

Supreme Court Decision re Application by Julian Assange

On 24 January 2022, the High Court (the Lord Chief Justice and Lord Justice Holroyde) certified that a point of law of public importance had been raised by Mr Assange following its rejection of his appeal.

The point certified for the potential consideration by the Supreme Court was

“In what circumstances can an appellate court receive assurances from a requesting state which were not before the court of first instance in extradition proceedings”.

A panel of three judges of the Supreme Court has considered the application on paper, and this afternoon (14 March 2022) refused permission to appeal on the basis that *“the application does not raise an arguable point of law”*.

We regret that the opportunity has not been taken to consider the troubling circumstances in which Requesting States can provide caveated guarantees after the conclusion of a full evidential hearing. In Mr Assange’s case, the Court had found that there was a real risk of prohibited treatment in the event of his onward extradition.

We explain below the legal processes that now follow in his case.

The case, on the direction of the High Court, will now be remitted to Westminster Magistrates’ Court, whose function thereafter is limited to referring the decision for extradition to the Home Secretary, Priti Patel.

The Home Secretary then decides whether to order or refuse extradition to the United States on a number of statutory bases. The defence is entitled to make submissions to the Home Secretary within the following four weeks, in advance of her making any decision.

It will be recollected that Mr Assange succeeded in Westminster Magistrates’ Court on the issue subsequently appealed by the US to the High Court. No appeal to the High Court has yet been filed by him in respect of the other important issues he raised previously in Westminster Magistrates’ Court. That separate process of appeal has, of course, has yet to be initiated.

Birnberg Peirce Solicitors

14 March 2022

seniorpa@birnbergpeirce.co.uk

020 7911 0170