

Governing with fairness: Standing by our values

The House of Commons Home Affairs Select Committee's has made an urgent call for a major overhaul of the UK's unfair and unpopular extradition agreements with the US.

A report by the cross-party committee recommended that the Coalition Government act without delay to restore public faith and confidence in our lopsided extradition arrangements. The absurd and painful experiences of the likes of Gary McKinnon, Richard O'Dwyer and Christopher Tappin have fuelled anger and growing concern over the injustice of the current system.

The Home Affairs Select Committee recommended a series of measures:

- The treaty should be amended so that the same test applies for extradition from both jurisdictions. Currently the wording implements a "probable cause" test for extradition from the US – but not from the UK;
- The Government should activate the 'forum bar' introduced back in 2006 but never brought into

force. This would allow a UK court to bar extradition if some or all of the alleged conduct took place here, and if it was in the interests of justice to do so;

- A *prima facie* evidence test, requiring that a basic case be made to a UK court before someone can be sent abroad for trial, should be introduced in the long-run;
- The Home Secretary should be more transparent by publishing the evidence provided to the Scott Baker review (October 2011) of extradition laws with immediate effect – and allow for greater public scrutiny.

Following this, a ComRes poll of MPs for Liberty in September 2010 found that 83% of those surveyed agreed or agreed strongly that the forum bar should be introduced. 66% of those polled also agreed or agreed strongly that extradition should only occur if the requesting country first provides evidence in a UK court.

This new report therefore presents us with a valuable opportunity to push for a change in the law during the lifetime of this Parliament: holding true to the human rights, civil liberties and the values which we cherish.



From Top: Christopher Tappin - Extradited to USA, Richard O'Dwyer and Gary McKinnon, - both fighting extradition



Under this Coalition Government, we have an opportunity to stop ordinary British families facing the devastation of instant extradition without evidence, common sense or compassion. If an autistic man can be branded a cyber-terrorist and a mother fleeing abuse a kidnapper, who is safe from this unfair and absurd extradition treaty?

I believe:

- **A person should not be sent to stand trial in a foreign court without a basic case being presented in a British court**
- **If the crime is alleged to have occurred in whole or part in the UK, then extradition should not occur if a British court decides it is not in the interests of justice to extradite**
- **A person in the UK should not be extradited for something that is not a crime in the UK**



Issan Ghazni

Liberal Democrats, Extradition and Human Rights

Christopher Tappin, was recently flown to America after exhausting all his legal options. The retired British businessman from Kent is accused of conspiring to sell components for Iranian missiles, but maintains that he did not know the batteries shipped through his freight company were destined for Iran – He could face up to 35 years in prison if convicted.

The case fuelled much criticism of the UK's extradition arrangements with the US and Europe and raised concerns about the inequities of the so called 'special relationship'. The act, drawn up in haste after the 9/11 attacks amidst the frenzy of anti-terror legislation introduced by Labour, is completely unfair because British citizens do not enjoy the same level of legal protection as US citizens.

The US has bilateral extradition arrangements with 120 countries. The UK is one of just three

that doesn't require proper evidence to be provided first. ”.

Why is it that such an unbalanced treaty has been allowed to continue in place for so long? In opposition, both Lib Dems and Tories campaigned strongly against the “lopsided” treaty, repeatedly criticising the arrest warrant system. There was a move in 2006 to give British judges the power to decide if a case would be better heard in Britain. This was called the “forum amendment”, and backed by every senior member of the current coalition cabinet. Why has there been so little action?

Jago Russell, chief executive of Fair Trials International, said: “After years of talk about extradition reform and countless cases of injustice, still nothing has been done. It is high time the government brings forward concrete proposals to build much-needed safeguards”



Nick Clegg: there appears to be such an imbalance between the minimal information required to extradite a UK citizen to the US compared to the more substantive justification required to extradite US citizens to the UK"



Issan Ghazni: We cannot continue to condone a legal relationship in which our government allows its citizens to be almost 'renditioned' without a competent and through judicial review by its own legal system.



Sarah Ludford, MEP: “There should be a bar on extradition to either the US or the EU if the offence took place mainly in the UK”



Sir Menzies Campbell: The Baker Report's “conclusions, in so far as they relate to the standard of proof and the forum for trial are, unimpeachable.”

We can not allow
this unfair,
unjust and
lopsided
treaty to continue

I am launching a campaign to involve concerned Liberal Democrats and to pull together a petition to present to Nick Clegg and to our Home Affairs Team in Parliament.

If you wish to support necessary changes to the UK – US Extradition Treaty, then please sign the petition which will be used to inform future Federal Conference Motions.

Many thanks for your support.

Issan Ghazni

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