

Complaints submitted to the Press Complaints Commission about articles wrongly reporting that Julian Assange 'has been charged' or 'faces charges':

- The Guardian** Wikileaks to keep releasing cables despite Assange arrest 07/12/10
- The Sun** Wiki boss: Don't leak my address 15/12/10
- The Sun** Wiki chief: Sex girls in a tizzy 21/12/10
- The People** Assange prosecutor 'is anti-men' 07/02/11
- The People** Wikileaks founder 'fears execution' 07/02/11
- The People** Text messages 'could clear Assange' 08/02/11
- The Independent** Julian Assange 'public enemy number one' 11/02/11
- The People** Assange must face Sweden sex trial 24/02/11
- Daily Mirror** Julian Assange hits out after judge rules he should be extradited 25/02/11
- Daily Mirror** Assange in extradition appeal bid 03/03/11
- Daily Mirror** Julian Assange extradition appeal lodged at High Court 03/03/11
- Daily Mirror** Assange to address Cambridge Union 06/03/11
- Daily Mirror** Assange bail conditions attacked 16/06/11
- The Independent** Publishers, parties, and court: Julian Assange faces the music 08/07/11
- Daily Mail** Assange's £850,000 book deal collapses 'over fears US Govt could use them against him' 09/07/11
- The Guardian** Julian Assange to launch fresh extradition appeal in High Court 11/07/11
- Daily Mail** Brad Pitt and Angelina Jolie invited to lavish 40th birthday party for whistleblower Assange... Two days before his court appeal on sex charges 11/07/11
- The Independent** Julian Assange in bid to block extradition 12/07/11
- Daily Mail** Don't send him to Sweden: Wikileaks founder Julian Assange's lawyers tells extradition judges sex allegations are 'legally flawed' 12/07/11
- The Independent** Discourteous and disrespectful, but not rape: the Assange defence 13/07/11
- The Independent** Assange disrespectful but not a rapist, lawyers insist 13/07/11
- Daily Mirror** Julian Assange 'sex offences' are not illegal in UK, say his lawyers 13/07/11
- The Guardian** Julian Assange extradition appeal: QCs clash over 'conceptions of consent' 13/07/11
- Daily Mail** He's like a moody teenage and is hunted by pushy groupies: Domestic life with Julian Assange as seen by the man who's given him refuge 05/08/11
- Daily Mail** The Wikifreak: In a new book one author reveals how she got to know Julian Assange and found him a predatory narcissistic fantastist 07/08/11
- The Independent** What – and where – now for Mr Wikileaks? 04/09/11
- Daily Mail** Julian Assange: Why can't our own Cybermen zap the Wikileaks man? 09/09/11
- The Independent** Wikileaks auctions memorabilia to raise funds 19/09/11
- The Independent** Can the cult of Assange save cash-strapped Wikileaks? 19/09/11
- Daily Mail** Cash in the attic... Wikileaks style: Assange 'memorabilia' sold to raise funds for Wikileaks 19/09/11
- Metro** Julian Assange autobiography goes on sale despite Wikileaks founder's anger 22/09/11
- The Guardian** The 'unauthorised autobiography' of Julian Assange seeks to portray him as simply the victim of women scorned 22/09/11

Daily Mail 'I may be a chauvinist pig, but I am no rapist': autobiography of Wikileaks founder Julian Assange published despite attempts to block it 22/09/11

The Independent Transparency? Not with my memoirs, Assange insists 23/09/11

Daily Mail Mr Wikileaks' secrets leaked: Rape claims, a US 'honeytrap' and an 'autobiography' the world's most notorious hacker desperately wanted to suppress 23/09/11

Daily Mail Milly Dowler phone hacking scandal: Sorry, but money can't bring her back 24/09/11

The Guardian Julian Assange: The Unauthorised Autobiography – review – David Leigh 26/09/11

Daily Mirror Julian Assange autobiography sells less than 650 copies 28/09/11

New Statesman Julian Assange: the Unauthorised Autobiography – review – James Ball 06/10/11

The Sun Wiki hasn't a pot to leak in 25/10/11

Wired Updated: Julian Assange extradited to face charges in Sweden 02/11/11

Daily Record Wikileaks founder Julian Assange to be extradited to face sex charges in Sweden after losing court battle 02/11/11

The Independent Only Supreme Court can save Julian Assange now 03/11/11

The Sun Wiki chief must face sex cases 03/11/11

The Guardian Julian Assange seeks to take extradition battle to Supreme Court 15/11/11

Daily Mail Wikileaks founder Assange to appeal extradition to Sweden in the Supreme Court 15/11/11

Daily Mirror True Stories: Wikileaks – Secrets and Lies – More4, 10pm 29/11/11

V3.co.uk Julian Assange to have extradition appeal considered by Supreme Court 05/12/11

Daily Mail Assange wins permission to continue extradition fight but judges warn his chances of success are slim 05/12/11

ZDNet UK Assange granted Supreme Court appeal 16/12/11

ZDNet UK News to know: Julian Assange, Goodbye 'open' web, and what was Google's top search? 18/12/11

The Guardian 2011: the year in review 30/12/11

The Guardian This week's new theatre and dance 07/01/12

Complaints about articles wrongly reporting that Julian Assange has been charged submitted to but not covered by the PCC:

Daily Star Assange: I could die in a US jail 23/12/10

Daily Star Assange prosecutor 'is anti-men' 07/02/11

Daily Star Text messages 'could clear Assange' 08/02/11

Daily Star Assange continues extradition fight 24/02/11

Daily Star Assange to address Cambridge Union 06/03/11

Daily Express Assange bail conditions attacked 16/06/11

Parcel Delivery News Wikileaks uses eBay to raise funds 20/09/11

Huffington Post UK Brazil springs a Wikileak... Assange tags newsman as media mole 03/11/11

International Business Times UK Wikileaks chief Julian Assange given new lifeline 05/12/11

Complaints submitted to the Press Complaints Commission about other libels:

Daily Mail News of the World: If Max Clifford deserves £1m what price Milly Dowler's family 12/07/11 – states Julian Assange hacked into security services/published classified details which got people killed

The Sun Mr Wiki: I prefer virgins 14/07/11 – implies there are two rape cases and also formal charges

The Independent Uncensored Wikileaks cables posted online 01/09/11 – repeats Guardian's false allegations that Assange at fault for 'recycling' an old password (encryption key)

The Guardian Wikileaks decides to make public all US State Department cables 01/09/11 – multiple libels and false allegations about Cablegate in attempt to avoid admitting the Guardian itself was to blame

Daily Mail Wikileaks may endanger secret sources by publishing 250,000 uncensored US cables, say former allies 03/09/11 – falsely states Julian Assange has been charged, and that he tried to misuse supporters' donations (repeats Guardian's false allegations)

Daily Mail Autobiography of Wikileaks founder Julian Assange is a sales flop 30/09/11 – implies there are two rape cases

The Economist Leaker's Leak 01/10/11 – implies there are two rape cases

The Observer Julian Assange: the Unauthorised Autobiography – review – Henry Porter 02/10/11 – falsely states Julian Assange criticised Andrew O'Hagan's writing

Daily Mail Wikileaks could be bankrupt by the end of the year, admits Julian Assange 25/10/11 – falsely states Julian Assange has been charged, and was given police caution at OccupyLSX

The Guardian Steve Jobs v Julian Assange: What makes a good biography? 26/10/11 – falsely states Julian Assange is a 'fugitive' from Sweden

Daily Mail Wikileaks' Julian Assange loses High Court bid to block extradition to Sweden over sex crime allegations (and appears to have lost his celebrity friends too) 02/11/11 – misleading factual inaccuracies concerning the dates of events in Sweden

Full correspondence with PCC (date order)

From: Simon Yip [PCC Administrator]
To: Julian Assange
Date: Nov 10, 2011, 3:55 PM

Dear Mr Assange

Thank you for your complaints. I would be grateful for your clarification on a number of points before we take this matter forward.

First, I note your position that claims made by a number of publications that you are facing extradition to Sweden to answer sexual assault charges are inaccurate, as you have not been charged with any offence. My understanding of the position is that allegations have been made, and that Sweden has issued an extradition request in connection with preliminary investigations. I would be most grateful for your confirmation that this represents the correct position.

In addition, I note that a number of the articles about which you have raised concerns were published a number of months ago (although they do remain online and we can therefore consider them). In view of the Commission's delay rules (http://www.pcc.org.uk/faqs.html#faq1_14) are you able to make clear whether you sought to complain about the coverage at the time, and why you are complaining now?

Finally, I should point out that the remit of the PCC does not extend to the Huffington Post, Parcel Delivery News or the Daily Express.

The PCC formally considers complaints about the vast majority of UK newspapers and magazines, provided that they subscribe to our funding body, the Press Standards Board of Finance (PressBof).

Owing to a funding dispute between Northern & Shell – the publishers of the Daily Express – and PressBof, Northern & Shell do not currently subscribe to the system of self-regulation independently overseen by the PCC. The publication does not therefore fall under the Commission's jurisdiction and, as such, we are unable to take forward your concerns in this matter.

In the circumstances, you may wish to complain directly to the publication, its contact details are as follows:

Nicole Patterson
Daily Express Legal Department
The Northern & Shell Building
10 Lower Thames Street
London, EC3R 6EN
Switchboard Tel: 020 8612 7000



Editor: Hugh Whittow

You may also wish to consult a solicitor on the matter. If you would like the PCC to forward your complaint directly to the publication, please let us know.

I look forward to your response. Please do not hesitate to contact a member of the Complaints Department should you wish to discuss this matter.

A copy of the Code of Practice which all newspapers and magazines who subscribe adhere to, can be accessed using this web link: <http://www.pcc.org.uk/cop/practice.html>

I would like to set out a number of points about our procedures, for your information.

Speed: The Commission has a commitment to deal with all complaints as quickly as possible. It expects both complainants and newspapers – and their representatives, legal or

otherwise – to cooperate with that commitment. Any unreasonable delay on either side may be taken into account by the Commission.

Transparency: As part of a full and fair investigation we must ensure that each party to a complaint is able to see and comment upon what the other has to say. The Commission cannot take into account information to which both sides have not had an opportunity to comment.

Confidentiality: The system of self-regulation overseen by the PCC requires good faith on both sides. In order for the PCC to be able to investigate complaints effectively, it is essential that neither party to a complaint, complainant or newspaper/magazine, publishes information which has been provided as part of the investigation - most notably correspondence – without the consent of the other party. Publication, without consent, may affect the PCC's ability to continue to deal with a complaint or may be considered by the PCC when it reaches a decision as to whether the Code has been breached. Material provided by both complainants and publications during a PCC investigation must only be used for the purpose of the complaint being considered by the PCC.

Commission rulings: It is possible that the Commission may find that your complaint does not amount to a breach of the Code, or that any remedial action taken or offered by the publication is sufficient under its terms. If this is the case we will explain to you why the Commission took this decision.

Correspondence with the editor: We will usually send a copy of each letter of complaint to the editor even if the complaint does not raise a breach of the Code. Similarly, any substantive decision made by the Commission under the terms of the Code will be sent to the editor.

Outside the Commission's remit: The Commission is not able to deal with all complaints. Some of the circumstances in which we may not be able to pursue a complaint are set out on our website.

