

**Lauri Love** is a Suffolk-based electrical engineering student with British and Finnish dual nationality. His case raises concerns about Britain's willingness to extradite vulnerable citizens to face potential life-long jail terms in conditions far worse than would be countenanced domestically.

## **Extradition to the United States**

Lauri is facing extradition to the United States for his alleged involvement with the online protests that followed the untimely death of American computer scientist Aaron Swartz. Websites belonging to several US governmental agencies were compromised during #OpLastResort in early 2013.

Lauri Love's case is likely to form **the first proper test case for the forum bar**, introduced into law in 2013 in the wake of the Gary McKinnon case in order to protect vulnerable British defendants from being extradited when "in the interests of justice" their case could be heard at home instead.

- Just like other controversial UK-US extradition cases, like those of Gary McKinnon and Richard O'Dwyer, Lauri is facing extradition for **alleged actions which would have happened in the UK** and should be prosecuted there.
- Lauri has been diagnosed from **Asperger Syndrome** and major depression. If extradited to the United States, he would spend extended spells in solitary confinement, an ocean away from family and friends. Lauri's parents believe the impact on their son's physical and emotional well-being would be devastating.
- Lauri is facing three separate extradition requests from different US court districts, which greatly increase the potential sentence he risks well beyond anything a British court would order under the Computer Misuse Act – his legal team calculate a **potential maximum sentence of 99 years**.
- Last month, District Judge Nina Tempia – who will also be hearing Lauri's extradition case – ruled that the **NCA attempted to "circumvent" statutory protections** and abuse court process in order to force Lauri Love to hand over his encryption keys. There are serious concerns about whether there has been a good-faith attempt to investigate Lauri in the UK.

Among the Courage Foundation's beneficiaries are individuals, like Jeremy Hammond and Barrett Brown, who have been convicted of hacking-related offenses under the Computer Fraud and Abuse Act in the US. Based on our experience, we believe Lauri has reasonable fears about denial of bail and access to evidence, a coerced plea deal and frequent spells in solitary confinement.

Lauri Love's extradition hearing is scheduled for 28 and 29 June at Westminster Magistrates' Court in London.

**The Courage Foundation runs Lauri Love's official defence fund. Please direct media enquiries to [courage.contact@couragefound.org](mailto:courage.contact@couragefound.org) / +44 20 3291 3451**

## **Lauri Love extradition hearing – 28-29 June 2016**

Court 1 at Westminster Magistrates' Court, 101 Marylebone Road, London.

### **Day one – morning session**

The Reverend Alexander Love, Lauri's father

Sirkka Love, Lauri's mother

Professor Simon Baron-Cohen, Professor of Developmental Psychopathology at the University of Cambridge

Professor Michael Kopelman, Emeritus Professor of Neuropsychiatry at King's College, London

### **Day one – afternoon session**

Dr L. Thomas Kucharski, Professor of Psychology at John Jay College of Criminal Justice, City University of New York

Joshua L. Dratel, expert witness on US legal system (by videolink)

### **Day two – morning session**

Jennifer Arcuri, founder of Innotech and CEO of My Hacker House

Tor Ekeland, Lauri's US attorney

Lauri Love

Naomi Colvin, campaigner at the Courage Foundation

### **Day two – afternoon session**

Sylvia Royce, former Assistant U.S. Attorney for the District of Columbia and the former Chief of International Prisoner Transfer at the U.S. Department of Justice (by videolink)

Zachary Katznelson, expert witness on US legal system (by videolink)

Marlo Caddedu, attorney for Barrett Brown (by videolink)

Grace North, founder of Jeremy Hammond support campaign (by videolink)

Kevin Gallagher, systems administrator and founder of Barrett Brown support campaign (by videolink)

## Lauri Love case timeline

### 16 October 2012

Gary McKinnon's extradition is [blocked](#) by Home Secretary Theresa May on human rights grounds. May [announces](#) that the UK will be introducing a forum bar:

"This will mean 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."

### 28 November 2012

Richard O'Dwyer's [deferred prosecution agreement](#) is announced, prior to his planned appeal against extradition to the US on copyright-related charges.

### 11 January 2013

While under federal indictment, prominent developer and internet freedom activist Aaron Swartz commits suicide. His family describe their loss as "the product of a criminal [justice system rife with intimidation and prosecutorial overreach](#)" over "an alleged crime that had no victims." The conduct of prosecutors in this case becomes a major public policy issue in the United States.

### 25 January 2013

Online protest #OpLastResort begins.

