

25<sup>th</sup> June 2012

President Rafael Correa  
Republic of Ecuador

Dear President Correa

**Re: Application for Asylum and Protection**

1. I hereby amplify in writing my request made on 19<sup>th</sup> June 2012 to the Government of Ecuador for diplomatic asylum/protection, including asylum under the UN Convention 1951 relating to the Status of Refugees. This request is made in the belief I will be sent to the United States where as a result of my imputed political opinions, I will be persecuted. This persecution will take place in the form of prosecution for political reasons, and excessive punishment if convicted, and inhumane treatment all contrary to the Convention. I also contend this treatment will be inhuman or degrading and will breach every international convention in that regard including the European Convention on Human Rights and the Inter-American Convention on Human Rights. It is my belief that the country of which I am a national, Australia, will not protect me and the country to which I am due to be extradited imminently from the UK, Sweden, will not prevent my onward extradition to the US. I ask that protection be extended so far as is reasonably possible, to prevent such an occurrence.
2. I have been made aware that a Grand Jury was convened in the USA in Alexandria, Virginia two years ago, and has sat since that time hearing evidence - its purpose, that I be indicted. It is my belief that there is now a sealed indictment in existence, and that had I succeeded in my appeal to the Supreme Court in the UK, as a result of which any ongoing extradition to Sweden would have been stopped, that the United States would have sought my immediate arrest here. I believe, my extradition having been ordered to Sweden, that upon completion of those

proceedings in Sweden (if not before) a warrant for my arrest for extradition to the USA will be thereupon sought. The basis of my arrest would be in respect of my involvement with WikiLeaks, and the publication of information by WikiLeaks of material said by US prosecutors to have emanated from a serving military officer then in Iraq, Bradley Manning.

3. I have reason to fear that once I am in Sweden, unless I have protection against onward extradition to the USA, it is highly likely that such an onward transfer will be unable to be prevented. Although I have been charged with no offence in Sweden, I am to be imprisoned nevertheless and I am advised if charged I will remain in prison until any trial.
4. Although I am an Australian citizen I am unable to effect any or any adequate protection from my country; information publicly available shows active discussion by senior Australian officials, including by the Australian Police Force (as well as the then Attorney General) as to the cancellation of my passport, as well as close liaison with US officials in relation to my proposed prosecution in that country. Because of the seriousness that surrounds the request I am making to the government of Ecuador and in recognition of the extreme degree of courtesy afforded to me by the Government of Ecuador in considering that request, I set out in a fuller form details that I hope will assist such a consideration.
5. I wish to emphasise that I am entirely innocent; I have committed no crimes in the USA or Sweden. I would have presented myself for trial, and would now present myself in both countries without hesitation if I had not been forced to the view that the inevitability once in Sweden will be that I am placed on an unstoppable course towards a politically engineered show trial in the USA, and imprisonment, in isolation, for life.

#### **Prosecution in the USA**

6. The issuing of an indictment by prosecutors in the USA is a certainty (a Grand Jury in Virginia is authoritatively reported to have been empanelled to receive evidence for approximately 2 years for this purpose).

7. A request for my extradition will be made with equal certainty at the latest when legal processes in Sweden are concluded, and possibly before then, utilising a "temporary surrender" procedure permitted in the US/Swedish bilateral extradition treaty.
8. My imprisonment in the USA, pre-trial, is also a certainty in view of the potential charges likely to be brought against me, as is the certainty of conditions of severe isolation in prison in that country.
9. The allegations being canvassed publicly by many senior figures in the USA include allegations of espionage, material support for terrorism, assistance to the enemy, and conspiracy with a serving military officer to carry out acts of computer fraud and abuse incorporated by the USA Patriot Act 2001 into a "Federal Crimes of Terrorism" list. The likely charges, the attitude of the US government towards me and the known circumstances of placement of individuals on comparable charges mean that I will, again with certainty, be imprisoned in conditions that mirror those experienced by my alleged co-accused Bradley Manning, being held in conditions of confinement which violate of Article 3 of the European Convention of Human Rights and UN minimum conditions of imprisonment.
10. If convicted of any of the above charges, the sentences imposed upon me would be enormous, including cumulative sentences on multiple counts should they run consecutively. Any of these would constitute a life sentence.
11. The circumstances in which I would inevitably be held awaiting trial, would be under Special Administrative Measures ("SAMs"), requiring that I would be held in solitary confinement with access to no other prisoner, only to lawyers and in severely limited encounters, confined 23 hours a day in a small single cell, "recreation" taken only in an adjacent enclosed cell area and with no other person.
12. It is certain the US Attorney General will take the position that he has the authority to impose those conditions of detention on me, both pre-trial and, if convicted, post-trial. Under Federal regulations, the Attorney General may authorize the Director of the Bureau of Prisons to implement SAMs for detaining individuals whose communications or contacts pose a substantial risk of death or bodily injury to

persons, "or substantial damage to property that would entail the risk of death or serious bodily injury to persons." The attitude already taken publicly by the Administration is that the communications of WikiLeaks pose such a risk. Federal regulations allow the Attorney General to authorize SAMS that are "reasonably necessary to prevent disclosure of classified information" if such information "would pose a threat to the national security and there is a danger that the inmate will disclose such information." 28 C.F.R. § 501.2(a), again, what is already repeatedly maintained by senior US officials about me and about WikiLeaks.

