



**In the High Court of Justice  
King's Bench Division  
Administrative Court**

CO/2335/2022

**In the matter of an application for permission to appeal pursuant to  
the Extradition Act 2003**

**JULIAN PAUL ASSANGE**

**Appellant**

**-and-**

**SECRETARY OF STATE FOR THE HOME DEPARTMENT**

**Respondent**

**NOTIFICATION of the Judge's decision (Crim PR 50.22)**

Following consideration of the documents lodged by the Appellant and  
the Respondent

**ORDER by the Honourable Mr Justice SWIFT**

1. The application for permission to appeal is refused.

**Reasons**

1. The proposed appeal is directed to the Secretary of State's decision dated 17 June 2022, pursuant to section 93 of the Extradition Act 2003 that the Appellant should be extradited to the United States of America.
2. None of the four grounds of appeal raises any properly arguable point.
3. *Ground 1* is to the effect that the Secretary of State should have decided whether or not to order the Appellant's extradition both by reference to the terms of the 2003 Act, and by reference to provisions of the US/UK extradition treaty. The Secretary of State took her decision only by reference to the provisions of the 2003 Act. She was correct to do so; that is an inescapable consequence of sections 93(3) and (4) of the 2003 Act.
4. The remaining three grounds of appeal concern, in one way or another, whether speciality is a bar to the Appellant's extradition. The material provision in the 2003 Act is section 95. It is not arguable that the Secretary of State applied this provision incorrectly. Her conclusions were consistent with authority.
5. *Ground 2* is that it is possible that charges the Appellant presently faces, which do not attract the death penalty, could be replaced

by different charges based on the same evidence which do attract the death penalty. For the reasons at paragraph 12 of the Respondent's Notice, this ground is not arguable.

6. *Ground 3* concerns US sentencing practice. This matter has already been considered in a number of authorities, for example, by the Divisional Court in *Norris v Government of the United States of America* [2009] EWHC 995 (Admin), see per Laws LJ at §§40 – 56, in particular at §§51 and 54. The reasoning in that case is a complete answer to this ground of appeal. I note that in *Norris* the court was asked to certify a question for appeal, but declined to do so.
7. *Ground 4* is also unarguable. I accept the points made at §23 of the Respondent's Notice.

Signed

A handwritten signature in black ink, appearing to be 'SMF'.

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Sent to the Appellant, and Respondent

Date: 06/06/2023

Solicitors:  
Ref No.

#### **Notes for the Appellant**

If you wish to renew the application for permission to appeal at a hearing in open court, you must complete, file and serve the enclosed FORM EXREN within 5 business days of the service of this Order. See Crim PR 50.22(2) and (3).

The date of the hearing of any renewed application will be fixed by the Listing Office. Save in exceptional circumstances, regard will not be given to an advocate's existing commitments (Criminal PD Part 50, 50B.13)

All renewal hearings will be fixed with a time estimate of 30 minutes. Any party who disagrees with that time estimate must inform the Listing Office within 5 business days of the notification of the listing and must provide a time estimate of their own.