

Rt Hon. David Blunkett MP  
Secretary of State for the Home Department,  
50 Queen Anne's Gate,  
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8<sup>th</sup> December 2004

### **Extradition Treaty with the US**

You will be aware of a degree of controversy in relation to the above. In that context, we note your reported intention to request the High Court for more time to consider the US demand to extradite Messers Bermingham, Mulgrew and Darby.

We have been consistently concerned about the one-sided nature of the terms of the treaty. We understand the diplomatic difficulties of the government in responding to the current wave of criticism of its one-sidedness. However, we do think that the government should review its position and we very much hope that the individual circumstances of the instant case will allow this to happen.

We would hope that you would be persuaded to take the following measures, in addition to reconsidering the US extradition request currently before you:

- The Extradition Act 2003 (Designation of Part 2 Territories) Order 2003 should be replaced with provisions that require the US to supply prima facie evidence to accompany its extradition requests to the UK, as the UK has to do in relation to extradition from the US. This would guarantee the same level of protection to those residing in the UK as their counterparts in the US are assured by the terms of the new Treaty.
- In the longer term, the Extradition Act 2003 should be amended to reflect the terms of Article 7.1 of the European Convention on Extradition on Place of Commission. This would allow extradition to be declined where crimes are alleged to have taken place substantially in the territory of the UK, unless the requesting state could show affirmatively that it would be in the interests of justice to be tried in that state. Where extradition is refused on these grounds a prosecution should be brought in the UK, facilitated by the UK-US Mutual Legal Assistance Treaty.

Yours sincerely

Roger Smith  
Director