

UK High Court rejects Lauri Love's extradition to US

By Margot Miller
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Alleged computer hacker Lauri Love celebrated with his family and friends on Monday, after winning his appeal in the UK High Court against extradition to the United States.

The High Court judges agreed with Love's legal team that, on medical grounds, he should be tried in the UK, not the US.

Love has Asperger's Syndrome, eczema and a history of depression. He has threatened to commit suicide should he be extradited to the US, where he would be facing a possible lifetime prison sentence and fines of up to £6.3 million.

Love's ordeal began in October 2013 when he was arrested in Suffolk under the UK Computer Misuse Act, accused of breaching the security of NASA and the FBI. He was not charged with any crime, and in October 2014 the Crown Prosecution Service said they no longer intended to prosecute.

However, in 2015 Love was charged, this time under the US Computer Fraud and Abuse Act, with hacking into the Federal Reserve Bank and the Department of Defense.

UK police executed an extradition order against Love on behalf of the US, and the following year Westminster magistrate's court ruled in favour of the extradition request—signed off on by Home Secretary Amber Rudd in November 2016.

Speaking on the steps of the High Court in London, Love, 33, explained why he had fought extradition. He said it was “not just to save myself from being kidnapped and locked up for 99 years in a country I've never visited, but it's to set a precedent whereby this will not happen to other people in the future. If there is suspected criminality, then it will be tried in the UK, and America will not be able to exercise exorbitant territorial jurisdiction.”

The head of legal casework for the campaign group Liberty, Emma Norton, declared her delight that the court had “recognised Lauri's vulnerability, close family connexions to the UK and the potentially catastrophic consequences of extraditing him.”

The judges ruled, “The support of his family, in particular, would mean that he would be at far lower a risk of suicide” if he remained in the UK.

They added that there is “no satisfactory and sufficiently specific evidence” that Love would receive the necessary treatment for his medical conditions in a US prison.

The judges, nevertheless, urged the UK's Crown Prosecution Service to “bend its endeavours” to prosecute Love. “If proven, these are serious offences indeed,” the ruling states.

Authorities in the US now have up to 14 days to request an appeal at the UK Supreme Court. Love has not denied the charges against him, but the US has refused to reveal any evidence it has until he is on US soil.

Love allegedly took part in OpLastResort 2012-2013, a hacking operation by the “hacktivist” group Anonymous to protest the treatment of Aaron Swartz, who committed suicide while awaiting trial on alleged hacking and fraud charges. Among the complaints of Anonymous was the “disproportionate prosecution” of hackers by prosecutors operating “in the interests of oppression or personal gain.”

Swartz's “crime” was to download more than four million documents from JSTOR, a database of academic journals not freely available due to the high cost of access fees, even though the research was publicly funded. At the time, Columbia University law professor Tim Wu said “JSTOR suffered no economic loss.”

Swartz also co-authored DeadDrop—software enabling whistleblowers to send sensitive documents securely to journalists, used today under the name SecureDrop.

Love’s case is the first application of the forum bar, introduced by Prime Minister Theresa May when she was Home Secretary as section 83A of the Extradition Act.

This was a consequence of the US extradition request against Gary McKinnon, which May blocked in October 2012 after facing a mountain of criticism. McKinnon faced up to 60 years in a US jail if convicted of hacking charges.

Like Love, McKinnon has Asperger’s syndrome and suffers with depression, and had to fight extradition for ten years. He was permitted to remain in the UK because his condition gave rise “to such a high risk of him ending his life” that it would breach his human rights.

May said that the forum bar meant that “where prosecution is possible in both the UK and in another state, the British courts will be able to bar prosecution overseas if they believe it is in the interests of justice to do so.”

Sarah Harrison, director of the Courage Foundation, which organises Love’s defence campaign, previously stated, “Clear assurances were given that legal changes would prevent the McKinnon situation from happening again and, frankly, if the forum bar can’t help Lauri Love, it’s very difficult to understand how it could ever help anyone.”

The US authorities pursue whomever they deem an enemy of the state with the ruthlessness of a vendetta. This was the case with Chelsea Manning—the former US Army private jailed for seven years for passing documents to WikiLeaks exposing US government atrocities in Iraq and Afghanistan—and with Julian Assange.

WikiLeaks founder Assange has been a virtual prisoner in the Ecuadorian Embassy for the past five and a half years. He entered the Embassy to avoid extradition to Sweden on trumped up allegations of sexual misconduct--and from there to the US. The US administration has kept live a grand jury empowered in 2010 to bring secret, unspecified charges against Assange that could carry the death penalty.

In the case of Love, his US lawyer Tor Ekeland

declared that the “punishment that they’re [US authorities] seeking is disproportionate to any alleged harm.”

Love’s father, Reverend Alexander Love, speaking on the BBC’s Radio 4, described the pursuit of his son by the US as “state vengeance.”

He explained that “three servers and three different states are involved... three different trials and cumulative sentences...[This is] punitive justice...to punish my son to deter others.”

In relation to the Extradition Act 2003, passed by war criminal Tony Blair’s Labour government, Reverend Love said, “This is a very bad law... This law was signed by Tony Blair when he was cosyng up to the Americans.”

It should be Blair—who dragged the UK in an illegal war against Iraq based on lies about weapons of mass destruction—standing in the dock.

Workers should demand that all charges against Lauri Love are dropped. The US, Britain and other capitalist governments are jealously guarding their state secrets, war crimes and financial wrongdoings, fearful of opposition in the working class when such information reaches the public domain.

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