Legal proceedings: The Commission cannot deal with any complaint which is the subject of legal or other associated proceedings. You should let us know immediately if you decide to take legal action in regard to the matter under complaint.

Data Protection: By pursuing the complaint, you consent to the processing of any personal data which may be provided to the Commission for the purposes of dealing with your complaint. You also consent to the publication of the Commission's decision in relation to the complaint, but may withdraw consent in writing.

Independent Reviewer: If, at the end of the process, you are dissatisfied with the manner in which your complaint has been handled, you should write within one month to the Independent Reviewer who will investigate the matter and report any findings and recommendations to the Commission. Further details are included in the enclosed How to Complain booklet, or via the following link:

<http://www.pcc.org.uk/about/whoswho/independentreview.html>

Further information about the complaints process can be accessed using this web link:
<http://www.pcc.org.uk/complaints/process.html>

Information about our service commitments to complainants can be accessed using this web link: <http://www.pcc.org.uk/complaint/charter.html>.

Further information about the PCC can be found on our website www.pcc.org.uk.

Do not hesitate to contact us if you need further advice. When you write to us, please quote our reference number on this email.

Yours sincerely

Simon Yip
Administrator

Press Complaints Commission
Halton House
20/23 Holborn
London EC1N 2JD

Website: www.pcc.org.uk

.....
From: Julian Assange
To: Simon Yip
Date: Nov 12, 2011, 8:58 PM

Dear Simon Yip,

Thank you for your email and information on PCC procedures. To answer your points in the same order:

1. You are correct that the extradition request is in connection with preliminary investigations, although the women say they went to the police for advice so there are no 'allegations' in the formal sense from the women. The prosecutor, however, has decided there may be a legal case and is pursuing it. But there are definitely no charges, contrary to what is being reported. The link included on the Complaint forms - <http://www.swedenversusassange.com/Problems-with-the-Arrest-Warrant.html> - sets out the correct position. Attached are three pages from the July appeal submission detailing all the statements made by the Swedish prosecutor in which she confirms that no charges have been brought.

You may find it convenient to use the Sweden vs Assange website - <http://www.swedenversusassange.com/> - as a reference source. It is the most detailed and accurate account of the facts of the case.

2. Regarding the delay in complaining formally about these libels, Wikileaks is a small organisation with a core staff of 20 and limited resources. Since December 2010 we have operated under an illegal financial blockade that has destroyed 95% of our revenue. We face down threats and attacks - legal, technical, security issues - on a daily basis (a few background links below) and we have the anti-trust litigation against VISA with the European Commission as well as the Swedish case to deal with. Obviously we must prioritise our battles. Often, all we have been able to do is respond to the worst libels against me on Twitter. However, it is still very relevant to pursue these complaints as they remain visible online. In addition, as new articles about my case come out journalists use these older articles as reference and pull in what's been written before - including these libels - to use as background. It is therefore important to correct for both internal and external applications - other journalists and the public.

<http://wikileaks.org/Banking-Blockade.html>
<http://wikileaks.ch/US-espionage-investigation-against.html#>
http://www.salon.com/2011/02/11/campaigns_4/

3. Noted, thank you.

4. Noted. We will complain direct to the Daily Express. Thank you for their details.

Yours sincerely,

Julian Assange

.....
From: Julian Assange
To: Simon Yip
Date: Nov 25, 2011, 6:20 PM

Dear Simon Yip,
May I please have a progress update on my complaints? - at least for the first batch sent on 8 November, which I believe passed the 15 day PCC Service Charter deadline on 22 November. Barring the two most recent, the rest of my complaints are due for progress updates on 28 and 29 November. I would be most grateful if you could provide them all sometime over the next few days.

Thank you.

Julian Assange

From: Simon Yip
To: Julian Assange
Date: Nov 29, 2011, 10:07 AM

Dear Mr Assange

Thank you for your email. I am sorry for the delay in reverting to you. You have complained about a number of articles, so it has taken some time for us to go through our process. I appreciate your patience during this period.

Before we can move forward, I have looked into the matter further and it appears that the High Court has ruled that although you have not been formally charged, you have been "accused" of the offences, that the case has "moved from suspicion to accusation supported by proof", and that "criminal proceedings have commenced" against you (<http://www.bailii.org/ew/cases/EWHC/Admin/2011/2849.pdf>). This is clearly something that would influence the Commission's decision, and before we could proceed I would be grateful if you could confirm your understanding of this and let me know if you have any further comments. At that point we will be able to consider how best to move forward.

Yours sincerely

Simon Yip

From: Julian Assange
To: Simon Yip
Date: Nov 29, 2011, 6:06 PM

Dear Simon,

Further to our phone call, please find below the email exchange between one of my assistants and my lawyers. Note also that some of the more credible organisations such as Reuters have retracted the "charged" libel by themselves, or explicitly stated that I have not been charged.

I trust this gives you the information you need to proceed with the complaints.

Kind regards,

Julian Assange

> -----
> From: [redacted]
> Sent: Tue, 29 Nov 2011 17:44:04 +0000
> To: [redacted]
> Subject: Fwd: FW: urgent - FW: Urgent Assistance Please
>

>
> -----Original Message-----
> From: Mark Summers [redacted]
> Sent: 29 November 2011 16:14
> To: [redacted]
> Subject: PCC>
> The High Court held that Julian is "accused" within the meaning of
> (s2(3)(a) of) the 2003 Act.
>
> That is not the same thing as charged.
>
> The ruling of the High Court was that a person in respect of whom no
> decision to charge or prosecute has been taken, can nonetheless, be
> said, within the meaning of section 2(3)(a) of the Extradition Act
> 2003, to be "accused".
>
> The High Court recorded that it was (as it indeed it is) "clear" that
> that no decision to charge or prosecute has been taken in Sweden (see
> paras. 149, 150 & 153), and that the formal state of the investigation
> is (as stated by the Swedish prosecutor) a "preliminary
> investigation".
> "...It is clear on the extrinsic evidence that a decision has not been
> taken to charge him. Under the law of Sweden that decision will only
> be made after he has been questioned again. Under Swedish procedure,
> that decision is made at the conclusion of the investigation and,
> according to the evidence before the Senior District Judge, after the
> defendant had been given the right to examine all the documents
> relating to the case..." (para. 149)
>
> Any suggestion to the contrary is factually inaccurate (and
> importantly so; it assumes the very thing that the court was called
> upon to decide, and puts the cart before the horse so far as the key
> issue in this case is concerned). The court claims he is "accused",
> within the meaning of the 2003 extradition act, despite not being
> charged or indicted or a "decision" having been made to prosecute him.
> [The unusual nature of such a claim by the High Court, which we say is
> against Parliament's intent, is one of two reasons for the pending
> appeal to the Supreme Court.]
>
> Regards,
>
>
>
> Mark Summers
> Matrix
> Griffin Building
> Gray's Inn
> London WC1R 5LN
> Tel: [redacted]
> Fax: [redacted]
> www.matrixlaw.co.uk>

> From: [redacted]
> Sent: 29 November 2011 16:00
> To: Mark Summers
> Subject: urgent - FW: Urgent Assistance Please
>
> Gareth asked me to forward this (below) to you urgently to get any
> thoughts you might have on it as soon as possible.
>
> Thanks

>
>
> _____
>
> Birnberg Peirce & Partners - Disclaimer
> The contents of this email are confidential to the intended
> recipient(s) and may not be disclosed. If you have received this
> e-mail in error, do not copy or disclose its contents, please notify
> the sender immediately and then delete it. Its unauthorised use,
> disclosure, storage or copying is not permitted. Although it is
> believed that this email and any attachments are virus free, Birnberg
> Peirce & Partners accept no liability for any damage sustained as a
> result of software viruses and therefore recommend that virus checks
> are performed to confirm this.
>
> This firm does not accept service by e-mail.
> Birnberg Peirce & Partners is regulated by the Solicitors Regulation
> Authority. SRA Number: 00303251
> _____
>
>
>
> -----Original Message-----
> From:
> Sent: 29 November 2011 15:40
> To:
> Cc:
> Subject: Urgent Assistance Please
>
> Dear Gareth,
>
> Julian would like your advise quickly if possible. It is a rather
> urgent issue. We have been complaining to the PCC regarding all
> references in the press to Julian having been charged.
>
> An example of such a complaint is below.
>
> We have received a response from the PCC thus far which is also below.
> Julian would like your advice (he wants to call them this afternoon)
> on how to respond to this. We wonder what game they are playing with
> this response - we are sure the judgement confirmed he was not
> charged. We have them references on Sweden Versus Assange website that
> proved this point. They have gone out of their way to find other
> information as per the below.
>
> Your thoughts would be hugely appreciated, and if you have time to do
> so soon that would be great so Julian can call them as planned today.
>
> FYI - we have found over 80 such examples and are hoping to push them
> through whilst it still counts!
>
> Many thanks for everything
>
> Best,
>
> Sarah
>
> Response from PCC:
> Dear Mr Assange
> >
> > Thank you for your email. I am sorry for the delay in reverting to you.

> > You have complained about a number of articles, so it has taken some
> > time for us to go through our process. I appreciate your patience
during this period.
> >
> >
> > Before we can move forward, I have looked into the matter further and
it appears that the High Court has ruled that although you have not been
> formally charged, you have been "accused" of the offences, that the case
> > has "moved from suspicion to accusation supported by proof", and that
> > "criminal proceedings have commenced" against you (
> > <http://www.bailii.org/ew/cases/EWHC/Admin/2011/2849.pdf>). This is
> > clearly something that would influence the Commission's decision, and
> > before we could proceed I would be grateful if you could confirm your
> > understanding of this and let me know if you have any further comments.
> > At that point we will be able to consider how best to move forward.

> > Yours sincerely

> > Simon Yip

> > Administrator
> > Press Complaints Commission
> > Halton House
> > 20/23 Holborn
> > London EC1N 2JD

> > Tel: 020 7831 0022

> Explain of Complaint made to PCC:
> Todays date : 13/11/2011

> Title : Mr

> Complainant Name : Julian Assange

> Address :

> Postcode :

> Country : England

> Telephon

> Email :

> CCForm :

Publication : The Independent

> Publication Date : 19/09/2011

>
> **Headline : Wikileaks auctions memorabilia to raise funds**
>
> **Online : Yes**
>
> **Link to article :**
>
> <http://www.independent.co.uk/life-style/wikileaks-auctions-memorabilia-to-raise-funds-2357469.html?origin=internalSearch>
>
> **Explanation : Please explain how you believe the Code of Practice has been breached**
>
> The article contains the statement: "But the most bids by late Monday were for a sealed prison coffee pack et smuggled out of Wandsworth Prison in London by Assange on December 17, after he spent a week there fighting extradition to Sweden on rape charges", which is false. I have not been charged with any offence and this statement therefore represents a significant and misleading inaccuracy. These facts are not hard to establish - a matter of basic fact-checking - and a correction should be printed with due prominence. This is a good reference tool for these facts:
> <http://www.swedenversusassange.com/Problems-with-the-Arrest-Warrant.html>
> <http://www.swedenversusassange.com/Allegations.html>
>
> **Costs of the libel to me are:**
> - As a result of re-reportage and the internet readership the harm to my reputation, and to my organisation, is global. WikiLeaks relies entirely on the goodwill of the public, which this article compromises through false means.
> - Contribution to a hostile media climate in the UK while the decision to extradite me was before the courts.
> - Contribution to a hostile media climate in Sweden, to which I am soon to be extradited and trialled in, in relation to the subject of this misreporting.
> - Contribution to a hostile media climate in the United States where a Grand Jury has been empanelled to indict me for espionage.
> - Contribution to undermining political support in Australia, discouraging the Australian government from intervening to stop my extradition.
> - Contribution to a reduction in my ability to raise revenue for WikiLeaks through loss of reputation.
> - Contribution to a reduction in donations to my personal Defence Fund through a loss of reputation.
> - Contribution to a reduction in political support for WikiLeaks and myself at a time when we are imperilled by publically declared FBI, Pentagon, CIA and US State Department Task Forces.
>

.....

