

Mother of Richard O'Dwyer: "America is trying to control and police the Internet"

By our reporters
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Richard O'Dwyer, a 23-year-old computer science student at Sheffield Hallam University, faces extradition to the US on copyright infringement charges.

Richard ran a web site, TVShack.net, posting links to other sites where people could download copyrighted content including movies and TV programmes. Despite not breaching UK laws, US prosecutors demanded his extradition to the US where he could face up to 10 years imprisonment if found guilty. His extradition was cleared by a British court earlier this month.

Richard is appealing. The *World Socialist Web Site* spoke to his mother, Julia, about the case and its implications.

Julia: We don't know the laws in America, and we follow British laws. But you can be doing something that is completely legitimate here that may be a crime in America. If they spot you doing something on the Internet that's illegal in their country, they are able to come and get you and exert their jurisdiction. And, if you e-mail, fax or phone someone in America, then they will say that you've been in a conspiracy because there is somebody in America who you've communicated with.

People need to be educated to make them aware that there are these dangers.

WSWS: When did you first know of US interest in Richard?

Julia: When Richard was first questioned at the end of November 2010. Along with the police were two Americans. They didn't take any part in any questioning. They shook Richard's hand and said, "You won't need to be going to America".

We never heard anything for six months. The police didn't charge Richard. They said he would be on bail while they investigated further. They took his laptop and his computer.

When we went to answer the bail at the end of May 2011, they said the UK investigation had been dropped. Then a minute later, they said, "We've got this extradition warrant for you." That's the first we'd heard of extradition. They took Richard straight away to court in London.

I had to find my way there. It was awful, because they never gave us any information—no explanation, not even a leaflet—about extradition. I was terrified. I couldn't see Richard to see if he was all right, as he was taken into a cell. We had no lawyer. They got a barrister for Richard who didn't know the case.

When we eventually went into court, they didn't want him to have bail. The American prosecutor wanted him locked up.

While waiting for Richard, about 20 people from different parts of eastern Europe were getting processed on extradition warrants. I thought, God, this is going to be happening to Richard. It's like a production line, just rubber-stamping everybody. It was five o'clock.

They wanted some money, and they wanted Richard's passport, which we didn't have with us. They wanted to close the court, so they wouldn't give us time to sort the passport out or the money.

Richard had to go into Wandsworth Prison overnight. Luckily my sister lives in London, so I arranged to stay with her, and we sorted things out the next day.

That is the most frightening thing we've had to face so far.

We got an extradition barrister. As soon as I got home, I started looking for information on the Internet. I've had to find it out for myself. You get no support at all from the Home Office, police or anyone.

WSWS: Under the European Arrest Warrant, they send people from all over Europe back to their own country on the basis of the flimsiest of accusations.

Julia: Every time we go to court, it's crammed with a lot of east European people. They just take people for the most trivial offences, an unpaid mobile phone bill when it's actually been paid. I've seen these. Some of them are true crimes, but the thing that annoys me is they are being sent back to their own country. This is Richard's own country. He has never been to America or fled from it.

With America, it is a whole different treaty and law. It's very difficult to fight because you're not addressing the alleged crime. You are fighting the extradition law. When you go through the extradition courts, they want you to go to America to prove your innocence. They don't want to be looking at the allegations against you.

WSWS: Richard has never broken any law in this country?

Julia: We have been led to understand that it's not a crime in this country. To be extradited to America, the offence has to be a crime in both countries. When they ask for your extradition, they say, "What's the equivalent charge in the UK?" So they'll just write copyright infringement.

We have to prove what he did is not a crime in this country. The problem is the judges in the extradition court—they are not interested. Consequently, we lost that first fight at court. Richard's barrister made the legal arguments in November, and the judge said, "You've got a good strong argument." So did the prosecutor for the Americans. Then two hearings later, the judge tossed all that out of the window.

Extradition, especially to America, is a serious matter. It's so far. If Richard was going to Europe, at least you can get a cheap flight, but you wouldn't be able to go and visit somebody in America that often. You have to get time off work. It's crazy because I always understood that extradition was for serious crimes, like murder and terrorism, not a piddling little offence.

WSWS: We understood that if he is charged in America and found guilty, he could get a maximum of 10 years.

Julia: That's the maximum. They always have to quote the maximum sentence. To be extradited from England, the penalty has to be no less than 12 months in prison. If Richard was accused and tried in this country, a first time offender is never going to be sent to prison for a copyright offence. Even if he was found guilty, he would get a fine. So they quote the maximum penalty.

In America, it is five years for each offence. They have Richard down for two offences, so that could be 10 years. I don't think it's likely, but you wouldn't want to go to jail for 1 year, never mind 10.

