against them;
 - if the crime is alleged to have occurred in whole or in part in the UK, then the person should not be extradited if a court here decided it is not in the interests of justice to proceed;
 - a general discretion for the Home Secretary to intervene in extradition matters; and
 - a political offences exemption.
- 

Submission To The Panel Reviewing UK Extradition Arrangements

by



Introduction

1. This submission is made by [REDACTED] further to the Home Secretary's announcement on 8th September 2010 of a review of the UK's extradition arrangements and in response to the invitation from the panel on 8th November 2010 for members of the public to contribute their views on the current arrangements.
2. In particular, this submission will address the area of "*whether requesting states should be required to provide prima facie evidence*" with specific regard to arrangements vis-à-vis the Russian Federation.
3. GML (previously Group Menatep Ltd) is a diversified financial holding company established in 1997 by Mikhail Khodorkovsky, the former CEO of the Yukos Oil Company ("YUKOS"), Platon Lebedev and others. It is, through wholly-owned subsidiaries, the former majority shareholder of YUKOS which, at one time, was a leader in the field of emerging Russian companies, driving new standards of transparent corporate governance.
4. YUKOS became the largest privately owned energy company in Russia. It was, at one point, the fourth largest oil company in the world producing in excess of a million barrels of oil per day, or 2% of global oil production.
5. Beginning in 2003, the Russian Government instigated a campaign of expropriation against YUKOS, issuing bogus crippling tax demands by creating entirely new legal theories that were applied solely to YUKOS. The Russian authorities imprisoned Messrs Khodorkovsky and Lebedev on charges widely regarded as politically-motivated, seized, then forcibly auctioned the company's main production unit (Yuganskneftegaz) in 2004, artificially placed the company into bankruptcy and then sold its other assets at a series of sham auctions through 2006/07, mainly to the benefit of Rosneft, the Russian state-owned oil company.
6. In August 2006, there was a key decision in District Court of Amsterdam whereby the proceeds from any future sale of YUKOS' international assets would be handled by the Dutch Courts rather than by the Russian bankruptcy liquidator. Hours after the ruling, the Russian General Prosecutor announced (in a press notice on its website) that the Russian Federation had opened a criminal investigation into Mr Osborne and three senior Western YUKOS managers (all US citizens), alleging "appropriation and embezzlement" of over \$10 billion. The allegations, of which Mr Osborne has still received no formal notification, appear to have been made because of the decision in the District Court of Amsterdam and are, needless to say, completely without merit. No evidence, even *prima facie*, has ever been presented outlining the Russian claim.
7. Mr Osborne's main responsibility as a director of GML is to pursue compensation for YUKOS assets that were illegally expropriated by the Russian Government. GML is seeking over \$100 billion compensation from the Russian Federation under the provisions of the Energy Charter Treaty ("ECT"). Any award if not paid will be enforceable against non diplomatic Russian Government-owned assets situated outside Russia.

Reciprocity of Extradition

8. The diplomatic exchange in 2007 with Moscow over the murder of Alexander Litvinenko highlighted a stark imbalance between Russian and UK extradition laws: Russian citizens in Russia cannot be extradited for crimes committed in the UK, by virtue of the provisions of Article 61 of the Constitution of the Russian Federation;

Russian citizens with asylum in the UK cannot be extradited to Russia due to the UK Government's view that they would not receive a fair trial in Russia; yet despite concerns about the rule of law in Russia and judicial independence, British citizens in the UK can be extradited to Russia as a matter of UK law and would have to rely on the UK courts to protect them.

9. The Russian Federation has been designated under the provisions of the 2003 Extradition Act as a Category 2 Territory. It has further been designated as a territory that need only provide "particulars of information" rather "prima facie evidence" when seeking extradition from the UK. We submit that this lower threshold and absence of the requirement to submit evidence, is inappropriate as in recent years it has become clear that:
 - a. the Russian Federation has used such provisions to bring speculative and politically motivated extradition requests and in doing so has breached its obligations under international extradition treaties;
 - b. that those facing such allegations cannot rely upon there being judicial independence and the rule of law in the Russian Federation; and
 - c. there is a clear imbalance in extradition procedures between the UK and the Russian Federation.
10. The Russian Federation has, in its pursuit of individuals connected to YUKOS, breached international treaties relating to extradition and mutual assistance, including:
 - The European Convention on Extradition 1957:
 - › Article 3 prohibits extradition concerning "political offences"¹. The Russian Federation has been found on at least six occasions to have nonetheless made extradition requests for such offences, four to the UK and two to Lithuania (outlined below).
 - The European Convention on Mutual Assistance in Criminal Matters 1959:
 - › Article 2 prohibits seeking assistance for political offences².
11. In extradition hearings in the UK, and elsewhere³ expert evidence has been provided on the issue of persecution. In late 2005 Professor Richard Sakwa (Professor of Russian Politics, University of Kent) produced a report for the Bow Street Magistrates Court, hearing an extradition request for Mr Alexander Temerko (a former top YUKOS executive). Professor Sakwa calculated that there were 18 active criminal investigations or prosecutions of individuals connected to YUKOS. As discussed below, the Judge in that case ruled there was a bar to extradition due to the politically motivated nature of the case. In March 2007, Professor William Bowring (Professor of Law, University of London and former adviser to the UK Government on Human Rights in Russia) calculated that this had spiralled to forty five.
12. Companies and individuals associated with YUKOS have been the subject of numerous mutual legal assistance requests lodged by the Russian Federation worldwide. These are motivated solely by the Russian Federation's desire to destroy YUKOS and those associated with Mikhail Khodorkovsky, who is perceived as a political opponent by former President and current Prime Minister Putin.

¹Article 3 – Political offences:

- 1 Extradition shall not be granted if the offence in respect of which it is requested is regarded by the requested Party as a political offence or as an offence connected with a political offence.
- 2 The same rule shall apply if the requested Party has substantial grounds for believing that a request for extradition for an ordinary criminal offence has been made for the purpose of prosecuting or punishing a person on account his race, religion, nationality or political opinion, or that that person's position may be prejudiced for any of these reasons.

²Article 2: Assistance may be refused: a - if the request concerns an offence which the requested Party considers a political offence, an offence connected with a political offence, or a fiscal offence;

³ For example, July 2006 in the case of Kolesnikov before the District Court of Lanarca

