

ISSE opposes extradition of UK student Richard O'Dwyer

Julie Hyland
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On February 7, the International Students for Social Equality held a meeting on campus to oppose the deportation to the United States of Sheffield Hallam University student Richard O'Dwyer.

O'Dwyer is facing a maximum 10 years in prison on charges of copyright infringement. The meeting was addressed by Julie Hyland, assistant national secretary of the Socialist Equality Party and attended by a number of students and lecturers.

A second meeting will be held Tuesday, February 21, at 5:30 p.m., to continue the campaign in O'Dwyer's defence.

Below we publish Hyland's remarks.

In January, Judge Quentin Purdy, sitting at Westminster Magistrates Court, ruled that Richard O'Dwyer, a 23-year-old computer science student at Sheffield Hallam, can be extradited to the US on charges of copyright infringement. Richard has appealed the decision. He faces up to 10 years in prison if found guilty.

The charges relate to a web site he was running, TVShack.net, which posted links to sites where people could download movies, TV programmes and material. TVShack did not utilise any US-based web servers or host any files. It functioned only as a conduit to other sites and did not breach any laws in Britain.

As his mother Julia explained to the *World Socialist Web Site*, the first time the family became aware of any problems with the web site was in November 2010, when police officers arrived at Richard's halls of residence accompanied by two Americans. He was questioned and his computer and laptop taken, but that appeared to be the end of it until May 2011—six months later—when he was rearrested, charged with copyright infringement and told that the US had issued an extradition warrant against him.

What has happened to Richard is serious enough. As Julia explained, the implications are that any of us could be working on a computer, breaking no laws in the country in which we live, and yet find ourselves hauled up in court and told we are going to be flown across the Atlantic to stand trial for a crime we didn't know we had committed.

But this is not a one-off. It is of a piece with a raft of anti-democratic measures first introduced under the Labour government of Tony Blair in 2003.

The extradition treaty between the UK and the US was signed by then Labour home secretary David Blunkett and US attorney general John Ashcroft on March 31, 2003. Under the terms agreed, it is virtually impossible to fight extradition, because the treaty removed the previous requirement that the US must provide prima facie evidence to support extradition. All that is required now is information relating to a potential offence.

This sweeping change applies to all UK citizens and third-country nationals. Yet it was passed under Royal Prerogative. There were no prior debate and no parliamentary vote.

Richard is not the first victim. Many of you will have heard of the case of Gary McKinnon. Gary, who has Asperger's, was indicted by a US

court in November 2002, accused of accessing military computers. He was in fact trying to find evidence of a cover-up by US authorities of UFO activities. He is still fighting efforts to extradite him on seven counts of computer-related crime, each carrying a maximum 10-year sentence.

You may be less familiar with the case of Babar Ahmad, a 38-year-old British Muslim and the person who has spent the longest term in prison—without charge—in the UK.

Babar was arrested in December 2003 under Labour's "anti-terror" laws. He was held for nine days and released without charge. By the time he arrived at the police station, he had at least 73 injuries. In 2009, the Metropolitan Police admitted at the Royal Courts of Justice that Babar was the victim of a brutal police assault and paid £60,000 compensation.

By this time, however, he had been held in jail without trial for five years. He was rearrested in August 2004 under an extradition request from the US, which alleged that he had been a supporter of terrorism.

Babar is still in prison seven years later. He has never been charged, let alone tried. He is being held under the US warrant while he fights extradition. A campaign by family and supporters for him to stand trial in the UK has been continuously rejected.

These cases highlight the draconian character of the legislation being used against Richard. But they go even further.

The UK Extradition Act of 2003 contained two sets of extradition procedures. The part relating to extradition to the US is category 2.

The first part, category 1, established the European Arrest Warrant (EAW). It is part of an agreement within the European Union that allows for a person within any of the 27 member states to be extradited to another, without any regard for the veracity of the allegations against them or whether the charge cited is an indictable offence in the host country.

More than 70,000 EAWs have been issued, and some 14,000 successfully executed in the EU, often on the flimsiest of charges. The UK extradites three people a day on EAWs, mostly to eastern European countries.

The EAW is not simply some vast bureaucratic production line. Its sinister implications have been made apparent by the case of WikiLeaks founder Julian Assange.

Assange is currently awaiting the outcome of his appeal to Britain's Supreme Court against extradition to Sweden on trumped-up sexual assault allegations.

He has not been charged with any crime in Sweden or anywhere else. Despite this, he has been held under house arrest for more than a year. If, as is likely, his appeal to the Supreme Court fails, he will be forcibly removed on the basis of unsubstantiated and contested accusations.

His removal to Sweden is only the precursor to his likely onwards extradition to the US. His lawyers have revealed that a secret grand jury

has been convened in Alexandria, Virginia, with the purpose of preparing criminal charges against him.

