

IN SOUTHWARK CROWN COURT

Case No: S20190095

Courtroom No. 1

1 English Grounds
(Off Battlebridge Lane)
Southwark
SE1 2HU

10.45am – 11.41am
Wednesday, 1st May 2019

Before:

HER HONOUR JUDGE TAYLOR
HONORARY RECORDER OF WESTMINSTER

REGINA

V

JULIAN PAUL ASSANGE

MR A WATKINS appeared on behalf of the PROSECUTION

MR M J SUMMERS appeared on behalf of the DEFENDANTS

SENTENCE

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SENTENCE

JUDGE TAYLOR: Mr Julian Assange on 11 April 2019 you were convicted at Westminster Magistrates' Court for an offence under Section 61 of the Bail Act 1976 and committed to this court for sentence. On 24 February 2011 the Westminster Magistrates' Court ordered your extradition to Sweden to face charges of sexual offences including one charge of rape.

THE DEFENDANT: Excuse me, My Lady, I was not charged [inaudible].

JUDGE TAYLOR: You were granted bail on conditions throughout your appeals against this order, which culminated on 14 June 2012 in the rejection of your application to reopen the Supreme Court dismissal of your appeal. On 19 June 2012 you entered the Ecuadorian Embassy. On 28 June 2012 a notice requiring your surrender to Belgravia Police Station on 29 June 2012 was served on you in the Ecuadorian Embassy. You did not surrender and a warrant for your arrest was issued by the Magistrates' Court on 29 June 2012. On 16 August 2012 Ecuador granted you diplomatic asylum status. You remained in the embassy until 11 April 2019 when that status was revoked. Police entered at the invitation of the government of Ecuador and arrested you. You were brought before Westminster Magistrates' Court Bail Act proceedings were initiated and you were convicted of the Section 61 offence. You have not appealed that conviction.

The background to this offence is now put forward as mitigation rather than as any reasonable excuse for your failure to surrender. I considered and had regard to the sentencing counsel guidelines for failing to surrender to bail. The seriousness of the failure to surrender, the level of culpability and the harm caused. This was in terms of culpability a deliberate attempt to avoid or delay justice. In terms of harm there are several features of this case which put it in the A1 Category but in addition are exceptional in seriousness and therefore in my judgement put this offence outside the guideline range for even the highest category offences. The Magistrates' Court has committed the matter to this court having considered that its powers of sentence were insufficient.

Firstly, by entering the embassy you deliberately put yourself out of reach whilst remaining in the United Kingdom. You remained there for nearly seven years, exploiting your privileged position to flout the law and advertise internationally your disdain for the law of this country. Your actions undoubtedly affected the process of the Swedish proceedings even though you did cooperate initially it was not for you to decide the nature and extent of

A your cooperation with the investigations. They could not be effectively progressed and were discontinued not least because you remained in the embassy.

B Secondly, your continued residence in the embassy has necessitated a concentration of resources, an expenditure of £16 million of taxpayers' money in ensuring that when you did leave you were brought to justice. It is essential to the rule of law that nobody is above or beyond the reach of the law and orders of the court are to be obeyed.

Thirdly, you have not surrendered willingly. Had the government of Ecuador not permitted entry to the embassy you would not have voluntarily come before the court.

C I have taken into account all that has been said on your behalf in mitigation including the background history of this case which has been set out in some detail. These are matters which have previously been argued before the Chief Magistrate in relation to the instigation of Section 6 proceedings and dismissed in her ruling of 13 February 2018 on your application to withdraw the warrant. Again, before the District Judge in the contested hearing on 11 April this year in which you did not give evidence and they were rejected as affording no defence. They include the history of the Swedish investigation and proceedings with the discontinuance of the proceedings in 2017 and your expressed fear of being extradited to Sweden but then render to the United States. As far as the UN working group on arbitrary detention opinion is concerned that is not binding on this court and that is apparent on the ruling of the Chief Magistrate that some personal knowledge of the matter is relied on. It was underpinned by misconceptions of fact and law. It is no longer argued that these factors amount to good reason for your failure to surrender. In my judgement they afford limited mitigation in relation to this offence. The argument that this is a Category C is wholly unrealistic given the circumstances. Whilst you may have had fears as to what may happen to you, nonetheless you had a choice and the course of action that you chose was to commit this offence in the manner and with the features that I have already outlined.

G In addition, I reject the suggestion that your voluntarily residence in the embassy should reduce any sentence. You were not living under prison conditions and you could have left at any time to face due process with the rights and protections which the legal system in this country provides. Similarly, I reject the suggestion that forfeiture of money by you or indeed by others who provided security for your attendance when you failed to attend court should reduce the sentence of the court. The money was security attached to an obligation

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to ensure your attendance, not a down-payment to offset or reduce any sentence you may receive for not complying.

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I have taken into account the medical evidence of Dr Korzinsky[?] and Dr Ladbroke as to the mental and physical effects of being in the embassy for a prolonged period. It is difficult to envisage a more serious example of this offence. The maximum sentence for this offence is 12 months. You would then have the benefit of a plea of guilty. You have made a written apology today, the first recognition that you regret your actions. In my judgement the seriousness of your offence even having taken into account the mitigation merits a sentence near the maximum. The sentence will be one of imprisonment of 50 weeks. Any time spent on remand in respect of this offence from the time of your arrest on 11 April 2019 will count against your sentence. In respect of this offence you will be released after serving half of the sentence subject to being returned to custody if you commit any further offences during the remainder of your licence period. That of course is subject to the conditions for that and the outcome of any further proceedings against you.

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Just to go back to the beginning, it is right that you were not facing charges but allegations of sexual offending.

End of Sentence

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Transcript from a recording by Ubiquis
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