

UK student Richard O'Dwyer's extradition appeal scheduled for July 30

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An appeal by Richard O'Dwyer, the 23-year old Sheffield Hallam University student facing extradition to the US on charges of copyright infringement, is to be heard at the Royal Courts of Justice in London on July 30/31.

O'Dwyer's case is one of a number of threatened extraditions that are collectively an assault on civil liberties. (See, "ISSE opposes extradition of UK student Richard O'Dwyer")

In the face of public opposition to these measures, some MPs are arguing for changes to the extradition laws that will allow for British citizens accused of offences overseas to be tried in the UK.

On March 30, the Home Affairs Select Committee released its findings on the UK to US Extradition Treaty calling for the introduction of a "Forum amendment" so that cases could be tried in the UK where a part or significant part of any conduct has taken place in the UK.

Labour MP Keith Vaz, the committee's chair, cited O'Dwyer's case as the prime example of what he described as the "one-sided" character of the UK/US extradition agreement, which "did not protect the rights of British citizens."

Tim Fannon, president of the Liberal Democrats, told the *Guardian* that the government "needs to take a very strong stand on protecting civil liberties."

The right wing Conservative MP David Davis has joined those demanding a change in the law.

Their political posturing is worthless. Vaz was a member of the Labour government that introduced much of the present draconian restrictions on civil liberties, including the extradition act. Fannon and Davis are members of the current Conservative/Liberal Democrat coalition government that is waging a further assault on basic democratic rights, including powers to regulate and censor the internet.

This so-called opposition is not to the injustice of the extradition act in principle, but to its "one-sided" procedure. By claiming that extradition can be made more equitable, the aim is to legitimise not only existing extradition provisions but all the repressive legislation that has been enacted, and is being strengthened, under the guise of the "war on terror".

At the same time little comment has been made on the cases of Adel Abdul Bary, Khaled al-Fawwaz, Babar Ahmad, Syed Talha Ahsan and Haroon Rashid Aswat, all of whom are currently held in the UK under US extradition warrants. None of these detainees have ever been charged with an offence in the UK, yet scandalously they have been imprisoned for years without trial. Three of these—Ahmad, Ahsan and Aswat—are British citizens. Ahmad has been in prison for eight years—the longest period of detention without charge of a Briton under UK anti-terror legislation.

The human rights organisation Liberty makes no mention of these cases on their Extradition Watch. A campaign by Hackers Anonymous to protest the extradition treaty, Operation Trial at Home (OpTrialatHome), cites the cases of O'Dwyer, Gary McKinnon, Richard O'Dwyer and Christopher Tappin.

The case of Abu Qatada exposes the lengths to which the government will go to enforce an extradition. Qatada, a Palestinian Muslim of Jordanian citizenship, is under worldwide embargo by the United Nations Security Council for alleged affiliation with Al Qaeda. He has repeatedly been imprisoned in Britain since he was first detained under anti-terrorism legislation in 2002, without being prosecuted for any criminal or conspiracy offences.

The Algerian government has accused Qatada of involvement with Islamist extremists in London and possibly elsewhere. After initially barring the UK from deporting Qatada to Jordan, earlier this month the European Court of Human Rights ruled that he could be deported on the basis of assurances from Jordan that he would not be tortured.

The ECHR has been considered the court of last resort for people in Europe. Last month it was reported that a conference of the 47-member states comprising the ECHR held in Brighton, England discussed plans to curb access to the European Court. These include giving national courts more freedom to deal with human rights cases and to interpret the European Convention as they see fit. Other amendments include the reduction from six to four months for claimants to lodge a case with the ECHR once they have exhausted legal options in national courts.

Already under Protocol 14 a single judge, helped by an assistant, can filter out inadmissible cases.

UK Justice Secretary Ken Clarke said that this agreement will make “a big difference” to the ECHR. The Brighton Declaration will amend the European Convention, to give prominence to the principles of “subsidiarity” and “margin of appreciation”.

Within a month of the Brighton Declaration, the ECHR took the decision in April to extradite Bary, Farwaz, Ahmad, Ahsan and Aswat to the US on terror related charges. This followed an appeal to the ECHR in July 2010 which halted their extraditions to consider their complaints.

The *World Socialist Web Site* explained that, “the

ECHR’s ruling is an expression of the degradation of democratic sensibilities and the frontal assault on basic rights that is taking place throughout Europe. The social and political impulses within the US that gave rise to Guantanamo, rendition, assassinations and torture are now expressing themselves powerfully on the European continent.”

The clearest example of this escalating assault on civil liberties is the case of WikiLeaks founder Julian Assange, who has been held under house arrest in London since December 2010, under a European Arrest Warrant.

Under the EAW—also agreed on anti-terror grounds in 2003—a person can be extradited anywhere in Europe to stand trial, even if they have not been charged with an offence in the country they are resident. Assange has rightly argued that his extradition to Sweden would be the precursor to his removal to the US, with which Sweden has an extradition treaty similar to Britain’s.

A secret grand jury in Virginia has already prepared a sealed indictment against Assange for espionage, which carries the death penalty. The indictment is in retaliation for WikiLeaks’ publication of thousands of classified documents revealing US war crimes and other conspiracies. If, as expected, the Supreme Court sanctions Assange’s removal, the ECHR is the WikiLeaks founder’s last legal redress.



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