



Ms Dunja Mijatović
Commissioner for Human Rights
Council Of Europe

Your Ref: CommHR/DM/sf 012-2022

23 May 2022

Dear Ms Mijatović

Thank you for your letter dated 10 May 2022, concerning the extradition request from the US for Julian Assange.

Firstly, the UK has a long, proud, and diverse tradition of ensuring individual rights and liberties are protected. These include the freedom of the press and freedom of expression. We both agree these are fundamental pillars of a free and democratic society and the UK unequivocally supports them, both at home and abroad.

Secondly, essential to a democratic society is the rule of law, which represents the cornerstone of the UK's criminal justice system. In this spirit, it may be helpful to outline the extradition process in the UK. This is mainly a judicial function, with cases only sent to the executive once a judge has ruled that it is valid to do so, and after considering various aspects of the case. Once the case has gone through that due process, under UK law, I am obliged to then sign the extradition order if there are no grounds to prohibit the order being made. I have set out the process in more detail below.


Thirdly, in the UK, all individual extradition requests are subject to the Extradition Act 2003. This requires a UK judge to decide whether the requested person's extradition would be appropriate based on the safeguards and protections included in the Act. A requested person will not be extradited if doing so would breach their human rights, if the request is politically motivated, or if they would be at risk of facing the death penalty. The court can also bar a person's extradition if, according to a range of factors including their health, it would not be in the interests of justice for the extradition to take place and can decide that it would be more appropriate to try the case in the UK than in the requesting state.

If the judge finds that extradition should be ordered, this is then sent to the Secretary of State. The extradition order must then be signed, unless one of the four statutory bars are met. These are:

- i. Whether the person could face the death penalty.
- ii. Whether there are specialty arrangements with the requesting country.
- iii. Whether the person was previously extradited to the UK and the state which previously extradited the person in question does not consent to onward extradition.
- iv. Whether the person was previously transferred to the UK by the International Criminal Court.

If none of the above provides grounds to refuse the request, the extradition must be ordered. The requested person would then have the right to apply to the High Court for leave to appeal against the decision to order extradition.

As the above sets out, our extradition procedures are centred on ensuring the rights and protections of an individual are safeguarded. These procedures are transparent and robust. Whilst it is not appropriate for me to comment on any individual case beyond the above, to live in a flourishing, democratic society, we must uphold the rule of law.

With our good wishes


Rt Hon Priti Patel MP