

6 December 2010

Our ref: D401/JZR/557531.1/FSI-4748184-1
Your ref:

Serious Organised Crime Agency
PO Box 8000
London
SE11 5EN

BY FAX: 020 7238 8112

URGENT

Dear Sirs,

Our client: Julian Assange

We act for Mr Julian Assange, an Australian citizen.

It was reported today in the press that a European Arrest Warrant (EAW) had been communicated to your offices by the Swedish authorities in respect of our client. However, it was reported that extradition proceedings had not been initiated because Sweden had "issued an incorrect European Arrest Warrant" (see for example, *The Guardian*, 2 December 2010, attached).

Please can you provide us with a copy of the earlier communicated EAW and any information related to that warrant.

We look forward to hearing from you at your earliest opportunity.

Yours faithfully

Finers Stephens Innocent
T: +44 (0)20 7344 5574
jennifer.robinson@fsilaw.com

Encl.

SOCA

SERIOUS ORGANISED CRIME AGENCY



Finers Stephens Innocent

179 Great Portland Street
London
W1W 5LSLegal Department, SOCA
1 Old Queen Street
London
SW1H 9HPDX: 155340 Kennington 4
t: +44 (0) 20 7238 3540 Direct Dial
t: +44 (0) 870 496 7822 Switchboard
f: +44 (0) 20 7983 0286Your ref: D401/JZR/557531.1/FSI-4748184-1
Our ref: AM/OACS/EAW/Assange

8 December 2010

By fax and post: 0207 580 7089

Dear Sirs

Re: Your client: Mr. Julian Assange

Thank you for your letter dated 6 December 2010, the contents of which we have noted.

It is SOCA policy that we do not confirm or deny the existence of European arrest warrants.

However, if extradition proceedings commence in respect of your client, you will be able to make the same application to the Crown Prosecution Service.

Yours faithfully,

Serious Organised Crime Agency

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Your ref: D401/JZR/567531.1/FSI-4748184-1

Our ref: AM/OACS/EAW/Assange

8 December 2010

By fax and post: 0207 580 7069

Dear Sirs

Re: Your client: Mr. Julian Assange

Thank you for your letter dated 6 December 2010, the contents of which we have noted.

It is SOCA policy that we do not confirm or deny the existence of european arrest warrants.

However, if extradition proceedings commence in respect of your client, you will be able to make the same application to the Crown Prosecution Service.

Yours faithfully,

Serious Organised Crime Agency



11 December 2010

Our ref: D401/JZR/JFSI-4763765-1

Your ref:

Serious Organised Crime Agency
PO Box 8000
London
SE11 5EN

BY FAX: 020 7238 8112

URGENT

Dear Sirs,

Our client: Julian Assange

We refer to earlier correspondence with you on 2 December 2010 in relation to our client, Mr Julian Assange.

In that letter we requested a copy of the EAW that had been issued for our client. We also requested a copy of the earlier EAW that had been issued, but alleged rejected by your offices in the grounds of an error. By letter of 6 December 2010, you wrote stating that it is SOCA policy not to confirm or deny the existence of any EAW but that we would be able to make the request to the Crown Prosecution Service (CPS) when extradition proceedings commence.

Extradition proceedings commenced on Tuesday and we now have a copy of the EAW pursuant to which Mr Assange was arrested. We wrote to the CPS requesting a copy of the earlier communicated EAW that your offices rejected. The CPS does not hold a copy of the first EAW and suggested that we contact your offices.

Please can you provide us with a copy of the earlier communicated EAW and any information related to that warrant.

We look forward to hearing from you at your earliest opportunity.

Yours faithfully

Finers Stephens Innocent
T: +44 (0)20 7344 5574
jennifer.robinson@fsilaw.com

Encl.

Cc: Australian High Commission

SOCA

SERIOUS ORGANISED CRIME AGENCY



Finers Stephens Innocent

179 Great Portland Street
London
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RECEIVED
15 DEC 2010
RECEIVED

Legal Department, SOCA
1 Old Queen Street
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Your ref: D401/JZR/557531.1/FSI-4748184-1
Our ref: AM/OACS/EAW/Assange

14 December 2010

By fax and post: 0207 580 7069

Dear Sirs,

Re: Your Client: Mr. Julian Assange

Thank you for your letter dated 11 December 2010.

Please find enclosed a copy of the Swedish EAW dated 26 November 2010 as you requested. For your convenience, we also enclose a copy of the English translation.

Yours faithfully

Serious Organised Crime Agency



(Swedish Prosecution Authority)

Västerorts åklagarkammare i Stockholm
(Västerort Public Prosecution Office in Stockholm)

Vice Chefsåklagare Erika Lejnefors
(Deputy Chief Public Prosecutor)

Date: 26.11.2010

Document
Ref. No. Am-131226-10
Case officer: 102B-12

[This European Arrest Warrant was translated from Swedish into English by a translator appointed by the Swedish National Police Board (Rikspolisstyrelsen).]

European arrest warrant

This warrant has been issued by a competent authority. I request that the person mentioned below be arrested and surrendered for the purposes of conducting a criminal prosecution or executing a custodial sentence or detention order.

a) Information regarding the identity of the requested person

Name: Assange

Forename: Julian Paul

Maiden name, where applicable:

Aliases, where applicable:

Sex: Male

Nationality: Australia

Date of birth: 03.07.1971

Place of birth: Townsville, Australia

Residence and/or known address:

Language(s) which the requested person understands (if known): English

Distinctive marks/description of the requested person:

Photo and fingerprints of the requested person, if they are available and can be transmitted, or contact details of the person to be contacted in order to obtain such information or a DNA profile (where this evidence can be supplied but has not been included): Rikspolisstyrelsen (Swedish National Police Board), Enheten för internationellt polissamarbete (IPO) (International Police Cooperation Division (IPO)), address see below under i).

b) Decision on which the warrant is based:

1. Arrest warrant or judicial decision having the same effect:

Decision by Svea Court of Appeal, 24.11.2010, case Ö 9363-10

Type: Detention in absentia

2. Enforceable judgement:

Reference: -

c) Indications on the length of the sentence:

1. Maximum length of the custodial sentence or detention order which may be imposed for the offence(s): Four (4) years

2. Length of the custodial sentence or detention order imposed:
Remaining sentence to be served:

d) Decision rendered in absentia: Not applicable

and

- the person concerned has been summoned in person or otherwise informed of the date and place of the hearing which led to the decision rendered in absentia

or

- the person concerned has not been summoned in person or otherwise informed of the date and place of the hearing which led to the decision rendered in absentia but has the following legal guarantees after surrender (such guarantees can be given in advance):

Specify the legal guarantees:

e) Offences:

This warrant relates to in total: 4 offences

Description of the circumstances in which the offence(s) was (were) committed, including the time, place and degree of participation in the offence(s) by the requested person:

1. Unlawful coercion

On 13-14 August 2010, in the home of the injured party Anna Ardin in Stockholm, Assange, by using violence, forced the injured party to endure his restricting her freedom of movement. The violence consisted in a firm hold of the injured party's arms and a forceful spreading of her legs whilst lying on top of her and with his body weight preventing her from moving or shifting.