The State of the Russian Judicial System

13. The politically motivated destruction of YUKOS and the imprisonment of its executives was a turning point in terms of the Russian Federation's commitment to domestic property rights and international energy security. Through the lens of the YUKOS Affair, it has also become clear that the Russian Federation has allowed its criminal justice system to become infected with corruption and political influence.
14. Courts in the Russian Federation have become susceptible to outside pressure and inducements to the extent that persecution of political enemies of the state has been facilitated by judges. In October 2004, the Chairman of the Russian Constitutional Court, Valerii Zorkin, marked the 13th anniversary of Russia's judicial reform by saying that the country's judicial system is in many aspects worse now than it was in the Soviet era⁴.
15. The situation has not changed since Judge Zorkin's comments in 2004. In early December 2009, Russian Constitutional Court Judge Anatoly Konorov resigned his position. Another judge in the same court, Vladimir Yaraoslavtsev, simultaneously announced his resignation from Russia's Council of Judges, effectively retiring as a judge. Following these resignations, on 7th December 2009, the Russian Federal Chamber of Advocates issued a statement explaining that these resignations/retirements were the result of Judges Konorov and Yaraoslavtsev expressing fears as to the state of the Russian judiciary (to the Russian and Spanish press respectively). Judge Yaraoslavtsev described the situation as a "wreckage of justice" and went on to state that judges who delivered judgements perceived by the Russian Government as hostile to its policies and interests were duly punished.
16. Corruption and political influence in Russia's judicial system are so rife that state-owned oil company Rosneft, in its 2006 IPO prospectus submitted to the London Stock Exchange, stated that one of the risks associated with the stock was "the possibility that certain judges may be susceptible to economic, political or nationalistic influences"⁵.
17. In May 2004, the European Court of Human Rights itself (in *Gusinskiy v Russian Federation*⁶) ruled that Russia had abused its criminal justice system in order to blackmail a citizen of Russia, thus violating Articles 5 and 18 of the European Convention on Human Rights. The Court held at paragraphs 76/77 of its judgment: "In the Court's opinion, it is not the purpose of such public law matters as criminal proceedings and detention on remand to be used as part of commercial bargaining strategies ... the Court cannot but find that the restriction of the applicant's liberty permitted under Article 5(i)(c) was applied not only for the purpose of bringing him before the competent legal authority on reasonable suspicion of having committed an offence, but also for other reasons".
18. In November 2004, Sabine Leutheusser-Schnarrenberger (now Federal Justice Minister of Germany), acting as the human Rights Committee Rapporteur for the Parliamentary Assembly of the Council of Europe ("PACE"), reported⁷ that the prosecutions of Mikhail Khodorkovsky and Platon Lebedev as part of the YUKOS affair were designed to weaken political opponents of President Vladimir Putin, to intimidate and to expropriate economic assets deemed strategically important by the state.
19. In December 2008, the Council of Europe Group of States Against Corruption published an evaluation report on Russia⁸. Paragraph 147 of the report states that "Despite the establishment of a Constitutional and legislative framework of the judiciary and safeguards at providing for the independence of judges, there appears to be a common understanding in Russia among officials and civil society representatives that the judiciary is broadly affected by undue influence and corruption". Furthermore, the Report states at paragraph 83 "In the light of the

⁴Izvestiya, 25th October 2004: see http://www.hri.org/news/balkans/rferl/2004/04-10-25_rferl.html#11

⁵<http://www.rosneft.com/investors/structure/IPO/> at Page 52

⁶Appn. no. 70276/01, Judgment 19.5.04

⁷<http://assembly.coe.int/Main.asp?link=http%3A//assembly.coe.int/Documents/WorkingDocs/doc04/EDOC10368.htm>

⁸[http://www.coe.int/t/dghl/monitoring/greco/evaluations/round2/GrecoEval1-2\(2008\)2_RussianFederation_EN.pdf](http://www.coe.int/t/dghl/monitoring/greco/evaluations/round2/GrecoEval1-2(2008)2_RussianFederation_EN.pdf)

meetings with senior representatives of the Supreme Court... leading independent experts, former judges and lawyers ... my impression is that Russian judges are – still, and maybe even increasingly so – under serious pressure to “function” as expected by the powers that be”.

20. Another report⁹ by the PACE Committee on Legal Affairs and Human Rights, by Christos Pourgourides as Rapporteur, contains particularly strong criticism of Russia:

“28. In Russia, attempts were made in 2004/2005 – after public threats to this effect by the spokesperson of the prosecutor’s office – to have all members of Mr Khodorkovsky’s legal team disbarred from the Moscow City Bar. In December 2005, the Russian representative before the European Court of Human Rights attempted to initiate disciplinary proceedings against lawyers at the Moscow-based “International Protection Centre” before the Moscow City Bar, which did not, however, follow the request. The Centre is defending many applicants to the European Court of Human Rights.

29. Similar indirect measures against applicants’ legal representatives are unfortunately continuing. Ms Karinna Moskalenko, founder of the above-mentioned “International Protection Centre” has informed me in much detail, supported by many documents, of the procedures launched against the Centre by the Federal Tax Service. The Centre’s members have brought numerous cases to the European Court of Human Rights, including many Chechen cases, but also other politically “sensitive” cases such as that of Mikhail Khodorkovsky and other “Yukos-related” issues¹⁰ and cases of alleged victims of “spy mania”¹¹, in addition to organising human rights training and awareness-raising activities. Mrs Moskalenko is painfully aware of the risks she is running, and has gone to extraordinary lengths in order to avoid providing the authorities with any pretext to prosecute her or her colleagues for irregularities of any kind. But repeated, lengthy inspections by the tax service and other acts of harassment by the authorities over the past year have exerted a psychological toll on Ms Moskalenko, and I am therefore particularly grateful that she accepted to give evidence during the Committee’s hearing in June, in Strasbourg.”

21. The British Government is on record as having a lack of faith in the Russian justice system. On 10th July 2007, in response to an offer by the Russian Deputy Prosecutor to try Andrei Lugovoi, the alleged murderer of Alexander Litvinenko, in Moscow, Prime Minister Gordon Brown stated in a press statement *“The Director of Public Prosecution had carefully considered Russia’s offer of a trial under Russian law, but concluded that this was unacceptable... we did not have full confidence that a trial in Moscow would meet the standards of impartiality and fairness that would be deemed necessary”*¹².
22. Furthermore, European courts have also considered the manner in which the Russian Federation utilises its justice system generally to disadvantage opponents. In October 2007, in the District Court of Amsterdam, the court refused to recognise the rights of the Russian court appointed liquidator of YUKOS, Eduard Rebgun, on the basis that both YUKOS’ bankruptcy (which was achieved by the Russian tax authorities levying bogus tax assessments against the company) and Mr Rebgun’s appointment *“was effected in a manner not in accordance with the Dutch principles of due order of process and is thus a violation of the Dutch public order”*.

⁹ Christos Pourgourides, “Member states’ duty to co-operate with the European Court of Human Rights”, 9th February 2007: <http://assembly.coe.int/Main.asp?link=/Documents/WorkingDocs/Doc07/EDOC11183.htm>

¹⁰ Sabine Leutheusser-Schnarrenberger: “The arrest and prosecution of former Yukos executives”, adopted in January 2005, Doc 10368 and Addendum.

¹¹ Christos Pourgourides: “Fair trial issues in espionage cases”, adopted by the Committee on Legal Affairs and Human Rights at its meeting in Naïplion in September 2006, Doc 11031

¹² Prime Minister’s Morning Press Briefing, 10 July 2007: <http://webarchive.nationalarchives.gov.uk/+http://www.number10.gov.uk/Page12409>

