

UK Court Rejects Hacker's Bid to Avoid Extradition

MEERA SELVA, Associated Press Writer

(AP)-- Britain's High Court on Friday rejected an autistic British man's bid to avoid extradition to the United States to face trial for hacking into military computers.

Gary McKinnon, who claimed he was searching for evidence of UFOs, has fought a long legal battle against extradition after he was charged with breaking into 97 computers belonging to NASA, the U.S. Department of Defense and several branches of the U.S. military soon after the Sept. 11, 2001, terrorist attacks.

His lawyers argued 43-year-old McKinnon is an eccentric but harmless man who had no malicious intent.

The High Court rejected his appeals Friday and ruled that he should face extradition. Judge Stanley Burnton, one of two judges hearing the case, said in a 41-page ruling that extradition was "a lawful and proportionate response to his offending."

McKinnon's lawyer, Karen Todner, called the ruling "hugely disappointing," and urged Home Secretary Alan Johnson to stop the extradition.

"We have 28 days to review the judgment and will continue to explore every legal avenue until we achieve a just and proper result," she said. Todner said she planned to appeal the High Court decision, possibly taking the case to Britain's new Supreme Court and the European courts.

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Johnson said he was powerless to intervene.

"It would be illegal for me to stop the extradition of Gary McKinnon, which the court ruling has made clear," he said in a statement. "Mr. McKinnon is accused of serious crimes, and the U.S. has a lawful right to seek his extradition, as we do when we wish to prosecute people who break our laws."

He said U.S. authorities had assured Britain that McKinnon's health and welfare needs would be met, if he were extradited.

David Cameron, leader of the opposition Conservatives, said he was disappointed by the ruling and that McKinnon should face trial in a British court. "Gary McKinnon is a vulnerable young man, and I see no compassion in sending him thousands of miles away from his home and loved ones to face trial," Cameron said.

McKinnon's family and supporters have argued he should not be extradited because he has Asperger's syndrome, a form of autism, and could be at risk of psychosis or suicide if he is sent to the U.S.

McKinnon's lawyers and 40 British lawmakers have written to President Barack Obama asking him to prevent the extradition.

Earlier this year McKinnon offered to plead guilty to a criminal charge in Britain to avoid facing a U.S. trial.

The Crown Prosecution Service ruled, however, that the case was best prosecuted in the United States, leading McKinnon's attorney Edward Fitzgerald to argue that the service had failed to take

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account of humanitarian factors.

McKinnon's lawyers had asked the High Court to overturn the prosecutors' decision, as well as the British government's decision to extradite him — requests dismissed in Friday's ruling.

Judge Burnton said the case should be dealt with "as expeditiously as possible," and that McKinnon could face extradition in September.

McKinnon is charged in New Jersey and Virginia with eight counts of computer fraud. Each count potentially carries a sentence of up to 10 years in prison and \$250,000 in fines.

Todner said McKinnon would be extradited to Virginia, if he is sent to the U.S.

McKinnon would be extradited through a treaty signed by the U.S. and Britain in the wake of Sept. 11 that was designed to make it easier to transfer individuals, including terrorism suspects, between the two countries. Its critics argue that it is skewed against British citizens.

Menzies Campbell, a lawmaker from the opposition Liberal Democrat party, said the extradition treaty was flawed.

"The people who should hang their heads in shame are the members of the government who negotiated an extradition treaty with the United States which places British citizens in a much weaker position than their American counterparts," he said.

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