

Disclosure Ref: 15

Correspondence between the Crown Prosecution Service and the Swedish Prosecution Authority, Ecuador, US Department of Justice and US State Department about the case of Mr. Julian Assange

Freedom of Information Act 2000 Request

Request

The CPS received a Freedom of Information request in 2015 concerning a request for information for the following:

- 1) The FULL correspondence between the Crown Prosecution Service and the Swedish Prosecution Authority concerning the criminal investigation against Mr. Julian Assange
- 2) The FULL correspondence (if any) between the Crown Prosecution Service and Ecuador about the case of Mr. Julian Assange.
- 3) The FULL correspondence (if any) between the Crown Prosecution Service and the US Department of Justice about the case of Mr. Assange
- 4) The FULL correspondence (if any) between the Crown Prosecution Service and the US State Department about the case of Mr.Assange
- 5) The exact number of the pages of the Julian Assange file at the Crown Prosecution Service.

Response

The CPS replied to this request on 06 October 2015 and the decision was then subject to an Internal Review. The requester made a complaint to the Information Commissioner's Office (ICO) and the ICO agreed with the position adopted by the CPS. The requester subsequently made an appeal to the First Tier Tribunal of the General Regulatory Chamber. Prior to the appeal hearing, the CPS made a disclosure of information to the requester in relation to part 1 of the original request i.e. "1) The FULL correspondence between the Crown Prosecution Service and the Swedish Prosecution Authority concerning the criminal investigation against Mr Julian Assange"

The disclosure was made on 3 August 2017 and a copy of the information disclosed is attached.



Certain information has been withheld in accordance with the following exemptions.

Section 40 Personal Information

Certain information has been redacted as it is considered to be personal data which it would be unfair or unlawful to disclose.

Section 30 Investigations and Proceedings conducted by public authorities

Certain information has been redacted as disclosure at the time of the request would have prejudiced the ability of the CPS to carry out its functions in relation to extradition and/or the apprehension or extradition of offenders and administration of justice which is considered exempt under section 30.

Section 30(1)(c) – Information held for the purposes of criminal proceedings which the authority has power to conduct.

The information you have requested relates to extradition proceedings concerning Mr Assange and is therefore held for the purpose of criminal proceedings.

This is a qualified exemption which means that the decision to disclose the requested material is subject to the public interest test.

The public interest factors taken into account in this case are explained below:

Public interest factors for disclosure

- We recognise and give weight to the fact that this is a high profile matter and disclosure will further public understanding on CPS decision making in relation to extradition processes.
- Certain information has already been disclosed to the requester by the Swedish Prosecuting Authority.
- Transparency may also increase public confidence in the CPS.

Public interest factors against disclosure

- Extradition is concerned with the prosecution of suspected offenders (or the imposition of a sentence or serving of a custodial sentence if an offender has already been convicted in the territory of Requesting States). It is an increasingly important tool in the administration of justice.
- The relationship of trust and confidence that underlies the information sharing between prosecuting authorities is vital. If the content of such discussions were to be made public it would damage confidence and reduce cross border cooperation in criminal proceedings.

- Extradition proceedings involve correspondence and effective information sharing over a wide range of issues. If this information was to be disclosed it would have a definite and deep chilling effect on Requesting States to engage with the UK authorities. This would inhibit the ability of the CPS to conduct extradition proceedings.
- The chilling effect described would represent an impediment to the UK's ability to fulfil
 its international obligations under various extradition treaties but also the ability of the
 CPS and the UK to assist in the prosecution of offenders and the administration of
 justice across borders.

On balance, the CPS considered that the public interest factors were in favour of maintaining the exemptions.

Section 31 Law Enforcement

If the engagement of S.30 is considered to be incorrect the CPS would rely on S.31 (b) and (c) as disclosure would prejudice the ability of the CPS to conduct extradition proceedings and thus prejudice the prosecution of offenders and the wider administration of justice. However, reliance on S.31 has not been necessary as it is clear that extradition proceedings are a form of criminal proceedings.

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