

# New Zealand court approves Kim Dotcom's extradition to the US

John Braddock  
8 January 2016

A district court in Auckland, New Zealand, ruled on December 23 that Kim Dotcom, founder of the Megaupload file sharing site, can be extradited to the United States to face charges of copyright infringement, racketeering and money laundering. The ruling came almost four years after heavily-armed members of New Zealand's elite anti-terrorist police unit and dozens of other officers raided Dotcom's mansion west of Auckland at the behest of the FBI.

Judge Nevin Dawson found *prima facie* breaches of copyright in Dotcom's operation and said the evidence was strong enough to support his extradition. Copyright, however, is not an extraditable offence. Crown lawyers, acting for the US government, argued instead that Megaupload was a "conspiracy to defraud" rightful copyright owners. Dawson accepted the proposition based, he said, on a "liberal interpretation of the [Extradition] Treaty."

Dotcom's co-accused, Finn Batato, Mathias Ortmann and Bram van der Kolk, face extradition as well. The final decision rests with Justice Minister Amy Adams. Outside the court, Dotcom said he would appeal. "This is not the last word on the matter," he said. "I'm still on bail and we'll go through the whole process until the very end."

The ruling is a significant legal victory for the US Justice Department and New Zealand's National Party government, which has operated in concert with Washington throughout the affair. The *New Zealand Herald* declared that Dotcom and his co-accused "should now take their explanations to a trial in the US" and not "stay here and take full advantage of our glacial legal system." If convicted, the defendants could face decades in jail.

German-born Dotcom, a New Zealand resident since 2010, has been pursued by the authorities and seen his

democratic rights systematically breached over the past four years. The original police raid was initially ruled unlawful and the Government Communications Security Bureau (GCSB), the official foreign intelligence agency, acted illegally by spying on Dotcom and more than 80 other New Zealand citizens and residents. In response, the government changed the law in 2012 to broaden the powers of the GCSB to spy on New Zealand residents.

In 2014, Hollywood companies took legal action to restrain and seize Dotcom's private wealth. US authorities allege that Megaupload, established in 2004 to store large file attachments that could not be sent by email, encouraged and paid users to upload pirated films and music to generate profit. Film studios and record companies claim the web site cost them more than \$US500 million.

Dotcom accuses the Obama administration of pursuing the case under pressure from Hollywood executives, who have sought to make an example of him. At its height in 2011, Megaupload had some 50 million daily users and accounted for 4 percent of the world's Internet traffic. Dotcom maintained that it was a service provider, protected by copyright law from liability for users uploading pirated files. Users were told not to upload copyrighted material and a takedown service was offered to copyright holders who wanted their content removed.

The US authorities have since shut down the Megaupload site. However, the case could have far-reaching implications for Internet copyright rules, particularly as the technology that Megaupload and similar sites pioneered has continued to develop. Dotcom's lawyers have noted that web sites from YouTube to Facebook could be affected.

Dotcom, a multi-millionaire, was granted New

Zealand residency through special provisions for wealthy immigrants intending to invest. He developed connections within the political establishment, including with former Auckland mayor and right-wing ACT Party leader John Banks, and became a social high-flyer.

Feeling betrayed by the local ruling elite following his arrest, Dotcom spoke at protests against the government's spying legislation and won significant public sympathy. In 2014, he launched the Internet Party (IP), which contested that year's election in alliance with the Maori nationalist Mana Party.

Amid the collapse in support for National and the main opposition Labour Party, Internet-Mana presented itself as an "anti-establishment" alternative, seeking to divert the disaffection among workers and youth back within the framework of parliamentary politics. Both parties represent layers of the upwardly mobile middle class, including privileged Maori business leaders and IT professionals, who are seeking to improve their social position within capitalism.

New Zealand's middle class pseudo-left groups—the International Socialist Organisation, Fightback and Socialist Aotearoa—all affiliated to Mana and campaigned for the alliance, hoping to use it as a vehicle to further integrate into the capitalist political establishment.

Mana leaders declared that they represented "the poor and dispossessed," calling for minor social reforms such as an increased minimum wage. However, the core of the party's platform involves measures to increase the property rights, and hence wealth, of the Maori tribal elite. It campaigns to block land sales to Chinese buyers, in favour of Maori tribes, thus whipping up anti-foreigner chauvinism.

The Internet Party was nakedly pro-business, advocating government grants for web-based start-up companies. In a bid to garner electoral support, it also criticised state surveillance and invited journalist Glenn Greenwald, whistleblower Edward Snowden and WikiLeaks founder Julian Assange to address a public meeting by video link five days before the election. Snowden further exposed the mass surveillance activities of the GCSB. Far from calling for the abolition of the GCSB, however, the IP indicated support for the intelligence apparatus, proposing "a review of our national security arrangements."

Internet-Mana aimed to support a coalition government led by the Labour Party, which shares the National Party's austerity and pro-imperialist agenda.

Under conditions of record voter abstention, particularly in working class electorates, Internet-Mana received just 1.4 percent of the overall party vote, well short of the 5 percent required to enter parliament, despite campaign funding of \$4 million from Dotcom. This failure prompted the break-up of the Internet-Mana alliance, and an intensification of the state-orchestrated vendetta against Dotcom.

The *World Socialist Web Site* alone has taken a consistent and principled stand on the Dotcom case. In July 2012, it warned that the measures taken against Dotcom constituted an assault on basic rights that set a dangerous precedent for similar police actions against workers and youth.

The WSWS defends Dotcom's democratic rights and opposes his extradition, despite our opposition to his pro-capitalist politics and the sordid manoeuvring of the pseudo-left groups who sought to hoodwink the working class by presenting Internet-Mana as a progressive alternative.



To contact the WSWS and the  
Socialist Equality Party visit:

**[wsws.org/contact](http://wsws.org/contact)**