

President Joseph Biden
Speaker of the House Nancy Pelosi
The White House
1600 Pennsylvania Avenue, N.W.
Washington, DC 20500

Dear Mr President,
Dear Speaker of the House,

We write to you as Members of the Brazilian parliament to express our collective concerns about the US request to extradite the journalist and publisher, Julian Paul Assange, from the UK to the US, and the chilling precedent that extradition would set for other journalists and publishers around the world.

The political nature of the offence prohibits extradition

The US superseding indictment issued against Mr Assange on 24 June 2020 charges him with 18 counts all related solely to the 2010 publications of US government documents. Charges 1-17 are brought under the Espionage Act 1917, even though espionage is widely recognised as a political offence under international law. The UK-US Extradition Treaty that forms the basis of the extradition request specifically prohibits extradition for political offences. So, too, does the 1957 European Convention on Extradition, the European Convention on Human Rights, the UN Model Treaty on Extradition, the Interpol Constitution, and other bilateral treaties ratified by the US. This principle is also enshrined in the Inter-American Human Rights System, which also upholds the right to political asylum.

Mr Assange undertook standard investigative journalistic practices, which include receiving classified information from a source inside the government and then publishing that information in the public interest. The charges under the Espionage Act would criminalise these routine practices, which are protected by the First Amendment to the United States Constitution. It was in recognition of the irreconcilable conflict between these charges and the First Amendment that the Obama Administration rightly refused to charge Mr Assange with espionage because it would criminalize the standard journalistic practice.

Risk of being subjected to an unfair trial in the US

Mr Assange's legal privilege, a right enshrined in Art. 8 European Convention on Human Rights (ECHR) and long recognised under English common law, was grossly violated through constant and criminal video and audio surveillance at the Ecuadorian embassy carried out by the Spanish security firm, UC Global. This surveillance was, according to witness testimony, ordered by the CIA and has triggered an investigation into the owner of UC Global, David Morales, by Spain's High Court, the Audiencia Nacional. The surveillance resulted in all of Mr Assange's meetings and conversations being recorded, including those with his lawyers. The Council of Bar and Law Societies of Europe, which represents more than a million European lawyers, has expressed its concerns that these illegal recordings may be used – openly or secretly – in proceedings against Mr Assange in the event of successful extradition to the US. The Council states that if the information merely became known to the prosecutors, this would present an irreparable breach of Mr Assange's fundamental rights to a fair trial under Art. 6 of the ECHR and due process under the US Constitution. The UN Model Treaty on Extradition prohibits extradition if the person has not received, or would not receive, the minimum guarantees in criminal proceedings, as enshrined in Art. 14 of the International Covenant on Civil and Political Rights (ICCPR).

Judicial Conflicts of Interest

Senior District Judge (Magistrates' Courts) Emma Arbuthnot, who as Chief Magistrate oversees Mr Assange's extradition proceedings, has been shown to have financial links to institutions and individuals whose wrongdoings have been exposed by WikiLeaks, the organisation which Mr Assange founded. This seemingly clear conflict of interest was, however, not disclosed by the District Judge. District Judge Arbuthnot did not recuse herself and was permitted to make rulings to Mr Assange's detriment, despite the perceived lack of judicial impartiality and independence. District Judge (Magistrates' Courts) Michael Snow has further exhibited bias and unprofessionalism by participating in the defamation of Mr Assange's character, labelling the multi-award-winning public interest publisher and Nobel Peace Prize Nominee a "narcissist who cannot get beyond his own selfish interests" in response, ironically, to Mr Assange's legal team raising what were patently legitimate concerns regarding bias in the proceedings

Mr Assange was arrested on 11 April 2019 and is now one of the longest-serving prisoners on remand in the United Kingdom.

We respectfully call on your Administration and American Congress to renew trust in the rule of international law, and the rule of law in the United States, by dropping the charges against Mr Assange and bringing an end to the ongoing extradition proceedings.

We add ours to an ever-growing public voice across civil society, human rights organizations, press groups, and the political and judicial class proclaiming that Mr Assange's persecution must be halted. We fully agree with the Council of Europe, which considers Mr Assange's treatment to be among "the most severe threats to media freedom," and with the EU Parliament and parliamentarians worldwide, who oppose the extradition and express concerns about the violations of Mr Assange's fundamental human, civil, and political rights.

We join in the call for Mr Assange's immediate release made by international organizations at the United Nations, Amnesty International, other human rights advocates, and legal, medical and other professional associations.

We urge the U.S. Justice Department to drop all charges against Mr Assange.

With all our best regards and wishes for mutual cooperation,