2. Sexual molestation

On 13-14 August 2010, in the home of the injured party Anna Ardin in Stockholm, Assange deliberately molested the injured party by acting in a manner designed to violate her sexual integrity. Assange, who was aware that it was the expressed wish of the injured party and a prerequisite of sexual intercourse that a condom be used, consummated unprotected sexual intercourse with her without her knowledge.

3. Sexual molestation

On 18 August 2010 or on any of the days before or after that date, in the home of the injured party Anna Ardin in Stockholm, Assange deliberately molested the injured party by acting in a manner designed to violate her sexual integrity i.e. lying next to her and pressing his naked, erect penis to her body.

4. Rape

On 17 August 2010, in the home of the injured party Sofia Wilén in Enköping,

Assange deliberately consummated sexual intercourse with her by improperly exploiting that she, due to sleep, was in a helpless state.

It is an aggravating circumstance that Assange, who was aware that it was the expressed wish of the injured party and a prerequisite of sexual intercourse that a condom be used, still consummated unprotected sexual intercourse with her. The sexual act was designed to violate the injured party's sexual integrity.

Nature and legal classification of the offence(s) and the applicable statutory provision/code:

1. Unlawful coercion, Chapter 4, Section 4, Paragraph 1 of the Swedish Penal Code
2. Sexual molestation, Chapter 6, Section 10, Paragraph 2 of the Swedish Penal Code
3. Sexual molestation, Chapter 6, Section 10, Paragraph 2 of the Swedish Penal Code
4. Rape, Chapter 6, Section 1, Paragraph 3 of the Swedish Penal Code

I. If applicable, tick one or more of the following offences punishable in the issuing Member State by a custodial sentence or detention order of a maximum of at least 3 years as defined by the laws of the issuing Member State:

- ☐ Participation in a criminal organisation.
- ☐ Terrorism.
- ☐ Trafficking in human beings.
- ☐ Sexual exploitation of children and child pornography.
- ☐ Illicit trafficking in narcotic drugs and psychotropic substances.
- ☐ Illicit trafficking in weapons, munitions and explosives.
- ☐ Corruption.
- ☐ Fraud, including that affecting the financial interests of the European Communities within the meaning of the Convention of 26 July 1995 on the protection of European Communities' financial interests.
- ☐ Laundering of the proceeds of crime.
- ☐ Counterfeiting of currency, including the euro.
- ☐ Computer-related crime.
- ☐ Environmental crime, including illicit trafficking in endangered animal species and in endangered plant species and varieties.
- ☐ Facilitation of unauthorised entry and residence.
- ☐ Murder, grievous bodily injury.
- ☐ Illicit trade in human organs and tissue.
- ☐ Kidnapping, illegal restraint and hostage-taking.
- ☐ Racism and xenophobia.
- ☐ Organised or armed robbery.
- ☐ Illicit trafficking in cultural goods, including antiques and works of art.
- ☐ Swindling.
- ☐ Racketeering and extortion.
- ☐ Counterfeiting and piracy of products.
- ☐ Forgery of administrative documents and trafficking therein.
- ☐ Forgery of means of payment.
- ☐ Illicit trafficking in hormonal substances and other growth promoters.
- ☐ Illicit trafficking in nuclear or radioactive materials.
- ☐ Trafficking in stolen vehicles.

- ☒ Rape.
- ☐ Arson.
- ☐ Crimes within the jurisdiction of the International Criminal Court.
- ☐ Unlawful seizure of aircraft/ships.
- ☐ Sabotage.

II. Full descriptions of offence(s) not covered by section I above:

1. Unlawful coercion

On 13-14 August 2010, in the home of the injured party Anna Ardin in Stockholm, Assange, by using violence, forced the injured party to endure his restricting her freedom of movement. The violence consisted in a firm hold of the injured party's arms and a forceful spreading of her legs whilst lying on top of her and with his body weight preventing her from moving or shifting.

Section of law

Unlawful coercion, Chapter 4, Section 4, Paragraph 1 of the Swedish Penal Code

2. Sexual molestation

On 13-14 August 2010, in the home of the injured party Anna Ardin in Stockholm, Assange deliberately molested the injured party by acting in a manner designed to violate her sexual integrity. Assange, who was aware that it was the expressed wish of the injured party and a prerequisite of sexual intercourse that a condom be used, consummated unprotected sexual intercourse with her without her knowledge.

Section of law

Sexual molestation, Chapter 6, Section 10, Paragraph 2 of the Swedish Penal Code

3. Sexual molestation

On 18 August 2010 or on any of the days before or after that date, in the home of the injured party Anna Ardin in Stockholm, Assange deliberately molested the injured party by acting in a manner designed to violate her sexual integrity i.e. lying next to her and pressing his naked, erect penis to her body.

Section of law

Sexual molestation, Chapter 6, Section 10, Paragraph 2 of the Swedish Penal Code

f) Other circumstances relevant to the case (optional information):

(NB: This could cover remarks on extraterritoriality, interruption of periods of time limitation and other consequences of the offence).

g). This warrant pertains also to the seizure and handing over of property which may be required as evidence:

h)

This warrant pertains also to the seizure and handing over of property acquired by the requested person as a result of the offence: -

Description of the property (and location) (if known): -

h) The offence(s) on the basis of which this warrant has been issued is (are) punishable by/has(have) led to a custodial life sentence or lifetime detention order:

- the legal system of the issuing Member State allows for a review of the penalty or measure imposed — on request or at least after 20 years — aiming at a non-execution of such penalty or measure,

and/or

- the legal system of the issuing Member State allows for the application of measures of clemency to which the person is entitled under the law or practice of the issuing Member State, aiming at non-execution of such penalty or measure.

i) The judicial authority which issued the warrant:

Official name: Åklagarmyndigheten (Swedish Prosecution Authority)

