



AUSTRALIAN HIGH COMMISSION LONDON

20 December 2010

Mr Mark Stephens
Finers Stephens Innocent LLP
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Dear Mr Stephens

As previously advised, our Ambassador in Stockholm made representations to Ms Marianne Ny, Director of the Public Prosecution Authority in Sweden, for access to the documents requested in your letter of 7 December. He has received the following response:

Starts

Your request to obtain copies of the investigation against Julian Assange has been denied. This is mostly due to the confidentiality of the bulk of the requested documents, which are only available in Swedish. Assange's lawyer Bjorn Hurtig received a copy of the majority of the investigation documents during his detention hearing in the Stockholm District Court on November 18. The same documents were also filed in court. The Stockholm District Court and defendant were verbally given a detailed explanation of the contents of the small number of documents not included in the written material that was submitted. The defence has asked for copies of all materials. Under Chapter 23, paragraph 18 of the Code of Judicial Procedure, I have decided to reject the defence's request to obtain copies of the documents not surrendered before the detention hearing. I consider it would be detrimental to the ongoing investigation into the matter.

I want to emphasise that before a decision to prosecute the defendant has been made, he will be given the right to examine all documents relating to the case. If the prosecution goes ahead, the suspect will have the right to receive a copy of the investigation.

The right to access information about the case that Assange and his councillor Bjorn Hurtig have been privy to, does not include any third parties. As I have emphasised the defence has already received copies of the material that may be sent to Assange. If the Embassy so wishes, it is possible to get the file which has been released to the media. All subsequent documents to be added in the investigation after 1 September 2010 are confidential and I can therefore not disclose them.

It is possible to appeal against the refusal to disclose documents. Should you wish to appeal, I would ask you to come back to me so that I can issue a formal decision which can be appealed.

Ends

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On 16 December the Australian Ambassador spoke directly to Ms Ny and confirmed that the key points she wished to convey were:

- our request for access to the documents requested has been denied.
- the defence has already been granted access to the majority of the investigation documents (in Swedish) and has been briefed verbally on those documents not included in the written material already provided.
- if a decision is made to charge Mr Assange, he and his lawyers will be granted access to all documents related to the case (no such decision has been made at this stage).
- Third parties (including the Australian Embassy) do not have the right to access information about the case.

Yours sincerely



Paula Garly  
Minister Counsellor