JUDICIARY OF

ENGLAND AND WALES

R v Julian Assange (Bail Act offence)

Sentencing Remarks of HHJ Deborah Taylor

Southwark Crown Court

1 May 2019

Julian Assange, on 11 April 2019 you were convicted at Westminster Magistrates Court of an offence under s.6(1) 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 allegations of sexual offending, including an allegation of rape. 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 re-open the Supreme Court dismissal of your appeal. On 19 June 2012 you entered the Ecuadorean Embassy. On 28th 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 Westminster 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 You remained in the Embassy until 11 April 2019 when that status was revoked.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 s.6(1) 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 have considered, and had regard to the Sentencing Council 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 evade or delay justice. In terms of harm, there are several features of this case which put this in the A1 category, but in addition, are exceptional in seriousness, and therefore in my judgment 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 UK. You remained there for nearly 7 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 progress of the Swedish proceedings. Even though you did co-operate initially, it was not for you to decide the nature or extent of your co-operation with the investigations. They could not be effectively progressed, and were discontinued, not least because you remained in the Embassy.

Secondly, your continued residence in the Embassy has necessitated a concentration of resources, and 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. 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.

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 s.6 proceedings and dismissed in her Ruling of 13 February 2018 on your application to withdraw the warrant, and again before the District Judge in the contested hearing on 11 April 2019 in which you did not give evidence, and they were rejected as affording any 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 rendered to the USA. As far as the UN Working Group on Arbitrary Detention opinion is concerned, this is not binding on this court, and, as is apparent from the ruling of the Chief Magistrate, with some personal knowledge of the matters relied upon, 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 judgment they afford limited mitigation in relation to this offence. The argument that as a result this is a category C case 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 you chose was to commit this offence in the manner and with the features I have already outlined. In addition, I reject the suggestion that your voluntary 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 also the suggestion that forfeiture of money by you or 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 to ensure your attendance, not a down payment to offset or reduce any sentence you may receive for not complying.

I have taken into account the medical evidence of Dr Korzinski and Dr Ladbrooke 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 do not have the benefit of a plea of guilty. You have made a written apology today, the first recognition that you regret you actions.

In my judgment, the seriousness of your offence, having taken into account the mitigation merits a sentence near the maximum.

The sentence is imprisonment for 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 would fall to 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 and outcome of any other proceedings against you.

HHJ Deborah Taylor

Recorder of Westminster

1 May 2019