Name of its representative (¹): Marianne NY

Post held (title/grade): Överåklagare (Director of Public Prosecution)

File reference: AM-131226-10

Address:

Tel: (country code) (area/city code) (-): +46 31 739 41 04 or mobile tel. +46 708 577 623

Fax: (country code) (area/city code) (-): +46 31 739 42 50

E-mail: marianne.ny@aklagare.se

Contact details of the person to contact to make necessary practical arrangements for the surrender: Rikspolisstyrelsen (Swedish National Police Board),
International Police Cooperation Division (IPO),

Box 12256

S-102 26 STOCKHOLM

Phone: +46-8-401 37 00

Fax: +46-8-401 48 99

Where a central authority has been made responsible for the transmission and administrative reception of European arrest warrants: No

Name of the central authority: -

Contact person, if applicable (title/grade and name):

Tel: (country code) (area/city code) (-):

Fax: (country code) (area/city code) (-):

E-mail:

Signature of the issuing judicial authority and/or its representative:

Name: Marianne Ny
Post held (title/grade): Överåklagare (Director of Public Prosecution)
Date: 26.11.2010
Official stamp (if available)

(*) In the different language versions a reference to the 'holder' of the judicial authority will be included.

FROM



ÅKLAGARMYNDIGHETEN
Västerorts åklagarkammarare i Stockholm

Vice chefsåklagare Erika Løjnefors

2010-11-26

Handling
Ärende AM-131226-10
Handläggare 102E-12

Europeisk arresteringsorder

Denna order har utfärdats av en behörig rättslig myndighet. Jag begär att nedan nämnda person skall gripas och överlämnas för lagföring eller för verkställighet av ett fängelsestraff eller annan frihetsberövande åtgärd.

a) Information om den eftersöktes identitet

Efternamn: Assange
Förnamn: Julian Paul
Flicknamn i förekommande fall:
Alias i förekommande fall:
Kön: Man
Nationalitet: Australien
Födelsedatum: 3 juli 1971
Födelseort: Townsville, Australien
Bostadsort och/eller känd adress:
Om uppgift finns, det eller de språk den eftersökte förstår: Engelska
Utmärkande drag/beskrivning av den eftersökte:

Foto och fingeravtryck av den eftersökte, om dessa finns tillgängliga och kan överlämnas, eller kontaktadress för den person som kan tillhandahålla information eller DNA-profil (om denna information finns tillgänglig för överföring och inte har bifogats): Rikspolisstyrelsen, Enheten för internationell polisamarbetet (IPO), adress, se nedan under i)

b) Beslut på vilket arresteringsordern grundas:

1. Häkttningsbeslut eller verkställbart rättsligt beslut med samma verkan: Svea hovrätts beslut 24 november 2010, mål Ö 9363-10.
Typ: Häkttningsbeslut i utövare

2. Verkställbar dom:
Beteckning:

c) Uppgifter om straffets längd:

1. Maximal längd för det fängelsestraff eller den frihetsberövande åtgärd som kan dömas ut för brottet eller brotten: 4 år
2. Längd för det fängelsestraff eller den frihetsberövande åtgärd som har dömts ut:

Straff som återstår att avtjäna:

d) Beslut genom utevarodöm: Inte tillämpligt

och

- den berörda personen har kallats personligen eller på annat sätt informerats om tidpunkt och plats för den förhandling som ledde till att beslutet fattades genom utevarodöm,

eller

- den berörda personen har inte kallats personligen eller på annat sätt informerats om tidpunkt och plats för den förhandling som ledde till att beslutet fattades genom utevarodöm men har följande rättsliga garantier efter överlämnandet till de rättsliga myndigheterna (om sådana garantier kan lämnas i förväg):

Precisera de rättsliga garantierna:

e) Brott:

Denna order berör totalt 4 brott.

Beskrivning av de omständigheter under vilka brottet eller brotten begicks, inklusive tidpunkt (datum och klockslag), plats och den eftersöktes grad av delaktighet i brottet eller brotten: P 1. OLAGA TVÅNG

Assange har den 13 – 14 augusti 2010 i målsäganden Anna Ardins bostad i Stockholm genom våld tvingat henne att tåla att han hindrat hennes rörelsefrihet. Våldet har bestått i att han hållit fast hennes armar och tvingat isär hennes ben samt liggande över henne med sin kroppstygnd betvingat henne och därigenom hindrat henne från att röra sig eller flytta sig.

2. SEXUELLT OFREDANDE

Assange har den 13 – 14 augusti 2010 i målsäganden Anna Ardins bostad i Stockholm uppsåtligt i handling ofredat henne på sätt som varit ägnat att kränka hennes sexuella integritet. Assange, som varit medveten om att användande av skydd vid samlag i form av kondom varit målsägandens uttryckliga vilja och förutsättning för det sexuella umgänget, har utan hennes vetskap genomfört ett fullbordat oskyddat samlag med henne.

3. SEXUELLT OFREDANDE

Assange har den 18 augusti 2010 eller dagarna däromkring, i målsäganden Anna Ardins bostad i Stockholm uppsåtligt ofredat målsäganden på sätt som varit ägnat att kränka hennes sexuella integritet genom att lägga sig intill henne och pressa sin nakna erigerade penis mot hennes kropp.

4. VALDTÅKT

FROM

Assange har den 17 augusti 2010 i målsäganden Sofia Wiléns bostad i Enköping uppsåttligen genomfört ett samlag med henne genom att otillbörligt utnyttja att hon på grund av sömn befunnit sig i ett hjälplöst tillstånd.

En försvärande omständighet vid gärningen är att Assange, som varit medveten om att användande av skydd vid samlag i form av kondom varit målsägandens uttryckliga vilja och förutsättning för sexuellt umgänge, trots detta har genomfört ett fullbordat oskyddat samlag med henne. Den sexuella handlingen har varit ägnad att kränka målsägandens sexuella integritet.