On the day we were in the court, they rubber-stamped another man's to go to America. He was a retired businessman who had lost his appeal. The FBI set up an illegal sting operation. They set up a fake company and entrapped this guy into doing business with them to export batteries.

He had no inkling that it had anything to do with Iran, but they said that he had exported batteries for Iranian missiles! They set up a sting operation to frame him up. So why do our judges allow somebody to be extradited when they know that the FBI has been responsible for setting up scams to try and criminalise people?

WSWS: While there are historical differences in law, the British government has gone along with the European directives especially since 9/11.

Julia: Since this law came into effect in 2004, only one terrorist has been extradited to America. Yet the whole thing was set up for terrorists. I have up-to-date figures from the Home Office that say from January 2004 to November 2011, there have been 60 requests from America for extraditions from the UK. In the same time, there have only been 8 requests from the UK to America. It can't be right, can it?

American citizens get more protection because they have a constitution that gives them a right to a proper hearing where they can challenge the evidence against them and present their evidence. We're not allowed to do that.

This extradition law has been complained about ever since it was brought in. The Labour government signed us up to this in response to 9/11. They didn't take it through parliament. They did it on the Queen's prerogative. It was [Prime Minister] Tony Blair and [Home Secretary] David Blunkett who agreed to it.

The judges are firmly stacked in favour of extradition. The extradition law overrides the rest of British law.

There were two people who were friends of Margaret Thatcher. They were ill and did not get extradited. They were allowed to have their trial via video link. The US doesn't allow video link because the constitution says the accused must appear in person, but because they were friends of Mrs. Thatcher—millionaires who owned a chain of hotels—they just had to pay a load of money and were not extradited. Most other people, even if you are ill or nearly dead, they just say, "We've got medical services, you'll be fine."

You don't have any human rights to fight extradition. If you're accused of terrorism, you can argue on the grounds of possible torture or inhumane prison conditions. If you are accused of terrorism and extradited to America, they put you in these super-max prisons and hold you in solitary confinement. But those who would be put in a normal prison—even though they're bad—they won't allow you to argue on the grounds of human rights.

WSWS: People get sent to Guantánamo Bay via other countries.

Julia: Yes, there are places like that. People accused of terrorism that have never been to the country and are not charged with any offence. And they have been held in prison in the UK for six or seven

years without charge.

WSWS: There is a wider political issue in Richard's case—and that is the attempts of the US government to clamp down on the freedom of the Internet and bring in new laws like SOPA, PIPA.

Julia: I don't know the detail of these laws, but I can see that it's about America trying to control and police the Internet. Well, it doesn't belong to them, does it? It's wrong that America should lay laws down on the Internet for other countries. I don't think America should rule the world.

It's like the case of WikiLeaks founder Julian Assange. They're trying to get him, aren't they? Because he exposed all their corruption and the evil things they were doing. Not just America, different governments. You know, you vote these people into power, and then you don't really know what they're getting up to until someone like Assange comes along and tells us their dirty little secrets. I don't like these oppressive government regimes trying to take over the world, trying to take over the Internet.

I saw President Obama. He was saying how America needs to find more of its oil in America, so it can be more self-sufficient. But then we've got everybody kicking off over in Iran about closing the Strait of Hormuz and how that'll stop the oil coming through for the rest of the world. On the one hand, Obama's saying we want to be producing our own oil so we don't have to be dependent on anyone, and in the next breath, he's thinking of starting a war against Iran purely because of oil.

WSWS: What's the campaign you have organised?

Julia: I'm in touch with other victims like the mother of Gary McKinnon [facing extradition for hacking US military computers] and others who have been extradited to the US. They are very knowledgeable because they have been fighting for years.

We are trying to pressure the government to change the law so that if you are accused of doing something in this country, you should have a trial in this country. That clause is already written. It was going to be introduced into the Extradition Act, but Labour never brought it in. If they think Richard's committed a crime in this country, he should be charged with it so then he can defend himself.

Before Xmas, the Joint Committee on Human Rights reviewed the extradition treaty and [Labour MP] Keith Vaz is gathering information. The Liberal Democrats are working on it with Sir Menzies Campbell. There is a lot going on behind the scenes, but unfortunately not quickly enough to help Richard.

The press goes on about the money Richard made from his web site. I think that's immaterial. Every web site gets asked to put ads on. They approached him. He never set it up to make money. Why did they want to put their ads on a site if it is meant to be illegal? For Richard, it was a hobby that got out of control. They were looking for a Mr. Big, but he has nothing to show for it because he just shared it out with his friends on food and going out. When the police came, they commented that he hasn't got anything.

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