13. Initially SAMS can be imposed for up to 120 days or, with the Attorney General's approval, for up to a year. Thereafter, "Special restrictions . . . may be extended . . . in increments not to exceed one year" if it is determined "that there continues to be a substantial risk that the inmate's communications or contacts with other persons could result in death or serious bodily injury to persons, or substantial damage to property that would entail the risk of death or serious bodily injury to persons."
14. The Attorney General may even order monitoring of a prisoner's communications with his attorney if it is determined that such communications may be used to facilitate acts of terrorism, a term applied, however extravagantly and wrongly, by US officials in relation to me and to Wikileaks.
15. The legal and human rights communities have repeatedly condemned the U.S. government's use of SAMS as inhumane and violative of human rights protocols: the total isolation of prisoners; the lack of access to visitors or outside communications; and the impact SAMS have on a prisoner's ability to participate in and prepare a defence or his willingness to accept a plea bargain.
16. SAMS aside, the effects of solitary confinement are well-documented. "*Social science and clinical literature have consistently reported that when human beings are subjected to social isolation and reduced environmental stimulation, they may deteriorate mentally and in some cases develop psychiatric disturbances.*" These psychiatric disturbances "*include perceptual distortions, hallucinations, hyper-responsivity to external stimuli, aggressive fantasies, overt paranoia, inability to concentrate, and problems with impulse control.*" These symptoms are especially

prevalent in prisoners held alone in “*small, often windowless cells with solid steel doors for more than 22 hours a day*”.

17. The United Nations Human Rights Committee and the Committee Against Torture have criticized the United States for such conditions pre-trial and post trial. In a 2003 report, the UN Committee Against Torture expressed concern about “*prolonged isolation periods . . . [and] the effect such treatment has on [prisoners] mental health*.” Further, the Committee expressed concern that the purpose of such isolation “*may be retribution, in which case it would constitute cruel, inhuman or degrading treatment or punishment (art. 16)*.”
18. The UN Human Rights Committee expressed concern that the conditions of some US “maximum security prisons” are “*incompatible with article 10 of the Covenant and run counter to the United Nations Standard Minimum Rules for the Treatment of Prisoners and the Code of Conduct for Law Enforcement Officials*”.
19. In regard to any international monitoring of my internationally prohibited circumstances of detention in the USA the following factors are relevant:
  - (a) The USA is not a party to the American Convention on Human Rights, having signed but never ratified the convention. I would therefore not have recourse to the Convention’s enforcement bodies (the Inter-American Commission on Human Rights and the Inter-American Court on Human Rights).
  - (b) The USA is party to the International Convention for Civil and Political Rights, but not to the Optional Protocol permitting the right of individual petition to the UN Human Right’s Committee (the HRC). I would not have recourse to the HRC.
  - (c) The USA is a party to the UN Convention against Torture but has not accepted the right of individual petition under Article 22 of that Convention. I would not have recourse to the UN Committee Against Torture.
  - (d) The USA has not signed, much less ratified, the optional protocol to that treaty which establishes a Committee for the Prevention of Torture that would offer protection comparable to the protection offered by the CPT in Europe.

- (e) The USA accepts a different (and lower test) for its definition of torture than the European Court of Human Rights.
- (f) The possibility that I could apply to any competent national or international human rights monitoring body in the event of the real risk of exposure to a violation of my rights materialising is non-existent. I would be without access to any international or effective body. Furthermore it would leave me exclusively in control of the very State at whose hands I fear serious and irreparable harm. (The reality is although applications are made to the Inter American Commission on Human Rights, the US has followed a continuous practice of refusing to acknowledge or act upon any adverse findings by that body). My alleged co-accused Bradley Manning, held in such conditions was refused private access to the UN Special Rapporteur on Torture despite the sustained request of the latter and the normality of the provision of such access by the international community as a whole.

20. I am highly likely, furthermore, to be detained for a substantial length of time before a trial begins. Although the Speedy Trial Act provides that a defendant is entitled to a trial within seventy days of indictment or first appearance, time may be (and, indeed, routinely is) excluded from the Speedy Trial clock. Thus defendants routinely go many months and even several years before being tried and still have no recourse under the Act (or any Constitutional right to a speedy trial).
21. Any potential sentences I face in the USA will ensure I am never released from prison. The Centre for Constitutional Rights in the USA stated on 20 June 2012 *"The concrete reality is that he was facing the death penalty or certainly life in jail"*.
22. I am likely to be charged with a death-eligible offence as is Bradley Manning (although this would not be available if brought through extradition under treaties that prohibit the death penalty) or one punishable by life imprisonment. Title 18 U.S.C. § 794(a) precludes an individual from communicating, delivering, or transmitting (or attempting to do the same) to any foreign government or other party materials or information relating to the national defence where that individual does so with intent or reason to believe that the material or information is to be used to the injury of the U.S. or to the advantage of a foreign nation. Any violation of §

794(a) "shall be punished by death or by imprisonment for any term of years or for life."