Brottets eller brottens beskaffenhet och brottsrubricering samt tillämplig lagbestämmelse: 1. OLAGA TVÅNG, 4 kap 4 § 1 st brottsbalken

2. SEXUELLT OFREDANDE, 6 kap 10 § 2 st brottsbalken

3. SEXUELLT OFREDANDE, 6 kap 10 § 2 st brottsbalken

4. VALDTÄKT, 6 kap 1 § 3 st brottsbalken

1. Markera i förekommande fall om det rör sig om ett eller flera av följande brott som i den utfärdande medlemsstaten kan leda till fängelse eller annan frihetsberövande åtgärd i minst tre år enligt den utfärdande medlemsstatens lagstiftning:

- ☐ Deltagande i en kriminell organisation.
- ☐ Terrorism.
- ☐ Människohandel.
- ☐ Sexuellt utnyttjande av barn samt barnpornografi.
- ☐ Olaglig handel med narkotika och psykotropa ämnen.
- ☐ Olaglig handel med vapen, ammunition och sprängämnen.
- ☐ Korruption.
- ☐ Bedrägeri, inbegripet bedrägeri som inriktar sig mot Europeiska gemenskapens ekonomiska intressen enligt konventionen av den 26 juli 1995 om skydd av Europeiska gemenskapernas finansiella intressen.
- ☐ Penningtvätt.
- ☐ Penningförfalskning, inklusive förfalskning av euron.
- ☐ IT-brottslighet.
- ☐ Miljöbrott, inbegripet olaglig handel med hotade djurarter och hotade växtarter och växtsorter.
- ☐ Hjälptill olaglig inresa och olaglig vistelse.
- ☐ Mord, grov misshandel.
- ☐ Olaglig handel med mänskliga organ och vävnader.
- ☐ Människorov, olaga frihetsberövande och tagande av gisslan.
- ☐ Rasism och främlingsfientlighet.
- ☐ Organiserad stöld och väprät rån.
- ☐ Olaglig handel med kulturföremål, inbegripet antikviteter och konstverk.
- ☐ Svindleri.
- ☐ Beskyddarverksamhet och utpressning.
- ☐ Förfalskning och piratkopiering.
- ☐ Förfalskning av administrativa dokument och handel med sådana förfalskningar.
- ☐ Förfalskning av betalningsmedel.

FROM

+46317394250

- ☐ Olaglig handel med hormonsubstanser och andra tillväxsubstanter.
- ☐ Olaglig handel med nukleära och radioaktiva ämnen.
- ☐ Handel med stulna fordon.
- ☒ Våldtäkt.
- ☐ Mordbrand.
- ☐ Brott som omfattas av den internationella brottmålsdomstolens behörighet.
- ☐ Kapning av flygplan eller fartyg.
- ☐ Sabotage.

II. Fullständig beskrivning av det eller de brott som inte omfattas av fallen i punkten I ovan: OLAGA TVÅNG.

Assange har den 13 – 14 augusti 2010 i målsäganden Anna Ardins bostad i Stockholm genom våld tvingat henne att tåla att han hindrat hennes rörelsefrihet. Våldet har bestått i att han hållit fast hennes armar och tvingat isär hennes ben samt liggande över henne med sin kroppstyngd betvingat henne och därigenom hindrat henne från att röra sig eller flytta sig.

Lagrum

4 kap 4 § 1 st brottsbalken

2. SEXUELLT OFREDANDE

Assange har den 13 – 14 augusti 2010 i målsäganden Anna Ardins bostad i Stockholm uppsåtligen i handling ofredat henne på sätt som varit ägnat att kränka hennes sexuella integritet. Assange, som varit medveten om att användande av skydd vid samlag i form av kondom varit målsägandens uttryckliga vilja och förutsättning för det sexuella umgänget, har utan hennes vetskap genomfört ett fullbordat oskyddat samlag med henne.

Lagrum

6 kap 10 § 2 st brottsbalken

3. SEXUELLT OFREDANDE

Assange har den 18 augusti 2010 eller dagarna däromkring, i målsäganden Anna Ardins bostad i Stockholm uppsåtligen ofredat målsäganden på sätt som varit ägnat att kränka hennes sexuella integritet genom att lägga sig intill henne och pressa sin nakna erigerade penis mot hennes kropp.

Lagrum

6 kap 10 § 2 st brottsbalken

f) Andra omständigheter i fallet (frivillig information):

(Observera att detta kan omfatta kommentarer om extraterritorialitet, avbrytande av tidsbegränsningar och andra följder av brottet)

g) Denna order rör också beslag och överlämnande av föremål som kan utgöra bevis:

+46317394250

Denna order rör också beslag och överlämnande av föremål som den eftersökte förvärvat genom brottet:

Om uppgift finns, beskrivning av föremålen och var dessa finns:

h) Det eller de brott som har lett till att denna order utfärdas är straffbart/straffbara med/har medfört fängelse eller annan frihetsberövande åtgärd på livstid:

- rättssystemet i den utfärdande medlemsstaten medger omprövning av straffet
- på begäran eller åtminstone efter 20 år - i syfte att ett sådant straff eller en sådan åtgärd inte skall verkställas,

och/eller

- rättssystemet i den utfärdande medlemsstaten medger tillämpning av sådana benädningsåtgärder som personen är berättigad till enligt den utfärdande medlemsstatens nationella lagstiftning eller praxis, i syfte att ett sådant straff eller en sådan åtgärd inte skall verkställas.

i) Den rättsliga myndighet som har utfärdat ordern:

Officiellt namn: Aklagarmyndigheten

Företrädarens namn: Marianne Ny

Befattning (titel/grad): Överåklagare

Ärendebeteckning: AM-131226-10

Adress:

Tfn: +46-31-7394104 eller mobiltelefon +46-708-577623

Fax: +46-31-7394250

E-post: marianne.ny@aklagare.se

Information för kontakt med den person som skall kontaktas för nödvändiga arrangemang för överlämnandet:

Rikspolisstyrelsen, Enheten för internationellt polissamarbete (IPO)

Box 12256

S-102 26 STOCKHOLM

Tel. +46-8-401 37 00

Fax. +46-8-401 48 99

Central myndighet för överföringen och det administrativa mottagandet av en europeisk arresteringsorder, i förekommande fall: Nej

Namn på den centrala myndigheten: -

Kontaktperson, i förekommande fall (titel/grad och namn):

Tfn:

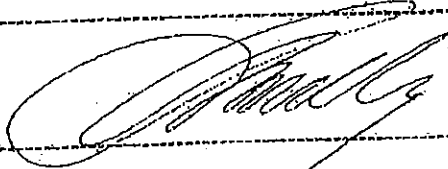
Fax:

E-post:

Underskrift av den utfärdande rättsliga myndigheten och/eller dess företrädare:

FROM

+46317394250



Namn: Marianne Ny
Befattning (titel/grad): Överåklagare
Datum: 2010-11-26
Officiell stämpel (i förekommande fall)

23 December 2010

Our ref: D401/JZR/557644.1/FSI-4787879-1

Your ref:

Serious Organised Crime Agency
PO Box 8000
London
SE11 5EN

BY FAX: 020 7238 8112

URGENT

Dear Sirs,

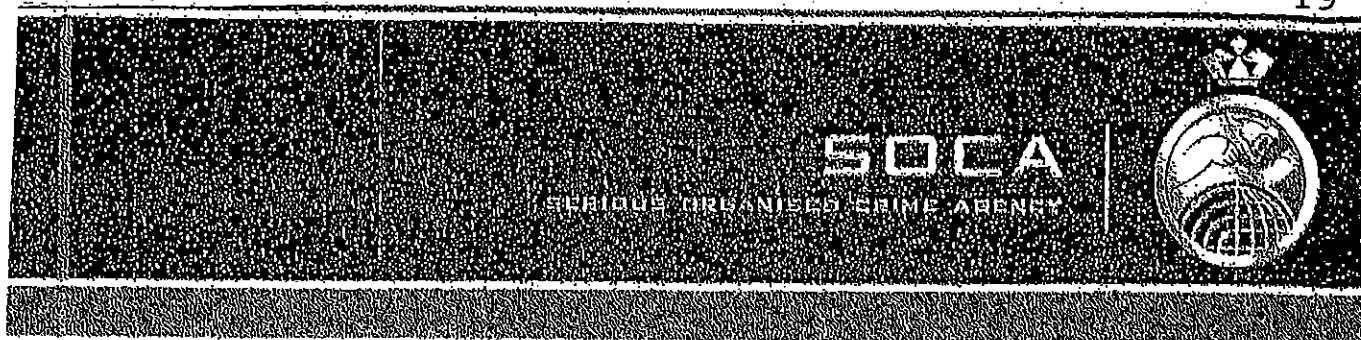
Re. Julian Assange (extradition request from a Swedish Judicial Authority)

We refer to earlier correspondence in this matter in relation to the European Arrest Warrant (EAW) issued by Sweden and certified by SOCA.

We have serious concerns as to whether Marianne Ny is a judicial authority entitled to issue EAWs in light of *Enander* [2005] EWHC 3036 (Admin). Please can you provide us with evidence that Ms Ny is, in fact, entitled to issue EAWs. Failing receipt of this proof by 31 December 2010, we will commence judicial review proceedings.

Yours faithfully,

Finers Stephens Innocent LLP
T: +44 (0)20 7344 5574
F: +44 (0)20 7344 5603
Jennifer.Robinson@fsilaw.com



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Serious Organised Crime Agency
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Fax: +44 (0)207 238 8112
Email: london@soca.x.gsi.gov.uk

Friday 24th December 2010

Dear Sirs

Julian Assange (extradition request)

Thank you for the letter of 23 December. It has been passed to our legal department.

With regard to the issue you have raised regarding Marianne Ny we will revert to you in due course.

We note your indication that you intend to issue judicial review proceedings by the 31 December 2010. We would bring to your attention the requirements of the pre-action protocol and ask that you comply with those directions before commencing any action.

Please address any response to the SOCA Legal Department.

Yours faithfully

A handwritten signature in dark ink, appearing to be 'J. Smith' or similar, written over a horizontal line.

Serious Organised Crime Agency

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SOCA

SERIOUS ORGANISED CRIME AGENCY



Finers Stephens Innocent

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RECEIVED
11 JAN 2011

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Your ref: D401/JZR/557644.1/FSI-4787879-1

Our ref: AM/Assange/EAW

10 January 2011

Dear Sirs,

Re: Your Client: Mr. Julian Assange
Extradition Request from Sweden

Thank you for your letter dated 23 December 2010 which has been passed to SOCA Legal for our attention.

We can confirm that the Issuing Judicial Authority has forwarded a copy of the Swedish Code of Statutes and an extract from the Swedish Code of Judicial Procedure which supports their position that the Swedish prosecutor is eligible to issue a European Arrest Warrant for the purpose of a criminal prosecution.

We are still waiting for a formal reply from the Ministry of Justice and as soon as that has been received, we will forward it to you provided the Swedish MOJ gives SOCA consent to do so.

If you have any further queries, please do contact the writer, Miss Amrit Mangra, a senior lawyer in the SOCA Legal team.

Yours faithfully

Serious Organised Crime Agency

Swedish Code of Statutes



SFS 2003:1178

Published:
30 December 2003

Ordinance on surrender to Sweden according to the European arrest warrant

Issued: 18 December 2003:

The Government prescribes the following.

General provisions

Section 1

This Ordinance contains provisions for the implementation of the Council Framework Decision 2002/584/JHA of 13 June 2002 on the European arrest warrant and the surrender procedures between Member States.¹

Provisions on surrender from Sweden are given in the Act on surrender from Sweden according to the European arrest warrant (2003:1156) and in the Ordinance on surrender from Sweden according to the European arrest warrant (2003:1179).

Section 2

The terms used in this Ordinance have the same meaning as in the Act on surrender from Sweden according to the European arrest warrant (2003:1156).

A Swedish arrest warrant, as referred to in this Ordinance, is an arrest warrant specified in Chapter 1, Section 3 of the same Act and issued by a Swedish prosecutor or authority.

The Issuing authority, as referred to in this Ordinance, is the Swedish prosecutor or authority that issues the arrest warrant.

Issue of a Swedish arrest warrant

Arrest warrant for the purpose of criminal prosecution

Section 3

A Swedish arrest warrant for the purpose of criminal prosecution is issued by a prosecutor. The Prosecutor-General decides which prosecutors are competent to issue a Swedish arrest warrant.

¹ OJ L 190, 18/07/2002, p. 1, Celex 32002F0584.

SFS 2003:1178

An arrest warrant may be issued for a crime for which the requested person has been detained on suspicion on probable cause of the crime and for which a sentence of imprisonment for at least one year is prescribed.

An arrest warrant that is issued for a crime referred to in the second paragraph may also include other crimes of which the requested person is suspected (accessory surrender).

Arrest warrant for the purpose of execution of a custodial sentence or detention order

Section 4

A Swedish arrest warrant for the purpose of execution of a custodial sentence or detention order is issued by the National Police Board at the request of

- the National Prison and Probation Administration for the execution of a prison sentence,
- the National Board of Health and Welfare for the execution of forensic psychiatric care, and
- the National Board of Institutional Care for the execution of institutional care of a minor.

An arrest warrant may be issued for a judgment that has entered into force if a custodial sentence or detention order of at least four months or without a time limit has been imposed.

