

JUSTICE PRESS RELEASE

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Law Lords rule against extradition to US on fraud charge

In a unanimous judgment, the House of Lords this morning quashed part of the Home Secretary's order that a British businessman could be extradited to the United States on a charge of price-fixing.

In September 2005, the Home Secretary approved the request of the US government to extradite Ian Norris under the 2003 UK-US Extradition Treaty to face charges of price-fixing and obstruction of justice in federal court in Pennsylvania.

Today the Law Lords struck out the price-fixing charge against Mr Norris, ruling that the English common law has never recognised such conduct as illegal.

The Law Lords also held that it would violate the right against retrospective punishment under Article 7 of the European Convention on Human Rights for the common law offence of conspiracy to defraud to be used against price-fixing conduct, unless there was some dishonesty involved.

JUSTICE was granted permission to intervene in the case before the Lords, arguing that the common law should not be used to punish people for conduct that was not considered illegal at the time it was committed.

Eric Metcalfe, JUSTICE's director of human rights policy, said:

The Law Lords have prevented the common law from being distorted for the sake of extradition requests from the United States.

The bar on extradition to the US has already been lowered too far, this ruling has stopped it being bent as well.

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Notes to editors

1. The UK-US Extradition Treaty was signed on 31 March 2003 and was implemented in the UK by the Extradition Act 2003. It was not ratified by the US Senate until September 2006.
2. The 2003 treaty abolished the requirement for the US government to show even a *prima facie* case against a suspect when requesting extradition from the UK to the US. By contrast, the UK government is still required under the 2003 treaty to show 'probable cause' in order to extradite suspects from the US to the UK (see article 8(3)(c) of the 2003 treaty).
3. Mr Norris was indicted by federal grand jury in Pennsylvania on 1 count of participation in a cartel and 3 counts of conspiracy to obstruct justice. In June 2005, a district judge in Bow Street Magistrate's Court ruled that Mr Norris's alleged conduct was the equivalent of conspiracy to defraud under the English common law and thus qualified for extradition. In September 2005, the Home Secretary made the order for Mr Norris's extradition.
4. Article 7 of the European Convention on Human Rights prohibits punishment for any conduct 'which did not constitute a criminal offence ... at the time when it was committed'.
5. JUSTICE was represented in the case of *Norris v United States of America* in the House of Lords by Tim Owen QC (Matrix Chambers), Duncan Penny (6 King's Bench Walk), Kieron Beal (Matrix Chambers) and Dechert LLP, all acting pro bono. A copy of JUSTICE's written submissions are available on request.