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Case summary

Case ID

UKSC/2023/0127

Parties

Appellant(s)

Joseph El-Khoury

Respondent(s)

Government of the United States of America

Issue

Was the High Court's approach to whether the appellant's alleged conduct constituted an "extradition offence" correct, having regard to the requirements of section 137(3)(b) of the Extradition Act 2003?

Facts

Mr El-Khoury, the appellant, is a dual UK / Lebanese national who resides with his family in London. On 9 September 2019, a New York grand jury returned an indictment against him with seventeen counts of securities fraud and wire fraud. The appellant is accused of conspiring with a number of other individuals to exploit inside information about merger negotiations involving six companies based in, or connected to, the USA. The appellant is alleged to have used this inside information to buy and sell 'contracts for differences' based on movements in the prices on the New York Stock Exchange of shares in the six companies. The appellant is alleged to have used a broker based in the UK to effect these transactions, which are claimed to have yielded him nearly US\$2 million in profits. The appellant is also alleged to have made substantial payments to one of his co-conspirators in respect of holidays and entertainment, including by paying for a hotel room in New York. The alleged conspiracies were investigated both in the UK and the USA. The investigation in the UK was carried out by the Financial Conduct Authority, which concluded that there was insufficient evidence to prosecute the appellant in the UK. On 17 October 2019, the Government of the USA, the respondent, submitted a request for the appellant's arrest and extradition. On 18 October 2019, Westminster Magistrates' Court issued a warrant for his arrest and the appellant was arrested on 21 October 2019. The extradition hearing took place on 12 January 2021. The District Judge rejected the appellant's arguments against extradition and sent his case to the Secretary of State for a decision as to whether he should be extradited to the USA. The Secretary of State subsequently decided that he should be extradited. The appellant appealed the District Judge's decision to the High Court, which rejected the appeal. The appellant now appeals to the Supreme Court.

Date of issue

31 August 2023

Judgment appealed [\[2023\] EWHC 1878 \(Admin\)](#)

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