An arrest warrant issued for a judgment referred to in the second paragraph may also include other judgments concerning the requested person that have entered into force, if the court has imposed a custodial sentence or detention order (accessory surrender).

Proportionality

Section 5

A Swedish arrest warrant may only be issued if it appears justified to do so in view of the nature and seriousness of the crime and the circumstances in general, and when the harm to the individual and the delay and costs that can be expected in the case are taken into account.

If the requested person is under eighteen years of age, an arrest warrant may only be issued if it concerns serious crime or if the young person has a strong connection with Sweden or if there are some other special reasons for requesting surrender to Sweden.

The formulation of the arrest warrant

Section 6

A Swedish arrest warrant shall be drawn up in accordance with the form referred to in Chapter 1, Section 4 of the Act on surrender from Sweden according to the European arrest warrant (2003:1136).

The arrest warrant must state whether it also refers to accessory surrender. If it does, the warrant must also state whether the requested person has been detained for the crime, as well as the sentence imposed or the scale of penalties for the crime.

SFS 2003:1178

Transmission and storage

Section 7

A Swedish arrest warrant may be registered in the Schengen Information System (SIS) or in some other system for wanted persons who are suspected of a crime. Registration shall be carried out by the National Police Board. The arrest warrant shall be held in storage by the National Police Board.

If it is known that the requested person is in a particular Member State, then the arrest warrant may be sent directly to the executing authority in that State. In this case the issuing authority is responsible for measures under Section 11. If the arrest warrant has been issued by a prosecutor, a copy of the arrest warrant must be sent to the National Police Board.

Revocation

Section 8

When there is no longer any reason to request the surrender of the person concerned, the arrest warrant shall be revoked. The executing authority in the other Member State and, if the arrest warrant is revoked by a prosecutor, the National Police Board shall be notified immediately of the revocation.

Procedure when the requested person has been found

Information when the person is found

Section 9

When the issuing authority receives information that the requested person has been found, the authority shall immediately forward that information to the National Police Board if the Board has not already received the information.

If some other authority than the issuing authority receives information that the requested person has been found, that authority shall immediately forward the information to the issuing authority.

Relationship to extradition

Section 10

If the other Member State gives notification that an extradition procedure is to be used, the Ordinance containing certain provisions on extradition for criminal offences (1982:306) shall be applied instead of this Ordinance. The issuing authority shall immediately transfer the matter to the authority that is competent under that Ordinance to make extradition requests to the other Member State.

In cases referred to in the first paragraph no new request need be made, if the other State accepts the arrest warrant as a request for extradition.

SFS 2003:1178

Translation and transmission

Section 11

When the National Police Board receives information that the requested person has been found in another Member State and an arrest warrant has been registered according to Section 7, first paragraph, the Board shall, immediately:

1. have the arrest warrant translated into the language of the other Member State or into a language that the other State has declared that it will accept, and
2. transmit the arrest warrant to the executing authority in the other State.

Guarantees for surrender

Section 12

The issuing authority examines issues of guarantees that the executing authority requires for surrender. However, in the case of surrender for the purpose of prosecution, the Office of the Prosecutor-General examines issues of guarantees relating to conditions for the return of the requested person.

Transportation

Section 13

The issuing authority is responsible for bringing the requested person to Sweden when the other Member State has agreed to surrender to Sweden. Unless otherwise agreed, the issuing authority shall ensure that the requested person is brought to Sweden within the stated time. If necessary the issuing authority may request assistance from the National Police Board or the police authority designated by the National Police Board.

Other matters

Transfer of the execution of a custodial sentence or detention order

Section 14

If the surrender to Sweden for criminal prosecution has been made on condition that the surrendered person is returned to the other Member State for the execution in that State of a custodial sentence or detention order imposed as a result of the surrender, the prosecutor shall determine whether the prerequisites for return have been fulfilled as soon as the judgment has gained legal force against the person sentenced.

If the surrendered person is to be returned in accordance with the first paragraph, the prosecutor shall immediately notify:

- the National Prison and Probation Administration, if the penalty is imprisonment,
- the National Board of Health and Welfare, if the penalty is forensic psychiatric care,
- the National Board of Institutional Care, if the penalty is institutional care of a minor.

The authority referred to in the second paragraph shall ensure that the execution of the penalty is transferred to the other Member State, that the person is brought there and that the other State is notified. If necessary the authority may request assistance from the National Police Board or the police authority designated by the National Police Board. In connection with the transfer, the other State shall be informed of when execution began and of any period of detention that has taken place in Sweden.

SFS 2003:1178

Section 15

If a request for surrender according to a Swedish arrest warrant for the execution of a custodial sentence or detention order has been refused on the grounds that the other Member State is assuming execution of the penalty, the authority referred to in Section 14, second paragraph shall ensure that execution is transferred to the other State. For this purpose the National Police Board shall notify the authority as soon as the Board has been informed about the refusal of the other State.

Consent to extended surrender

Section 16

A person who has been surrendered to Sweden can consent to prosecution or punishment here for another crime that the person has committed before the surrender. Consent of this kind shall be given in writing on the form adopted by the Office of the Prosecutor-General.

Consent can be given to the official appointed by the Office of the Prosecutor-General, the National Prison and Probation Administration or the National Board of Institutional Care to receive a declaration of this kind, to the chief medical officer at the unit where a sentence of forensic psychiatric care is being executed, to the prosecutor or, on assignment by the prosecutor, to a police officer who is assisting the investigation.

The person who has been surrendered shall be notified of the implications of consent. If possible, the document in which consent is given shall be written in the language that is normally used by the person who has been surrendered. If another language is used a note shall be made on the document of the measures that have been taken to check that the surrendered person has understood the implications of consent.

Procedure for extended surrender

Section 17

If surrender has been granted to Sweden and the question arises of requesting the permission of the other State for a measure of the kind referred to in Chapter 6, Section 8, first paragraph, point 1 of the Act (2003:1156) on surrender from Sweden according to the European arrest warrant, the second and third paragraphs are applicable. The same applies if a person has been surrendered to Sweden from a Member State of the European Union and a question of this kind arises subsequently.

The request shall contain the information referred to in Section 6. It shall be translated into a language referred to in Section 11, point 1 and sent to the executing authority in the other Member State.

SFS 2003:178

The following provisions of this Ordinance shall be applied:
Section 3, first paragraph and Section 4, first paragraph on competent
authorities,
Section 8 on revocation,
Section 10 on the relationship to extradition,
Section 12 on guarantees, and
Sections 14 and 15 on the transfer of execution.

This Ordinance shall come into force on 1 January 2004.