Assange is the victim of an effort to silence and intimidate any critics and opponents of US foreign policy. His arrest came just days after WikiLeaks began publishing 251,287 leaked US embassy cables and other information on the criminal machinations of US imperialism such as the “Collateral Murder” video, showing US soldiers killing defenceless civilians and children from a helicopter in Iraq in July 2007.

Private Bradley Manning is currently subject to court martial in the US on charges of aiding the enemy. He is accused of passing on confidential military files to WikiLeaks, which carries the death penalty or life imprisonment without parole. He has been held since May 2010 under conditions that Amnesty International has described as “harsh” and “punitive”—including extended solitary confinement—in an effort to force him to name Assange and WikiLeaks.

This is just part of the vicious campaign being carried out by the Obama administration against WikiLeaks. With Assange removed from the scene, WikiLeaks was crippled by the block on financial donations imposed by Visa, MasterCard and PayPal, forcing it to suspend its activities.

In December, it emerged that the US Justice Department was subpoenaing Twitter accounts as part of its efforts to build a case against Assange for espionage. The court order, issued by the US Attorney’s Office, demanded Twitter hand over subscriber names, account details, IP addresses and destination e-mail addresses of named associates of Assange, as well as Assange’s own account.

All of these extradition agreements were enacted supposedly as part of the fight against terrorism. They were signed shortly after the US, with British support, had carried out the illegal invasion of Iraq on the basis of hunting down weapons of mass destruction, which—as the millions who protested that war insisted—never existed.

The SEP insisted that the “war on terror” was a politically contrived device. Its purpose was twofold: first, to justify preemptive wars of aggression against any countries deemed an obstacle to US and British geo-political interests; and second, to provide the pretext for overturning centuries-old rights—such as habeas corpus, protection from arbitrary arrest and detention by the state, the right to silence, etc.

Eight years on, only one suspected terrorist has been subject to the extradition treaty agreed between the UK and the US. The figures on terror suspects subject to the EAW are more difficult to obtain, but it is a handful. For the most part, it has been used to harass ordinary citizens—often on the most petty of charges. At its worst, it has been used to intimidate anyone deemed a threat to government or corporate interests.

This has taken place without any real challenge from the main parties. There were criticisms by some amongst the Conservatives and the Liberal Democrats when in opposition, mainly over the imbalance of requirements in the UK-US Treaty.

In October 2010, the coalition government found it necessary to establish a review of the extradition arrangements, headed by Sir Scott Baker. That review reported late last year. It found that the EAW “broadly speaking operates satisfactorily” and that the UK-US agreement is “completely balanced and works fairly”. Most importantly, it rejected the introduction of a “forum rule”—that is, the provision for a person accused to stand trial in the UK if his or her crime was said to have been committed here.

The introduction of that rule was one of the main demands of the McKinnon family, and has been raised by the O’Dwyers.

It is further proof, if any were needed, of the contempt for democratic rights on the part of the powers that be.

Richard’s extradition is being sought under existing legislation pertaining to copyright infringement in the US. But in January, the US authorities were due to back two new bills—the Stop Online Piracy Act

(SOPA) and the Protect IP Act (PIPA). Drawn up with the support of the entertainment corporations, the bills were portrayed as a means of protecting artists against violations of intellectual property laws.

Its underlying purpose is to provide a pseudo-legal mechanism for vastly strengthening the powers of the US authorities, and the multibillion corporations, to regulate and censor the Internet.

PIPA and SOPA would grant the US attorney general the power to effectively close down access to entire domains anywhere in the world via a court order, force search engines and other web sites to cut links to the offending site, and allow firms such as PayPal to cut off finance—a massive extension of the powers used against WikiLeaks.

The bills met with significant public opposition. After all, for more than a year, we have heard governments in the US, Britain, etc., praise the democratic power of the Internet in liberating the people of Egypt and Tunisia, and how the refuge of every dictatorship—whether Mubarak or Ben Ali, China or Russia—is to block social communication networks.

On January 18, Wikipedia and others closed down for the day in protest.

Many of the web sites that protested the act—such as Google and Facebook—had previously stressed their support for measures to combat so-called rogue sites. For the most part, these multibillion-dollar corporations were concerned at the impact of such all-encompassing legislation on their own activities.

But as a result, various Republicans and others decided to make a temporary retreat and delay the vote. This was a manoeuvre aimed solely at enabling them to cobble together a dirty deal they could all sign up to. The very next day, January 19, the US authorities seized and shut down MegaUpload.com—a popular file-sharing site that allows individuals, to download, store and share large content files.

MegaUpload has been a target of the Universal Media Group (UMG) and the Motion Picture Association of America (MPAA), which named it on a list of “notorious web sites” in a submission to the Obama administration last year.