23. § 793(g) provides that if one "conspire[s] to violate any of the foregoing provisions of this section, and one or more of such persons do any act to effect the object of the conspiracy, each of the parties to such conspiracy shall be subject to the punishment provided for the offence which the object of such conspiracy." This provision may be significant in the event of the government seek to establish a conspiracy between me and Bradley Manning, or other individuals accused of actually leaking material related to the national defence.
24. The following are only some of the many statements made by senior figures in the US. They underscore my belief that the allegations levelled against me in the USA are founded on political reactions and motivations rather than on any certain legal basis. There are wild and ever changing public statements, including demands to bring in new laws if necessary to ensure I am neutralised, to categorise WikiLeaks as a foreign terrorist organisation and to eliminate me by any means including assassination.

19.12.2010

Vice President Joseph Biden

Asked whether Mr. Assange was a high-tech terrorist or a whistleblower akin to those who released the Pentagon Papers, Mr. Biden stated: "I would argue that it's closer to being a high-tech terrorist." "This guy has done things and put in jeopardy the lives and occupations of people in other parts of the world," Biden said. "He's made it difficult to conduct our business with our allies and our friends. . . . It has done damage."

05.12.2010

U.S. Senator Mitch McConnell ((R-KY), Senate Minority Leader)

"I think the man is a high-tech terrorist. He's done an enormous damage to our country, and I think he needs to be prosecuted to the fullest extent of the law. And if that becomes a problem, we need to change the law."

30.11.2010

Tom Flanagan Prof., Univ. of Calgary, and fmr. Chief of Staff to Prime Minister Stephen Harper

In an edition of CBC's Power & Politics with Evan Solomon, Mr. Flanagan said U.S. President Barack Obama "should put out a contract and maybe use a drone or something" on Assange.

"I think Assange should be assassinated, actually," Flanagan said with a laugh. When asked to expand on his answer, he added that he "wouldn't be unhappy" if Assange "disappeared."

03.08.2010

Marc Thiessen (political commentator and former speech writer to President George W. Bush)

*"Let's be clear: WikiLeaks is not a news organization; it is a criminal enterprise. Its reason for existence is to obtain classified national security information and disseminate it as widely as possible -- including to the United States' enemies. These actions are likely a violation of the Espionage Act, and they arguably constitute material support for terrorism."*

30.11.2010

Bill Kristol (well known conservative columnist)

*"Why can't we act forcefully against WikiLeaks? Why can't we use our various assets to harass, snatch or neutralize Julian Assange and his collaborators, wherever they are? Why can't we disrupt and destroy WikiLeaks in both cyberspace and physical space, to the extent possible? Why can't we warn others of repercussions from assisting this criminal enterprise hostile to the United States?"*

30.11.2010

Kathleen McFarland (Fox News national security analyst; served in national security posts in the Nixon, Ford and Reagan administrations)

*"WikiLeaks founder Julian Assange isn't some well-meaning, anti-war protestor leaking documents in hopes of ending an unpopular war. He's waging cyber war on the United States and the global world order. Mr. Assange and his fellow hackers are terrorists and should be prosecuted as such."*

*"The President needs to get on the phone with the Australians (who are eagerly awaiting our call) and ask them to pull WikiLeaks founder Julian Assange's passport. Once he's cornered and can no longer travel, they can find him and charge him with espionage. Then the president can ask the country he's hiding in to extradite him to the United States and try him in a military tribunal."*

02.12.2010

Jeffrey Kuhner (Washington Times columnist)

*"Julian Assange poses a clear and present danger to American national security. The WikiLeaks founder is more than a reckless provocateur. He is aiding and abetting terrorists in their war against America. The administration must take care of the problem - effectively and permanently."*

05.12.2010

Newt Gingrich (Former Speaker of U.S. House of Reps)

*"Julian Assange is engaged in warfare. Information terrorism, which leads to people getting killed is terrorism. And Julian Assange is engaged in terrorism." As such, Gingrich suggested, "He should be treated as an enemy combatant and WikiLeaks should be closed down permanently and decisively."*



29.11.2010

U.S. Rep. Peter King, (chairman of the House homeland Security Committee)

Regarding labelling WikiLeaks a terrorist organization: *"The benefit of that is, we would be able to seize their assets and we would be able to stop anyone from helping them in any way,"* King said, appearing on MSNBC.

*"I don't think we should write it off that quickly and say we can't do it. They are assisting in terrorist activity. The information they are giving is being used by al Qaeda, it's being used by our enemies,"* he said.

28.11.2010

U.S. Rep. Peter King

*"Moreover, the repeated releases of classified information from WikiLeaks, which have garnered international attention, manifests Mr Assange's purposeful intent to damage not only our national interests in fighting the war on terror, but also undermines the very safety of coalition forces in Iraq and Afghanistan. As the Department of Defence has explicitly recognized, WikiLeaks' dissemination of classified US military and diplomatic documents affords material support to terrorist organizations, including Al Qaeda, Tehrik-e-Taliban Pakistan (TTP) and Al Shabaab."*

*"Given Mr Assange's active role in encouraging the theft and distribution of classified material, he should be held liable pursuant to section 793(g), which provides that if more than one person conspire to violate any section of the Espionage Act and perform an act to the conspiracy, then "each of the parties to such conspiracy shall be subject to the punishment provided for the offense which is the object of such conspiracy." In addition, Mr Assange should be chargeable for obtaining classified documents pertaining to national defence initially acquired in violation of the Espionage Act and for wilfully retaining such documents with the knowledge that he was not entitled to receive them. There should be no misconception that Mr Assange passively operates a forum for others to exploit their misappropriation of classified information. He actively encourages and solicits the leaking of national defence information. He pursues a malicious agenda, for which he remains totally immune to the consequences of his actions."*

07.12.2010

U.S. Sen. Dianne Feinstein (D-CA)

*"When WikiLeaks founder Julian Assange released his latest document trove—more than 250,000 secret State Department cables—he intentionally harmed the U.S. government. The release of these documents damages our national interests and puts innocent lives at risk. He should be vigorously prosecuted for espionage."*

01.12.2010

Robert Gibbs (White House Press Secretary)

Referred to Mr. Assange as an "accomplice."