From: Julian Assange
To: Simon Yip
Date: Dec 3, 2011, 7:04 PM

Dear Simon,

Further to my phone call and email 29 November, would you please send through a report detailing the progress of my complaints? For 27 of them the 'interim' 15-day progress

update was due 12 days ago; the rest - bar three - were due last Tuesday. We are now only eight days from your outcome decision service commitment for the first lot.

Although the PCC Complainants' Charter commits to an 'average' 35 days, these are not complex complaints - the "charges" matter is clear cut and I provided ample evidence of the facts in my initial submission. I was therefore disappointed by your 29 November memo. I would, however, like to receive a full report of my complaints' progress through the "process" it mentions.

Best,

Julian Assange

.....
From: Simon Yip
To: Julian Assange
Date: Dec 5, 2011, 5:11 PM

Dear Mr Assange

Thank you for your email.

I can only apologise for the delay, but I am pleased to say that we are now in a position to move forward. We will write to the newspapers and ask for their comments about the issues you have raised under Clause 1 (Accuracy) regarding the following articles:

The Economist

Leaker's leak (01/10/11)

The Sun

Mr Wiki: I prefer virgins (14/07/11)

The Guardian

Steve Jobs v Julian Assange: what makes a good biography? (26/10/11)

WikiLeaks decides to make public all US state department cables (01/09/11)

Julian Assange extradition appeal: QCs clash over 'conceptions of consent' (13/07/11)

The Observer

Julian Assange: The Unauthorised Autobiography – review (02/10/11)

The Independent

Uncensored WikiLeaks cables posted online (01/09/11)

Daily Mail

WikiLeaks could be bankrupt by the end of the year due to 'unlawful' funding boycott admits Julian Assange (25/10/11)

Autobiography of WikiLeaks founder Julian Assange is a sales flop (30/09/11)

WikiLeaks may endanger secret sources by publishing 250,000 uncensored U.S. cables, say former allies (03/09/11)

If Max Clifford deserves £1m, what price the Dowler family? (12/07/11)

With regards to your concerns about the Daily Star, I am afraid we will be unable to take these any further. Like the Daily Express, the Daily Star is published by Northern & Shell, which does not currently subscribe to the system of self-regulation independently overseen by the PCC. You may wish to complain directly to the publication. Its contact details are as follows:

Nicole Patterson
Daily Star Legal Department
The Northern & Shell Building
10 Lower Thames Street
London, EC3R 6EN



Editor Dawn Neesom

You have also raised accuracy concerns about a large number of other articles that referred to your having been "charged", "facing charges", or similar formulations. I do not think the Commission will need the newspapers to provide any specific information in this regard, and therefore I will ask it to come to a view on these points at the earliest opportunity. If the Commission does require further information, we will of course write to the newspapers in due course.

We will revert to you shortly.

Yours sincerely

Simon Yip

.....

From: Ben Milloy [Complaints Officer]
To: Julian Assange
Date: Dec 6, 2011, 2:28 PM

Dear Mr Assange

Thank you for your recent correspondence.

I will be dealing with your complaints against The Economist, The Sun, The Guardian, The Observer, The Independent and the Daily Mail (in relation to the articles specified in Simon Yip's email yesterday) before they go to the Commission for a decision under the terms of the Editors' Code, and I will keep you informed of the progress of our investigation into these matters.

A copy of your correspondence has been sent to the newspapers and I will write to you again once I have received their responses.

Yours sincerely

Ben Milloy
Complaints Officer

Press Complaints Commission
Halton House
20/23 Holborn
London EC1N 2JD

Tel: 020 7831 0022
Website: www.pcc.org.uk

.....
From: Julian Assange
To: Simon Yip
Date: Dec 8, 2011, 10:59 PM

Dear Simon,

Many thanks for this. Can you tell me when the PCC will make a ruling on the 44 complaints you're not taking up with the newspapers? When does your decision-making committee next sit?

Kind regards,

Julian Assange

.....
From: Julian Assange
To: Simon Yip
Cc: Ben Milloy
Date: Dec 10, 2011, 4:06 PM

Dear Simon,

I have today submitted two further complaints - the usual libels that I have been charged with offences when I have not.

As you have no doubt realised by now, the harms and damage to myself and my organisation are repeated at each turn of events and this must be stopped somehow. I would therefore be grateful if you would include these latest two complaints with those already going forward for decision, which I hope is now imminent. Are you able to give me a date for that?

Thank you.

Kind regards,

Julian Assange

.....
From: Simon Yip
To: Julian Assange
Date: Dec 15, 2011, 9:59 AM

Dear Mr Assange

Thank you for your further two complaints against V3.co.uk and the International Business Times (UK edition).

Your complaint against v3.co.uk will be added to the other 44 complaints to be considered by the Commission at the earliest opportunity.

Our Head of Complaints Charlotte Dewar will now be dealing with your complaints to be submitted to the Commission. Her email address is charlotte.dewar@pcc.org.uk and you should add her to your email safe list for further correspondence. Should you have any queries or require any further advice, please do not hesitate to contact her.

As you know, The Commission's jurisdiction extends only to those newspapers and magazines that belong to one of the five publishers' associations – the Newspaper Publishers' Association, the Newspaper Society, the Scottish Daily Newspaper Society, the Scottish Publishers' Association, and the Periodical Publishers' Association – and that

contribute to the Press Standards Board of Finance, the body which collects the industrial levy that funds self-regulation. More information about our funding is available on request and on our website.

Unfortunately, while the vast majority of UK publications fall under our control, International Business Times (UK edition) is not one of them. It therefore has no obligation to accept our decision, or even to co-operate with our enquiries.

I am afraid that, in the circumstances, we are unable to assist you further in this matter.

However, I have obtained details should you wish to submit a complaint directly with the publication as follows:

Mr Julian Kossoff
Managing Editor
IBTimes
Floor 34
One Canada Square
London
E14 5AA



Yours sincerely

Simon Yip

From: Rebecca Hales [Complaints Officer]
To: Julian Assange
Date: Dec 22, 2011, 4:03 PM

Dear Mr Assange

I am writing on behalf of my colleague Ben Milloy (ccd) who has been dealing with your complaint but is currently on annual leave.

Further to our previous correspondence, the Commission has now received responses to your complaint from The Economist, The Sun, The Guardian and The Independent newspapers, copies of which are attached. I have had to ask for further information from The Daily Mail and expect its reply in the near future and The Observer has advised me that it needs a little more time to consult with the relevant reporter. We will of course write to you as soon as we receive anything from the remaining two publications.

As you will see, the replies thus far can be summarised as follows:

- The Economist is grateful for you pointing out the error and has amended its online article accordingly (see attached).
- The Sun argues that the existence of two rape charges has been widely reported. However, it accepts your position and, in the spirit of goodwill, has amended its online article accordingly (see attached).
- The Guardian believes its article of 13 July is an accurate account of court proceedings and it has provided a copy of the reporter's contemporaneous shorthand notes in support of this position. It argues that the word "charges" is synonymous with "allegations", in the circumstances. It does not accept any inaccuracy in the second article for the reasons explained and the third piece is a comment item and the newspaper argues that the word "fugitive" reflects the columnists view.
- The Independent does not accept that you have identified a breach of the Code but would be prepared to publish a footnote to the article containing your response to the tweet. A wording has been provided for your approval.

Before a decision can be made as to how these complaints might be taken forward, I should be grateful to receive any further comments you may wish to make. In particular – given that the Commission's primary aim is the resolution of all substantive complaints wherever possible – do please let me know whether you are content with the action taken by The Economist and The Sun and whether you wish to accept The Independent's proposed resolution.

An added benefit of resolving your complaints is that a summary of them – with your consent and a wording agreed by you – will be published on our website. This will act, importantly, as a further public record of your concerns and the subsequent remedial action taken by the newspaper.

I look forward to hearing from you within seven days, or sooner, if convenient (although we would understand if it takes slightly longer, as the holiday period is inevitably busy). Please do not hesitate to contact me if I can be of any assistance to you.

Yours sincerely
Rebecca Hales

Rebecca Hales
Complaints Officer

Press Complaints Commission
Halton House
20/23 Holborn
London EC1N 2JD

Tel: 020 7831 0022
Website: www.pcc.org.uk

.....

From: Simon Yip
To: Julian Assange
Date: Jan 10, 2012, 6:03 PM

Dear Mr Assange

Thank you for writing to us in relation to seven further articles. We will write to the Daily Mail and ask for its comments about the issues you have raised under Clause 1 (Accuracy) regarding the following article headlined "Wikileaks' Julian Assange loses High Court bid to block extradition to Sweden over sex crime allegations", published in the Daily Mail on 2 November 2011.

You have also raised accuracy concerns about six articles (detailed below) that referred to your having been "charged", "facing charges", or similar formulations.

Daily Record

Wikileaks founder Julian Assange to be extradited to face sex charges in Sweden after losing court battle (02/11/11)

The Sun

Wiki chief must face sex cases (03/11/11)

Daily Mail

Assange wins permission to continue extradition fight but judges warn his chances of success are slim (05/12/11)

ZDNet UK

Assange granted Supreme Court appeal (16/12/11)

News to know: Julian Assange, Goodbye 'open' web, and what was Google's top search? (18/12/11)

The Guardian

2011: the year in review (30/12/11)

Given that the Commission is currently considering similar complaints by you against a number of publications, we will wait for its decision on that complaint before determining how best to move forward in relation to these six articles.

With best wishes

Simon Yip
Administrator

.....
From: Julian Assange
To: Rebecca Hales
Cc: Ben Milloy
Date: Jan 10, 2012, 10:46 PM

Dear Rebecca Hales,

Thank you for your email of 22 December, which unfortunately got overlooked; apologies for the delay in responding. Please find my detailed response to the newspapers' replies below.

Yours sincerely,

Julian Assange

The Economist: Leaker's leak (01/10/11)

While I'm pleased that the Economist has put its hand up without a fuss, the correction needs to be announced somewhere where people will actually read now that this matter has previously been misreported; simply amending their online archive is not sufficient to correct the damage done by the original article. I have asked that a correction be printed with due prominence and I think that is what is required. An alternative mechanism for all these cases is a prominent article outlining the failure of the media to accurately report my case, including in this way and in general, and to consider why that may be and what is to be done to prevent this phenomena occurring again to others who are in politically controversial circumstances.