The pretext was the site contained copyrighted material that its owners had not paid for. Although MegaUpload is based in Hong Kong, and none of those arrested are American citizens, federal authorities claimed jurisdiction because of servers the company leases in the United States. Earlier this week, Kim Schmitz was denied bail by the New Zealand authorities and is awaiting extradition.

The US routinely condemns the interference of China and other dictatorial regimes against the Internet and social communication networks. But I can’t think of another country that, when asserting its own power over the Internet, reserves its right to raid property and seize assets, close down servers, and then have people arrested and held anywhere in the world, and does so without any protest by the governments of the countries concerned.

But then, it is the US—with the aid of Britain, France and other countries—that acts as the policeman of the world, threatening and invading countries and subjugating its peoples whenever it suits its purposes and those of its allies.

None of this should be taken to imply that the US alone is the problem. It is simply the most open and aggressive power. The same processes are at work in all countries.

Only yesterday, the Commons Home Affairs Committee released its report on “violent radicalisation”, in which it highlighted the alleged threat of extremism posed by rogue sites.

Labour MP Keith Vaz has made noises over the US extradition treaty and the dangers it implies. But that didn’t prevent him from calling for Internet service providers to work with the government to monitor and vet the material they host.

In this regard, the virtual silence by Hallam University and the National Union of Students on the situation facing Richard O’Dwyer is telling.

According to the Sheffield Hallam University Press Office, the

university has not issued a press statement about the case. The WSWs was told this was because the university would not make any comment about “live court proceedings”.

Our reporter also spoke to the Democracy and Communications Officer at the students’ union, who said the union had passed on a press statement to “local press contacts”. We asked for a copy, but have yet to receive it. Today, we received an e-mail informing us that posters for tonight’s meeting had been taken down by the university because they were not laminated in accordance with university procedure.

It’s not the first time that a university or the students union has so obviously failed to stand up for one of their number. There is the case of student Rizwaan Sabir and staff member Hicham Yezza at the University of Nottingham, who were arrested in May 2008 when a staff member found a copy of what was described as an Al Qaeda training manual on a computer. In fact, the manual is freely available from a US government web site and was being used as part of university work on “International Security and Terrorism”. Both men were freed, though Yezza was rearrested and jailed for visa irregularities.

University vice chancellor Sir Colin Campbell won notoriety for his statement that there is “no ‘right’ to access and research terrorist materials. Those who do so run the risk of being investigated and prosecuted on terrorism charges.”

His comment was a blatant repudiation of academic freedom. It didn’t stop there. When it was criticised in a 2011 report by Rod Thornton, a lecturer at the University, Thornton was suspended and remains under suspension.

There are of course differences between the events in Nottingham and those at Sheffield Hallam. But what unites both institutions is a refusal to stand up against a blatant assault on civil liberties.

This is not only the result of cowardice, a desire not to rock the boat. Universities today have become corporate entities, in which education is just a way to make a buck. The student unions are similarly staffed for the most part by those who want to make a career, usually in the Labour Party, as in the case of former NUS president Aaron Porter, who now runs a higher education consultancy.

Universities are also social and political powder kegs, as youth suffer the impact of the economic crisis, the lack of jobs and falling wage rates.

In December, Sheffield University banned all campus protest actions unless they were agreed to beforehand. Shortly afterwards, Birmingham University banned all protests for one year unless they had written permission.

The attempt to extradite Richard O’Dwyer constitutes a threat to the democratic rights of every worker and youth in Britain, and indeed internationally.

The broadest campaign in his defence must be organised, and working people alerted to its implications. The university and the Students Union must be held to account for their silence and inaction.

The anti-democratic measures being used against Richard and the ongoing efforts to clamp down on the Internet are bound up with the unprecedented transfer of wealth away from working people to the super-rich and the related agenda of militarism and new colonial-style wars of conquest.

Both domestic and international policy are dictated by a super-rich layer and its demands that national governments impose wage cuts and speed-ups, slash corporate taxes and gut public services and welfare provisions. This financial oligarchy, politically represented by all the main parties, is fully aware that such a deeply unpopular agenda can only be implemented through dictatorial measures.

The freedom of the Internet depends on freeing society from the control of the major corporations and the corrupt and anti-democratic

administrations and parties who will do whatever they are told by the highest bidder. It means reorganising all the vital resources of society under democratic control and public ownership, to be run in the interests of social need, not private profit.

Sheffield ISSE meeting

Hands off Richard O’Dwyer!

Tuesday, February 21, 5:30 p.m.

Sheffield Hallam University Students’ Union

The Boardroom @ The Hubs

Paternoster Row, S1 2QQ



To contact the WSWs and the
Socialist Equality Party visit:

wsws.org/contact