Politically Motivated Extradition & MLAT Requests

23. In the context of extradition, the British courts are on record as having little faith in the Russian justice system. On 18th March 2005, Senior District Judge Timothy Workman, sitting in the Bow Street Magistrates Court, refused to extradite Dmitry Maruev and Natalia Chernysheva on the basis that, from the evidence he had been presented with, it would appear that the defendants would not receive a fair trial in Russia because the Moscow City Court would succumb to political interference.
24. Similarly, on 23rd December 2005, whilst sitting in the same court, Senior District Judge Workman rejected an extradition request from Russia against Alexander Temerko on the basis that the request for extradition was made for the purpose of prosecuting or punishing him for his political opinions. Furthermore, during the course of that case, one of the expert witnesses for the defence, Professor Bowring, travelled to Russia having given the first part of his evidence in the proceedings. He was detained upon entry into Russia, held for 6 hours, had his visa cancelled and was deported. Senior District Judge Workman concluded that *"I am ... satisfied that the proceedings against Mr Temerko are politically motivated and that in detaining Professor Bowring before his evidence in this court had been completed there was a deliberate attempt to prevent a fair trial"*.
25. In December 2007, District Judge Evans refused an extradition request lodged by the Russian Federation against Andrei Azarov, a former senior executive of a shipping company associated with YUKOS, on the grounds of tax fraud. DJ Evans ruled that any prosecution of Mr Azarov would be politically motivated and he would not receive a fair trial if returned to Russia. In the same month, the City of Westminster Magistrates Court refused to extradite four Russian émigrés, Messrs Nikitin, Skarga, Izmaylov and Mikhayluk, on the basis that the requests were made to punish the defendants on account of their political opinions. It was also determined by the court that the individuals may not receive a fair trial in Russia due to their political views.
26. In the judgment of the Court of Appeal handed down on 31st July 2009 in *Deripaska v Cherney*¹³ Waller L.J., giving the leading judgment, stated (at paragraphs 39 and 44) that Mr Cherney would not receive a fair trial in Russia as the litigation at hand affected the strategic interests of the Russian state. Moore-Bick L.J. (at paragraphs 60 and 62) held that there was a real possibility that trumped up charges would be brought against Mr Cherney and that evidence of political manipulation of the criminal justice system was sufficient to find that its integrity could be impugned.
27. The Russian Federation has also lodged politically motivated extradition requests in Europe. In Lithuania, the Russian Federation lodged extradition requests with respect to two individuals associated with YUKOS, Igor Babenko and Mikhail Brudno. In both cases, extradition was refused on the grounds that the applications lodged were politically motivated.
28. Whilst it is not possible to list all of the YUKOS-related requests made by Russia which states have decided to refuse, of particular significance, is the decision of the Federal Supreme Court of Switzerland of 13th August 2007 which refused a Russian request for mutual legal assistance and the seizure of property.
29. That decision, which referred to the report prepared by Ms Leutheusser-Schnarrenberger and the decision of the European Court of Human Rights in *Gusinskiy v Russian Federation*, stated with respect to the evidence presented to it regarding political motivation of the prosecution that *"All these elements clearly corroborate the suspicion that this criminal proceeding was orchestrated by the powers that be in order to subordinate the class of rich "oligarchs" and do away with potential or sworn political opponents.[By virtue of this alone]... mutual legal assistance cannot be granted"*.

¹³ [2009] EWCA 849

30. There have been requests for mutual assistance in connection with the YUKOS affair made by the Russian Federation to many countries but, so far as we are aware, none have been granted because those requests are always deemed to be politically motivated.

Conclusion

31. There is a fundamental imbalance in extradition arrangements between the UK and the Russian Federation whereby: Russian Citizens in Russia are protected from extradition, in all circumstances, by Russian Law; Russian citizens with asylum in the UK are protected from extradition by British Law; but, due to Russia's Category 2 status under the UK Extradition Act 2003, British citizens in the UK enjoy no similar absolute protection from the British Government and instead must rely on the Courts to protect them from politically-motivated prosecutions in Russia.
32. Through its prosecution of the YUKOS case, amongst others, Russian authorities have demonstrated a continued trend towards abuse of Russia's privileges under international extradition treaties and an alarming deterioration of the rule of law in the Russian Federation.
33. We believe that the panel should consider recommending that the UK Government review its designation of the Russian Federation as a country that does not need to submit "prima facie evidence" in support of an extradition request.
34. We submit that this lower threshold and absence of the requirement to submit evidence, is inappropriate as in recent years it has become clear that:
- a. the Russian Federation has used such provisions to bring speculative and politically motivated extradition requests and in doing so has breached its obligations under international extradition treaties;
 - b. that those facing such allegations cannot rely upon there being judicial independence and the rule of law in the Russian Federation; and
 - c. there is a clear imbalance in extradition procedures between the UK and the Russian Federation.
35. We believe that irrespective of the case for re-designation of the Russian Federation under Category 2 territories of the Extradition Act 2004, the Panel should consider recommending that the British authorities exercise caution when considering requests for extradition or mutual legal assistance lodged by the Russian Federation, bearing in mind the latter's track record of utilising its own justice system to persecute individuals and groups deemed to oppose those in power.
36. Finally we submit that in any event that there should be a "level playing field" and the UK should not extradite and the UK government should not have the power to extradite a UK citizen to any country (including Russia) that as a matter of domestic law is stopped from extraditing its citizens to the UK.

[REDACTED]

Sent: 19 December 2010 12:06 AM

To: extradition.review

[REDACTED]

Subject: Extradition.

British Citizens should only be extradited only if they are terrorists or really dangerous.
Foreign criminals should be extradited and people who are using Britain to escape justice.
One test should be if that suspect would be in the UK if he or she had not committed the crime.
Gary Mckinnon should not be extradited as he is a British Citizen and would have been in Britain if he had not done any hacking.
I think if Gary had been an American citizen than I think he should have been extradited as he would on purpose be using Britain as a safe haven.
As he is British he should be tried according to UK Law. and not according to a different Judicial system.

[REDACTED]

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[REDACTED]

Sent: 19 December 2010 7:59 PM
To: extradition.review
Subject: concern of the Extradition Act 2003

Dear Rt Hon Sir Scott Baker

I am writing to you to raise my concern of the Extradition Act 2003 which came into force in the UK on January 1st 2004. This law which allows the UK to extradite any individual to the US (and other designated countries) WITHOUT the need for the US to provide prima facie evidence to support the extradition request, I strongly believe should never have been legislated. I propose a question of justice and fairness to you, where has human rights vanished to where the accused has no right to challenge any evidence provided by the US in a British Court of Law?

We are fully aware that this extradition treaty is a one way ticket to a designated country, whereby prosecutors misuse it by requesting UK citizens that have not committed an Extradition offence or in many cases have not even committed any UK offence. They are fully in the know that they can change the indictment once the UK citizen has arrived in the US. Any Government which takes the Human Rights away from it's citizens should be held accountable in elections and even in the European Court of Human Rights which the US has no regard for, may I add.

I condemn this law and feel it breaches the human rights of the UK citizen, which the UK government are expected to preserve!

I look forward in hearing from you.

