From the Permanent Representative
58 Avenue Louis Casaï 1216
Cointrin
Switzerland

13 November 2014

Mads Andenas
Chair-Rapporteur
Working Group on Arbitrary Detention
OHCHR
Palais des Nations
1211 Geneva 10

Dear Special Rapporteur,

Thank you for your letter of 16 September 2014.

We were surprised to see the allegation of arbitrary detention in respect of Julian Assange and disappointed that you would give credence to this allegation.

Mr Assange entered the Ecuadorean Embassy in London of his own free will on 19 June 2012. He has therefore been there for over two years. He is free to leave at any point.

The Ecuadorean Government granted Mr Assange 'diplomatic' asylum under the 1954 Caracas Convention, not 'political' asylum. The UK is not a party to the Caracas Convention and does not recognise 'diplomatic' asylum. Therefore the UK is under no legal obligations arising from Ecuador's decision.

We consider that the use of the Ecuadorean Embassy premises to enable Mr Assange to avoid arrest is incompatible with the Vienna Convention on Diplomatic Relations. It is astonishing to see WGAD implying otherwise.

Mr Assange is wanted for interview in Sweden in connection with allegations of serious sexual offences. He is subject to a European Arrest Warrant in relation to these allegations. The UK has a legal obligation to extradite him to Sweden. The British Government takes violence against women extremely seriously and co-operates with European and other partners in ensuring justice is done.

Mr Assange has been given every opportunity to challenge his extradition including before the Supreme Court of the United Kingdom. His extradition has been approved by our courts, taking full account of his human rights and the other protections he enjoys under the UK's Extradition Act 2003. The changes to the UK's extradition law referred to in the communication commenced on 21 July 2014 and are not retrospective. Mr Assange has exhausted all his avenues of appeal under the Extradition Act 2003. It would be inappropriate to speculate on how the UK courts might interpret new legislation in any case. We know of no reason why Mr Assange would not be subject to independent, rigorous and fair process, including if necessary a free and fair trial, in Sweden.

UK and Ecuadorean Ministers and officials have been in regular dialogue regarding Mr Assange. We are committed to reaching a workable solution in line with our legal obligations.

Karen Pierce CMG

From the Permanent Representative
58 Avenue Louis Casaï 1216
Cointrin
Switzerland
Tel: +41 (0) 22 918 2325
Fax: +41 (0) 22 918 2344
www.ukungeneva.fco.gov.uk 1

3 February 2016

Mr Seong-Phil Hong
Chair-Rapporteur
Working Group on Arbitrary Detention
OHCHR
United Nations Office at Geneva
Palais des Nations
1211 Geneva 10

Dear Chair-Rapporteur,

Opinion no. 54/2015 concerning Julian Assange
(Sweden and the United Kingdom of Great Britain and Northern Ireland)

I have been instructed to write to you with the UK's initial response to opinion no. 54/2015 of the Working Group on Arbitrary Detention in the matter of Julian Assange.
Having considered the majority opinion and the individual dissenting opinion of Working Group member Vladimir Tochilovsky, the UK is surprised and disappointed by the outcome of your deliberations, and has serious doubts about the legal arguments you have put forward. Moreover, in our view, the opinion seriously undermines the credibility of the Working Group.

The UK will respond in full to the majority opinion in line with rule 21 of the working methods of the Working Group.

At this stage, however, we wish to set out some important points which seem to have been disregarded by the majority of the Working Group, as follows:-

- This is essentially a bilateral issue between Sweden and Ecuador. The United Kingdom is committed to reaching a workable solution in respect of Mr Assange, in line with our legal obligations under UK and European law.

- The majority opinion claims that Mr Assange's imprisonment immediately following his arrest under the European Arrest Warrant constituted detention "outside the cloak of legal protection". There is no basis, in law or fact, for this finding, as the UK will be setting out in our formal response.

- The majority opinion of the Working Group further refers to Mr Assange being held under "house arrest" for a period of 550 days. Yet Mr Assange was released on conditional bail, which was an alternative to being remanded in custody, by the UK authorities. The conditions imposed by the court were considered necessary, given the fears that he would abscond. Those fears turned out to be well-founded, as Mr Assange then chose to enter the Embassy of Ecuador, and is still, 3 years later, effectively evading justice by his self-imposed confinement there. Mr Assange chose to take the matter to the appellate court and Supreme Court. The UK rejects the

allegation in the opinion that it was a failure of case management that led to this process taking 18 months.

- In terms of Mr Assange's current location, it is beyond doubt that Mr Assange is free to leave the Embassy of Ecuador at any point. There is no basis for the majority opinion to assert that his decision to remain constitutes detention by the United Kingdom.

Violence against women is a serious crime which has no place in any society. Allegations of sexual assault are extremely serious matters which require proper investigation. The suggestion of the majority opinion that extradition is disproportionate is highly questionable. It fails to take account of the rights of the alleged victims and also seems inappropriate from a UN human rights body.

Yours sincerely,

JULIAN BRAITHWAITE