

22nd January, 2020

Free Julian Assange, before it's too late Petition
Petitioner & Australian Citizen
Twitter: <https://twitter.com/PhillipAdams64>
Petition: <http://chng.it/sM4nTkMR>
Brisbane, Qld, Australia

Application for: Royal Prerogative Power of Mercy for Mr Julian Assange

Application To: Her Majesty Queen Elizabeth II
Buckingham Palace
London SW1A 1AA
United Kingdom

Administered Through: Honourable Robert James Buckland
Secretary of State for Justice

Notice To: His Excellency David Hurley
Governor-General of the Commonwealth of Australia

Her Majesty Queen Elizabeth II,

C/O: The Secretary of State for Justice

I hope this letter reaches you well. As Petitioner with over 250,000 validated signatories I am requesting a Royal Prerogative Power of Mercy (RPPM) for and on behalf of Mr Julian Assange to prevent the establishment of a travesty of justice in precedent law and to save his life. If allowed to occur, the prosecution of Julian Assange will extend USA extraterritorial jurisdiction to include all publishers and journalists that live and or pass through Britain. The USA is attempting to apply a 1917 Espionage law against a lawful citizen and journalist of the Commonwealth of Australia specifically for published as a journalist from regions outside the USA including Britain.

If this politically motivated case was attempted against a USA citizen and journalist in the USA it would be unconstitutional and fail. It plainly breaches the First Amendment of the USA Constitution which protects freedom of speech and the press and as such would fail. If allowed, this precedent would shift all British Citizens and all other non-USA citizens that pass through Britain under the extraterritorial arbitrary jurisdiction of the USA and as such weakens British sovereignty.

Mr Julian Assange is currently being detained and is identified as Mr Julian Assange D.O.B: 3/07/1971 HPM Belmarsh, Western Way London SE28 OEB UK. This document encompasses a formal plea to pardon any matter that may impede the freeing of Mr Julian Assange. This formal plea is presented in the interests of Human Rights, Democracy and British legal sovereignty. Please permit and apply a Royal Prerogative Power of Mercy (RPPM) so that Mr Julian Assange may be freed and stop the USA Extradition precedent establishment process.

On 12th Nov. 2019 and on behalf of over 250,000 Signatories this petition to free Julian Assange was tabled in the Australian Parliament requesting immediate senior diplomatic intervention. This petition is now the 4th largest petition to have been successfully tabled in the history of the Australian Parliament, reflecting strong community support. In the interests of Human Rights, Democracy and British sovereignty we now also extend a formal request of a Prerogative of Mercy from Her Majesty Queen Elizabeth II to free Julian Assange.

Ref. <https://twitter.com/SenatorSurfer/status/1194524951044227072?s=20>

Mr Julian Assange is currently being * *psychologically tortured* in London awaiting hearing for possible extradition to the USA for 175 years imprisonment and possible execution.

* *Julian Assange is being psychologically tortured as determined by United Nations Special Rapporteur on Torture or other Cruel, Inhuman and Degrading Treatment or Punishment Mr Nils Melzer assessment after his visit to Belmarsh Prison in London to visit Julian Assange and in the company of two medical experts.* Reference: 31st May, 2019 <https://youtu.be/ErW1taJEPrs?t=196>

The United Nations Human Rights Office of the High Commissioner on Feb. 5, 2016 determined that Julian Assange's arbitrary "*detention should be brought to an end and that Mr. Assange should be afforded the right to compensation*".

We believe this matter meets the criteria for a Royal Prerogative of Mercy to be considered for application by Her Majesty Queen Elizabeth II. The effect of which is requested to be a Free Pardon on the basis of one or both of the following criteria.

- 1) It is impractical given the particulars of this case for it to be referred to an appellate court for reasons of persistence of psychological trauma: and or
- 2) New evidence has arisen, that has not been before the court, which demonstrates beyond any doubt that Julian Assange's case has been compromised due to secret recordings and the seizure of his legal notes and case files and delivery of those files to the USA prosecution.

To further justify validation of the meeting of one or more of the criteria to justify a RPPM we reference precedent *R v Foster (Barry)* [1985] QB 115; [1984] 3 W.L.R. 401]. Where, it was held that the effect of a free pardon was to remove from the subject of the pardon "all pains, penalties, and punishments whatsoever that from the said conviction may ensue" but not to eliminate the conviction itself. By this we request that Julian Assange be free to leave the British prison system and not be concerned with the particulars of a 1917 Espionage law.

We request the RPPM be considered as in the case of *Bentley* [1994] QB 349 *Watkins L.J* commented that the RPPM power is:

"A flexible power and its exercise can and should be adapted to meet the circumstances of the particular case ... the prerogative of mercy [can no longer be regarded as] no more than an arbitrary monarchical right of grace and favour. It is now a constitutional safeguard against mistakes." [1994] QB 349 at 365. As the case against Mr Julian Assange demonstrates.

Application of the doctrine is found in *Watkins L.J* judgment in the Court of Appeal in *Bentley* where he declared:

"We understand the strength of the argument that, despite the fact that a free pardon does not eliminate the conviction, a grant of a free pardon should be reserved for cases where it can be established that the convicted person was morally and technically innocent." [1994] QB 349 at 364E.

In the consideration of whether Mr Assange is morally and technically innocent of any offence we recall that the original investigation in Sweden has been dropped. Mr Julian Assange has never been charged with any crime in Sweden, for which the breach of bail was originally established. The fact that a USA extradition indictment is now being sought for performing the functions of a journalist, which is as Mr Julian Assange has always stated was the reasons he sought the protection of political asylum against. This point just serves to highlight the politically motivated persecution of an innocent father, son, citizen and journalist of the Commonwealth of Australia who published material that was undeniably in the public interest.

Further consideration is referenced in the words of Former Home Secretary, Herbert Gladstone in his advice to the House of Commons in 1907:

"It would be neither desirable nor possible to lay down hard and fast rules as to the exercise of the prerogative of mercy. Numerous considerations – the motive, the degree of premeditation or deliberation, the amount of provocation, the state of mind ... character and antecedents ... and many other [factors] have to be taken into account in every case." On this point we refer to the "state of mind" and "character" of Mr Assange who published in the public interest. Mr Julian Assange redacted the names of any person that may be harmed by publishing and it has been confirmed that nobody has been harmed. Alternatively many may have been saved as a consequence of Mr Julian Assange's work.

Examining the character of Mr Julian Assange to further reinforce the case for a RPPM, we can reflect on his performance and execution of his duties as a Journalist and Editor in Chief of a news agency. Julian Assange's work has a record of 100% accuracy in publishing.

The Petitioner together with 250,000 Signatories respectfully request the Justice Secretary of Britain allow rapid passage of this Prerogative of Mercy (RPPM) application to Her Majesty Queen Elizabeth II and that her Majesty approves this application. We wish to highlight that the requirements for an RPPM have been met and further that Mr Julian Assange's overall health and wellbeing is being permanently damaged and we now make a formal request for a Royal Prerogative Power of Mercy from her Majesty Queen Elizabeth II.

We wish to thank you in advance of your consideration of this extremely important matter and if you require more information please feel free reply.

Yours Faithfully,

Phillip George Adams

Petitioner

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