Yours sincerely

[REDACTED]

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Sent: 20 December 2010 12:32 AM

To: extradition.review

Subject: Opinion

- whether requesting countries should be required to provide sufficient evidence to prove an allegation

DEFINITELY YES

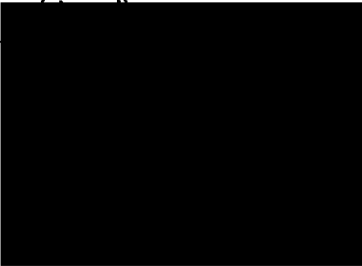
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Sent: 20 December 2010 5:05 PM

To: extradition.review

Subject: Extradition opinion

Dear Sir/Madam

- the Home Secretary's powers to stop extradition
In my opinion the Home secretary should have the power to intervene only in extreme cases. For example if major political or national security issues are at stake. This intervention should be justified to the house.
 - the operation of the European Arrest Warrant, which deals with extradition requests between European countries
I think the warrant goes too far. A person can be detained on remand, pending a hearing simply upon request of a person for questioning. If a person is to be held and then extradited it should be under an arrest warrant.
 - where a crime is mainly committed in the UK, whether the person should be tried here
If a judge/home secretary is confident the person will receive a fair trial and be justly punished, it does not matter if tried here or by the state requesting extradition.
 - whether the US-UK Extradition Treaty is unbalanced
The fact that this question is being asked should be enough to indicate further investigation. If the USA does not wish to reciprocate ease of extradition, the treaty should be reviewed.
 - whether requesting countries should be required to provide sufficient evidence to prove an allegation
Evidence should be presented and should provide enough justification for an arrest warrant.
- 

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[REDACTED]

Sent: 22 December 2010 6:07 PM
To: extradition.review
Subject: Extradition Agreement

To Whom it may concern:

I have been concerned with the existing extradition agreement which is in place with either the USA or other European Union members. I have grave concerns with certain lack of fair trials which have been documented throughout the last couple of years which have clearly not followed the same legislative process that would have been followed if the individual had been tried in this country. I have followed closely the case of Garry Mann, who is presently incarcerated in Portugal. Although eminent members of the U.K. judicial system expressed their concerns with his predicament, and even documented their concerns, it appeared to me that no one was prepared to stop the extradition of Mr. Mann to Lisbon. It is my belief that this was compounded by the transition from a Labour government to a Coalition one earlier this year as clearly no politician seeking office was prepared to intervene. One would only imagine the stress and frustration to Mr. Mann and his family, especially cognisant that part of the U.K. legal profession believed there to have been a travesty of justice with his particular case.

In summary, although I believe any civilised country with a mature judicial system should have an extradition policy with other civilised countries, the caveat should be that cases are dealt with on any individual basis, ensuring, prior to an extradition, that the individual had, or will receive, a fair trial in the country he is being extradited to.

Sincerely,

[REDACTED]

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[REDACTED]

Sent: 22 December 2010 8:57 PM

To: extradition.review

[REDACTED]

Dear Panel Members,

I have recently contacted my local MP Tom Brake over the issue of Mr Babar Ahmad who has been held in prison in the UK since August 2004 without having been charged whilst the American government use all of their legal might to try and extradite him. In this regard, please find attached my letter to Tom Brake who I gather has written to the Home Secretary about this matter and will furnish me with her reply when he receives it.

The review panel is looking at five main areas as published on your web site:

- the Home Secretary's powers to stop extradition
- the operation of the European Arrest Warrant, which deals with extradition requests between European countries
- where a crime is mainly committed in the UK, whether the person should be tried here
- whether the US-UK Extradition Treaty is unbalanced
- whether requesting countries should be required to provide sufficient evidence to prove an allegation

The case is similar in principle to that of Gary McKinnon and largely relates firstly to the Home Secretary's power to stop extradition and secondly, where an alleged crime is mainly committed in the UK, whether the person should be tried here. I have mentioned both of these points in my letter to Tom Brake and would like to reiterate them here as a contribution towards your valuable review.

As you know, the central US allegations against Babar Ahmad revolve around a family of websites that provided news in nearly 20 languages on Chechen resistance fighters who were defending their land against the Russian Army's invasion of Chechnya in the 1990s. The Americans believe that this was tantamount to supporting terrorism. Part of the argument is that because one of the websites was hosted (for an 18 month period) on a US based server then this provides good grounds for extraditing Babar to the US under the controversial Extradition Act. This one-sided act removes the requirement on the USA to provide *prima facie* evidence in extraditions from the UK, requiring instead only *reasonable suspicion*. This may have been more relevant in the aftermath of 9/11 but I do believe that it now requires serious reform to make it a fairer act which will undoubtedly be based on the recommendations of your review.

The Wikileaks case is probably also related in that we are beginning to see a massive battle between government power, and the distributed and decentralised Internet. Wikileaks chief Julian Assange's case will be one to closely watch if the US succeed in extraditing him! Historically, it is interesting to note that the origins of the Internet reach back to the 1960s with both private and United States military research into robust, fault-tolerant, and distributed computer networks (see Wikipedia).

As mentioned in my letter to Tom Brake I do hope this case will encourage our parliamentary representatives to activate the 'forum' amendments already included in our extradition legislation which would allow a court to consider barring extradition if a significant part of the conduct that led to an alleged crime took place in the UK. The amendments were made in 2006 giving UK judges

the power to decide on the basis of each individual case whether it is appropriate to order extradition. Yet, these provisions have never been brought into force.

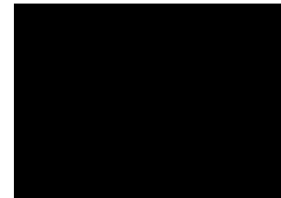
Babar Ahmad is currently awaiting a declaration by the European Court of Human Rights in regard to his final appeal against extradition. A final decision is expected in early 2011. Irrespective of their ruling perhaps a stay could be put on any decision about extradition until your review panel has had time to cover the issues. Now that Julian Assange has been released on bail (and may later be subject to a US extradition request) perhaps Babar could also be treated in a similar light by being released on bail (or by use of an electronic tag) until some decision is made about this case. In the meantime the poor man has to spend time under deteriorating conditions in a high security prison as a category A prisoner which involves being moved to and from other similar institutions as a matter of routine (shadowing). I don't actually know whether he is currently at Long Lartin (Evesham) or still at Manchester.

I await the outcome of your review with some interest.

Kind Regards

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Tom Brake, MP
House of Commons
London SW1A 0AA



21st October 2010

Dear Mr. Brake

Re: Babar Ahmad, the longest-serving UK prisoner detained without trial

As a member of your constituency, I am writing (copy also sent by post addressed to you at the House of Commons) to ask you to urge the Home Secretary to stay any decision on the extradition of Babar Ahmad to the US until the UK Government has reviewed the current extradition arrangements which I understand will be completed by the end of next summer. I believe that this would be a fair way of dealing with this long-standing case. As you know, some of the key issues to be considered include the "breadth of Secretary of State discretion in an extradition case", "whether the US-UK Extradition Treaty is unbalanced" and "whether requesting states should be required to provide prima facie evidence".

In addition, I would respectfully ask that you urge the Attorney General to consider stopping Babar Ahmad's extradition to the US by instructing the Crown Prosecution Service (CPS) to investigate him and, if appropriate, bring proceedings in the UK so that he might face trial before a jury of his peers. It is only then that Babar can be assured of mounting a proper defence which is the constitutional right of any British citizen.

Babar Ahmad is the longest detained (without trial) British citizen in the modern history of the UK, having been imprisoned since August 2004. I have sent a Fact Sheet (see http://www.freebabarahmad.com/downloads/MP_Lobbying_Instructions_20Sept2010.pdf) about his case for you to read which is similar to that of the computer hacker Gary McKinnon. I knew Babar in a professional capacity for a few years prior to his arrest in 2003. We used to work together at Imperial College on various IT support projects, particularly in relation to installation and use of high end analytical and visualisation software. He always seemed a nice man being very helpful and diligent. In the timeline of events Babar was arrested in December 2003 on terrorism charges and was released without charge, so when I met him soon after this there were still plenty of visible signs of the physical torture he had been subjected to and for which he subsequently received some compensation from the police. Babar was re-arrested in August 2004 on a number of allegations and has remained in various high-security prisons in the UK since that time without charge or trial.

