



Home Office

**International and
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P John

[request-191935-
df47dc5c@whatdotheyknow.co
m](mailto:df47dc5c@whatdotheyknow.com)

Our Ref: 30178

4 February 2014

Dear P John,

YOUR REQUEST FOR INFORMATION ON EXTRADITION BETWEEN THE UK AND THE USA

Thank you for your email of 7 January 2014, in which you ask for information regarding extradition requests made between the UK and the USA. Your request has been handled as a request for information under the Freedom of Information Act 2000 ("the Act").

The Home Office holds some of the information you request and I am able to disclose some of this information as set out in the enclosed annex.

However, there is no duty to disclose information where the exemptions in the Act apply. After careful consideration we have decided that detailed information requested with regard to specific cases is exempt from disclosure by virtue of Sections 27(1)(a) and 31(3) of the Act. I shall explain how these exemptions apply in the enclosed annex.

If you are dissatisfied with this response you may request an independent internal review of our handling of your request by submitting a complaint within two months to the address below, quoting reference **30178**.

Information Access Team
Home Office
Ground Floor, Seacole Building
2 Marsham Street
London SW1P 4DF

e-mail: info.access@homeoffice.gsi.gov.uk

As part of any internal review the Department's handling of your information request will be reassessed by colleagues who were not involved in providing you with this response. If you remain dissatisfied after this internal review, you would have a right of complaint to the Information Commissioner as established by section 50 of the Act.

If you ask for an internal review, it would be helpful if you could say why you are dissatisfied with the response.

Yours sincerely,

Amanda Shiels
International and Immigration Policy Group

Switchboard 020 7035 4848

E-mail info.access@homeoffice.gsi.gov.uk

Annex - Freedom of Information request from P John (reference 30178)

Information Requested

For the last ten years, please could you disclose for each year:

1. The total number of extradition requests from USA to the UK, the nature of offences for which extraditions were sought, and total number of resulting extraditions from UK to the USA
2. The total number of extradition requests from UK to the USA, the nature of offences for which extraditions were sought, and total number of resulting extraditions from USA to the UK

If possible I would also like to know the resulting number of convictions.

Response

We are able to disclose some of the information you request. However, after careful consideration we have decided that some of the information regarding the number of recent extradition requests made, where the amount of requests in a given year is less than five, and the details of offences broken down by year are exempt from disclosure under Sections 27(1)(a) and 31(3) of the Act.

These exemptions provide that information can be withheld where disclosure would prejudice the relations between the UK and any other state and prejudice the prevention or detection of crime. I shall explain below how these exemptions apply.

The information we are able to disclose is set out below. This provides the number of extradition requests made and received and the number of extraditions which have taken place between the UK and the USA, except for recent requests where the number of requests is less than 5.

Information on the breakdown of offences has been provided as a total over the full 10 year period, except where the number of requests made for a particular crime is less than 5.

Please note that the Home Office does not hold information on convictions following extradition.

Exemptions

As stated above, some of the information is exempt from disclosure by virtue of Sections 27(1)(a) and 31(3) of the Act. These sections of the Act are subject to a public interest test.

Public interest test considerations

Some of the exemptions in the Act, referred to as 'qualified exemptions', are subject to a public interest test (PIT). This test is used to balance the public interest in disclosure against the public interest in favour of withholding the information, or the considerations for and against the requirement to say whether the information requested is held or not. We must carry out a PIT where we are considering using any of the qualified exemptions in response to a request for information.

The 'public interest' is not the same as what interests the public. In carrying out a PIT we consider the greater good or benefit to the community as a whole if the information is released or not. The 'right to know' must be balanced against the need to enable effective government and to serve the best interests of the public.

The Act is 'applicant blind'. This means that we cannot, and do not, ask about the motives of anyone who asks for information. In providing a response to one person, we are expressing a willingness to provide the same response to anyone, including those who might represent a threat to the UK.

Section 27(1)(a) states:

27 – (1) Information is exempt information if its disclosure under this Act would, or would be likely to, prejudice –

(a) Relations between the United Kingdom and any other State

Considerations in favour of disclosure

We acknowledge that disclosure of information covered by this exemption could help improve the understanding of international extradition relations and the transparency of these processes to enhance public trust in decisions made.

