

CRYPTOME

20 July 2014

<http://www.aklagare.se/In-English/Media/News-in-English1/>

News

News from the Swedish Prosecution Authority

2014-07-16: [Julian Assange still detained](#)

The prosecutor comments on the fact that Stockholm City Court has decided that Julian Assange is to remain detained.

2014-07-16: [Julian Assange to remain in custody](#)

Stockholm City Court has today decided that Julian Assange will still be detained, suspected on probable cause for rape, less serious crime, unlawful coercion and two cases of sexual molestation.

2014-07-14: [Invitation to a press conference](#)

After the remand hearing of Julian Assange Wednesday 16 July, a press conference will be held. The Director of Public Prosecution Marianne Ny and Deputy Chief Public Prosecutor Ingrid Isgren will be participating.

2014-07-08: [The prosecutors' report in the Assange matter](#)

The prosecutors have submitted a report concerning the request for review of the detention order.

Julian Assange still detained

2014-07-16

The prosecutor comments on the fact that Stockholm City Court has decided that Julian Assange is to remain detained.

Stockholm City Court has today decided that Julian Assange will still be detained, suspected on probable cause for rape, less serious crime, unlawful coercion and two cases of sexual molestation.

Julian Assange has the opportunity to appeal the detention order to the Svea Court of Appeal.

- Julian Assange has chosen to evade the criminal justice system by seeking asylum in the Ecuadorian embassy. My view has been, and remains the case, that he should make himself available for interview and, if needed, trial for the

offences to which he is suspected of in Sweden dating back to August 2010, says Marianne Ny.

Julian Assange to remain in custody

2014-07-16

Stockholm City Court has today decided that Julian Assange will still be detained, suspected on probable cause for rape, less serious crime, unlawful coercion and two cases of sexual molestation.

Julian Assange has the opportunity to appeal the detention order to the Svea Court of Appeal.

More information will be provided after the prosecutors' press conference.

The press conference will be held at Stockholm County Police, hall 200, Kungsholmsgatan 45 at approx. 6.30 pm

Invitation to a press conference

2014-07-14

After the remand hearing of Julian Assange Wednesday 16 July, a press conference will be held. The Director of Public Prosecution Marianne Ny and Deputy Chief Public Prosecutor Ingrid Isgren will be participating.

Place: Stockholm County Police, Kungsholmen, hall to be decided later.

Time: Wednesday 16 July, 4 pm (approximately)

Registration/Entry: Registration from individual journalists can unfortunately not be taken into account since the numbers of seats are limited. Registration shall be made for each editorial office to informationsavdelningen@aklagare.se, no later than 9 am Wednesday 16 July.

Please notify the names of participating journalists.

Please note that the prosecutors will not give individual interviews after the press conference.

Stockholm City Court to examine whether the detention order against Julian Assange is to remain in place or be set aside

[2014-07-16] Stockholms tingsrätt

On Wednesday 16 July Stockholm City Court will examine the question of whether the detention order against Julian Assange is to remain in place or be set aside.

The hearing will start at 13.00 and be held in room 37, Stockholm City Court. Scheelegatan 7. There are a limited number of places for spectators in room 37. It will also be possible to follow the hearing by watching and listening to the hearing from adjacent rooms in the City Court. If the presiding judge decides that certain parts of the hearing are to be held behind closed doors for reasons of secrecy, spectators will have to leave the court rooms temporarily.

Registration of interest in following the hearing

Members of the media who wish to reserve places to follow the hearing must register their interest in doing so in advance to Stockholm City Court. A registration of interest must be made no later than 12.00 on Tuesday 15 July by email or phone to Camilla Murray, Chief Clerk at Stockholm City Court.

Email: camilla.murray@dom.se

Telephone: 08-561 65 136/+46 8 561 65 136

Mobile: 073-271 34 61/+46 73 271 34 61

Note that visitors to Stockholm City Court must pass through a security check, which may mean that entry takes more time.

Delivery of the Court's decision

The Court will deliver its decision orally in room 37 after the hearing has been completed.

A brief press release about the decision will be published on the Court's website, www.stockholmstingsratt.se, immediately after the decision has been delivered.