06.12.2007

Robert Beckel (Fox News Analyst and Deputy Asst. Sec. of State in Carter Administration)

*"A dead man can't leak stuff. This guy's a traitor, a treasonist [sic], and he has broken every law of the United States. And I'm not for the death penalty, so . . . there's only one way to do it: Illegally shoot the son of a bitch."*

29.11.2010

Sen. Kit Bond (RMO)

*"It is critical that the perpetrator who betrayed his country be brought to justice for this deliberate treason that jeopardizes our national security."*

[Date unknown – approx Dec 2, 2010]

Sen. Charles Schumer (D-NY)

*"This man has put his own ego above the safety of millions of innocents,"* Sen. Charles Schumer (D-NY) said in a statement. *"He should be extradited, tried for espionage, and given the most severe penalty possible."*

02.12.2010

Dianne Feinstein (D-CA)

Letter to Attorney General Eric Holder.

*"We respectfully urge the Department of Justice (DOJ) to take action to bring criminal charges against WikiLeaks founder Julian Assange and any all of his possible accomplices involved in the unauthorised possession and distribution of vast quantities of classified and unclassified material from the US government. The unauthorised release of this information, including the recent release of approximately 250,000 State Department documents, is a serious breach of national security and could be used to severely harm the United States and its worldwide interests."*

*We appreciate your statement earlier this week that DOJ has an "active, ongoing, criminal investigation" with regard to the WikiLeaks matter. We also understand that Private First Class Bradley E Manning – who may have been involved in disclosing the most recent set of documents provided to WikiLeaks – has already been charged in military court with eight violations of federal criminal law, including unauthorised computer access and transmitting classified information to an unauthorised third party in violation of a section of the Espionage Act, 18 U.S.C. 793(e).*

*If Mr Assange and his possible accomplices cannot be charged under the Espionage Act (or any other applicable statute), please know that we stand ready and willing to support your efforts "to close those gaps" in the law, as you also mentioned this week. Thank you very much for your attention to this matter."*

29.11.2010

U.S. Rep. Peter King, (chairman of the House homeland Security Committee)

Letter to US Attorney General *"I urge you to criminally charge WikiLeaks activist Julian Assange under the Espionage Act".*

29.11.2010

U.S. Rep. Peter King, (chairman of the House homeland Security Committee)

Letter to US Secretary of State Hillary Clinton *"I request you undertake an immediate review to determine whether WikiLeaks could be designated a foreign terrorist organisation in accordance with section 21D of the Immigration and Nationality Act"*.

25. A climate has been set by these remarks, in which any potential juror has been urged in advance of any trial over a number of years to view me as an enemy of the USA. I am forced to believe that despite the fact that I and WikiLeaks have endeavoured only to make the truth available to all, and that the principle of free expression is endorsed by the First Amendment of the US Constitution, that nevertheless any presumption of my innocence has been systematically destroyed in advance of any trial and that no patriotic juror would feel able to acquit me.
  
26. The National Fair Trial Jury Project in the USA has commented on the inappropriateness of the federal judicial venue reportedly selected for my case and in which the Grand Jury sits. Of all the 94 federal judicial districts in the United States, it reports that the Department of Justice has selected the one district in the country which is uniquely unqualified to afford me a fair trial: the Eastern District of Virginia drawn from a district that has the highest density of government and military contractors in the United States. For that reason espionage trials in particular are conducted there. Grand juries are handpicked from the local area by prosecutors with no screening for bias. (Senior figures, for instance the organisation Stratfor's vice president (the former deputy chief of the Department of State's Counter Terrorism Division for the Diplomatic Security Service) have stated that a secret grand jury investigating me already has a sealed indictment.) Within that relatively small jury catchment area are housed the following federal institutions:

The Pentagon, The Headquarters of the CIA, The United States Department of Homeland Security, The Office of the Director of National Intelligence, The National Counterterrorism Center, The National Geospatial Intelligence Agency, The National Reconnaissance Office, The Quantico Marine Corp Base (with over 8,000 civilian employees). Other major employers in the district servicing the military include Lockheed Martin, General Dynamics, Northrup Gruman, Boeing, and BAE Systems.

