

Positive Action Group

Consultation on the draft Extradition Bill Submission from the Positive Action Group (P A G)

PAG agrees that it is sensible for the Isle of Man to develop its own extradition legislation to fit modern international conventions ahead of the Coalition Government's review of the UK Extradition Act 2003. Extradition is in the news these days with the Wikileaks founder Julian Assange fighting extradition to Sweden under an EU Arrest Warrant, the fight by Gary McKinnon against being extradited to the United States and the contentious extradition and imprisonment of the Natwest Three.

However, in this very complicated area of legislation, it is unclear whether mere compliance with modern international conventions, will better protect Isle of Man residents from extradition. PAG is very concerned that full compliance with the recommendations in the International Monetary Fund's September 2009 report may open the possibility of vexatious extradition requests that are politically motivated.

Furthermore, the scope of the Isle of Man's powers does seem very limited.

In the additional note sent to respondents dated January 2011 the Chief Secretary's Office makes it plain that, although the EU Arrest Warrant cannot apply to Isle of Man residents, this only applies if a resident subject to such a warrant does not leave the Isle of Man.

PAG is concerned about this aspect. How is someone to know if they are the subject of an EU Arrest Warrant? It would be appalling if local residents travelled to the UK from the Isle of Man, in ignorance of an EU Arrest Warrant, only to find themselves summarily removed to a third country on arrival at a UK port for an alleged offence that would not be illegal under Manx laws.

It seems that in practice we have no protection from the EU arrest warrant and that is a very poor situation given the apparent ease for an EU State to create one.

The consultation does not clearly indicate our protection from this situation.

Clearly, with the United States using its extradition powers in an increasingly aggressive way, one would hope that local residents would never be affected by such moves. PAG notes that the bar for extradition has been set at an offence which would be punishable by twelve months imprisonment in the Isle of Man. That should, from a pure layman's perspective, offer some protection from vexatious extradition to the United States. However, it is unclear whether that is the *raison d'être* of the consultation.

The driver seems to be compliance with international treaties and it is difficult for individuals to judge whether such compliance better protects Isle of Man residents. It would be a cause for concern if Tynwald passed a Bill which turned out to be a cosmetic exercise.

PAG's major concern is that if an EU Arrest Warrant is raised for an Isle of Man resident then that resident should be properly informed so they can choose to stay in the Island. A suitable provision, covering this situation, should be written in to the legislation and clearly indicated in the Explanatory Notes. The last thing we want is people being extradited to prisons in another country because they have committed a minor breach of a law there for which they would not have been prosecuted in the Isle of Man.

ENDS

P A G/ 03/ 2011