Journalists who want to receive this press release by email can notify their wish to camilla.murray@dom.se no later than 12.00 on Tuesday 15 July.

A written decision will be available at Stockholm City Court a few days after the hearing. This decision can also be ordered via camilla.murray@dom.se.

The hearing will start at **13.00** and be held in room 37, Stockholm City Court.

Scheelegatan 7. There are a limited number of places for spectators in room 37.

It will also be possible to follow the hearing by watching and listening to the hearing from adjacent rooms in the City Court. If the presiding judge decides that certain parts of the hearing are to be held behind closed doors for reasons of secrecy, spectators will have to leave the court rooms temporarily.

Registration of interest in following the hearing

Members of the media who wish to reserve places to follow the hearing must register their interest in doing so in advance to Stockholm City Court. A registration of interest must be made no later than 12.00 on Tuesday 15 July by email or phone to Camilla Murray, Chief Clerk at Stockholm City Court.

Email: camilla.murray@dom.se

Telephone: 08-561 65 136/+46 8 561 65 136

Mobile: 073-271 34 61/+46 73 271 34 61

Note that visitors to Stockholm City Court must pass through a security check, which may mean that entry takes more time.

Delivery of the Court's decision

The Court will deliver its decision orally in room 37 after the hearing has been completed.

A brief press release about the decision will be published on the Court's website, www.stockholmstingsratt.se, immediately after the decision has been delivered.

Journalists who want to receive this press release by email can notify their wish to camilla.murray@dom.se no later than 12.00 on Tuesday 15 July.

A written decision will be available at Stockholm City Court a few days after the hearing. This decision can also be ordered via camilla.murray@dom.se.

Court rules

The City Court draws attention to the fact that photography and filming are prohibited in the court room. Cameras and mobile phones must be switched off and put away.

- See more at: <http://domstol.se/Om-Sveriges-Domstolar/Sveriges-Domstolars-pressrum/Nyheter-och-pressmeddelanden/Stockholm-City-Court-to-examine-whether-the-detention-order-against-Julian-Assange-is-to-remain-in-place-or-be-set-aside/#sthash.XuPKemwf.dpuf>

The prosecutors' report in the Assange matter

2014-07-08

The prosecutors have submitted a report concerning the request for review of the detention order.

The report was submitted to the Stockholm District Court on 1 July 2014.

Case B 12885-10 Julian Assange/Public Prosecutor re. various allegations: review of detention order.

We wish to provide the following particulars regarding the detention rehearing for this case:

Claim

We contest that there are grounds to revoke the current detention order. There remain sufficient grounds to believe that Julian Assange could be found guilty of the allegations made against him, and the grounds for the current detention order, risk of evasion, remain undiminished.

We are not requesting a hearing at this point however we do not oppose a hearing.

Reasonable Grounds

The circumstances which form the basis of the view that there are reasonable grounds to believe that Julian Assange could be found guilty, are found in the prosecutors' report of 24 November 2010 as submitted to the Svea Court of Appeal in the case Ö9363-10. The opinions forming the basis of this report remain relevant today. Since this detention hearing, we have not received any information which mitigates any of the allegations nor anything which has significantly effected the case. An extract from the 2010 report which deals with the basis for reasonable grounds is attached as an appendix (classified).

Has Julian Assange received details of the circumstances upon which the detention order is based?

During the detention hearing at the Stockholm District Court on 18 November 2010, Deputy Chief Public Prosecutor Erika Lejnefors submitted an oral presentation of the various alleged offences, the investigation material and details concerning his alleged evasion of the criminal justice system. The basis for this presentation is found in the detention memorandum along with material provided to the defence prior to the hearing, but which was not submitted to the court.

A prior report dating from Julian Assange's appeal of Stockholm District Court's detention order provided written details of the offences as well as relevant details of the investigation as well as details which provide the grounds for the alleged risk of evasion of the criminal justice system.

Julian Assange should have been informed, via his defence team, of the circumstances which form the basis of the decision to detain him in his absence.