I have visited Babar several times whilst he has been in prison and he phones me up from time to time. Recently he has been moved from Long Lartin (Evesham) to Manchester Prison (formerly Strangeways) which I discovered when Manchester phoned me up to find out whether I would wish to continue receiving calls from Babar. This process of 'shadowing' is a fairly routine procedure for category 'A' prisoners, but I feel this is unfair treatment for someone who has not yet been tried or convicted of any crimes. Whether or not Babar is guilty of terrorist charges he ought, in any case, to be tried in the UK since the alleged crimes took place whilst he was in the UK (as also in Gary McKinnon's case). As a British citizen Babar should not be extradited to stand trial in the US under controversial 'fast-track' extradition procedures, which are now themselves being put to the test! Is the British justice system no less able to deliver justice than the American justice system? This is particularly pertinent now that the CPS have decided to prosecute those officers who were involved in physically abusing Babar since he would obviously be a key witness in this case.

Altogether I am outraged at his ordeal which has now gone on for over six years. I ask you to lobby the Coalition Government on my behalf in the strongest possible terms to end this historic miscarriage of justice and to try Babar Ahmad in the UK instead of extraditing him to the US. This case should encourage our parliamentary representatives to persuade the Government to activate the 'forum' amendments already included in our extradition legislation which would allow a court to consider barring extradition if a significant part of the conduct that led to an alleged crime took place in the UK. It is quite clear, on the facts of his case, that any British court given the chance to consider the 'forum amendment' would reject Babar's extradition.

Please provide me with a copy of any letters you send and any responses you receive regarding this matter.

Yours sincerely,





Sent: 27 December 2010 12:29 AM
To: extradition.review
Subject: Unreasonable

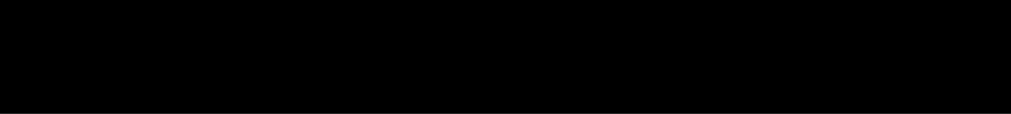
Dear Sirs

Re extradition, in the Gary McKinnon case, it seems to me utterly unreasonable that a British Citizen, who has never been to the United States, should be threatened with extradition to the United States for an alleged crime that was committed in THIS country. Whatever allegations Gary McKinnon faces, he should face them in THE UNITED KINGDOM.

Thank you



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Sent: 28 December 2010 3:35 AM
To: extradition.review
Subject: Extradition Review

Dear Sir,

I'm really glad you're holding this review as two recent cases have caused me great concern about the way extradition matters are dealt with in the UK. These relate to the European Arrest Warrant and the US-UK Extradition Treaty respectively and I'd like to turn to the European Arrest Warrant first, if I may.

On 8th December, Julian Paul Assange, an Australian citizen, was remanded into custody on the basis of a European Arrest Warrant originating in Sweden. It is my understanding that not only were the Swedish prosecutors not actually charging Mr Assange, they also refused to supply information about the investigation to the court. Indeed, I gather from interviews Mr Assange has given this month (not least his interview with the BBC's Today programme viewable at the following link: <http://www.youtube.com/watch?v=XQEPiVDY2ss>) that he had previously made several offers to be questioned, albeit not on Swedish soil, which were refused.

Notwithstanding that the progress of this investigation in Sweden has been subject to controversy from the outset, it seems quite wrong to me that a man should spend over a week in prison – in fact, in solitary confinement – where no charge has been made or even any evidence presented. It is, of course, impossible to be definite where such a paucity of 'official' information exists, but from newspaper reports it does appear that several of the allegations made against Mr Assange would not be considered a matter for the courts if they had occurred here in the UK, and are in fact relatively minor offences under Swedish law too. (I believe this point was actually made at the High Court during Mr Assange's recent bail hearing.)

Mr Assange's actual extradition hearing has yet to take place, of course, but I feel that even as it stands his case raises significant questions about the way the European Arrest Warrant system works. Without the requirement to specify a charge and evidence, it seems a frighteningly straightforward matter for an individual to be deprived of their liberty for some considerable duration, purely at the whim of a prosecutor somewhere in the EU.

It is my understanding that when the EAW was introduced in 2003, the objective was to improve coordination across the EU on really serious offences, particularly those related to terrorism. However, some of the Polish incidences cited by Afua Hirsch in a recent article for The Guardian (<http://www.guardian.co.uk/commentisfree/libertycentral/2010/dec/14/julian-assange-european-arrest-warrant>) appear to be relatively trivial and certainly not in the spirit of the original legislation. Both the non-limited nature of allegations for which an EAW can be sought and the lack of a requirement to present evidence seem to me, then, to be extremely problematic: the latter in effect makes depriving someone of their liberty a purely bureaucratic matter, which cannot be right.

The second case which has caused me great concern is that of Gary McKinnon, a Scottish systems administrator who is currently facing extradition to the United States on charges of hacking into various US Government and military computer systems. Should he be sent to the US, Mr McKinnon faces up to 70 years in jail.

As a review of Mr McKinnon's case was the trigger for the Home Secretary announcing this review, I have no doubt that you are very familiar with it so I will not rehearse the details yet again. However, what the case does highlight are the changes made to US-UK extradition arrangements after 2003, which make the burden of evidence the US has to supply very much lower than it was previously. It also makes it abundantly clear that, when an American attempt to extradite is launched, there's very little any British authority can do to halt it – even when that attempt outrages public opinion.

This is undoubtedly the case with Mr McKinnon, who suffers from Aspergers Syndrome and was reportedly exploring computer systems for signs of UFO coverup, and the inability of the last Government to protect him does look uneasily like a country abandoning one of its own (vulnerable) citizens at the behest of a more powerful older brother. There is generally perceived to be an asymmetry in the extradition arrangements between the US and UK – again, like the EAW, arrangements designed in the past 10 years to deal with the threat of terrorism are being widely applied to different, and less serious, cases. In the interests of restoring public confidence in the system, this is definitely something that should be looked at.

Yours faithfully,



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Sent: 29 December 2010 2:16 AM
To: extradition.review
Subject: Gary McKinnon Extradition

To Whom it may concern:

I am one of many average American citizens who are following the Gary McKinnon case. He certainly was not trying to cause harm to the United States or its interests by his actions; as the parent of two Asperger children, I understand when an individual such as Mr. McKinnon can become hyper-focused on a cause or situation. In fact, he did a favor for my government by proving that current Federal computer firewalls, safeguards and protocols are woefully inadequate.

Gary McKinnon should be put on probation, and prompted to hack into United States government computer databases until we improve our electronic security enough to stop him; then we should pay him a consulting fee and thank him for his efforts.

For the love of God, spare this man from American incarceration.

Sincerely,



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[REDACTED]

Sent: 29 December 2010 12:48 PM

To: extradition.review

Subject: Extradition Review

Dear Sir,

1. The Home Secretary should have overriding powers over any legislation to stop an extradition.
2. The operation of the EAW is unfair, unbalanced, expensive and infringes the human rights of British citizens deported, to possibly endure conditions far below the penal standards of the U.K.
3. Crimes committed in the U.K. should only be tried in the U.K.
4. The US-UK Extradition Treaty is unbalanced, almost totally in favour of the U.S.
5. Requesting countries should provide a high standard of evidence to prove an allegation.