On behalf of the Government

THOMAS BODSTRÖM

Cecilia Bergman
(Ministry of Justice)



REGERINGSKANSLIET

Government Offices of Sweden

The Swedish Code of Judicial Procedure

Ds 1998:65

Publication date: 1998

Type: Swedish statutes in translation

Source: Ministry of Justice

Download

- The Swedish Code of Judicial Procedure SFS 1942:740 (pdf 501 kB)

*Published 21 July 2004**Last updated 06 September 2005*

Swedish Government Offices
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Updated to - SFS 1998:605

THE CODE OF JUDICIAL PROCEDURE

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Chapter 7

PUBLIC PROSECUTORS AND POLICE AUTHORITIES

Section 1

The public prosecutors are:

1. the Prosecutor-General;
2. the regional prosecutors; and
3. the district prosecutors.

The duties of the public prosecutors may be performed by assistant prosecutors.

Instructions for the prosecutors are issued by the government. (SFS 1974:573).

Section 2

The Prosecutor-General is chief prosecutor under the government and, in this capacity, is responsible for, and the head of, the public prosecutor service for the Realm.

Under the Prosecutor-General, the regional prosecutors, within their respective field of activities, are responsible for, and the heads of, the public prosecutor service. (SFS 1974:573)

Section 3

The Prosecutor-General and the regional prosecutors are appointed by the government. The appointment of other prosecutors is prescribed in the instructions governing their office. (SFS 1974:573)

Chapter 7 Public prosecutors and police authorities

Section 4

The regional prosecutors or the district prosecutors are the public prosecutors at the lower courts and the courts of appeal.

The Prosecutor-General, however, is the public prosecutor at the courts of appeal in cases referred to in Chapter 2, Section 2, paragraph 1.

The Prosecutor-General is the public prosecutor at the Supreme Court.

When a criminal case is appealed to the Supreme Court solely by a private party, the Prosecutor-General may assign a subordinate prosecutor to appear on his behalf.

Further regulations concerning the division of work among the prosecutors are prescribed in the instructions governing their office. (SFS 1981:1312)

Section 5

The Prosecutor-General and the regional prosecutors may themselves take on an assignment that would otherwise be the responsibility of a subordinate prosecutor. The Prosecutor-General and, insofar as the government prescribes, the regional prosecutors may also appoint an extra prosecutor to present a case in the lower courts, and in the courts of appeal. Further, the Prosecutor-General may appoint an extra prosecutor to present the case in the Supreme Court if an appeal was lodged solely by a private party.

To the extent prescribed in their instructions, the assistant prosecutors may perform the duties of the prosecutors where he is employed. However, only the Prosecutor-General has authority to institute and continue prosecution in the Supreme Court. (SFS 1983:999)

Chapter 7 Public prosecutors and police authorities

Section 6

A circumstance that regarding a particular offence would disqualify a judge also disqualifies a public prosecutor from participating in the preliminary investigation or prosecution of the offence. Disqualification of a prosecutor may not be founded upon an official action taken by that prosecutor or an act committed against the prosecutor because of his office.

Although disqualified, a prosecutor is entitled to take a measure that cannot be postponed without risk.

The issue of disqualification of a prosecutor is determined by the prosecutor's immediate superior; the Prosecutor-General, himself determines his own disqualification. (SFS 1947:616)

Section 7

Repealed by SFS 1983:999.

Section 8

Special provisions are prescribed concerning special prosecutors

No special prosecutor other than the Chancellor of Justice, or a Parliamentary Ombudsman may decide to institute a prosecution or lodge an appeal in the Supreme Court. (SFS 1968:79)

Section 9

The provisions in Section 6 concerning public prosecutors correspondingly apply to the police authorities, and to a police officer who acts or issues decisions under this Code; disqualification issues, however, are determined by the police authority. (SFS 1984:388)

SOCA

SERIOUS ORGANISED CRIME AGENCY



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Your ref: D401/JZR/667644.1/FSI-4787879-1

Our ref: Assange/AM/SOCA Legal OACS

25 January 2011

By fax and post: 0207 344 5603

Dear Sirs,

Re: Your client: Mr. Julian Assange

We write with reference to our letter dated 14 December 2010.

We have received a response from the competent prosecutor confirming that the European Arrest Warrant was issued by an authorised official as according to Swedish legislation

It is possible that the Crown Prosecution Service, which is the lawyer agency representing Sweden, can obtain more information for you.

If we can assist any further, please contact Miss Amrit Mangra on the number at the head of this letter.

Yours faithfully

Serious Organised Crime Agency

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SOCA
SPECIAL OPERATIONAL CRIME AGENCY

FAX

To:	02073445603
From:	Mangra Amrit
Date:	25/01/2011
Senders FAX:	
Pages:	2
Subject:	Julian Assange - 25 01 11

NOT PROTECTIVELY MARKED

Dear Sirs,

Re: Your Client: Mr. Julian Assange

Please forward the enclosed letter to the lawyer representing Mr. Assange.

With kind regards,

Miss Amrit Mangra | Senior Lawyer
 Legal OACS |
 Operational, Advisory and Corporate Services
 Serious Organised Crime Agency |
 Tele: +44 (0) 207 238 3540
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SOCA: reducing harm caused by organised crime

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27 January 2011

Our ref: D401/AAK/557644.1/FSI-4850904-1
Your ref: Assange/AM/SOCA Legal OACS

Legal Department
Serious Organised Crime Agency
1 Old Queen Street
London
SW1H 9HP

BY FAX: 020 7983 0286

URGENT

Dear Sirs,

Re. Julian Assange (extradition request from a Swedish Judicial Authority)

Thank you for your letter of 25 January 2011.

You write that you have received a response from a competent prosecutor confirming that the EAW was issued by an authorised official under Swedish law. Please can you provide us a copy of that response.

Yours faithfully,

Finers Stephens Innocent LLP
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Jennifer.Robinson@fsilaw.com



28 January 2011

Our ref: D4D1/JZR/557844.1/FSI-4853463-1
Your ref: Assange/AM/SOCA Legal OACS

Légal Department
Serious Organised Crime Agency
1 Old Queen Street
London
SW1H 9HP

BY FAX: 020 7983 0286

URGENT

Dear Sirs,

Re: Julian Assange (extradition request from a Swedish Judicial Authority)

Further to our request for your "response from the competent Prosecutor" which we sent on 27 January 2011 and must ask you to let us have as a matter of urgency, we have received from our expert - a former Swedish appeal judge - what appears to be the crucial official document, namely, the official representation from the Swedish Minister to the Secretary-General of the European Union in 2009.

