

From: [REDACTED]
 Sent: 14 November 2010 11:18 PM
 To: extradition.review
 Subject: Views on Extradition

In response to your request for views from the public on the UK's extradition arrangements I attach herewith my own thoughts on what needs to be changed in the interests of justice - built up from the experience of having my son extradited to the US in 2006 without ever having the chance to defend himself in court here, or in the US.

I hope my views will be useful to the review body and that amended legislation bringing better safeguards against erroneous extradition will be the result.

Mrs Lucy Bermingham

CONTRIBUTION OF VIEWS FOR HOME OFFICE EXTRADITION REVIEW

FROM: Mrs Lucy Bermingham 15th November 2010

Extradition.review@homeoffice.gsi.gov.uk

I welcome this opportunity to contribute views based on personal pain caused by the injustice of 'on demand' extradition.

Extradition law should distinguish clearly between despatching one's own citizens to detention abroad and that of returning other nationals to their own country where the alleged crime took place. A Government's first duty, we are told regularly, is to protect its own citizens. There have been too many controversial cases since the implementation of the EAW and the 2003 Extradition Act where British citizens have had their lives ruined by incorrect allegations, or identification mistakes, and been detained abroad - helpless, fundless, isolated for many months - without ever having had the chance to defend themselves in court here before extradition. It is a weeping sore on British Justice. What ever happened to our pride in Habeas Corpus?

1. The Home Secretary's powers The Home Secretary should have the final power of consent or veto where the request is for **British** citizens to be taken abroad from their home country - this to be given within a short limited time after extradition court decision.

2 Operation of the EAW The power suggested in 1 should not be applicable to other nationals who are recently (since their alleged crime took place) working or resident in the UK and can be deemed to be escaping their own courts. Legal or other costs for immigrants on the British taxpayer should be minimised.

3 Crime mainly committed in the UK

Any crime mainly committed in the UK should initially be heard in our courts to test the strength of the evidence and allow the accused some reply. Details of **where** the **defence evidence** exists must be clarified. Extradition procedures may then be seen to be required.

4 The US/UK arrangements are unbalanced.

An American requested for extradition can have his defence heard before the Grand Jury before extradition proceedings can go ahead. A British citizen has no such right. They have to listen to allegations made against them by US prosecutors and are not allowed to defend themselves at all in the extradition hearings. In the case of the NatWest Three in 2006 misleading 'evidence' was published by the US and read out at the extradition Hearings which they were never allowed to contest under the 2003 Act.

One of the ways in which the American justice system differs from our own is that prosecutors can further their own career and graduate to employment in private law firms by accumulating a list of successful prosecutions. Unjust prosecutions therefore often take place and, as the sentencing guidelines are so very severe, accused, although innocent, can thereby be coerced into making a plea bargain rather than face trial. As a plea bargain counts as a successful prosecution it is relevant that the US boasts a 98% success in prosecutions. This system renders extradited UK citizens very vulnerable. Detained (usually in prison), thousands of miles from home, family, friends and employment, it only takes repeated delays in trial hearings to leave them unable to afford to do anything other than negotiate a plea bargain in order to get their life back. This is definitely not the "fair trial" which the Labour Government repeatedly insisted was ensured in the US. It is **monstrous injustice** to deny British citizens the right to answer in a British court allegations made against them, before hurling them to over-zealous US prosecutors who never even question them or hear their evidence, but can wreck their lives heedlessly. Perhaps the US should never have been designated a Category 2 country.

Final suggestion: For anyone working on this review of the UK/US arrangements, viewing of the following website should be compulsory, in particular the contribution of US attorney Mike Ramsey:-

www.ungagged.net

Views contributed by Mrs Lucy Bermingham 15 November 2010

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