The legislative amendment of 1 June 2014 means that persons detained or arrested have the right to be provided with details of the circumstances upon which the decision to detain them has been made. In implementing the amended legislation, specific reference is made to the circumstances of the case (chapter 24, section 9). The legislative bill specifically states that this does not give the suspect the right to copies of case files. In this regard, reference is made to NJA 2008 s883. The suspect's right to gain access to the particulars of a case after arrest is regulated by Chapter 23, § 18 RB. The Swedish Prosecution Authority's interpretation of the provision in question is found in RättsPM 2014:1 "Suspects right to insight/transparency in detention, etc."

As Julian Assange is not currently deprived of his liberty via detention the above is not applicable. Furthermore, the circumstances upon which the detention order is based must be well-known to him from the case particulars submitted at the detention hearing and the aforementioned prosecutor's report.

Specific grounds for detention - risk of evasion

The defence has submitted a substantially incorrect statement concerning the manner in which the investigation has been conducted and the steps taken in attempting to interview Julian Assange in Sweden. The aforementioned submitted report contained a detailed chronological account of the events leading up to the detention hearing.

In summary, the facts occurred as follows:

Since the preliminary investigation was resumed on 1 September 2010 interviews have been conducted with plaintiffs and witnesses. Through contacts with Björn Hurtig, then defense counsel for Julian Assange, information was provided that a number of investigation measures would have to be taken before interviewing Hurtig's client.

On 21 September 2010, contact was made with Hurtig to arrange an interview with Julian Assange as soon as possible. In parallel to this, the police made inquiries into Julian Assange's whereabouts with no success. In the following days, repeated contacts with Hurtig were made to arrange an interview with Julian Assange. On 27 September 2010, Hurtig stated that he was unable to reach Julian Assange. Julian Assange was then arrested in his absence. Hurtig was notified of this.

On 30 September 2010, Hurtig stated that Julian Assange was abroad but would return to Sweden. Hurtig suggested an interview for Sunday 10 October, or alternatively Thursday 14 October 2010. At this point, the prosecutor wanted to interview Julian Assange as soon as possible.

Renewed contacts were made with Hurtig on 5 and 8 October to arrange an interview. In the afternoon of 8 October, Hurtig stated Assange would return to Sweden and be available for interview on 14 October. However, by 12 October Hurtig had been unable to reach his client. Subsequently, the interview for 14 October did not take place. The claim that the prosecutor rejected the proposed times for interview is incorrect.

The allegation that it was a failure on the part of the prosecutor to secure an interview flawed. This is supported by the judgment in the City of Westminster Magistrates' Court's decision of 24 February 2011 in the case regarding the extradition of Julian Assange to Sweden.

Until Julian Assange was arrested in his absence on 27 September 2010, there were no formal obstacles for Julian Assange to leave the country. There has not at any time, whether before or after 27 September, been a 'permit' submitted for Assange to leave the country. This allegation is incorrect.

Up until his arrest in London on 7 December 2010, Julian Assange's whereabouts were unknown to police and prosecutors. Despite requests to his defence lawyers and others, no contact details were provided so as to reach Julian Assange personally.

Measures were taken to arrest Julian Assange so as to conduct the preliminary investigation which could lead to possible prosecution. It is, despite what the defence appear to suggest, not only a simple matter of being able to conduct a few interviews.

As far we can understand Julian Assange's view on this, as interpreted from his defence lawyer and statements to the press, he has no intention or willingness to be interviewed or face trial in Sweden. NJA 2007 s 337 considers a statement from a suspect indicating he does not intend to travel to Sweden to participate in the hearings to be enough to conclude that there was a risk that he would avoid facing trial.

With all this mind, the risk of Julian Assange continuing to evade the criminal justice system remains.

The question of interviewing Julian Assange in the UK?

During October 2010, it became evident that Julian Assange was abroad, location unknown, and that attempts to interview him had failed.

In cases where a suspect is abroad, a prosecutor must consider which steps are then possible in accordance with Swedish and international regulations. Furthermore, a prosecutor must consider the particular circumstances of each case so that an investigation can proceed in a way that upholds the rule of law and is efficient whilst at the same time not detracting the quality of the investigation. A prosecutor must also consider how any future trial will proceed, whether the investigation would lead to prosecution and how any potential punishment could be executed.