This makes clear that the issuing judicial authority for an EAW is "the public prosecutor" (singular). This is, presumably, the Prosecutor-General, who is designated in section 2, Chapter 7 of the Swedish Code of Judicial Procedure as "chief prosecutor under the government and, in this capacity, is responsible for, and the head of, the public prosecutor service for the Realm". Please let us have your comment. It would be extraordinary if SOCA has had no sight of this Council of Europe communication of 29 May 2009, which appears to us to be definitive as to the judicial authority in Sweden entitled to issue an EAW.

Yours faithfully,

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Jennifer.Robinson@fsilaw.com

Cc: Paul Close, CPS



31 January 2011

Our ref: D401/JZR/557644.1/FSI-4856185-1
Your ref: Assange/AM/SOCA Legal OACS

Legal Department
Serious Organised Crime Agency
1 Old Queen Street
London
SW1H 9HP

BY FAX: 020 7983 0286

URGENT

Dear Sirs,

Re. Julian Assange (extradition request from a Swedish Judicial Authority)

Further to our letter of 28 January 2011, to which we have had no response despite its urgency. We write to inform you of a further problem with the EAW which, in our view, makes it invalid on its face. Ms Ny is represented as "Director of Public Prosecutions". This office does not exist, as you will see from the Swedish Code of Judicial Procedure which you sent us on 10 January 2011. The term "Director of Public Prosecutions" is not a correct translation of the Swedish word överåklagare, which means no more than a senior prosecution figure. The translations, apparently arranged by the Swedish Police Board are misleading, because they misrepresent Ms Ny as the Swedish equivalent of Mr Stårmer, which she is not.

In any event, Ms Ny is not "the public prosecutor" who is the only "issuing judicial authority" notified to the Council of Europe by the government of Sweden under Article 6 (3). That personage is the Prosecutor-General, Mr Anders Perklev, whose office address is given in the government's formal notification as that of the issuing judicial authority. It is not the address of Ms Ny.

In these circumstances, we must ask you to consider the invalidity and/or impropriety in the warrant as a matter of urgency and withdraw your certification, issued pursuant to section 2(7) of the *Extradition Act*, which is itself incorrect on its face by stating that Ms Ny is the Director of Public Prosecutions.

Yours faithfully,

Finers Stephens Innocent LLP

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Cc: Paul Close, CPS

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SEROUS ORGANISED CRIME AGENCY



FAX

To:	02075807069
From:	Mangra Amrit
Date:	01/02/2011
Senders FAX:	
Pages:	2
Subject:	Letter to Def Sols re all their letters - 01 02 11

NOT PROTECTIVELY MARKED

Dear Sirs,

Please forward the enclosed letter to the lawyer dealing with your client, Mr. J. Asaango.

With kind regards,

Miss Amrit Mangra | Senior Lawyer

Legal OAC61

Operational, Advisory and Corporate Services

Serious Organised Crime Agency |

Tele: +44 (0) 207 238 3540

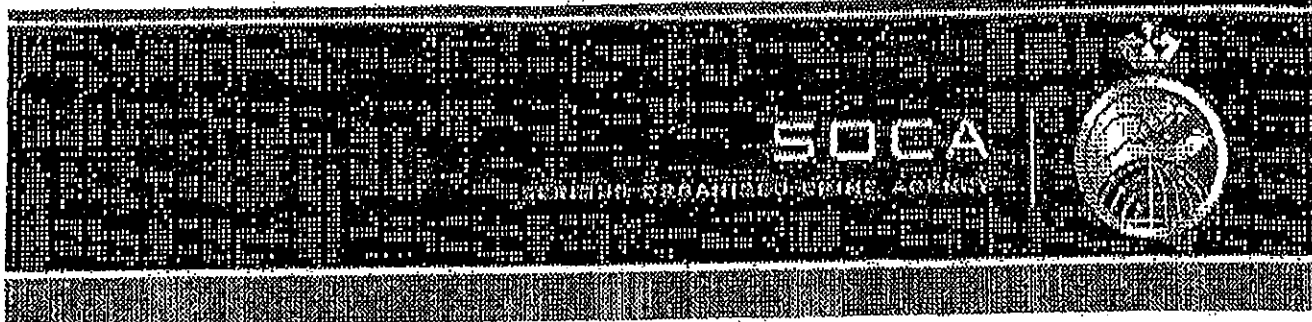
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Your ref: D401/JZR/557644.1/FSI-4853463-1
Our ref: Assange/AM/SOCA Legal OACS

1 February 2011

By fax and post: 0207 580 7089

Dear Sirs

Re: Your Client: Julian Assange

Thank you for your letters dated 27, 28 and 31 January 2011. Our apologies for the delay in responding; the writer was not in the office on 31 January 2011.

Please rest assured that all your letters are receiving attention.

In respect of your letter dated 27 January 2011, SOCA has requested consent from Sweden to disclose the communique to you for open court proceedings. Such consent has not, as yet arrived.

We are currently seeking further legal advice about the contents of your letters dated 28 and 31 January 2011.

Yours faithfully

Serious Organised Crime Agency

SOCA

SERIOUS ORGANISED CRIME AGENCY



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Your ref: D401/JZR/557644.1/FSI-4853463-1
Our ref: Assange/AM/SOCA Legal

3 February 2011

By fax and post: 0207 344 5603

Dear Sirs,

Re: Your Client : Julian Assange

Thank you for your letters of the 28th and 31st January 2011.

SOCA has nothing further to add to its earlier correspondence with you, see most recently its letters dated 10 January 2011 and 15 January 2011.

To the extent that you still wish to challenge the validity of the European Arrest Warrant relating to your client (on whatever basis), this is an issue which falls to be considered at your client's extradition hearing. That hearing is listed to begin on Monday, 7th February 2011. At the extradition hearing, the Swedish issuing judicial authority itself will of course be present through counsel instructed on its behalf by the Crown Prosecution Service. As such, any further enquiries or submissions you would wish to make on this point should properly be made to them and within that forum.

Finally and for the sake of completeness, SOCA maintains that there is no proper basis to criticise the issuing in this case of a Part 1 certificate pursuant to section 2(7) of the Extradition Act 2003. SOCA would also take the opportunity to observe, particularly given the terms of your last letter, that in any event under the Extradition Act 2003 SOCA has no power 'to withdraw' a certificate issued under section 2.

Yours faithfully

Serious Organised Crime Agency