27. The combination of all of the above factors make the concept of a fair trial unimaginable. I am aware that the statistic of convictions in the USA is 97%, brought about in large part by pleas of guilt by defendants whether guilty or innocent, in understandable attempts to negotiate for a lesser sentence or conditions short of the most severe, in my case life without any form of parole and in isolation. I have read the comments attributed to the lawyer for Bradley Manning,

*"During the December pre-trial hearing in the case against Bradley Manning, Manning's defense lawyer, David Coombs, claimed that the government was vastly overcharging his client in an attempt to force Manning into making a plea deal and turning evidence against Assange.*

*Manning's attorney David E. Coombs opened the morning stating that the Army was overcharging his disturbed but idealistic client and exaggerating the impact of the leaks in order to strong-arm Manning.*

*Coombs said the government wants to force his client into making a plea deal and turning evidence against Assange, whom the Justice Department is investigating in a criminal case stemming from the leaks allegedly provided by Manning.*

*Coombs asked the court's Investigating Officer to drop the charge accusing Manning of aiding the enemy and to consolidate some of the charges, saying that many were redundant and that Manning shouldn't be facing 100 to 150 years in prison.*

*"If the Department of Justice got their way, they would get a plea in this case, and get my client to be named as one of the witnesses to go after Julian Assange and Wikileaks."*

### **Parallel pressures**

28. Beyond the sustained verbal assaults by senior figures in the USA, an even more widespread attack on the WikiLeaks organisation has been orchestrated at all levels by the US administration. I do not set out here the history or detail of information

made available by WikiLeaks on the internet save that information relating to actions primarily of the United States but also of other nations included concrete and unequivocal evidence of serious crimes, including war crimes and crimes against humanity. Despite the publication of that evidence, and despite the publication by others of evidence of closely related unlawful or criminal agreements, actions and statements whereby WikiLeaks was being targeted with the intention of its elimination, I am unaware that anyone or any organisation exposed as a result of those many and various disclosures as having committed unlawful acts has been charged with any criminal offence. Instead, it is WikiLeaks against whom criminal accusations are made for its exposure of State misconduct and the impunity of those state agents and agencies responsible.

29. A financial blockade has been instituted by the US government and US financial services companies including Bank of America, Visa, MasterCard, PayPal and Western Union; it is illegal, violating competition laws and trade practice legislation in numerous states. Following an announcement that WikiLeaks intended to release material incriminating an American bank in unethical practices, Bank of America commissioned a data intelligence contractor via a Washington law firm to propose a multi pronged attack to take out WikiLeaks. The plans later revealed on the internet, show that it was intended to mount illegal cyber attacks on WikiLeaks' computer systems, attack the public reputation of prominent journalists supporting WikiLeaks and survey and catalogue WikiLeaks' supporters on the internet.
30. Requests came from US government figures that American banking corporations Visa, Mastercard, Paypal, Western Union and Bank of America impose an illegal financial blockade against the organization, blocking the ability of members of the public to make donations, and thereby shutting off 95% of WikiLeaks' funding. In December 2010 Paypal froze 60,000 euros of WikiLeaks donations held by the Wau Holland charitable foundation. Two days later Swiss bank PostFinance froze my account, containing 31,000 euros, used for WikiLeaks Staff Defence Funds.. In July 2011 WikiLeaks lodged a complaint about the financial blockade with the European Commission for infringement of EU Anti-Trust laws; it is still awaiting an answer.
31. The UN High Commissioner for Human Rights, Navanethem Pillay, condemned the US government for exerting pressure on private companies to close down the credit

lines for donations to WikiLeaks, and to stop hosting its website. The UN Special Rapporteur Protection of the Right to Freedom of Opinion and Expression as well as the Inter-American Commission on Human Rights' Special Rapporteur for Freedom of Expression issued a joint statement defending WikiLeaks against the blockade and politically motivated attacks. The statement considered that the banking blockade was an unprecedented attack on supporters' freedom of expression. It constitutes a direct interference to people's ability to affect change with no parallel in recent history. It revives the infamous blacklisting of the McCarthy era.

32. WikiLeaks' volunteers and associates have endured constant harassment, being detained at US border points, having their electronic devices seized and secret so-called 2703(d) orders issued for their Twitter records, the latter only coming to light when Twitter challenged the injunction against letting individuals know their records were being turned over to federal authorities. It is not yet known how many other internet service providers received similar 2703(d) orders relating to WikiLeaks - so far, Google and ISP Sonic.net as well have been confirmed. WikiLeaks volunteers and associates continue to be pressured to become "informants" against the organisation and / or against myself.

### **Australia**

33. The contradictory nature of public statements in Australia gives me the gravest concern that agreements have been secretly reached between the US and Australia, my own country. Although Prime Minister Julia Gillard, Foreign Minister Bob Carr and Attorney General Nicola Roxon have all stated that they have seen "*no evidence*" or "*no evidence from the US*" that the US government has or intends to charge me with any offence, Australian Diplomatic Cables released to Fairfax Media show the Australian Embassy in Washington as early as 7 December 2010 confirming that the Justice Department was conducting an "*active and vigorous inquiry into whether Julian Assange can be charged under US law, most likely the 1917 Espionage Act*". The Embassy reported being told by US officials "*the WikiLeaks case was unprecedented both in its scale and nature*", and reported to Canberra on 22 December 2010 that "*the reports that a secret grand jury had been convened in Virginia were 'likely true'*". The Embassy provided Canberra with regular updates through 2011 including reporting on the issuing of subpoenas to

compel WikiLeaks associates to appear before the Grand Jury and Justice Department efforts to access Twitter and other internet accounts to "*cast the net beyond Assange*".

