

Dear Mr Pascoe

SUBJECT: Julian Assange

Thank you for your email of 25 May.

Mr Assange has indeed, a number of concerns which I relay to you. Through you perhaps, they might be relayed to the appropriate ministers in Australia. We feel sure that they would wish to be aware of those concerns that are of the highest importance.

A number relate to the need for urgent contact between the Australian government and the Swedish government, between the Australian government and the US government, and between the Australian government and the UK government.

We understand from Jennifer Robinson that at a recent meeting with the Attorney General in Melbourne, in April 2012, a number of these issues were discussed. (We send this email in parallel, therefore, to the Attorney General's Department).

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.

3.

Re UK:

(a) To seek undertakings from the UK that Mr Assange would not be surrendered to the US from the UK.

(b) To seek undertakings from the UK that if Mr. Assange is surrendered to any other country from the UK, the UK will gain diplomatic assurances that Mr. Assange will be returned to Australia from that country and not be surrendered to any other country.

(c) That given the uncertain relationships of intermediate countries Mr. Assange may have to travel through to return to Australia, that the UK government provide safe passage to Australia, should Mr. Assange be able to leave the United Kingdom.

The above represent ongoing concerns on the part of Mr Assange and we would be most grateful if you would ensure that they be passed on to the Minister for Foreign Affairs in Australia, as well as to other ministers appropriate to be informed.

Yours sincerely

Gareth Peirce