[REDACTED]

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[REDACTED]

Sent: 30 December 2010 2:10 AM

To: extradition.review

Dear Rt Hon Sir Scott Baker

I am writing to you to raise my concern of the Extradition Act 2003 which came into force in the UK on January 1st 2004. This law which allows the UK to extradite any individual to the US (and other designated countries) WITHOUT the need for the US to provide prima facie evidence to support the extradition request, I strongly believe should never have been legislated. I propose a question of justice and fairness to you, where has human rights vanished to where the accused has no right to challenge any evidence provided by the US in a British Court of Law?

We are fully aware that this extradition treaty is a one way ticket to a designated country, whereby prosecutors misuse it by requesting UK citizens that have not committed an Extradition offence or in many cases have not even committed any UK offence. They are fully in the know that they can change the indictment once the UK citizen has arrived in the US. Any Government which takes the Human Rights away from it's citizens should be held accountable in elections and even in the European Court of Human Rights which the US has no regard for, may I add.

I condemn this law and feel it breaches the human rights of the UK citizen, which the UK government are expected to preserve!

I look forward in hearing from you.

Yours sincerely

[REDACTED]

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Dear sirs,

Under the Europa website 'Summaries of EU legislation, European Arrest Warrant' the Commission advises of:

'Council Framework Decision 2002/584/JHA of 13 June 2002 on the European arrest warrant and the surrender procedures between Member States'

in turn defining EAW as:

'The framework decision defines "European arrest warrant" as any judicial decision issued by a Member State with a view to the arrest or surrender by another Member State of a requested person, for the purposes of:

- conducting a criminal prosecution;
- executing a custodial sentence;
- executing a detention order.'

Unlike the EIO and the EEW, the EAW has no jurisdiction in the pre-trial investigation phase. It follows that the issuing state must certify that someone in authority believes on the evidence available that the subject of the EAW, has, prima facie, committed the offence complained of and that the requesting state wishes to proceed to the prosecution of the subject for that offence, or that an appropriate indictment exists. This is not the case where the warrant concerns a custodial sentence or a detention order.

It is clearly the will of the EU that the EAW be restricted to prosecution as opposed to investigation and that precludes the use of that instrument for the purpose of gathering evidence. This makes the EAW an instrument quite dissimilar to the EIO and the EEW where the purpose is the gathering of investigative evidence. Because of the heavy emphasis on pre-trial judicially supervised gathering of evidence common in other EU states, and because that is not part of the pre-trial system in common law countries, (despite the view of the ECHR and despite the view of our own Supreme Court in R.v Hornecastle, in attributing a non-existent neutrality to our CPS) we must anticipate that perhaps frequent applications for EAW execution for the purpose of gathering evidence will be received, but must be resisted as long as the purpose of the EAW remains the same.

Louis Charlebois



Sent: 19 December 2010 4:17 PM

To: extradition.review

Subject: extradition

The Home Secretary should have the power to halt an extradition when circumstances such as the accused is mentally unsound/unstable and unable to respond to the charges in a responsible way.

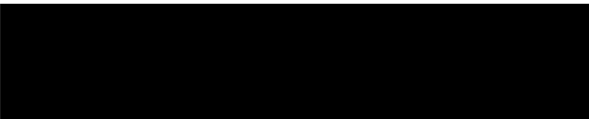
A European Arrest Warrant should be accepted only when the country making the arrest can confirm the trial will be held and concluded within an agreed period of time. Evidence to show the charges have real substance should be provided to a UK court. People should not be imprisoned for an inordinate period in a foreign country pending trial. If circumstances dictate they should be held on remand in the UK or the country from which they are being extradited.

Where a crime is committed mainly in the UK is it not common sense to hold the trial here?

There is no doubt whatsoever that the US-UK Extradition Treaty is entirely balanced in favour of the US. This has to stop. An order from the US to extradite someone on their say so alone without any evidence is entirely unacceptable and is foolish legislation made for the correct reasons but totally without any foresight.

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Sent: 31 December 2010 1:20 AM
To: extradition.review
Subject: Review of UK Extradition Laws.

Rt. Hon Sir Scott Baker.

Dear Sir,

Please find my opinion on the Extradition Laws;

1. Home Secretary's Power to stop extradition.

The UK Home Secretary should have absolute power to stop extradition of ANY person that the Home Secretary/ Government feel should NOT be extradited, be it because that person is a UK national or a foreign national who may be in danger if they were extradited. We are a Sovereign Nation and as such should have ABSOLUTE RIGHT and AUTHORITY to state what happens in our OWN country, regardless of any other laws in other domains.

2. The Operation of a European Arrest Warrant.

As stated in point one, we are a SOVEREIGN NATION and should not be beholden to other countries as far as OUR laws go. The EAW in it's present form is an absolute travesty of Justice, and it will not be long before a case is heard in the European Human rights as to why someone should not be deported under this EAW Law.

Take the case of Jacek Jaskloski, a Polish teacher and Grandfather who lives in Bristol, and is being sought for alleged 'theft' in Poland. His "crime" was to withdraw money - TEN YEARS AGO which the Poles say took him over his agreed overdraft limit ! He was arrested in July and is now fighting extradition.

British Police were forced to pursue an amazing 2400 people last year alone accused by the Polish authorities of very minor offences such as not paying for a desert or theft of a chocolate bar. Stupid Laws like this forces OUR overworked / undermanned British Police forces to spend resources pursuing and tracing suspects of the most trivial offences whilst all the while OUR crime rates in the UK continue to rise.

May I draw your attention to the analysis by the campaign group Fair Trials International, which has revealed that the extraordinary pressure the EAW is placing on our already overstretched Police. The UK meanwhile submitted just 203 EAW's across the entire EU, and just 19 of them to Poland.

The worrying factor is of course that ordinary citizens can have their lives

blighted by this "no question asked " system that has failed to protect their basic rights.

Whilst there has to be some sort of arrest and extradition process for SERIOUS criminals, the EAW clearly is not fit for the purpose.

3. Where a crime is mainly committed in the UK, should the person be tried here ?

YES, as the crime is committed on UK territory (and possibly involving UK victims or witnesses). If however, there is a WORSE crime that has been committed in another country, then it would make sense to extradite the person and try both crimes abroad if possible.

4. Whether the UK / USA Extradition Treaty is unbalanced ?

Without doubt this is weighted very much in favour of the USA and should be corrected without delay.

One only has to look at the case of Gary Mackinnon to see the glaring injustice of this agreement. I need say no more on this, because the very fact you have raised this as a question signifies that it is considered a problem at a higher level than me !

5. Whether requesting countries should be required to provide sufficient evidence to prove an allegation ?

I was brought up by my parents to believe the law was to be obeyed, a Policeman was your friend and there to help you and that the law was there to protect the innocent. Sadly, over the years, these values have been eroded by various Governments and pointless people in power, - HOWEVER one fact should still shine through all the mess and that is that under BRITISH LAW, a person is presumed INNOCENT until proven guilty. NOT 'Guilty until proven innocent.'

Any country requesting extradition of any individual in the UK, should have to provide absolute evidence to convince a UK judge / court that the accused person would be likely to be found guilty in a UK court, before extradition is granted, and this INCLUDES any EU country.

