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Assange v Swedish Prosecution Authority  
Alternative Case  
Names  
Ships' Names  
Date of Judgment / 02 Nov 2011 DC  
30 May 2012 SC(E)  
Publication References  
[2011] EWHC 2849 (Admin); [2011] WLR (D) 315, DC  
[2012] UKSC 22; [2012] 2 AC 471; [2012] 2 WLR 1275  
[2012] 4 All ER 1249, SC(E)  
See Also: Assange v Swedish Prosecution Authority (No 2) (Note)  
Subject Matter  
Appellate History  
Subsequent Consideration  
Cases Considered  
Words & Phrases

2012 2 AC 471  
Supreme Court  
Assange v Swedish Prosecution Authority (Nos 1 and 2)  
[2012] UKSC 22

2012 Feb 12: Lord Phillips of Worth Matravers PSC, Lord Walker of Gestingthorpe,  
May 30: Baroness Hale of Richmond, Lord Mance, Lord Kerr of Tonaghmore,  
June 14: Lord Dyson JSC, Lord Brown of Eaton-under-Haywood

European Union – Council framework decision – Justice and home affairs – Whether national law required to be interpreted in conformity with framework decision – European Communities Act 1972 (c 68), ss 1, 2, 3 (as amended by European Communities (Amendment) Act 1986 (c 55), s 2(a) and European Union (Amendment) Act 2008 (c 7), ss 3, 8, Sch, Pt 1) [1] – Lisbon Treaty, Protocol No 36 [2]

Extradition – European arrest warrant – Validity – European arrest warrant issued by public prosecutor of requesting state – Whether public prosecutor “judicial authority” – Whether warrant valid – Extradition Act 2003 (c 41), s 2 [3] – Council Framework Decision 2002/584/JHA, art 6 [4] – Vienna Convention on the Law of Treaties (1980) (Cmnd 7964), art 31-3(b) [5]

Supreme Court – Judgment – Whether to be reopened – Whether judgment given on basis which counsel had not been given fair opportunity to address

The appellant, while visiting Sweden, was the subject of complaints by two women of sexual molestation and rape. He co-operated in the preliminary investigations before travelling to England, as he was free to do. Following further investigations the prosecutor in Sweden obtained a domestic detention order in absentia. The order was upheld on appeal on the basis of sufficient evidence and following written argument as to its proportionality. Pursuant to Council Framework Decision 2002/584/JHA on the European arrest warrant and the surrender procedures between member states of the European Union the respondent, the Swedish Prosecution Authority, issued an European arrest warrant, signed by the prosecutor, requesting the surrender of the appellant. Sweden was a category 1 territory under Part 1 of the Extradition Act 2003, which gave effect to the Framework Decision. Its designated prosecutors were the sole competent authority authorised to issue European arrest warrants seeking surrender for trial under the Framework Decision. The appellant was arrested in the United Kingdom pursuant to the warrant. At the extradition hearing the senior district judge reviewed the evidence and made the order for surrender. On appeal the appellant challenged the validity of the arrest warrant on the ground that a prosecutor was not an “issuing judicial authority” within the meaning of article 6 of the Framework Decision and section 2(2) of the 2003 Act. He contended that a “judicial authority” had to be, in effect, a judge or a court, and thus impartial and independent of the executive and the parties, and that the prosecutor, who remained a party in the criminal proceedings against him, did not qualify. The Divisional Court of the Queen’s Bench Division dismissed his appeal.

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Assange v Swedish Prosecution Authority (Nos 1 & 2) [2012] 2 AC

On the appellant’s appeal and on the question whether the court was obliged to interpret national law in conformity with the Framework Decision – Held, (1) that Council Framework Decision 2002/584/JHA was a third pillar measure agreed under Title VI of

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