The Sun: Mr Wiki: I prefer virgins (14/07/11)

I do not accept the Sun's assertion of widespread concurrence among other newspapers that my extradition case relates to two rape allegations; of the more than 70 complaints I've submitted so far, only two other articles inaccurately report this. However, what has been sometimes misreported is that I have been charged when I have not, proving my point that an amendment to a newspaper's online archive is wholly inadequate to undo the damage done by the initial inaccurate reporting. As detailed on my complaint forms, the amplification of re-reportage and consequent creation of a hostile media climate greatly exacerbate the costs of these libels to me and my organisation. Prominent – and current – correction please. I note the Editor's Codebook has this to say: "Headline reference: The requirement for adverse adjudications to carry a headline reference to the PCC was introduced in June 2004..."

Guardian: Steve Jobs v Julian Assange: what makes a good biography? (26/10/11)

The meaning of the word 'fugitive' is quite clear and the author of the article has used it as a statement of fact, not opinion. This is a breach of Clause 1 iii) "the Press, whilst free to be partisan, must distinguish clearly between comment, conjecture and fact." The Guardian has also used the comments of District Court judge Howard Riddle at the February hearing – as reported in its 24 February article – to bolster its argument. It might just as easily have referred to the comments of the High Court judge Justice Ouseley at the December hearing, also reported in the Guardian newspaper:

<http://www.guardian.co.uk/news/blog/2010/dec/16/wikileaks-latest-julian-assange-bail-appeal?INTCMP=SRCH>

"• Lawyers acting for the Crown Prosecution Service argued that Assange was likely to abscond. But the judge noted that Assange had made arrangements at an early stage of his stay in Britain for his lawyers to be in contact with the Metropolitan police over the ongoing case in Sweden. "That is not the conduct of a person who is seeking to evade justice," the judge said."

Also, the High Court of Appeal on the first page of its judgment finds that I did not flee Sweden, so the facts and two High Court judges trumps the views of a District judge, which have been established now as false.

Guardian: Julian Assange extradition appeal: QCs clash over 'conceptions of consent' (13/07/11)

The Guardian's claim that its use of the word "charges" merely reflects accurate reporting of its use in the courtroom as an informal synonym for "accusations" and "complaints" is specious, and undermined by the fact that only one of the instances translated from its reporter's shorthand notes actually appears in the article (and isn't even by Montgomery). It also implies it sets up such 'informal' interpretation by using the words "accusations" and "complaints" in the opening paragraphs, completely ignoring the misleading photo caption, which says I am being extradited on sex assault charges, directly above these paragraphs. It also quotes paragraphs 149-153 of the High Court ruling, seemingly without noticing that paragraph 149 begins: "It is clear on the extrinsic evidence that a decision has not been taken to charge him". Copied here are my lawyer's comments (emailed to Simon Yip on 29 November) regarding this section of the High Court judgment:

>From: Mark Summers [redacted]

> Sent: 29 November 2011 16:14

> To: [redacted]

> Subject: PCC

>

> The High Court held that Julian is "accused" within the meaning of (s2(3)(a) of) the 2003 Act.

>

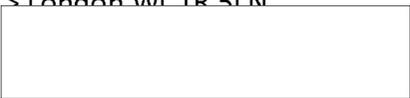
> That is not the same thing as charged.

>

> The ruling of the High Court was that a person in respect of whom no

> decision to charge or prosecute has been taken, can nonetheless, be

> said, within the meaning of section 2(3)(a) of the Extradition Act

> 2003, to be "accused".
>
> The High Court recorded that it was (as it indeed it is) "clear" that
> that no decision to charge or prosecute has been taken in Sweden (see
> paras. 149, 150 & 153), and that the formal state of the investigation
> is (as stated by the Swedish prosecutor) a "preliminary
> investigation".
> "...It is clear on the extrinsic evidence that a decision has not been
> taken to charge him. Under the law of Sweden that decision will only
> be made after he has been questioned again. Under Swedish procedure,
> that decision is made at the conclusion of the investigation and,
> according to the evidence before the Senior District Judge, after the
> defendant had been given the right to examine all the documents
> relating to the case..." (para. 149)
>
> Any suggestion to the contrary is factually inaccurate (and
> importantly so; it assumes the very thing that the court was called
> upon to decide, and puts the cart before the horse so far as the key
> issue in this case is concerned). The court claims he is "accused",
> within the meaning of the 2003 extradition act, despite not being
> charged or indicted or a "decision" having been made to prosecute him.
> [The unusual nature of such a claim by the High Court, which we say is
> against Parliament's intent, is one of two reasons for the pending
> appeal to the Supreme Court.]
>
> Regards,
>
>
>
> Mark Summers
> Matrix
> Griffin Building
> Gray's Inn
> London WC1R 5LN

> www.matrixlaw.co.uk

As Mark points out, the Guardian's reporting of my legal position is factually inaccurate, and importantly so. Its clear imputation to the reader is that I have been formally charged, which is FALSE. Guardian now knowingly persists with this false imputation. The word "charge" in court was only used in relation to the EAW grounds, because normally people are charged before extradition, which is precisely what is one of the legal and political oddities of my case. A prominent correction is therefore required, both to correct the misleading impression created for readers by the original article and to mitigate further damage through re-reportage.

Observer: Julian Assange: The Unauthorised Autobiography – review (02/10/11)

Is the Observer’s response available yet?

Independent: Uncensored WikiLeaks cables posted online (01/09/11)

I accept some – but not all – of the Independent’s points. It doesn’t matter that the article was a pick-up from AP, the publisher is still responsible for the accuracy of articles that it publishes. However, as above, amending the online archive does little to correct the inaccurate and misleading impression created in the minds of readers by these types of false statements. I would therefore like this ‘footnote’ to appear somewhere where readers might actually see it. I also suggest the following alternative wording:

“Julian Assange has contacted us to respond specifically to a tweet by James Ball, which is referred to in our article above. Mr Assange categorically denies Mr Ball’s contention that he [Mr Assange] re-used an old password when publishing encrypted data. Mr Assange maintains that fault for the security breach lies with the Guardian and does not lie with himself or Wikileaks.”

Daily Mail: 25/10/11, 30/09/11, 03/09/11 and 12/07/11

Has the Daily Mail now replied to your request for further information?

.....

From: Simon Yip
To: Julian Assange
Date: Jan 11, 2012, 10:53 AM

Dear Mr Assange

Thank you for your further complaint against The Guardian. We will also include this article with the other 6 articles under complaint, as detailed in my email yesterday.

Yours sincerely

Simon Yip

From: Ben Milloy
To: Julian Assange
Date: Jan 11, 2012, 4.10 PM

Dear Mr Assange

Thank you for your recent correspondence.

I will be dealing with your complaint against the Daily Mail before it goes to the Commission for a decision under the Code and will keep you informed of the progress of our investigation into this matter. A copy of your correspondence has been sent to the publication and I will write to you again once I have received its response.

I would like to set out a number of points about our procedures, for your information.

Speed: The Commission has a commitment to deal with all complaints as quickly as possible. It expects both complainants and newspapers – and their representatives, legal or otherwise – to cooperate with that commitment. Any unreasonable delay on either side may be taken into account by the Commission.

Transparency: As part of a full and fair investigation we must ensure that each party to a complaint is able to see and comment upon what the other has to say. The Commission cannot take into account information to which both sides have not had an opportunity to comment.

Confidentiality: The system of self regulation overseen by the PCC requires good faith on both sides. In order for the PCC to be able to investigate complaints effectively, it is essential that neither party to a complaint, complainant or newspaper/magazine, publishes information which has been provided as part of the investigation - most notably correspondence – without the consent of the other party. Publication, without consent, may affect the PCC's ability to continue to deal with a complaint or may be considered by the PCC when it reaches a decision as to whether the Code has been breached. Material provided by both complainants and publications during a PCC investigation must only be used for the purpose of the complaint being considered by the PCC.

Commission rulings: It is possible that the Commission may find that your complaint does not amount to a breach of the Code, or that any remedial action taken or offered by the publication is sufficient under its terms. If this is the case we will explain to you why the Commission took this decision.

Correspondence with the editor: We will usually send a copy of each letter of complaint to the editor even if the complaint does not raise a breach of the Code. Similarly, any substantive decision made by the Commission under the terms of the Code will be sent to the editor.

Outside the Commission's remit: The Commission is not able to deal with all complaints. Some of the circumstances in which we may not be able to pursue a complaint are set out on our website.

Legal proceedings: The Commission cannot deal with any complaint which is the subject of legal or other associated proceedings. You should let us know immediately if you decide to take legal action in regard to the matter under complaint.

Data Protection: By pursuing the complaint, you consent to the processing of any personal data which may be provided to the Commission for the purposes of dealing with your complaint. You also consent to the publication of the Commission's decision in relation to the complaint, but may withdraw consent in writing.

Independent Reviewer: If, at the end of the process, you are dissatisfied with the manner in which your complaint has been handled, you should write within one month to the Independent Reviewer who will investigate the matter and report any findings and recommendations to the Commission. Further details are included in the enclosed How to Complain booklet, or via the following link:

<http://www.pcc.org.uk/about/whoswho/independentreview.html>

A copy of the Code of Practice which all newspapers and magazines who subscribe adhere to, can be accessed using this web link: <http://www.pcc.org.uk/cop/practice.html>

Further information about the complaints process can be accessed using this web link: <http://www.pcc.org.uk/complaints/process.html>

Information about our service commitments to complainants can be accessed using this web link: <http://www.pcc.org.uk/complaint/charter.html>.

Further information about the PCC can be found on our website www.pcc.org.uk.

The editor of the Mail on Sunday is currently a member of the Press Complaints Commission. However, as the Daily Mail, the sister newspaper of the Mail on Sunday, is the subject of your complaint he will of course not take part in any discussion or consideration of the complaint by the Commission.

Do not hesitate to contact us if you need further advice. When you write to us, please quote our reference number on this letter.

Yours sincerely

Ben Milloy
Complaints Officer

From: Julian Assange
To: Simon Yip

Date: Jan 11, 2012, 4:21 PM

Dear Simon Yip,

Hello again. I had thought that Charlotte Dewar, your Head of Complaints, would be dealing with my case from now on. Can you explain why that hasn't happened please?

I am not at all happy with the statement, in this and your previous email, that you are doing nothing with this complaint and six others because " the Commission is currently considering similar complaints by you against a number of publications" (as, presumably, it has been from Day 1) so you will therefore wait for its decision. This is not acceptable. Sending one response (and nothing thereafter) to each new complaint 15 days after I submit it does not fulfil the PCC's charter if you keep sliding together all my complaints and sticking them on a pile marked 'pending' or 'no action yet'.

Leaving aside the 12 complaints that for one reason or another are being queried with the newspaper editors, of the rest of my complaints the first 20 were submitted on 8th November and, per the PCC's charter, should have received final adjudication by 13th December, or thereabouts. The majority of the straightforward complaint cases - 50 at least - were due for final adjudication by 19th December. Despite this, I have received no real response from the PCC at all. These are not complex complaints, they are all very similar in nature and the facts are quite clear, for which I have provided sufficient evidence. Any further delay is in flagrant breach or certainly not in the spirit of the PCC charter.

When - exactly - will the Commission meet to decide its adjudication? These articles contain serious and significant inaccuracies which, in the context of my upcoming Supreme Court hearing on 1st February to decide on a matter of "general public interest", need to be corrected in the public record before that hearing. Time is of the essence.