34. I understand that Prime Minister Julia Gillard instigated a federal investigation into whether criminal charges could be brought against me. Before it had been concluded that I have broken no laws, the Prime Minister had already publicly called my actions "illegal" and stated that my passport might be cancelled, the Australian police being commissioned to investigate whether that was possible. A copy of a "WikiLeaks Task Force" Minute released by the Australian Attorney General's Department includes a sentence that indicates the Australian Police Force was considering the "*possibility of cancelling Mr Assange's passport*", consideration was despite the conclusion of the Australian Police Force that I and WikiLeaks had broken no Australian laws by publishing classified US government documents.
35. The Australian government has repeatedly delayed, censored and blocked Freedom of Information (FOI) requests for material that would reveal its internal legal deliberations over my extradition to the US and has refused to answer parliamentary questions about the extent of its co-operation.
36. Meanwhile Australia quietly changed its own extradition laws three months ago. Amongst the amendments is a significant lessening of the restrictions on extradition for "political offences" thereby weakening the security of all Australians, and facilitating my extradition if ever required from my home country. There was no media reporting of the passage of this amendment.
37. In July 2011 the Australian government passed the 'WikiLeaks Amendment', broadening the powers of Australia's ASIO intelligence agency to spy on Australian citizens and anyone associated with WikiLeaks.
38. Australia has given only cursory assistance regarding the highly irregular and politicised Swedish extradition request for me under the European Arrest Warrant (EAW) system and in parallel declassified Australian diplomatic cables show that Australian diplomats have raised no concerns over my possible extradition to the United States, the Australian government having asked only that it be forewarned,

so as to coordinate a media response. Requests have been made on my behalf over a sustained period of time to the Australian government to provide me with protection in a range of ways, yet the Australian government has not felt able to provide any of the forms of protection requested. The following requests remain unanswered:

"1) *Re Sweden: Mr Assange asks the Australian government to seek the following undertakings from Sweden:*

- (a) *To seek an undertaking concerning extradition to the USA. It is Mr Assange's understanding as a result of Ms Robinson's recent meeting with the Attorney General, that the Australian government's position is it would prefer any extradition to happen from Australia than from a foreign jurisdiction. This being the case, it would of course be appropriate for the Australian government to be seeking relevant assurances and undertakings through diplomatic channels to ensure that possibility occurs should Mr Assange be extradited from the UK to Sweden.*
- (b) *To enquire of Sweden if it has not already, why Sweden has not made use of customary mutual assistance provisions to interrogate Julian Assange from London or equivalent methods. We understand from Miss Robinson that the Attorney General considered it "odd" that Mr Assange had been held without charge for 18 months and that she found it difficult to understand how this could accord with principles of justice. (It may be that the Australian government has already raised this issue with Sweden, but if so, Mr Assange is not aware of such a request).*
- (c) *To ask that Mr Assange be allowed to remain under similar conditions to those he has been in the UK (curfew), pending the resolution of his case if he is extradited. (He understands from his lawyers in Sweden that prosecutors there have refused to negotiate any alternative to custody, despite the fact that Mr Assange has complied with his bail conditions in England for nearly 18 months).*
- (d) *To obtain undertakings concerning prison detention, for however short a period, including undertakings re access to visitors, computer etc.*
- (e) *To seek an undertaking in relation to serving any potential sentence in Australia under normal prisoner treaty transfer arrangements.*
- (f) *That the Australian government raises a complaint with the Swedish government as to continual adverse public comments from the most senior members of Swedish political and executive, including the Prime Minister, the Minister for Justice and the Foreign Minister, such as to potentially interfere with any chance of a fair trial of Mr Assange, such comments having implications not only for Sweden but thereafter in the USA were there to be an attempt by the US to place Mr Assange on trial there.*
- (g) *That given the uncertain political relationships of intermediate countries Mr. Assange may have to travel through to return to Australia, that the Australian government provide safe passage to Australia for Mr Assange should he be in a position to leave Sweden.*



2. Re United States: Mr Assange asks that Australia seek the following undertakings from the USA: -
- (a) *That the US will not prosecute Mr Assange. It appears to be common diplomatic practice – in particular the US government often seeks an assurance from foreign states not to prosecute its citizens and agents. Ms Robinson understood from the Attorney General that such an assurance can indeed be sought from the US government, and it is entirely appropriate in this case for Australia to do so; the case involves an Australian citizen in relation to matters which engage the First Amendment and free speech protections; it is recognised as being a case of the utmost importance, and one that could set disturbing precedents for the freedom of speech.*
  - (b) *An undertaking from the US that Mr Assange if extradited, be granted bail pending the resolution of his case for the same reasons as above in relation to Sweden; he has complied with bail conditions in England for nearly 18 months which should serve to demonstrate that he is not a flight risk. (The United Kingdom sought a similar assurance for the National Westminster Bank defendants of the United States which was granted).*
  - (c) *To ask that in the event of extradition trial and conviction in the USA, any sentence that might be imposed, be served in Australia under normal prisoner treaty transfer arrangements. (Again such an assurance in advance of extradition can be sought).*
  - (d) *That an undertaking be given that he not be placed under special administrative measures if in custody for however short a time, and be permitted free confidential access to his lawyers and visitors pending trial, as well as to a computer and necessary work/case requirements.*
  - (e) *That prejudicial statements by US officials about Mr. Assange (up to and including the Vice President) be retracted forthwith. Those statements already made seriously jeopardise any potential of a fair trial for Mr Assange.*
  - (f) *An undertaking that individuals associated with WikiLeaks or Mr Assange not be further targeted or harassed by FBI agents, including very recently individuals detained, interrogated and pressured to become informants by FBI officers.*