Considerations in favour of non disclosure

It is considered that extradition requests from one Government to another are made in confidence and disclosure of details relating to a request would be likely to prejudice relations with the UK's extradition partners. As the figures involve a relatively small number of cases, providing information on the breakdown of offences for which extradition has been sought in each year may lead to the identification of a person who has not been arrested in relation to that request. As set out below in relation to section 31(3), where a person has not yet been arrested this may prejudice the prevention of crime and the apprehension and prosecution of offenders.

The effective conduct of international relations depends upon maintaining trust and confidence between Governments. This trust allows for a free and frank exchange of information and advice on the understanding that it will be treated in confidence. If the United Kingdom does not respect such confidences, its ability to protect and promote UK interests, in this case international judicial co-operation, will be hampered. We recognise that there may be some public interest in this particular subject; however, for the reasons mentioned above, we consider that in this case the public interest in maintaining this exemption outweighs the public interest in its disclosure.

Section 31(3) states:

31- (3) The duty to confirm or deny does not arise if, or to the extent that, compliance with section 1(1)(a) would, or would be likely to, prejudice any of the matters mentioned in subsection (1).

Section 31(1)(a) states:

31 – (1) Information which is not exempt information by virtue of section 30 is exempt information if its disclosure under this Act would, or would be likely to, prejudice –
(a) The prevention or detection of crime.

Considerations in favour of disclosure

As with Section 27(1)(a), we acknowledge that disclosure of information covered by this exemption may help improve the public's understanding of international extradition relations, and the transparency of these processes to enhance public trust in decisions made.

Considerations in favour of non disclosure

The extradition process provides for one country to request of another country the apprehension and return of a person who is present in the latter and is accused or convicted of a crime in the former. Not all extradition requests lead to the arrest and extradition of the subject.

As a matter of long-standing policy and practice, we do not disclose whether an extradition request has been made or received until such time as a person is arrested in relation to the request. In light of this policy, we would therefore not disclose information on recent requests where the number of requests is less than 5. To disclose information about a person who is the subject of an extradition request could allow that person to escape justice by leaving the latter country before they could be arrested. This would prejudice the prevention of crime and the apprehension and prosecution of offenders. Maintaining confidence in law enforcement and the criminal justice system is crucial to the public interest, and we do not consider that it would serve the public interest to give notice to fugitives that they may be the subject of extradition proceedings.

In addition, we neither confirm nor deny whether any further information within the scope of your request is held, by reliance on sections 23(5) (information supplied by or relating to bodies dealing with security matters. Please note that reliance on section 23(5) should not be understood as a confirmation or denial that any further information within the scope of your request does, or does not, exist or is, or is not held by the Home Office.

Information

The information requested, after relevant exemptions are applied, is set out in the tables below. Totals below 5 are not given as they may allow the identification of individual cases.

Please note that these figures do not include requests between the US and Scotland. Scotland deals with its own extradition cases.

Number of extradition requests made and received and number of people extradited in each year:

	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013
REQUESTS MADE BY US										
Requests received	36	8	17	10	11	19	18	15	23	6
Extradited to the US	3	8	16	8	6	16	10	8	20	11
REQUESTS MADE BY UK										
Requests made	2	9	4	15	9	5	8	5	5	<i>Less than 5</i>
Extradited to UK	2	1	3	7	10	7	5	5	4	4

Extradition requests received from the USA
- by nature of offence:

Nature of offence	Total
Assault	<i>Less than 5</i>
Child pornography	5
Computer fraud/hacking	<i>Less than 5</i>
Drug offences	31
Escape from custody	<i>Less than 5</i>
Fraud related and money laundering offences	75
Illegal export	7
Kidnapping	<i>Less than 5</i>
Manslaughter	<i>Less than 5</i>
Murder	9
Obstruction of justice	<i>Less than 5</i>
Robbery and theft offences	7
Sex offences	13
Terrorist offences	7

Extradition requests made to the UK
- by nature of offence

Nature of offence	Total
Assault	<i>Less than 5</i>
Attempted murder	<i>Less than 5</i>
Burglary	<i>Less than 5</i>
Child abduction	5
Child pornography	<i>Less than 5</i>
Customs offences	<i>Less than 5</i>
Drug offences	<i>Less than 5</i>
Fraud and money laundering offences	9
GBH	<i>Less than 5</i>
Manslaughter	<i>Less than 5</i>
Murder	9
Robbery and theft offences	<i>Less than 5</i>
Sex offences	16