I really don't want to have to file a complaint *about* the pcc - - but resort to this measure, now rather than later, looks necessary in light of these continual delays. Please let me have the expected *date* of the Commission adjudication so I can pass it on to the Independent Reviewer.

Yours sincerely

Julian Assange

.....
From: Ben Milloy
To: Julian Assange
Date: Jan 13, 2012, 6.40 PM

Dear Mr Assange

Thank you for your email of 10 January, regarding the responses from The Economist, The Sun, The Guardian and the Independent. I have now reverted to the newspapers with your comments, and will be in touch once I have heard further from them.

Since my colleague, Rebecca's email of 22 December, I have now received comments from The Observer, as well as further information from The Daily Mail. These are attached, and can be summarised as follows:

The Observer

Readers' Editor, Stephen Pritchard, contends that criticism of writing does not pertain solely to style or expression, but a number of other factors, including structure and approach. He believes that your dissatisfaction with the book – which he says is borne out in your comments of 27 September – was an implicit criticism of Mr O'Hagan's work.

While Mr Pritchard does not accept a breach of the Code, he states that he would be happy to offer a letter for publication, putting across your point of view, which would be appended to the review online. The fact of the letter would be referred to at the top of the review.

Daily Mail

Deputy Managing Editor of MailOnline, Tal Gottesman, states that she has amended the two points you contest: the fact that you are facing extradition over allegations of sexual assault rather than charges, and that you were not cautioned at the London protest. In addition, Ms Gottesman would be willing to append a clarification statement to the article on these points.

Group Managing Editor, Alex Bannister, has responded in respect of the Richard Littlejohn article 'News of the World: If Max Clifford...' (12/07/11). He contends that the claim that you have been lionised would not be taken to mean that you personally hacked FBI computers. Furthermore, he says that the establishment of a 'electronic drop box for anonymous sources' justifies the claim that you 'solicit anonymous sources of information'.

As to the 'got people killed' point, Mr Bannister claims that the substantive point is whether people's lives have been put at risk and that whether people have actually been killed is a moot point.

In any event, the Daily Mail has now asked for the phrases 'hacked into the security services' and 'got people killed' to be amended.

I would be grateful for your comments on the responses, including the proposals for resolution. In the event that you are not happy to resolve your complaints on the basis of that offered, given that the PCC aims to resolve complaints amicably wherever possible, please ensure that your reply sets out what you would regard as satisfactory.

I look forward to hearing from you within the next seven days, or sooner, if convenient.

Do not hesitate to give me a call if you wish to discuss.

Best wishes

Ben

Ben Milloy
Complaints Officer

.....
From: Julian Assange
To: Ben Milloy
Date: Jan 16, 2012, 6:05 PM

Dear Ben Milloy,

Ah! Thank you.

I notice that the Daily Mail hasn't responded at all to two of my complaints forwarded to them on 6th December. These are:

Autobiography of WikiLeaks founder Julian Assange is a sales flop (30/09/11)

WikiLeaks may endanger secret sources by publishing 250,000 uncensored U.S. cables, say former allies (03/09/11)

Can you chase up why these two are missing please? Many thanks.

Kind regards,

Julian Assange

.....
From: Ben Milloy
To: Julian Assange
Date: Jan 17, 2012 5:07 PM

Dear Mr Assange

Thank you for your email.

I have reverted to the Daily Mail for its comments on the two articles you refer to. I hope to receive these shortly, at which point I will pass them on to you.

Please accept my apologies for the delay. Thank you for your patience.

Best wishes

Ben

Ben Milloy
Complaints Officer

.....
From: Ben Milloy
To: Julian Assange
Date: Jan 18, 2012, 7:07 PM

Dear Mr Assange

Further to your email of Monday, I have received additional comments from Tal Gottesman at MailOnline (attached).

Complaint 11560

Autobiography of Wikileaks founder Julian Assange is a sales flop (30/09)
Ms Gottesman has amended the article to read 'accuse him of rape and sexual molestation respectively': <http://www.dailymail.co.uk/news/article-2043446/Autobiography-WikiLeaks-founder-Julian-Assange-sales-flop.html>

Wikileaks may endanger secret sources by publishing 250,000...(03/09)
Ms Gottesman has replaced the word 'charges' with 'allegations':
<http://www.dailymail.co.uk/news/article-2033315/WikiLeaks-endanger-secret-sources-publishing-250-000-uncensored-U-S-cables-say-allies.html>

In respect of both, you will see that she is also happy to add a note to the bottom of the articles, making clear the amendment that has taken place.

Complaint 120121

Ms Gottesman accepts that there was an error in the date when referring to the second warrant issued. The information has now been corrected. However, she does not agree that this is a significant inaccuracy: <http://www.dailymail.co.uk/news/article-2056502/WikiLeaks-Julian-Assange-loses-appeal-extradition-Sweden-sex-crimes.html>

I would be grateful for your comments on the above, in particular, the action/offered. If you are dissatisfied with the newspaper's proposals, I would be grateful if you could set out what you are seeking in order to draw a line under this matter.

I look forward to hearing from you, within the next seven days, if at all possible. Do not hesitate to give me a call if there is anything you wish to discuss.

Best wishes

Ben

Ben Milloy
Complaints Officer

.....
From: Charlotte Dewar
To: Julian Assange
Date: Jan 18, 2012, 7.43 PM

Our reference: 115186

Dear Mr Assange

Further to your previous correspondence with Simon Yip, the Commission has now made its assessment of your complaints against The Guardian, The Sun, The People, The Independent, Daily Mirror, Daily Mail, Metro, New Statesman, Wired, V3.co.uk under the Editors' Code of Practice. I appreciate that this has taken some additional time because of the number of articles and publications involved, and I am grateful to you for your patience during this process.

A list of the 45 articles considered by the Commission on this occasion is attached for your reference.

The Commission members have asked me to thank you for giving them the opportunity to consider the points you raised. However, their decision is that there has been no breach of the Code in this case. A full explanation of the Commission's decision is below.

Although the Commissioners have come to this view, they have asked me to send a copy of your correspondence to the relevant editors to draw your concerns to their attention. I have done so.

If you are dissatisfied with the way in which your complaints have been handled - as opposed to the Commission's decision itself - you should write within one month to the Independent Reviewer, whose details can be found in our How to Complain leaflet or on the PCC website at the following link:

<http://www.pcc.org.uk/about/whoswho/independentreview.html>

Thank you for taking this matter up with us.

Yours sincerely

Charlotte Dewar
Head of Complaints

Commission's decision in the case of

Assange v Various

The complainant is currently appealing against his extradition to Sweden in relation to allegations against him – as set out in a European Arrest Warrant – of unlawful coercion, rape, and two incidents of sexual molestation. He complained under Clause 1 (Accuracy) of the Editors’ Code of Practice about 45 articles.

Under the terms of Clause 1 (i), “the Press must take care not to publish inaccurate, misleading or distorted information, including pictures”; in addition, under Clause 1 (ii), “a significant inaccuracy, misleading statement or distortion once recognised must be corrected, promptly and with due prominence, and – where appropriate – an apology published”. The articles under complaint referred to “charges” against the complainant, his “facing charges”, or his having been “charged”. The complainant said that these references were inaccurate: the preliminary investigation into the allegations had not been completed, he had not been charged with any offence under Swedish law, and no decision to take the matter to trial was possible under Swedish law until the preliminary investigation had been completed.

The Commission emphasised that it was not a court, and that it did not seek to establish the strict legal meaning of the language used in the articles under complaint. Its role here was to decide whether readers would have been misled by the references about which the complainant had raised concerns. More specifically, under the terms of Clause 1 (ii) of the Code, it had to determine whether the articles had contained a “significant inaccuracy, misleading statement or distortion” such that a correction was required. Nonetheless, in evaluating the references under Clause 1, the Commission had to have regard for the relevant evidence, including a judgment handed down on 2 November by the High Court in the case of *Assange v Swedish Prosecution Authority*.

It was not in dispute that the complainant had not been formally charged by Swedish authorities. As such, a claim that Swedish prosecutors had formally indicted the complainant with offences would clearly raise a breach of Clause 1 (i) of the Editors’ Code. However, the articles under complaint had not made such a claim: rather, they had alluded to “charges” more generally. In the view of the Commission, this conveyed to readers, accurately, that the complainant was being accused by Swedish prosecuting authorities of having committed the offences (and that prosecutors were seeking his extradition with a view to his potentially being tried for those offences).

The Commission noted the terms of the European Arrest Warrant, as set out in the High Court judgment. This described the four relevant offences in some detail, specifying the dates on which they had allegedly occurred and the precise nature of the alleged behaviour. The High Court found that “the terms of the EAW read as a whole made clear that ... [the complainant] was required for the purposes of being tried after being identified as the perpetrator of criminal offences”. The Commission noted from the judgment that Swedish criminal procedure differs from English criminal procedure. The High Court found that “Although it is clear a decision has not been taken to charge him, that is because, under Swedish procedure, that decision is taken at a late stage with the trial following quickly thereafter. In England and Wales, a decision to charge is taken at a very early stage; there

can be no doubt that if what [the complainant] had done had been done in England and Wales, he would have been charged and thus criminal proceedings would have been commenced". The Commission further noted the position of Swedish prosecutors that under Swedish law, the complainant could only be indicted after he had been questioned again, which was not possible in his absence from the country.

The Commission acknowledged the emphasis that the complainant placed on the fact that he had not been formally indicted by Swedish prosecutors; this was a key element of his appeal against extradition. However, it decided that in the context of the articles under complaint, the distinction between an accusation being specified in a formal indictment by the Swedish Prosecution Authority and its being specified in a European Arrest Warrant was not a matter of significance under the terms of the Editors' Code. In each case, it was an allegation that might or might not subsequently be proved in court; to refer to a charge was not to say that the complainant was guilty. For these reasons, the Commission could not establish that it was significantly inaccurate to refer, in general terms, to the existence of "charges" against the complainant. Nonetheless, it took the opportunity to draw the complainant's concerns in this respect to the publications' attention.

Reference No. 115186

Charlotte Dewar
Head of Complaints

Press Complaints Commission
Halton House
20/23 Holborn
London EC1N 2JD



Website: www.pcc.org.uk

.....
From: Simon Yip
To: Julian Assange
Date: Jan 20, 2012, 5:38 PM

Dear Mr Assange

Thank you for your email of 11 January. I handle the overall administration of complaints, and in particular, the assessment process of new complaints. I will therefore continue to process your new complaints as they come in, regardless of whether other complaints from you are ongoing and being handled by individual Complaints Officers or the Head of Complaints.

I understand that the Head of Complaints has now transmitted to you the Commission's decision on the 45 complaints that it considered as a group, and has found that they raised no breach of Clause 1 (Accuracy). I would be grateful if you could confirm whether you now wish the Commission to consider formally the further seven complaints you have made on similar points about the following articles:

The Guardian

This week's new theatre and dance (07/01/12)

2011: the year in review (30/12/11)

Daily Record

Wikileaks founder Julian Assange to be extradited to face sex charges in Sweden after losing court battle (02/11/11)

The Sun

Wiki chief must face sex cases (03/11/11)

Daily Mail

Assange wins permission to continue extradition fight but judges warn his chances of success are slim (05/12/11)

ZDNet UK

Assange granted Supreme Court appeal (16/12/11)

News to know: Julian Assange, Goodbye 'open' web, and what was Google's top search? (18/12/11)

Yours sincerely

Simon Yip
Administrator

.....
From: Julian Assange
To: Charlotte Dewar
Cc: Simon Yip
Date: Jan 24, 2012, 3:31 AM

Dear Charlotte Dewar,

Thank you for your email of 18 January setting out the Press Complaints Commission's adjudication on 45 of my complaints.