### Sweden

39. I am imminently due to be extradited by the UK to Sweden in pursuit of a request that I be questioned by a Swedish prosecutor. I have been permitted a 14-day period which expires on 28 June 2012 to seek a stay from the European Court of Human Rights in relation to my transfer to Sweden. I am advised that although there are issues of importance that the European Court may well be likely in due course to consider constitute a breach, in particular, of the right to a fair trial (as any potential trial in Sweden will be in secret with the public excluded) it is unlikely in conformity with its normal practice, that the European Court would issue a Rule 39

Order preventing extradition, but would only thereafter consider the case if and when such proceedings materialise in Sweden.

40. I set out here what has occurred to date in relation to me in Sweden. I visited that country at the invitation of a Swedish political party dedicated to the free provision of information. Whilst there, I had a brief physical involvement with two women at different times, which was (and has always been said by all concerned, to have been consensual). Thereafter in the absence of receiving an immediate response one of the women contacted a police officer to ask whether I could be required to present myself to be checked to ensure that I did not have any communicable disease. Instead, the police officer, herself linked I understand to a particular political party, took immediate steps to notify a duty prosecutor of an allegation of rape on the basis that a brief interlude of unprotected sex during an encounter otherwise protected constituted a criminal offence. A second allegation was added some days later when the second woman was spoken to by police. I as requested, presented myself to a police officer in Sweden and answered all the questions asked of me.
41. Despite the prohibition in Sweden for a prosecutor to publicly name a suspect, an immediate telephone call was made, I understand by the duty prosecutor, to a non-professional acquaintance at a political event. Publication of an intention to charge me with rape was immediately broadcast in the media. Thereafter a senior prosecutor countermanded the charge, which was withdrawn. She said publicly "*I consider there are no grounds for suspecting he has committed rape.*"
42. A lawyer linked to the same political movement I understand, as the original police officer went to a third prosecutor in a different city with whom he had been involved in political campaigning as a result of which a prosecutorial investigation was reinstated. A complaint has I am informed, been filed with the Ethics Committee of that lawyer's professional body for making statements assigning guilt to me, when I have been neither charged nor tried ("*He is afraid of being sentenced for his crimes*").
43. Thereafter, and in the absence of any active inquiries being made of me, through my lawyer I requested and obtained from the prosecutor permission to leave

Sweden. Subsequently, and despite my willingness to be questioned by the prosecutor where I was in the UK, or by means of mutual assistance through police or courts in the UK, the prosecutor issued a European Arrest Warrant insisting that I be extradited to Sweden where I would be imprisoned.

44. I remain without charge. I have exercised my rights through the courts in the UK to challenge my extradition to Sweden. Most recently the judges of the Supreme Court were in agreement that the substitution of a prosecutor for a "judicial authority" to issue European arrests warrants was counter to the intention of the UK parliament, when it brought into force the relevant extradition treaty under which I am to be transferred for questioning in custody to Sweden. The Court nevertheless came to the conclusion that cross-European practice, in which some of the more than 40 member states similarly allow prosecutors to be considered to be a judicial authority for the purpose of issuing extradition warrants, was by now so entrenched, that despite the fact that UK parliament was misled when it approved the enabling legislation, nevertheless my extradition would stand.

45. In the light of this extraordinary history I believe that I cannot look to any guarantees from Sweden that would prevent my onward extradition to the US. The following factors add to that view:

(a) The way in which the allegation against me in Sweden (that in no way emanated voluntarily from the two alleged complainants but, according to one, was pressured upon her by the police), and which neither reported as a criminal offence at the beginning, has since been affected and driven by extraneous and political purposes.

(b) The case of Agiza v Sweden has given me particular concern; the Swedish authorities in conjunction with the US, arranged for the rendition of two men to Egypt where they would be tortured, in the face of knowledge that that was likely to be their fate, and in the knowledge that the inadequate paper assurances requested of the Egyptian regime, would be unable to protect Agiza. It is in the light of Sweden's proven willingness to cooperate with the US to disregard prohibitions when it is claimed that it is to combat a perceived "war on terror" that reinforces my fears, since this is the categorisation that senior members of the

US Administration have ascribed to the work of WikiLeaks and my role in that work.