If our system allows a "no questions asked" policy and persons are hauled in and dispatched to all points of the globe with *no convincing and concrete evidence* being presented by the litigating country, then our Justice system is no better than some 3rd world banana republic at best, and as bad as the SS & Gestapo methods of WW2 at worst !

One only needs to look at the disgusting scenario been played out in our courts right now in the case of the Wikileaks man, Julian Assange.

Regardless of how I may feel about this character, Sweden (or A.N.Other) is doing everything it can to condemn and execute this man, and has presented NO Evidence as to WHY he should be extradited, in fact, they have stated publicly that they do not need to ! How can this be right ? They have refused to provide any evidence whatsoever and continue to do so, yet

expect him to be handed over like a parcel in transit.

This is a prime case of GUILTY and has to prove his innocence, which is against everything UK law has stood for.

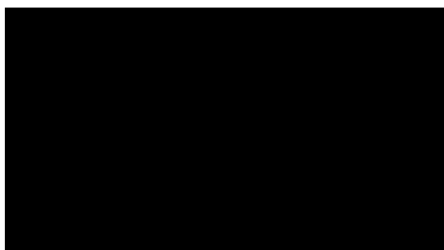
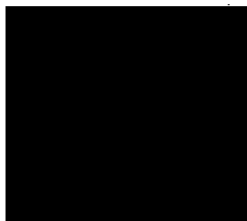
In this particular case, there are US Senators no less, (Hillary Clinton is one) who are calling for this guys EXECUTION as a spy , (no mention of a trial) and these are the people in charge of the 'Free' world.

Innocent until proven Guilty ?? Not really.

Sorry for the little rant, But British Justice has been upheld as a model example for hundreds of years all around the world, and many countries based THIER justice system on ours.

It would be a step in the right direction if you could use the chance of your review to continue this great tradition, and not let us slide into an abyss of a secret police style 'knock on the door in the middle of the night' scenario that seems to be evolving around us of late.

Yours sincerely,



Save money by NOT using these numbers.

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[REDACTED]

Sent: 30 December 2010 11:37 PM
To: extradition.review
Subject: Some criteria/ideas for consideration in extradition.

[REDACTED]

Some criteria on extradition from UK to other states

Extradition must NOT occur :

1. if politically motivated ,
2. if the subjects legal rights are waived, such as USA plea bargains,
3. if there are trade bargains, or friendly 'accommodations' which could result in harsher sentences for the subject,
4. if the subject is sentenced to prison then the conditions abroad must be of humanely acceptable standards ie, relate to the Geneva Convention,
5. if torture is routinely employed in the applying state (including psychological techniques),
6. if the applying state employs the death penalty,

There should be open negotiations as to whether a UK based trial could occur, with any imprisonment to be in the UK.

There should be no presumption of the state being dominant over the individual in the UK or overseas.

There are the international problems of 'crimes against humanity', as in war crimes, terrorism, 'ethnic cleansing' etc. The problems are huge but a start has been made by having the International Criminal Court. States that do not sign-up to the ICC should not participate in extradition.

Finally there must be an internationally accepted independence of the judiciary so that politics do not have undue influence in legal matters (eg in abolishing habeas corpus).

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[REDACTED]

Sent: 31 December 2010 2:36 AM
To: extradition.review
Subject: Consultation on Extradition Review

Dear Sirs
Please find attached my contribution to your consultation.
Sincerely

[REDACTED]

[REDACTED]

30th December 2010

Dear Sirs

Extradition Review Consultation

I wish to make the following contribution in response to the public consultation on the government's review into extradition arrangements.

The UK's current extradition arrangements as per the Extradition Act (2003) are blatantly operating against the interests of justice and of the British people:

1. The Extradition Act (2003) permits extradition of UK citizens without *any* evidence for the extradition allegations being produced or tested in court. The removal of the need for a prima facie case to be presented in a British court is a gross affront to British justice and to the interests of British people, and must be overturned urgently.
2. According to a disclosure from the Home Office received by me in response to a Freedom of Information request, The Extradition Act (2003) allows for the Act to be applied retrospectively, which is in clear contravention of the ECHR. This aspect also must be overturned urgently.
3. The Extradition Act (2003) and the human rights abuses it entails was ostensibly justified as an instrument to be used against terror suspects. In this regard, it has in practice been overwhelmingly abused, and applied in the majority of UK cases to non-terrorist, non-violent, and in many cases petty offences. By contrast, as per the now disgraced Baroness Scotland's assurances to Senator Feingold and others, obtained under FOI, no IRA suspects in the USA appear to have been sought by the UK.
4. The Extradition Act (2003) allows for British citizens to be extradited to countries with corrupt legal and penal systems, and notorious reputations for human rights abuses. One such country would be the USA, which retains the death penalty, which uses the coercive

practice of plea-bargaining, which carries out torture against terrorist suspects, whose courts fail to protect the rights of the mentally ill, and whose prisons keep people in isolation (which is known to cause serious psychological damage), employ slave labour, and are run as a profit-making industry. The UK should *never* extradite *any* British citizen to such a country, let alone without a shred of contestable evidence being required.

As regards the Home Secretary's powers to stop extradition, I note that Theresa May has, like several previous Home Secretaries, failed to discharge the very limited obligations that she already has to prevent an extradition where it would represent a human rights violation against the public interest. I refer, for example, to the case of Gary McKinnon, where despite being in receipt of no less than four unanimous and compelling expert medical opinions indicating a severe human rights violation should extradition go ahead, Ms May has to date failed in her Section 6 obligation to halt the extradition. The powers and obligations of the Home Secretary in this regard are meaningless if there is not the political will to prevent abuses and perversions of justice, or if there is no effective means of requiring Home Secretaries to make use of such powers as are already afforded to them, or of enforcing the obligations already beholden upon them. By the same token, the Bars to Extradition provided for in the Act do not appear in practice to provide effective protection in any of the circumstances they describe. The question should be less about the nominal powers of the Home Secretary and more about how the powers of the Home Secretary can be used to provide *effective* protection to individuals in practice. Presumably this question is included in the review as a result of the previous Home Secretary's now discredited attempts to falsely claim that he had no discretion to halt an extradition. The public now know that Alan Johnson had plenty of discretion, he just did not wish to use it.

As regards the European Arrest Warrant, this is an anathema to the very notion of justice and must be abolished immediately.

Where a crime is mainly committed in the UK, then clearly, as a general rule, the suspect should be tried in the UK. Although of course, every case should be taken on its own merits. I suspect this point would not even be in your review were it not for the case of Gary McKinnon, which in turn would not still be ongoing if the courts had dispensed justice properly at any stage, if the Home Secretary were properly to discharge her Section 6 obligation, or indeed, if the CPS when they wanted to prosecute Mr McKinnon in the UK had not been instructed 'from the top' to 'stand aside' for the US extradition request. The case of Gary McKinnon is a national disgrace not just because his offence was mainly committed in the UK, but because it was a Summary Offence and not extraditable, and because even though the extradition allegations have been shown in court to be groundless and false (cf the CPS disclosure of the evidence, and the forensic IT report of Prof. Peter Sommer respectively - LJB High Court July 2009) the extradition proceedings did not fail.