A decision that it is acceptable to say that I have been charged in relation to my extradition to Sweden, when I have not, makes a libellous imputation and the PCC will shortly receive a letter from my lawyers warning it not to publish this libellous adjudication on the Press

Complaints Commission website. The publication of such a ruling will be reported on and will encourage further libel and create disincentive for editors who have already agreed to change articles on the basis that they were misleading. It will also, for the reasons explained below, cause the PCC to lose credibility.

The PCC can only have made this decision in order to reduce workload or for reasons that have to do with its relationship with newspapers or other parties, because the facts are clear: After the EAW was issued, the Swedish prosecutor made the following statements, which are part of the court documents in the case (See Skeleton Argument to the Magistrate's Court, <http://www.fsilaw.com/cms/documents/Skeleton4Feb1550.pdf>):
"I want to emphasise that before a decision to prosecute the defendant has been made, he will be given the right to examine all documents relating to the case. If the prosecution goes ahead, the suspect will have the right to receive a copy of the investigation."
"If a decision is made to charge Mr Assange, he and his lawyers will be granted access to all documents related to the case (no such decision has been made at this stage)."

This is also in the Supreme Court Application, paragraph 143, to be heard on 1st and 2nd February, prepared by Dinah Rose QC. It is a live issue and there has been no change of circumstance since no formal charges have been issued.

It seems therefore that the PCC is indeed, as has been reported to the Leveson Inquiry, more interested in "tea and biscuits" than in providing proper regulation of the UK newspaper industry.

The ruling reached by the PCC is perverse and flies in the face of common sense, for the following reasons:

1. Please take a moment to read these links:
<http://www.dailymail.co.uk/news/article-1354421/Julian-Assange-III-sent-US-executed-Im-extradited-Sweden.html>
<http://www.guardian.co.uk/media/2011/feb/24/julian-assange-extradition-ruling?INTCMP=SRCH>
<http://www.independent.co.uk/hei-fi/news/assange-may-stay-in-uk-regardless-of-court-ruling-6255618.html?origin=internalSearch>
http://www.huffingtonpost.co.uk/2011/07/12/assange-fights-extraditio_n_895492.html
<http://www.mirror.co.uk/news/latest/2010/12/07/police-to-quiz-wikileaks-founder-115875-22766874/>
<http://www.thesun.co.uk/sol/homepage/news/3396520/Crunch-WikiLeaks-defence-online.html>
<http://www.people.co.uk/news/uk-world-news/2011/07/12/assange-extradition-bid-in-court-102039-23265291/>

All say – correctly – that I have not been charged with any offence. All are dated prior to my first complaint to the PCC, and there are many others like them, for example:
<http://www.reuters.com/article/2011/12/05/us-britain-assange-idUSTRE7B401Z20111205>.
These articles are from the same newspapers against which I have lodged complaints with

the PCC about articles where they have got it wrong. The publications cannot have it both ways – that I have been charged and that I have not.

2. Publications approached by the PCC as a first step prior to adjudication regarding my complaints on other matters have all immediately conceded the point about my ‘facing charges’ where this, or similar formulations, has also appeared in the same article. All have already offered corrections, with the exception – predictably – of the Guardian, which has been locked into a dispute with Wikileaks following its intentional breach of the Cablegate contract in late 2010. To this extent, the mediation route has thus far been successful, but I was not even offered it for these 45 complaints. It was the PCC’s decision, not mine, to take these complaints straight to adjudication.

3. This ‘job lot’ approach by the PCC has produced some interesting results. Take, for example, my complaint about this from the Daily Mail: "He is an Australian who has been hacking into American government computers from a bunker in Sweden, where he is wanted on rape charges", which is false on so many counts I’m surprised they got my nationality right, but which the PCC has just ruled is not in breach of a duty not to publish inaccurate, misleading or distorted information.

4. The adjudication points out that the Commission is not qualified to establish the strict legal meaning of the various formulations of ‘charges’ used in the articles complained of, and yet bases its conclusion that UK readers would not be misled by these on its own interpretation of the High Court’s explication – across a 43-page legal judgment – of the differences between Swedish and English judicial procedure, in particular that the decision whether to charge is taken at a much later stage in Sweden than it is in the UK. Shockingly, the PCC concludes that, because of those differences, as I have been accused of something, it is “not a matter of significance” for UK readers whether that accusation is by way of formal charges.

Formal charges exist for a reason. They solidify accusations, but they also activate rights to protect oneself against false accusations, by providing those charged with the details of allegations against them and opening various legal means of redress, rights which have not been afforded to me because I have not been formally charged. To a UK reader, the use of phrases such as "he has been charged" within the context of an extradition case clearly creates the imputation that formal charges have been laid, when they have not. Such an imputation is libellous.

5. The PCC’s adjudication entirely misses the point of its own remit: to deal with false or misleading impressions created for a UK readership – not with that readership’s knowledge, or otherwise, of the Swedish legal system. It is entirely wrong to equate accusations with charges in UK newspaper articles, period. Or, if the matter of someone’s legal status is ambiguous, then publications must state the ambiguity to the reader. Newspaper readers do make a distinction between allegations and charges, and will draw inferences from it as to the strength of a case, likelihood of innocence or guilt, and so on – hence the editors’ immediate capitulation on this point when some of my complaints were put to them by the PCC via its mediation process.

Yours sincerely,

Julian Assange

.....
From: Julian Assange
To: Simon Yip
Date: Jan 24, 2012, 11:46 AM

Dear Simon Yip,

Thank you for your email, and for the courtesy of asking me whether I still wish to proceed with the remaining seven complaints. I can confirm that yes, indeed I do.

I have copied you in on my 23 January email to Charlotte Dewar about the PCC adjudication. I would like you to append the whole of that email to each of these seven complaints when you put them through for formal consideration please.

Many thanks.

Kind regards,

Julian Assange

.....
From: Julian Assange
To: Simon Yip
Date: Jan 24, 2012, 11:53 AM

Apologies, Simon - that should read "my 24 January email to Charlotte Dewar".

Best wishes,

Julian Assange

.....
From: Julian Assange
To: Ben Milloy
Date: Jan 25, 2012, 1:43 AM

Dear Ben Milloy,

Thank you for your recent emails enclosing the editors' replies to my complaints about articles in the Observer and Daily Mail. Please find below the detailed responses I wish to make.

One point I would draw your attention to: I've included in my response to the Richard Littlejohn article a link to a search results page for the Daily Mail. You'll see if you compare the date/time stamps to the subject matter of the headlines that the newspaper has made quite a number of recent amendments to old articles about me. However, the articles themselves still carry the original date and timestamp. This, of course, creates the false impression that the articles were never wrong in the first place, and consequently does nothing to correct the misleading impression created in the minds of readers when reading them on first publication.

I don't see this approach as quite in the spirit of the Editors' Code; hopefully, you don't either. Readers like corrections and corrections sections or pages – it reaffirms the contract of trust between newspaper and reader when a newspaper owns up to the mistakes it has made.

Yours sincerely,

Julian Assange

Observer: Julian Assange: the Unauthorised Autobiography – review 2/10/2011

"I admire Andrew O'Hagan's writing" is a clear statement of fact that cannot be twisted to mean "an implicit criticism of Mr O'Hagan's work" no matter how hard one tries. It is also clear from my statement released 27 September, which the article's author had ample time to fact-check, that the position throughout the summer - as agreed with Knopf and Canongate - was for the contract to be renegotiated and the draft manuscript to be extensively revised to reflect a documentary form, in particular to take into account the privacy of the individuals mentioned in the book. Canongate refused to return a work-in-progress draft obtained from Mr O'Hagan's researcher to either him or me for any of these revisions, corrections or fact-checking to be done. My dissatisfaction with the book is aimed wholly at Canongate, not Andrew O'Hagan's work, as is very clear from my statement. Please note it also states: "I have a close friendship with Andrew O'Hagan and he stands by me."

I would suggest appending my 27 September statement to the article and signalling its inclusion at the top. However, the correction also needs to be announced somewhere where people will actually read now that this matter has previously been misreported. Has the Observer taken up the policy of Page 2 corrections that seems to be becoming industry standard? If so, I'd like a clarification to be written there. For the online version, a clarification in a Page 2-equivalent position with the whole article, with my statement appended, linked from there.

<http://wikileaks.org/Julian-Assange-Statement-on-the.html>

Daily Mail: News of the World: If Max Clifford deserves £1m what price Milly Dowler's family? 12/7/2011

Trenchant and opinionated style or not, Richard Littlejohn still has a duty under Clause 1 iii) of the Editors' Code to clearly distinguish between comment, conjecture and fact, which he fails to do here.

To address Alex Bannister's points: These statements, both in the original article and implied in his letter, are simply false; he can satisfy his curiosity about how Wikileaks works here: <http://wikileaks.org/About.html>, and the claim which is in fact uncontroversial is that the US Departments of Defense and State have stated on at least three separate occasions that they have been unable to find a single case of anyone being killed or physically harmed as a result of Wikileaks' publications. For the background to these public statements, see paragraphs 5 a-e and 6 here: <http://www.scribd.com/doc/74086105/Defense-Evidence-Request-Manning>. To answer the point made in the suggested revised wording about the potential of publication to put lives at risk, cheerleading for Britain's involvement in the Iraq War, as most UK publications did in 2003, most certainly did put people's lives at risk, but I doubt the Daily Mail would want to remind their readers of that. People do make such connotations, however, so perhaps Mr Bannister would prefer less inflammatory wording.

I note the wording of the online article was updated on 6th January 2012 (see <http://bit.ly/yLvafX>) to read: "...the Guardian lionising Julian Assange, whose organisation publishes highly confidential leaked information from security services, publication of which puts people's lives at risk". The original article read: "Julian Assange, who hacked into the security services and then published classified details which got people killed". It is that original wording which has created a false and misleading impression in readers' minds and simply amending the Daily Mail's online archive (with no indication on the article that it has been updated, I might add; it still has the original date/time stamp) does nothing to correct that. The revised amendment needs to be made explicit in a Page 2 clarification, and in a Page 2-equivalent position on the Daily Mail's website. I believe the Daily Mail now operates a Page 2 corrections policy.

Daily Mail: Wikileaks may endanger secret sources by publishing 250,000 uncensored US cables 3/9/2011

The Daily Mail has not provided a response to my complaint about the way it has reported false statements made by James Ball about the use of Wikileaks supporters' donations – twice in the body of the article and repeated in bold type in the subheading. Although these false statements are carefully hedged with quote marks and use of the word 'claims', no attempt has been made to inform readers that these claims are contradicted by the publicly available (and easily checkable) information given on Wikileaks' website concerning the separately administered and audited donation funds. In addition to the information on the Wikileaks website, which clearly states that the funds are used for clearly stipulated, separate purposes, the chartered accountants for the Wikileaks Staff and Julian Assange Defence Fund are available for contact so again, fact-checking is straightforward (the contact details are on the WL press contact list) and Derek Rothera & Co has a website with a page about the Defence Fund and a telephone number.

