

# UK backs down on accused hacker Gary McKinnon's extradition to US

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British home secretary Theresa May announced October 16 that she would not extradite Gary McKinnon to the United States to face charges of computer hacking.

McKinnon, who has Asperger syndrome, is accused of illegally accessing Pentagon and NASA computers between 2001 and 2002. The crimes of which he is accused carry a sentence of up to 70 years in prison.

The extradition was halted on the grounds of fragile mental health and high suicide risk. This is based on the assessments of eminent British psychiatrists. May said that the removal of the 46-year-old systems administrator “would give rise to such a high risk of him ending his life that a decision to extradite would be incompatible with Mr. McKinnon’s human rights”.

McKinnon was indicted by a federal grand jury in Virginia on seven counts of computer-related crime. He says he was searching for evidence of UFO cover-ups and expressed fear that he could end up in Guantánamo Bay if extradited.

Janis Sharp, McKinnon’s mother, said that after the announcement, he said, “Mum, I’d forgotten how it feels to be happy.”

“He’d spent so long in a long dark tunnel,” she told the media.

Though the end of Gary’s and the McKinnon family’s decade-long nightmare is welcome, his release does not necessarily augur well for others facing similar fates.

In fact, hidden in the Home Secretary’s statement was the proposal to scrap an automatic right of appeal against extradition. May also wants to close the door on similar appeals by removing the very power she used to stop McKinnon’s extradition so that only judges will be able to decide whether extradition is in breach of a person’s human rights.

The decision exposes how, should they so choose, a home secretary retains the discretion to block extradition in certain circumstances, notably on humanitarian

grounds, including medical concerns, as well as where the request is politically motivated or the requested person is likely to be persecuted or denied a fair trial or humane treatment.

May exercised the same discretion that the former Labour government home secretary Jack Straw deployed in blocking the removal of General Augusto Pinochet to Spain in 2000 on medical grounds. The fascist dictator had been indicted in Chile where he was wanted for human rights violations relating to the murder and torture of thousands of people during and following his coup against President Salvador Allende in September 1973.

In January 2000, Straw had ruled Pinochet could return to Chile on the grounds of ill-health.

Another former Labour home secretary, Alan Johnson, raised concerns about May’s decision to stop McKinnon’s extradition. Her ruling was not in the “UK national interests”, he said, and contained “ramifications for national security”.

This was in reference to any potential reprisals by the US. Lanny Breuer, the US assistant attorney general, told officials he was “very disappointed” with the British government’s decision. US attorney general Eric Holder was reported to be so angry with May on hearing of her decision that he refused to take her calls.

May’s ruling was the most minimal concession that could be made by the Conservative-led coalition government to placate Tory backbenchers. In opposition, the Conservative Party and its Liberal Democrat partners had pledged to back McKinnon’s appeal against extradition.

The 2003 Extradition Treaty with the US is a gross infringement of civil liberties. Enacted in tandem with the European Arrest Warrant (EAW), it is part of a plethora of anti-democratic measures enacted under the guise of the “war on terror”.

The McKinnon case was taken up by sections of the

Conservative Party and the *Daily Mail* because it enables them to pose as the defenders of civil liberties and the champions of so-called British sovereignty. They can assume such a posture only because the Labour Party is so contemptuous of civil liberties.

Earlier this year, retired businessman Christopher Tappin was extradited to the US on charges of exporting zinc/silver oxide batteries to Iran in 2005 that could be used in the manufacture of surface-to-air missiles. Tappin recently accepted a plea bargain in the US to serve his sentence in the UK.

Richard O'Dwyer, a 24-year-old student, faces extradition on charges of breaching US commercial copyright law through the website he ran. Like McKinnon and Tappin, his alleged crime was committed on British soil but no charges have ever been brought against him by a British court.

The Conservative coalition has no intention of opening up any fissures with the US. By taking the decision purely on humanitarian grounds, May was at pains to make clear it was a one-off. Meanwhile, the conspiracy hatched between the US and British imperialism against the democratic rights of working people across the globe continues unabated, not least in their efforts to destabilise and prepare war against Syria and Iran.

In a statement, the home secretary said, "We have a strong and secure relationship with the United States administration across a whole range of issues, on national security matters, on extradition, the special relationship generally."

Just 11 days before the McKinnon ruling, the government extradited Babar Ahmad, Talha Ahsan and three others to the US on terrorist-related charges. Like McKinnon, Ahsan also suffers from Asperger syndrome, but human rights considerations were not invoked in his defence by the British government.

Babar Ahmad, a British citizen, had been held on terror-related charges for eight years awaiting extradition to the US. Like McKinnon, he never faced prosecution or charges in the UK. The US extradition demand was made without *prima facie* evidence cross-examined in a UK court. His family issued a dignified statement on news of the McKinnon's ruling, stating that whereas they "strongly welcome the decision not to extradite Gary McKinnon...questions do need to be asked as to why, within the space of two weeks, a British citizen with Asperger's accused of computer related activity is not extradited, while two other British citizens, one with Asperger's, engaged in computer-related activity, are

extradited. A clear demonstration of double standards."

"Many of our supporters are angry at what appears to be blatant old-fashioned racism under which all British citizens are equal but some are more equal than others," they said.

It is not racism that motivates the actions of the British bourgeoisie. May's decision was a political, not a judicial, act. It is no accident that those deemed particularly unworthy of due process are those it considers to be opponents of the militarist policies that the UK and the US are pursuing in the Middle East and internationally.

This standpoint is shared by the nominal critics of extradition. That is why the one name that is passed over in silence by all parties as regards extradition is that of WikiLeaks founder Julian Assange.

For US and British imperialism, Assange's "crime" consists of WikiLeaks' exposure of the bloody and criminal conspiracies hatched day in and day out against the world's peoples. It is for this reason, and not baseless accusations of sexual misconduct, that Assange was the subject of an EAW seeking his removal from the UK to Sweden on trumped-up charges. The purpose is to enable his extradition to the US, where he faces charges of espionage.

With every judicial avenue closed to Assange to fight this frame-up, the WikiLeaks founder was forced to seek political asylum in the Ecuadorian Embassy in London where he has had to remain since June. It is Julian Assange that exercises Johnson and others in the British and American establishment in their complaints at May's decision.



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