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OPEN LETTER TO UK PRIME MINISTER DAVID CAMERON ABOUT ASSANGE EXTRADITION

By post: House of Commons, London, SW1A 0AA

Dear Prime Minister,

I have been discussing the recent Supreme Court Assange extradition verdict with friends, work colleagues and neighbours and want to share with you how ordinary British voters view its implications.

The Supreme Court judgment is stunning in its overreach. It has effectively annulled parts of the UK Extradition Act 2003 and undermined Parliamentary sovereignty, on the basis that Parliament was misled or that it didn't know what it was doing when drafting the Act. Here's a [good article explaining what's wrong](#) better than I can. [Here's another](#) (read the comments for a flavour of how UK citizens view what's just happened). As I understand it, the judges say the decision to implement a treaty overrides any intention Parliament had to vary its terms (ie the 2003 Act), based on an obscure clause of the 1957 Vienna Convention not discussed during the appeal hearing. Oh, and that French is now the 'preferred' language of our courts.

At the heart of the matter is where the legal sovereignty to enact the laws which affect the British nation lies. The EU Framework Directive on which our UK Extradition Act is based says that every Member State has the right to choose whom they call a 'judicial authority' – except the UK, it now seems. We would say 'a judge' under our Common Law system, but the Supreme Court disagrees and says the European Civil Law system takes precedence over ours.

We've been told that a successful appeal by Mr Assange would throw the EU justice system into turmoil as 11 Member States use prosecutorial figures in some form of judicial capacity, but I believe there are only 2 out of the 47 Member States where there is no proper separation between executive and judiciary and prosecutors are part of the executive (Sweden being one of them), a point of Mr Assange's appeal which seems to have received little attention in the judgment. To jettison 800 years of Common Law legal heritage – solely to avoid inconveniencing two European Member States – would, at one point, have required the agreement of the nation in a referendum. In fact, in light of this judgment, a referendum now on extradition reform would be a very good – and popular – idea.

In view of the above, I sincerely hope this case is re-opened – and not via written submissions studied behind closed doors, but in a full hearing televised by the Supreme Court so that the British public can see what is happening to a law which Parliament had intended would protect their rights.

I am aware Home Secretary Theresa May wishes to offload the legal and human rights responsibilities of her office as regards extradition entirely into the hands of the judiciary. This judgment is a perfect illustration of why that is such a bad idea; Ms May's plan too subverts the

primacy of Parliament and “fails to understand the nature of extradition... Extradition is diplomatic in the first instance. It becomes judicial and ultimately it is political.” [Sir Menzies Campbell MP](#)

There is a suspicion among people I’ve spoken to that long-promised extradition reform is being delayed until after Mr Assange has left these shores, perhaps because of [this](#), which shows high-level US involvement in the Scott Baker extradition review – itself suffering from excessive secrecy (along with other FOI requests concerning Mr Assange, which have all been denied). What good will reform do at that stage if, thanks to the Supreme Court verdict in his case, anything Parliament enacts in future is deemed automatically superseded by the European Civil Law system?

I will be asking my local MP to sign Caroline Lucas’ [Early Day Motion 128](#) calling for an end to these delays to urgent extradition reform, a halt to all US extraditions meanwhile, and the publication of the Baker Review evidence.

The allegations against Mr Assange have NOT been brought by the women; the allegations have been levelled by the Swedish State. That was the whole point of his Supreme Court appeal. The women are as much victims of the Swedish State as Mr Assange himself is, as they went to police for advice about HIV testing and have publicly stated that he is not violent and they did not wish to file a complaint. One of the women has stated she felt “railroaded” by police and did not sign her witness statement, which was later amended by a politician acting as the women’s lawyer. After reviewing the police file, a senior Stockholm prosecutor dismissed all the allegations bar one (non-extraditable) molestation offence for further investigation, then closed the case entirely.

The case was re-opened by a politician (same one) campaigning during an election to expand Sweden’s sex crime laws and passed by him to an investigating prosecutor in another jurisdiction. That investigating prosecutor has publicly stated: “The detention time can itself be used as punishment if the offender subsequently is not convicted.” You may wish to read that sentence again. Yes, that’s right, punishment *instead of* conviction. Is this the level of ‘judicial impartiality’ the British public is expected to accept from now on? Ms Ny’s comment reads more like self-appointed judge, jury and executioner to me. I thought we disapproved of that sort of thing in the UK.

People ask “If he’s innocent, what’s he afraid of? Why doesn’t he go to Sweden to clear his name?” without realising that the only venue being offered to argue his innocence is incommunicado solitary confinement under [Sweden’s heavily criticised pre-trial detention regime](#). Despite nearly two years of requests to be interviewed, the Swedish prosecutor refuses to use standard Mutual Legal Assistance channels to question Mr Assange in the UK, without giving any reason. The Swedish authorities say they are seeking to extradite him for questioning (there are no charges) and yet it’s the one thing they seem least keen on doing.

It is time for Britain to formally request that Sweden does what it claims it wants to do: question him – here, on British soil – before we start dismantling Britain’s Common Law justice system in order to facilitate the extradition of one man. I ask that this formal request be lodged with the Swedish Ambassador as a matter of urgency.

Or do you agree that a foreign prison cell is the only suitable place for someone to answer an investigating prosecutor’s questions about not using a condom during consensual sexual encounters? Because if you agree that for Mr Assange then, due to the precedents set by his case, you agree it for us all, and for the next set of McCanns labelled *arguidos* by a European investigating prosecutor.

The shadow hanging over this whole case from the very beginning, of course, is the looming threat of Mr Assange's extradition to the US, which would like to see him prosecuted for espionage for his journalistic activities. This can be facilitated very easily through Sweden's "temporary surrender" arrangements in its bilateral treaty with the US, a clause not available in Britain's own US treaty. Some of us see that shadow again in the announcement a few days before the Supreme Court's judgment was due that the US Secretary of State would be visiting Sweden four days after the verdict, for the first time in 36 years – "a very long time" as Swedish FM Carl Bildt [proudly tweeted](#) (and I hope the Supreme Court's communications system doesn't fall within the ambit of the government's forthcoming [total surveillance for intelligence services bill](#)).

For how much longer can Britain's senior politicians remain wilfully blind to that shadow when it is becoming more and more visible to their constituents and there is justifiable anger that so many of our rights are being thrown away in subservience to it?

Please answer the questions raised in this letter. You are the Prime Minister. You are expected to care about the laws Parliament enacts to protect the legal rights of people in this country.

Yours sincerely,

[Name]

UK Citizen