A prominent correction is required – where readers who have been misled by this article can see it – and I therefore suggest a Page 2 clarification detailing this and the amendment about the ‘charges’, repeated in a Page 2-equivalent position on the Daily Mail’s website for the online version.

.....
From: Ben Milloy
To: Julian Assange
Date: Jan 27, 2012 11:46 AM

Dear Mr Assange

Thank you for your email of 25 January.

I note that you have requested page 2 corrections in respect of the following articles:

1. 'WikiLeaks may endanger secret sources by publishing 250,000...' (12/07/11) and
2. 'News of the World: If Max Clifford deserves £1m...' (03/09/11)

While I am happy to pass these requests to the newspaper, I wanted to make you aware of two issues:

The Commission, generally speaking, is unable to take complaints more than two months after publication of the article, except in exceptional circumstances. Online material is different (the Commission has regarded downloading an article as republication so that information which is still)

The Richard Littlejohn article (1) was published on 12 July. Given that you complained to us after the two month period had elapsed (14 November) we took the matter up in respect of the online version only. Accordingly, the Commission may not be in a position to compel the newspaper to correct any significant inaccuracies in print.

Secondly, the Commission generally only expects newspapers to clarify significant inaccuracies in the media in which they originally appeared. My understanding is that the Hugo Gye piece (2) appeared online only. As such, it would not be incumbent on the newspaper to correct any errors in print.

As I have stated, I am nevertheless happy to pass on your requests to the newspaper and shall now do so.

As a final point, I note that you have not commented on the Daily Mail responses to the following articles, in particular the remedial action taken:

1. 'WikiLeaks could be bankrupt by end of year, admits Julian Assange'. (Ms Gottesman amended the article to state that you are facing extradition over allegations of sexual assault rather than charges and that you were not cautioned)

2. 'Autobiography of Wikileaks founder Julian Assange is a sales flop'. (Ms Gottesman amended the article to read 'accuse him of rape and sexual molestation respectively'.)
3. 'WikiLeaks may endanger secret sources by publishing 250,000...'. (Ms Gottesman amended the article to state that you are facing extradition over allegations of sexual assault rather than charges.)
4. 'Wikileaks' Julian Assange loses High Court bid to block extradition to Sweden' (Ms Gottesman corrected the date the second warrant was issued)

Save for the donations claim appearing in article 3 (on which I await comment from the Daily Mail) can I infer that you are otherwise happy with the action taken/offered i.e. the above amendments with a statement at the bottom of each article, clarifying the change that has been made?

I look forward to hearing from you, at your earliest convenience, and preferably within the next seven days.

Do not hesitate to give me a call if there is anything you wish to discuss.

Best wishes

Ben Milloy
Complaints Officer

From: Ben Milloy
To: Julian Assange
Date: Jan 27, 2012 5:17 PM

Dear Mr Assange

Further to your email of 10 January, I have now received responses from the Sun, the Independent, the Observer, the Economist and the Guardian (attached)

To summarise each in turn:

The Sun

Mr Shanahan states that he would be prepared to publish the following online correction: On July 14 we reported that Julian Assange was on bail as he appealed against a ruling to have him extradited to Sweden to face two charges of rape. In fact Mr Assange has not so far been charged with any offence, and one allegation is of molestation, not rape.

The Independent

Mr Gore maintains that there has been no breach of the Code. He says that the article was a contemporaneous account of fast-moving events, which made clear that WikiLeaks rejected all claims about it being to blame. While he would be happy to use the amended wording

put forward by you, he thinks that his proposed positioning (as a footnote/update) is appropriate. While I did ask whether he would consider publishing the statement as an online letter, he is not minded to accede to this request.

The Economist

Mr Micklethwait proposes the following wording, to appear in the books and arts pages of the magazine:

Clarification

In our review of "Julian Assange: The Unauthorised Autobiography" (Leaker's Leak - October 1st 2011), we said that Swedish prosecutors wished to question Mr Assange "in two cases of rape". In fact, Mr Assange is accused of one offence of rape, two offences of sexual molestation and one offence of unlawful coercion. We are happy to make this clear.

The Observer

Mr Pritchard proposes the following wording, to appear in the Observer corrections column, which appears on the letters' page:

Julian Assange has asked us to make it clear that, contrary to our review of "Julian Assange: The Unauthorised Autobiography' (Books, 2 October, 2011), he did not "criticise author Andrew O'Hagan's writing". He says his criticisms of the book were directed at the publisher, Canongate. He wishes to underline that he admires Mr O'Hagan's writing.

The Guardian

Ms Ribbons maintains that readers would not have been misled by the term 'fugitive'. Notwithstanding that it was clearly presented as the writer's opinion, she does not consider it to be an inaccurate description.

I would be grateful for your thoughts on the above. Might you be willing to resolve your complaints on the basis of the proposals? If you have reservations regarding the proposed wordings, please feel free to suggest alternative drafts, which I can put to the newspapers.

With regard to the Guardian, as amicable resolution appears not to be possible, the next step would be to have the matter considered formally by the Commission. If this is how you wish to proceed, please ensure that it is stated in your response, and that you provide any final comments you wish to be taken into consideration.

I look forward to hearing from you, within the next seven days, or sooner, if convenient.

Please do not hesitate to give me a call if you wish to discuss.

Best wishes

Ben

.....
From: Charlotte Dewar
To: Julian Assange
Date: Feb 3, 2012 6:59 PM

Dear Mr Assange,

I apologise for the delay in reverting to you.

As you are aware, the Commission did not establish a breach of Clause 1 (Accuracy) of the Editors' Code in relation to your complaints about the 45 articles listed in the attachment to my email of 18 January.

The Commission is able to reconsider complaints when new evidence has come to light that has a bearing on its decision, or where it can be demonstrated to have misunderstood a complaint. I do not believe that the concerns you outlined would constitute grounds for the Commission to review its decision; rather, it appears that you simply disagree with its conclusion, which of course you are entitled to do.

I am afraid that all I can suggest is that you may wish to approach the Commission's Independent Reviewer should you wish to take forward concerns about the handling of this matter.

With best wishes,

Charlotte

Charlotte Dewar
Head of Complaints

.....
From: Julian Assange
To: Ben Milloy
Date: Feb 6, 2012 12:54 AM

Dear Ben Milloy,

Thank you for your two emails of 27 January. I will deal with the second one first.

The Sun: Mr Wiki: I prefer virgins (14/07/11)

Agreed, with a slight revision. The wording should read: "On July 14 we reported that Julian Assange was on bail as he appealed against a ruling to have him extradited to Sweden to face two charges of rape. In fact Mr Assange has not so far been charged with any offence, and the allegations are of molestation, not rape." It is important to clarify for the UK readership that there are no allegations of rape as a UK reader would understand that term. The Swedish Category 3 (less serious crime) offence – the so-called 'minor' rape – is not an offence which exists in England and has no equivalent in English law.

Your email states The Sun would be prepared to publish this as an online correction, however their letter says they will 'print'. Yes, I would like a printed correction, preferably Page 2 if The Sun has adopted that policy. For the online version, where exactly will the correction appear? Do they have a Page 2-equivalent position? (Please see my comments below about The Economist's treatment of online clarifications.)

The Independent: Uncensored Wikileaks cables posted online (01/09/11)

Wording and position agreed, but I note The Independent has a separate corrections page: <http://www.independent.co.uk/news/corrections/> I would like it to also go there please.

The Economist: Leaker's leak (01/10/11)

Agreed, but again the revised wording must make clear for a UK readership that there are no allegations of rape as a UK reader would understand the term. I would suggest the following:

Clarification:

In our review of "Julian Assange: The Unauthorised Autobiography" (Leaker's Leak – October 1st 2011), we said that Swedish prosecutors wished to question Mr Assange "in two cases of rape". In fact, Mr Assange is accused of one offence of 'minor' rape (less serious crime), two offences of sexual molestation and one offence of unlawful coercion. He has not been charged. We are happy to make this clear.

The Books & Arts pages would seem a sensible placing for the print version, but I see The Economist has already pinned an earlier (and not yet agreed) version of this clarification to its online Culture page: <http://www.economist.com/node/21543145>. However, I cannot see any way to find this page from the main site, there's nothing pointing to it. How will readers learn that these matters have previously been misreported in The Economist if the only way they can find the clarification is if they already know it exists? Please tell me that this correction is not meant for my eyes only.

I see The Economist has also corrected their 10 September article "Swept Up and Away" under their own steam (for which, many thanks), as follows: "Correction: This article originally said that Mr Assange faced sexual-assault charges in Sweden. In fact he has not been charged, but is wanted for questioning in relation to sexual-assault allegations." Again, can I ask how readers have been pointed to this on The Economist's online site (it has been pinned there but it's not clear how)?

Observer: Julian Assange: the Unauthorised Autobiography – review 02/10/11

Agreed. Wording to appear in the Observer's corrections column on the letters page, and on the article itself.

The Guardian: Steve Jobs v Julian Assange: what makes a good biography? (26/10/11)

Ms Ribbons appears to be under the misapprehension that I 'ran away' from Sweden, despite evidence of the facts supplied with my previous email. Perhaps she would like to withdraw this remark and apologise. She might also like to consider this:

<http://chirpstory.com/li/3755>

I take it from the Guardian's response that it now accepts this article was an opinionated smear piece with no basis in fact. I therefore suggest it adds a note: "The opinions expressed in this article are the author's own and do not necessarily state or reflect the views of the Guardian newspaper. No inference should be drawn from it that the Guardian newspaper criticises in any way Mr Assange's decision to appeal his extradition to Sweden".

The Guardian: Julian Assange extradition appeal: QCs clash over 'conceptions of consent' (13/07/11)

Yes, this one will have to go forward for formal adjudication. Please ensure that the whole of my email of 24 January to Charlotte Dewar is appended to it. I would also like the following evidence to be brought to the attention of the Commission when making its decision about this complaint:

- The three pages from the July Appeal submission attached as PDFs to my email to Simon Yip of 12 November (statements made by the Swedish prosecutor);
- My email to Simon Yip dated 29 November (including full email exchange with my lawyers);
- The statement from my lawyer Mark Summers copied into my email to Rebecca Hales of 10 January, and my remarks beneath it;
- The paragraph beginning "The PCC can only have..." and the one beneath it in my email to Charlotte Dewar of 24 January; and
- My comments below.

The PCC's adjudication makes a libellous imputation, which it has disseminated to the editors of virtually the whole of the UK mainstream press without either checking with me first or, presumably, speaking to its own lawyers, thus encouraging further libel. Indeed, the Guardian has used the PCC's letter about the adjudication to argue against any correction of its misreporting of the facts of my case. The PCC's adjudication contains a fundamental misunderstanding of extradition law under the EU Framework Directive – in fact, it reverses one of the central tenets of that Framework, and has now encouraged UK newspaper editors to also do so.

