

<http://www.svea.se/Om-Svea-hovratt/Nyheter-fran-Svea-hovratt/Decision-in-the-case-concerning-the-detention-of-Julian-Assange/>

## **Decision in the case concerning the detention of Julian Assange**

[2016-09-16] Svea hovrätt

Today the Svea Court of Appeal issued its decision in the case concerning the detention of Julian Assange. The Court of Appeal refuses his request to have the detention order set aside. This means that Julian Assange is still detained in absentia.

The Court of Appeal shares the assessment of the District Court that Julian Assange is still suspected on probable cause of rape (less serious offence) and that there is a risk that he will evade legal proceedings or a penalty.

As regards the question of whether continued detention *in absentia* is proportionate the Court of Appeal's deliberations include the following points.

In the view of the Court of Appeal, Julian Assange cannot be deemed to be unable to interrupt his stay at the Embassy of Ecuador. His stay is not a deprivation of liberty and shall not be given any importance in its own right in the assessment of proportionality. But the long time that his detention has lasted and the earlier passivity of the crime investigators are arguments for setting aside the detention.

However, the relatively serious offence of which he is suspected means that there is a strong public interest of the investigation being able to continue.

Recently a number of active measures have also been taken to bring about an interview with Julian Assange. At present, continued detention therefore appears to be both effective and necessary so as to be able to move the investigation forward. The reasons for detention therefore still outweigh the intrusion or other detriment that the measure entails for Julian Assange.

The Court of Appeal does not consider that it is necessary or appropriate to depart from the main rule of a written procedure in the Court of Appeal and therefore refuses Julian Assange's request for a hearing.