

17th of May 2024

Letter to the UK Secretary of State for the Home Department ahead of 20th May UK court decision on Julian Assange's extradition

The Rt Hon James Cleverly MP
Secretary of State for the Home Department
United Kingdom

Dear Home Secretary,

We, the undersigned Members of the European Parliament wish to draw your attention to a matter of utmost urgency. We thank you for your letter of 14 March 2024 (DECS Reference: MIN/1097121/24) regarding the demarcation between the role of the courts and the role of the Home Secretary, and we also note Security Minister Tugendhat's assurance that "the UK is committed to the rule of law and a free press, which is one of the cornerstones of our democracy."

We are however extremely concerned with the Minister's unwillingness to engage with the substance of our correspondence dated 19 February 2024. We note that he did not address two key issues on which the whole premise of the case rests, and we kindly request direct responses to these issues prior to any extradition.

First, contrary to what you write, your responsibility in the matter is broader than you acknowledge. According to section 70 (2) of the Extraditions Act, the Secretary of State may refuse to issue a certificate if an extradition would be a breach of Article 2 (right to life) or 3 (prohibition of torture and inhuman or degrading treatment) of the Human Rights Convention. We understand that you can halt an extradition on these grounds at a later stage of the procedure, too. In light of Mr Assange's mental health, the potential conditions of detention in the U.S. (which are not excluded by the assurances given) and the real risk of his committing suicide if extradited, such extradition would amount to inhuman or degrading treatment. You are responsible for preventing such prohibited treatment and making your own assessment, separately from what the judiciary decides.

Secondly, we note that the provisions of the UK-US Extradition Treaty rightly prohibit extradition for political offenses. The undeniably political nature of this case, unique in modern history, is amply demonstrated by the numerous and highly prejudicial statements by senior figures of the US political spectrum seeking Mr Assange's extrajudicial punishment or assassination, going back to at least 2011.

We note that at the most recent court hearing in March the United States government failed to provide an assurance that Mr. Assange would receive the same rights that a US citizen would expect – and that he may merely "seek to raise" first amendment protections from the US courts if extradited. A trial for publishing documents which is to take place in a country that may not recognize or may not apply a fundamental right to freedom of expression and media freedom is unacceptable.

As elected representatives who have followed this case closely it is our view that there is no legitimate reason to the continued persecution of Mr. Assange and that he should be allowed to be united with his

family. We echo the words of Australian Prime Minister Anthony Albanese who said last month that there is “nothing to be gained by Mr Assange's continued incarceration”.

We further note that major free speech and human rights organizations including Amnesty International and Reporters without Borders have called for Mr. Assange’s immediate release, saying that his continued detention imperils the right to free speech and free expression.

Should the UK wish to champion the cause of freedom of speech and freedom of the press there could be no clearer signal than to not allow the extradition of Mr. Assange for publishing.

We know you will appreciate the urgency of our request given the impending court hearing on Monday 20th May, and we welcome your prompt attention to this matter.

In trust,

The undersigned Members of the European Parliament

1. Patrick Breyer
2. Saskia Bricmont
3. Pierre Larrousurou
4. Sabrina Pignedoli
5. Karen Melchior
6. Mikulas Peksa
7. Stasys Jakeliūnas
8. Marc Botenga
9. Piernicola Pedicini
10. Clare Daly
11. Mick Wallace
12. Francisco Guerreiro
13. Miguel Urban Crespo
14. Rosa D’Amato
15. Ivan Vilibor Sincic
16. Özlem Alev Demirel
17. João Pimenta Lopes
18. Sandra Pereira
19. Martin Sonneborn
20. Stelios Kouloglou
21. Rob Rooker
22. Martin Buschmann
23. Maria Arena
24. Marina Mesure
25. Erik Marquardt
26. Francesca Donato
27. Gwendoline Delbos-Corfield
28. Kateřina Konečná
29. Ana Miranda
30. Marcel Kolaja
31. José Gusmão