Similarly, the question of whether the US-UK extradition treaty is unbalanced is a ridiculous thing to be having a review on in the current economic climate, when this is blatantly, and widely acknowledged to be, the case. Baroness Scotland herself, who was instrumental in negotiating this treaty, acknowledged very clearly in Parliament (Hansard, 16th Dec 2003, Column 1064) that the extradition treaty is indeed unbalanced. David Blunket himself, who signed the treaty, has publicly acknowledged on a number of occasions – most recently to the Home Affairs Select Committee earlier in December, that he gave too much away in signing the treaty. Liberty and the American Civil Liberties Union have argued consistently for many years that the treaty is unbalanced. The consensus of legal opinion in this country, including, I believe, Geoffrey

Robertson QC and Lord Carlile among many others, is that the treaty is unbalanced. The operation of the treaty as evidenced by the figures on extradition to date (obtained by me from the Home Office under FOI), demonstrates clearly that vastly more UK citizens have been extradited to the US than vice versa. If this is not an indication of imbalance in the treaty, then it is an indication of something much more sinister.

In any case, the review should not be concerned with reciprocity per se, so much as the obligation to protect British citizens from extradition without evidence and from retrospective application of the law. Regardless of the standards of proof required by the US for extraditing a person to the UK, the standards required by the UK for extradition to the US should be such as to afford UK citizens full and effective protection against wrongful, unjust, mistaken or malicious extradition on false or unsubstantiated allegations. Even if US citizens were to be subjected to the same abuse that the extradition treaty and Extradition Act (2003) currently impose upon UK citizens, that would not make the UK's current arrangements any more acceptable or just. As I am sure the Rt Hon Sir Scott Baker can appreciate.

I must say I am somewhat surprised also that the review is to consider whether requesting countries should be required to provide sufficient evidence to prove an allegation. Without this requirement, individuals are denied a crucial opportunity to defend themselves against extradition which, after all, is a serious human rights violation in itself. It beggars belief that the necessity of this requirement could possibly be in any doubt, if a just, transparent, and accountable system is what is desired. Extradition without evidence is morally wrong, and can *never* be in the interests of justice.

In view of the appallingly unjust nature of the UK's current extradition arrangements, I don't see how the government can do anything other than introduce an immediate moratorium on all pending and future extraditions until such time as the arrangements have been adequately reformed to provide proper legal protection for all UK citizens. Such protection must also then be retrospectively afforded to all those currently subject to extradition requests under the odious Extradition Act (2003). The courts are littered with horrendous injustices arising as a result of this heinous piece of legislation – Ian Norris, Liz Prosser, Brian & Kerry Howes, and Gary McKinnon to name but a few. These injustices *must* be redressed, and UK extradition arrangements *must* be reformed to protect the rest of us from a similar fate.

In closing, I would like to add my specific concerns regarding the case of Gary McKinnon, which, I believe, illustrates everything that is wrong with the Extradition Act (2003) and the UK-US extradition treaty. That a vulnerable, disabled, non-violent individual and his family can have been terrorised for years on end by the threat of extradition when the evidence shows that he committed nothing more than a non-extraditable Summary Offence, is a clear demonstration that the extradition treaty and the Extradition Act (2003) are contrary to the interests of justice and to the interests of British people. That the judgement of Lord Justice Stanley Burnton (High Court, July 2009) does not reflect the evidence presented to the court is also a grave cause for concern.

Both parties to the coalition government have promised to halt this extradition, yet after seven months in power, the extradition is still pending. It is very difficult to see why this could be, without supposing excessive subservience to the USA on the part of the British government. Similarly, it is difficult to see why the US would insist upon pursuing this blatantly unjust extradition, without supposing a malicious or vindictive disregard for justice. But the traditional

British values of justice and fair play are too high a price to pay for our 'special relationship' with the USA. The government should never sacrifice justice or the lives of vulnerable British citizens in the name of international relations.


The extradition of Gary McKinnon is in no-one's interests, brings the government and the courts into disrepute, and must be stopped permanently. The same applies to the US-UK extradition treaty, which should never have been signed, and should be ripped up. In addition, it was signed under Queen's Prerogative, bypassing due Parliamentary process (Parliament did not see the wording until some three months after it was signed). As such, its operation is technically illegal, according to legal precedent.

I hope and pray that common sense and justice will prevail.

Sincerely



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Sent: 31 December 2010 6:06 AM
To: extradition.review
Subject: Extradition Laws


Dear Sir/Madam,

I am writing to you to contribute my views on the UK's extradition arrangements.

I believe that the US-UK Extradition Treaty is in urgent need of critical examination. I think that the disparity between what is required of each country to prove in order to make extradition requests is reflective of the uneven power dynamic present in the US-UK relationship, and this should not be allowed to perpetuate unchecked. The US should provide the same levels of evidence in terms of the case that they propose, as the UK is required to provide in their requests. Without this parity, the UK will always be leaving people like Babar Ahmed and Julian Assange more vulnerable and open to extradition than the subjects of its own requests from the US. It seems to be the case as well that the more people learn about this arrangement, the higher are the levels of suspicion amongst the public that the UK is the weaker and more obedient of the pair, submitting to requests much more easily because the Treaty that has been undersigned has cemented a process that is not reciprocal in terms of fairness. It seems as well, to me, that the US cannot be trusted with this greater power; they cannot realistically be trusted not to exploit this ability to meet their desires and goals, at the expense of individuals whose human rights are not being protected sufficiently. The case of Babar Ahmed exemplifies this problem absolutely.

I would like to make the second point that the Home Secretary should not be bestowed with the power to stop extradition. As has been commented on, both globally and from critics within the UK, the UK's separation of powers is not divided cleanly enough. It should not be left to Theresa May to grant the final word on who is to be surrendered to other countries who have requested their extradition; she is first and foremostly a politician, and extradition should be left firmly within the realm of the judiciary, resisting blending with politics as much as possible.

I hope that this views will please be taken into consideration in your review. Thank you for your time.



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[REDACTED]

Sent: 31 December 2010 10:27 AM
To: extradition.review
Subject: Review of the UK's extradition laws

Dear Sir Scott Baker and the review panel

I would like to contribute my views to the review panel:

1. The Home Secretary's powers to stop extradition

I believe the Home Secretary should have the ultimate power to stop any extradition if it's not in the interests of the people of our country. When the then Home Secretary Alan Johnson repeatedly explained to the house of Commons that he was powerless to intervene in the Gary Mckinnon case he was effectively admitting Britain has no sovereign powers in matters concerning the US. We need to operate independently of other countries in some matters, no matter how close our relationship is with them. 2. The operation of the European Arrest Warrant, which deals with extradition requests between European countries As a member of the EU we need to respect this warrant. However, we should have the power to block its use where there's strong suspicion that it may be being misused. The above power should cover this eventuality. 3. Where a crime is mainly committed in the UK, whether the person should be tried here This seems an obvious point. Extradition should be for crimes committed in other countries or where extensive evidence is produced to show that the crime had significant effects in the country concerned. The evidence should be strong enough to show likely guilt and concrete damages. 4. Whether the US-UK Extradition Treaty is unbalanced It most certainly is unbalanced. Extensive evidence is required to extradite someone from the US to the UK. Only suspicion is required to extradite a UK citizen to the US. Why do we cede such power to a different state? 5. Whether requesting countries should be required to provide sufficient evidence to prove an allegation We should be guided by the principle of innocent until proved guilty. Sufficient evidence usually required for a CPS prosecution in this country should be the guideline for agreeing to extradition requests.

Yours sincerely

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