

# US BIG-FOOTING EXTRATERRITORIALITY AGAIN

The Irish High Court has rejected the request for an arrest warrant for Edward Snowden. While most aspects of the request were in order – the timing of the alleged crimes, Snowden’s role in them – the US somehow neglected to mention where the alleged crimes had occurred. And that’s a problem because if stealing and leaking outside of Ireland is not an Irish crime, Ireland wouldn’t be able to extradite Snowden if he allegedly stole and leaked documents in outside of the US.

Judge Mac Eochaidh said he was satisfied that the US request met a number of the conditions set out in the relevant act for him to grant the arrest warrant. These included the fact it set out the time when the alleged offences took place, the circumstances in which the offences were committed and the degree of involvement of Mr Snowden in the commission of the alleged offences.

However, the judge observed that the request did not state where the offences actually took place – a condition that must be met by such applications.

“The question of where the offence took place is not a minor detail but is a matter which could have very serious consequences in any further stage that might be reached in an extradition process,” the judge wrote.

“That is because if it is the case that the offences took place outside of the territory of the United States of America, the question will arise as to whether there is extraterritorial effect in respect of the US offences, but more importantly, whether the Irish

equivalent offences have an extraterritorial effect or aspect to them.”

He continued: “There would need to be sufficient similarity between the two offences in order for there to be an extradition.”

Presumably, the US will come back and say that Snowden stole documents, at least, in Hawaii, and therefore within the US, even if he didn't leak them until he got to Hong Kong. Unless, of course, revealing what their contractor-hacker was allowed to do with data would get awkward for the US.

Still, given the way the US loves to big-foot extraterritoriality (including in the Viktor Bout case), you have to wonder whether they knew this would be a problem and tried to just ignore silly things like jurisdiction.