

WITNESS STATEMENT

(CJ Act 1967, s.9 MC Act 1980, ss.5A(3)(a) and 5B;

Criminal Procedure Rules 2010, Rule 27)

THIRD STATEMENT OF MARK STEPHENS

Aged: Over 18

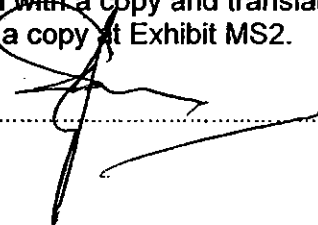

Occupation: Lawyer

This statement (consisting of pages each signed by me) is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated anything which I know to be false or do not believe to be true.

Signed..........Dated.....28 JANUARY 2011.....

I, Mark Howard Stephens, solicitor, of Finers Stephens Innocent LLP, 179 Great Portland Street, London W1W5LS, make this statement and say as follows:-

1. I make this third statement in these proceedings in order to exhibit further material proving that the Prosecutor, Marianne Ny, and her office has sought the European Arrest Warrant in order to interview Julian Assange before any question of prosecuting him is considered. In my first statement, I appended at Exhibit MS7 such a quotation from her and in my second statement I appended further evidence from the Australian High Commission in Sweden to this effect (MS1) and a direct quotation from Ms Ny (MS2).
2. I am surprised that this point has not been conceded by the Crown Prosecution Service (CPS). There are hundreds of articles and website references to Ms Ny's statements and those of her spokespeople to the effect that they have issued this warrant only in order to question my client. I append a short selection of these quotes to this statement at Exhibit MS1.
3. The Swedish prosecutor has also maintained in certain interviews that she is prohibited by Swedish law from interviewing Mr Assange whilst he is in London. Our witnesses establish that this is wholly incorrect, and we have asked the CPS to concede this point. Several of the press clippings make reference to statements by Ms Ny that she cannot interrogate abroad. The evidence served from former judge, Brita Sundberg-Weitman, and former prosecutor, Sven-Erik Alhem, show that in this she is entirely mistaken. If this is to be disputed by the CPS, we would expect to be informed on what basis because it seems likely that their client has sought the EAW on a misunderstanding of Swedish law.
4. There are in our expert evidence various references to the Manual for Prosecutors. As this is a document in the possession of the CPS's client, I would expect them to be supplied with a copy and translation. However, in response to a request from the CPS I append a copy at Exhibit MS2.

Signed..........Witnessed by..........

5. In the final bundle we will also wish to refer to statements about the Assange case made on the Prosecutor's website. Some of these, related to the events in August, have been exhibited to my first statement. Ms Ny has made various comments on her website, in English, about the Assange case and we require her to disclose these. She has also corresponded with Interpol in relation to the "red notice" that she issued for questioning Mr Assange and we require disclosure both of the notice and of her correspondence with Interpol, which will believe will further establish that the EAW she seeks is not for prosecution.
6. There are also references in our material which Ms Ny should have and should be particularly familiar with, including excerpts from the Code of Judicial Procedure, Manual on European Arrest Warrants and Manual on International Legal Assistance. I annex references to these at Exhibit MS3.
7. There is a continuing correspondence with SOCA over whether Marianne Ny is a judicial authority entitled to issue a European Arrest Warrant. This has been copied to the CPS and can be placed in the Exhibits bundle by consent when it is concluded.

Signed.....

FSI-4852928-1

Witnessed by.....

28 January 2011