### 14 October 2013

The forum bar is enacted in the UK's Crime and Courts Act.

### 23 October 2013

A [two count indictment](#) against Lauri Love is filed in the District of New Jersey.

### 25 October 2013

Lauri Love is [arrested](#) at his parents' home by the National Crime Agency on suspicion of offences under the UK Computer Misuse Act. 25 items of electronic equipment are seized. He is interviewed by an NCA investigator and released on bail without charge.

### 29 January 2014

Shortly before Lauri's police bail is due to expire, he is issued with a Section 49 RIPA order, compelling the surrender of encryption keys.

### 7 February 2014

Lauri Love responds to the RIPA order, through his solicitor, telling the NCA he has no information to provide.

### 21 February 2014

[Indictment](#) against Lauri Love issued in the Southern District of New York.

**13 March 2014**

[Anti-Social Behaviour, Crime and Policing Act](#) removes the automatic right to appeal in extradition cases

**3 July 2014**

Lauri Love is released from police bail in the UK, but does not receive an official notice of “no further action”. All monitoring restrictions are lifted and Lauri’s passports are returned to him.

**24 July 2014**

A [nine-count indictment](#) against Lauri Love is returned in the Eastern District of Virginia.

**20 February 2015**

Lauri Love starts a [civil action against the National Crime Agency](#) for the return of his property, which he later withdraws.

**23 March 2015**

[Superseding indictment](#) against Lauri Love filed in the District of New Jersey.

**21 May 2015**

[Superseding indictment](#) against Lauri Love filed in the Eastern District of Virginia and an [arrest warrant](#) issued.

**15 July 2015**

Lauri Love is [arrested by the Metropolitan Police’s extradition unit](#) and appears at Westminster Magistrates’ Court, where he is released on conditional bail.

**3 November 2015**

Lauri Love restarts his civil action against the NCA for the return of his property. In a hearing at Ipswich Magistrates’ Court, [the case is transferred](#) to Westminster Magistrates’ Court, to be heard by the same judge as Lauri’s extradition proceedings.

**2 March 2016**

At a [directions hearing](#) in Lauri Love vs NCA, the NCA asks the court to direct Lauri to hand over his encryption keys under its general case management authority. It also obtains a reporting restriction. Arguments on the compelled decryption issue are set for a separate, one-hour hearing on 12 April.

**12 April 2016**

[Oral arguments](#) on the compelled decryption issue are heard at Westminster Magistrates’ Court.

**10 May 2016**

District Judge Nina Tempia [rejects](#) the NCA’s attempt to “circumvent” statutory privacy protections by obtaining a forced decryption direction. The NCA’s conduct is [widely criticised](#).

**28-29 June 2016**

Lauri Love’s extradition hearing will be heard at Westminster Magistrates’ Court.

**28 July 2016**

Lauri Love's civil action against the National Crime Agency will be heard at the City of London Magistrates' Court.

## The Forum Bar

**The forum bar was announced in the wake of the Gary McKinnon case and brought into force in October 2013. As section 83A of the (amended) 2003 Extradition Act, the forum bar provides that:**

- (1) The extradition of a person (“D”) to a category 2 territory is barred by reason of forum if the extradition would not be in the interests of justice.
- (2) For the purposes of this section, the extradition would not be in the interests of justice if the judge—
  - (a) decides that a substantial measure of D's relevant activity was performed in the United Kingdom; and
  - (b) decides, having regard to the specified matters relating to the interests of justice (and only those matters), that the extradition should not take place.
- (3) These are the specified matters relating to the interests of justice—
  - (a) the place where most of the loss or harm resulting from the extradition offence occurred or was intended to occur;
  - (b) the interests of any victims of the extradition offence;
  - (c) any belief of a prosecutor that the United Kingdom, or a particular part of the United Kingdom, is not the most appropriate jurisdiction in which to prosecute D in respect of the conduct constituting the extradition offence;
  - (d) were D to be prosecuted in a part of the United Kingdom for an offence that corresponds to the extradition offence, whether evidence necessary to prove the offence is or could be made available in the United Kingdom;
  - (e) any delay that might result from proceeding in one jurisdiction rather than another;
  - (f) the desirability and practicability of all prosecutions relating to the extradition offence taking place in one jurisdiction, having regard (in particular) to—
    - (i) the jurisdictions in which witnesses, co-defendants and other suspects are located, and
    - (ii) the practicability of the evidence of such persons being given in the United Kingdom or in jurisdictions outside the United Kingdom;
  - (g) D's connections with the United Kingdom.