

Email from CPS Press Office to Charlie Savage, New York Times, July 7, 2021:

We don't have a statement but we're able to share an extract from the judgment today.

The US has been granted limited permission to appeal, it is limited as they were granted permission on 3 out of 5 grounds. They were granted permission on a), b) and e) and refused permission on c) and d).

a. The first is that the Judge made errors of law in her application of the test under section 9I of the [2003](#) Act. Had she applied the test correctly she would not have discharged Mr Assange.

b. The second is that the Judge, having decided that the threshold for discharge under section 9I was met, ought to have notified the requesting state of her provisional view, so as to afford it the opportunity of offering assurances to the Court.

c. The third is that the District Judge, having concluded that the principal psychiatric expert called on behalf of the defence (Professor Kopelman) had misled her, on a material issue, ought to have ruled that his evidence was inadmissible. Alternatively, if it could be said that his lack of independence went to weight rather than admissibility, the District ought to have attributed no, or far less, weight to his opinion as to the severity of Mr Assange's mental condition than she did (*a fortiori* when two, additional and wholly independent, experts were of a different opinion). Had she not admitted that evidence or attributed appropriate weight to it, the District Judge would not have discharged Mr Assange pursuant to section 9I.

d. The fourth ground is that the District Judge erred in her overall assessment of the evidence going to the risk of suicide.

e. The fifth ground is the United States has provided the United Kingdom with a package of assurances which are responsive to the District Judge's specific findings in this case. In particular, the United States has provided assurances that Mr Assange will not be subject to SAMs or imprisoned at ADX (unless he were to do something subsequent to the offering of these assurances that meets the tests for the imposition of SAMs or designation to ADX). The United States has also provided an assurance that the United States will consent to Mr Assange being transferred to Australia to serve any custodial sentence imposed on him.