In this case, we considered it necessary for Julian Assange to be present in Sweden for the investigation, and also for any trial and prosecution which may follow. A request for legal assistance to another country to assist in implementing the interviewing of Julian Assange had therefore not been relevant in this case, even had his whereabouts been known. Likewise, there was also the seriousness of the crimes Julian Assange was suspected of to consider. Julian Assange was therefore arrested in his absence. With the support of the court's detention order, a European Arrest Warrant was issued. The purpose of the detention order was, and is, to ensure that the investigation can be completed and the trial can be conducted in case the investigation should lead to prosecution.

Since Julian Assange sought asylum in the Ecuadorian embassy, which has hindered the investigation, we have consistently considered the question whether the purpose of the EAW could be achieved with a request for assistance in criminal matters to the UK and whether a request to Ecuador to allow interviews with Julian Assange at its embassy would move the investigation forward. If interviews with Julian Assange had moved the case forwards, Julian Assange would still then have to be present in Sweden to face trial and receive a penalty should he be found guilty of the alleged crimes.

In summary, the prosecutor is of the view that conducting interviews and other investigative steps in the UK would not lead to the case reaching a satisfactory conclusion. The question which is mentioned repeatedly has been tested and the conditions are not comparable with the situation in NJA 2007 s 337.

The above assessment, which remains valid, was given to the defence on 7 May 2013.

Proportionality

The Svea Court of Appeal has found Julian Assange on probable cause suspected of rape, unlawful coercion and sexual molestation in two cases. These suspicions remain in place and unchanged. The risk of evading criminal justice system remains high.

The question is whether the long period of time that has passed since the detention order can be considered proportional to Julian Assange continuing to be detained in his absence. The question is also what time frame should then be considered.

Julian Assange's deprivation of liberty began in the UK on 7 December 2010. He was freed on bail with condition on 16 December 2010. He opposed extradition in accordance with the EAW which was based on the detention order. His extradition was fought in the courts in several instances. The final decision was that of the Supreme Court on 30 May 2012. Julian Assange requested retrial at the Supreme Court, a request that was rejected on 14 June 2012.

On 19 June 2012, Julian Assange sought refuge at the Ecuadorian embassy in London and has been protected there under asylum since then. As such, he has evaded the British police. Julian Assange has thus been able to evade enforcement of the judgment of the Supreme Court on his surrender to Sweden. The time period for which Julian Assange has escaped the reach of the British police cannot be included in an assessment of proportionality. His stay at the embassy was his choice and cannot be equated with detention. The case NJA 2011 p 518, cited by the defence, is irrelevant in the present case because the defendants in that case were deprived of their liberty as detainees, i.e. a detention order was in force.

In our opinion, the time period which should be considered for proportionality is the time period relating to Julian Assange being processed through the English courts. Julian Assange was initially deprived of his liberty from 7 to 16 December 2010. He was then released on bail with conditions. The deprivation of liberty Julian Assange suffered in the form of bail conditions during the time of trials in the courts cannot be regarded as sufficient for the detention order and the subsequent European arrest warrant, both of which are based on the crimes to which he is suspected of, being seen as disproportionate.

Julian Assange has, in his submission, argued that he was prevented from traveling to Sweden during the time of the hearing in the English courts. This was not the case. If he had wanted to travel to Sweden then, a surrender could have been arranged at short notice.

The investigation was conducted with the swiftness and efficiency that the circumstances allowed.

That Julian Assange has prevented the enforcement of the judgment on his surrender to Sweden in such an effective way that he himself has controlled the question as to whether he should be handed over or not, is not in itself a reason to rescind the arrest warrant. The case RH 1981:14, which the defence intended to rely on, concerned a different situation to the present. In the case from 1984 there were no formal means to extradite the person detained in his absence from the country where he was located.

In summary, we believe there is no reason to revoke the detention order. Julian Assange is still suspected on probable cause for the offences for which he is arrested in his absence. His risk of evading the criminal justice system remains and it is not unproportional for him to remain in detention.

Marianne Ny
Director of Public Prosecution

Ingrid Isgren
Deputy Chief Public Prosecutor