- (c) On 28 May 2012 lawyers instructed to act for me in Sweden confirmed that they had met with the prosecutor, that their view was that the prosecutor would continue to demand that I remain in custody throughout the legal process, that as I am not a resident in Sweden I will be unlikely to be granted an alternative to prison (effective house arrest), by a Swedish judge; that foreign residents are typically held in custody during the investigation and up to and including trial of crimes such as are alleged against me; that I would be held in a Swedish remand prison, with virtual certainty in isolation. Any trial will be held in secret, in breach of the fair trial provisions of the European Convention on Human Rights.
- (d) I have further reason to fear that Sweden would not refuse an extradition request by the USA. It is reliably reported that every extradition request that has been sent to Sweden from the United States since 2000 has been granted.
- (e) The European Committee against Torture has directed strong criticism of Sweden for the conditions in its remand prisons, including that Swedish courts impose imprisonment on 42% of individuals suspected (as opposed to convicted) of criminal accusations and that the imprisonment is likely. My Swedish lawyers describe "*Sweden's routine misuse of pre-trial detention and isolation*".
- (f) In considering the approach likely to be taken by Sweden in relation to the conditions to which I would be inevitably sent and placed thereafter, indefinitely for life, in US prisons, Sweden's own practices in the use of isolation in its own prisons must be relevant. (By contrast its neighbour Norway, has recently refused to permit an extradition to the USA on the basis of the prison conditions that would await the extraditee there).
- (g) It is relevant that the European Court of Human Rights has recently considered that extradition of individuals to the US, where they would face solitary confinement (under Special Administrative Measures) and extreme isolation pre-trial, and indefinite isolation in a supermax prison post-trial to be acceptable. On 10 April 2012 the European Court declined to make a finding that such conditions would constitute a breach of Article 3 of the European Convention on Human Rights, prohibiting torture or inhumane and degrading treatment. Had the Strasbourg Court made such a finding it could have prevented my extradition from Sweden to the US, even if there were no other resistance to any US extradition request.

- (h) This recent view of the European Court is rejected by every other international body whose task it is to monitor torture, all of whom consider that the conditions in isolation deployed in US prisons even after a very short period of time, violate every international minimum norm. Although the Strasbourg court is at odds with the international human rights community in this regard, it is only a ruling by the European Court that could prohibit extradition from a European country to such a fate, however certain. The European Court before giving judgment refused to accept a specific opinion on the US conditions by Juan Mendez the UN Special Rapporteur on Torture, and disregarded the findings of the European Committee for the Convention of Torture and every international study and recommendation (including the Istanbul statement).
- (i) On 8 December 2010 the Independent newspaper in the UK cited "diplomatic sources" confirming informal talks between Sweden and the US about extraditing Julian Assange
- (j) The US/Sweden bilateral treaty has a "temporary surrender" clause which can be used for onward transfer to the US, circumventing the safeguards of a formal extradition.
- (k) The Swedish Prime Minister's chief political adviser is Karl Rove, previously adviser to George Bush and an associate of Swedish Foreign Minister Carl Bildt, (revealed as a US informant in a State Department cable from the 1970s).
- (l) Senior Swedish political figures have made a number of wrong or misleading public statements highly prejudicial to a fair trial for me. These include Prime Minister Reinfeldt, Swedish Foreign Minister Carl Bildt, Sweden's Prosecutor-General Anders Perklev, investigating prosecutor Marianne Ny and Justice Minister Beatrice Ask, as well as the lawyer for the two women. I point out that I have not been charged in Sweden, let alone for any category of offence.

Nevertheless the following are amongst public statements that have been made:

- (i) In a parliamentary address, the Prime Minister, Fredrik Reinfeldt said that "*we do not accept sexual abuse or rape*" and said that I and my lawyers had little regard for women's rights.
- (ii) Swedish National Radio, 8/2/2011 Reinfeldt incorrectly stated that I had been charged for rape in Sweden. He also stated 'we do not accept rape [in Sweden]'. His remarks were published in Dagens Nyheter newspaper.
- (iii) Mr Reinfeldt's remarks were made on the second day of my extradition hearing in the UK, hours after a defence challenge that the Swedish prosecutor be cross-examined in court.

- (iv) In his official blog Foreign Minister Carl Bildt repeated an entirely false claim by Espressen newspaper that "Wikileaks is planning a massive smear campaign against Sweden" and also released a series of tweets about it.
- (v) A Chancellor of Justice inquiry into the prejudicial publication of my name by a Swedish prosecutor was summarily closed down without explanation.
- (vi) The Public Prosecutor Marianne Ny (also Chief Investigator of this case), 3/12/2010 Marianne Ny justified the use of an Interpol Red Notice and EAW extradition because "*we are by law prohibited from conducting hearings via telephone or video link, this was the only legal action left*" and "*The Swedish embassy in London is not Swedish territory in the sense that we can hold interrogations there without formal approval of British authorities.*" Both statements were incorrect as the UK and Sweden are both signatories to the Mutual Legal Assistance Treaty.

Ms Ny's statement was later retracted in the Swedish press (5/12/2010) but had already been accepted as true by Justice Riddle during my extradition appeal 8-11 February 2011, thus prejudicing his my due process rights.

46. On Tuesday 19<sup>th</sup> June I sought refuge at the Ecuadorean Embassy. I was able to explain to the Ambassador some of the constellation of circumstances, immediate and of long standing, that had led me to take so drastic a step. I did so because of my fear, for the reasons I have attempted to set out in some detail in this letter, that I am trapped in an onward progression, which I cannot alter by access to any form of protection, towards imprisonment in isolation in the USA for the remainder of my life.
47. It is not my wish to avoid investigation or indeed trial in Sweden, however unjust I believe the context to date to have been. I would welcome the opportunity after so long, of defending myself and clearing my name. Were I able, as I believe I am not, to know that I had any other route by which I could counter the accusations and the way in which those accusations have been mounted against me by the USA, and the methods by which I will be treated and my conviction inevitably achieved in that country, I would, and in the future will take it.

I wish to register my gratitude for your consideration of my request.

Yours sincerely

Julian Assange