The PCC's adjudication is so wrong *in law* – there will be a letter coming from my lawyers about this – that I am sure it now wishes it had stuck to its remit of simply deciding what constitutes misleading reportage for a UK readership familiar with UK law, instead of attempting a legal interpretation (presumably without seeking legal counsel) that it was unqualified to give. As the Guardian's response puts it: "The Commission concluded that in the context, a distinction between a formal indictment by the Swedish authorities and the accusation specified in a European Arrest Warrant was not significant." If allegations are now – per the PCC – the equivalent of charges and the UK press are free to say as much,

then I assume that if I am ever formally charged no UK newspaper will even bother to mention it as it has already been (mis)reported.

To be clear, accusations should not be conflated with formal charges in UK newspapers (this is so obvious it shouldn't really need stating); they should also – per the EU Framework Directive – not be used as a substitute for formal charges in European Arrest Warrants, which were designed to be used after formal indictment, not before.

Your other email:

Thank you for the clarification as to which articles might qualify for a print correction as well as an online one (the Hugh Gye piece is in fact (1) and Richard Littlejohn's (2)). Yes, please pass on my requests as written. In view of the discussion coming out of the Leveson Inquiry on this issue, I'm keen to see whether more newspapers will adopt Page 2 corrections (or Page 2-equivalent online) as an industry standard.

Daily Mail responses:

1. Wording agreed, but I need to know what the Daily Mail's procedure is for 'due prominence' for its website that corresponds to its Page 2 corrections policy. How are readers pointed to the fact that the correction has been made? Due prominence is essential in order to correct the misleading impression created by reading the inaccuracies of the original article.
2. Suggested correction: "accuse him of Category 3 (less serious crime) "rape" (so-called 'minor' rape, a concept in Swedish law) and sexual molestation respectively." It is important to make clear that there are no allegations of rape as UK readers would understand that term.
3. Agreed with the same provisos as 1. and 2. above. Thank you for confirming that the Daily Mail's response on the falsehood about donations is still to come.
4. The important point here is that the revision makes it clear I left Sweden thirty-eight days later, not eight days as misreported. I suggest the paragraph is reworded as: "A warrant was issued for his arrest in August last year, but was rescinded after a prosecutor ruled there was no evidence of rape. He remained in Sweden for thirty-eight days but another European Arrest Warrant was issued on November 18 2010." See also: <http://chirpstory.com/li/3755>. I can't see any indication on the link Ms Gottesman provided to show how the article has been updated. It also still carries the original date/time stamp, which gives the false impression the article was never wrong in the first place. Can the Daily Mail please confirm how this correction is pointed to on its website – ie. its online equivalent of the Daily Mail's Page 2 corrections policy - so that readers are aware it exists and that the facts have previously been misreported?

I understand that these agreements (including the above revisions) by the Sun, Economist and Daily Mail to correct their previous misreporting and state clearly that I have not been charged will now be considered 'resolved' via the PCC's mediation process and will be summarised on the PCC's website. Is that correct? How long will it be before they appear on

your website, and will the PCC check with me this time before issuing any statements? I would like to check the wording of any PCC summaries before publication please.

Kind regards,

Julian Assange

.....
From: Simon Yip
To: Julian Assange
Date: Feb 7, 2012 12:36 PM

Dear Mr Assange

Thank you for your email (below). Your complaints (on the articles listed below my signature) will now be passed to the Commission with a view to it making a ruling under the Code. I can confirm that the Commission will have sight of your email of 24 January as part of this process.

In the meantime, should you have any queries or require any further advice, please do not hesitate to contact us on

Yours sincerely

Simon Yip
Complaints Coordinator

.....
From: Ben Milloy
To: Julian Assange
Date: Feb 7, 2012 4:19 PM

Dear Mr Assange

Thank you for your further comments.

I note your request that the Sun publish a correction in print, as well as online.

As you will recall, generally speaking, the Commission cannot accept complaints more than two months after publication of the article, except in exceptional circumstances. However, the Commission treats online material differently from that appearing in print (articles can remain 'live' for much longer and the Commission has regarded downloading an article as republication, so material that is still freely available on a publication's website can generally be complained about, even if the piece was not originally published within the last two

months.) As such, we were able to proceed with your complaint about the online version of the Sun article.

I am happy to pass on your request for the correction to appear in the newspaper. However, given that you complained on 8 November (over 3 months from the date of publication), I wanted you to be aware that – should amicable resolution prove impossible and the Commission is asked to consider your concerns formally – the lapse of time is a factor to which it would have regard and which may, ultimately, affect the possibility of a correction appearing in this media.

I shall now revert to the Sun and write to you once I have received its further comments. Do give me a call if you wish to discuss.

Best wishes

Ben

Ben Milloy
Complaints Officer

.....
From: Julian Assange
To: Michael Willcocks [Independent Reviewer]
Date: Feb 8, 2012 1:53 AM

Dear Sir Michael,

I understand that reviewing the substance of a decision made by the Press Complaints Commission lies outside your remit. The following points therefore all concern ways in which the PCC has mishandled 45 of my complaints. For your convenience, I provide a key to documents forwarded separately.

Key:

- Doc 1 – Julian Assange to Simon Yip, 12 Nov
- Doc 2 – Julian Assange to Simon Yip, 25 Nov
- Doc 3 – Simon Yip to Julian Assange, 29 Nov
- Doc 4 – Julian Assange to Simon Yip, 29 Nov
- Doc 5 – Julian Assange to Simon Yip, 3 Dec
- Doc 6 – Simon Yip to Julian Assange, 5 Dec
- Doc 7 – Julian Assange to Simon Yip, 8 Dec
- Doc 8 – Julian Assange to Simon Yip, 10 Dec
- Doc 9 – Simon Yip to Julian Assange, 15 Dec
- Doc 10 – Rebecca Hales to Julian Assange, 22 Dec
- Doc 11 – Simon Yip to Julian Assange, 10 Jan
- Doc 12 – Julian Assange to Rebecca Hales, 10 Jan
- Doc 13 – Simon Yip to Julian Assange, 11 Jan

Doc 14 – Julian Assange to Simon Yip, 11 Jan
Doc 15 – Ben Milloy to Julian Assange, 13 Jan
Doc 16 – Julian Assange to Ben Milloy, 16 Jan
Doc 17 – Ben Milloy to Julian Assange, 18 Jan
Doc 18 – Charlotte Dewar to Julian Assange, 18 Jan
Doc 19 – Julian Assange to Charlotte Dewar, 24 Jan

1. The PCC did not offer me the mediation route for these 45 complaints. The mediation route has thus far been successful for me with complaints about other libels where the matter complained of in these 45 complaints – ie false statements that I ‘have been charged’, ‘face charges’ or similar formulations – also appeared in the same article. All bar one of the publications approached immediately conceded this point and suggested corrections. However, I was not offered this route, or consulted about it, by the PCC in respect of the 45 complaints taken straight to adjudication; that was the PCC’s decision, not mine. Emails labelled Docs 4, 6, 10, 12, 15, 16 and 17 are relevant.

2. In choosing to take the approach it has for this adjudication, the PCC has lost sight of its remit: to deal with false and misleading impressions created by UK newspaper articles for a UK readership familiar with UK law (Docs 18 and 19). It has made wholly unwarranted assumptions about the level of knowledge the UK general public might have of the differences between British and Swedish judicial procedures. According to the PCC’s reasoning, when a UK newspaper reader sees the word ‘charges’ in an article about me, they will somehow know this in fact means ‘allegations’ because they are so well versed in how the Swedish legal system works. Such knowledge on the part of UK newspaper readers cannot be simply assumed, by either newspaper journalists or by the PCC.

A second unsustainable assumption the PCC has made in its handling of these 45 complaints is that if newspapers allude to ‘charges’ generally – when what they really mean is allegations – this does not imply anything about a person’s guilt. Newspaper readers do make a distinction between allegations and charges, and will draw inferences from it as to the strength of a case, likelihood of innocence or guilt, and so on – hence the editors’ immediate capitulation on this point when some of my complaints were put to them by the PCC via its mediation process.

3. The PCC did not consider each of my complaints individually in reaching its adjudication, taking a ‘job lot’ approach whereby the significance of the inaccuracy within the whole article was not reviewed (see Docs 6, 11, 13, 14, 18 and 19). This context, as the Editors’ Code states, is crucial for assessing whether inaccuracies mislead or distort. Also, the PCC’s website indicates that other adjudications where complainants have brought complaints against multiple publications have been made on a case-by-case basis:
<http://www.pcc.org.uk/cases/adjudicated.html>

4. The PCC has not met its service commitments in processing these complaints:

For the majority of the 45 complaints, the PCC took twice as long (between 29 and 34 days past deadline) as the “average of 35 days to final adjudication”; it did not tell me when I could expect a decision, despite three requests to be told; it did not advise me of the likely outcome, as promised on its website; and it did not keep me informed at regular 15-day intervals. I am forwarding relevant emails to you separately as Doc 2, Doc 3, Doc 5, Doc 6, Doc 7, Doc 8, Doc 9, Doc 11, Doc 13 and Doc 14.

5. The PCC did not check to see whether the matter complained of was reported correctly elsewhere in the UK press (Doc 19). If it had, it would have found plenty of examples, such as:

<http://www.dailymail.co.uk/news/article-1354421/Julian-Assange-III-sent-US-executed-Im-extradited-Sweden.html>

<http://www.guardian.co.uk/media/2011/feb/24/julian-assange-extradition-ruling?INTCMP=SRCH>

<http://www.independent.co.uk/hei-fi/news/assange-may-stay-in-uk-regardless-of-court-ruling-6255618.html?origin=internalSearch>

http://www.huffingtonpost.co.uk/2011/07/12/assange-fights-extraditio_n_895492.html

<http://www.mirror.co.uk/news/latest/2010/12/07/police-to-quiz-wikileaks-founder-115875-22766874/>

<http://www.thesun.co.uk/sol/homepage/news/3396520/Crunch-WikiLeaks-defence-online.html>

<http://www.people.co.uk/news/uk-world-news/2011/07/12/assange-extradition-bid-in-court-102039-23265291/>

All of these state – correctly – that I have not been charged with any offence. All are dated prior to my first complaint to the PCC. There are many others like them, for example:

<http://www.reuters.com/article/2011/12/05/us-britain-assange-idUSTRE7B401Z20111205>.

Please note: all of the above articles are from the same newspapers against which I have lodged the 45 complaints about articles where they got it wrong. In the context of a relatively large number of complaints and extensive media coverage of my case, not to survey even briefly how the matter had been reported across the industry as a whole constitutes a mishandling of my case.

6. One of the reasons it is important to not give the imputation that I have been charged is that the lack of an indictment is central to understanding the legal and political debate. I note the PCC has stated in one of its recent adjudications:

“Newspapers have an essential part to play in the reporting of crime and the judicial system that prosecutes those accused of committing it. It is vitally important that any such reports adhere to the key principles governing accuracy under the terms of the Editors' Code: taking care not to publish inaccurate or misleading information; and clearly distinguishing between comment, conjecture and fact.

“These principles are equally valid whether reporting cases in the UK or abroad, where official procedures may be different (as on this occasion). Indeed, the reporting of cases taking place in a foreign jurisdiction poses particular challenges for editors. The Commission took this opportunity to highlight the importance of care in the use and presentation of material originating from the police and court processes of other countries.” (Richard Davies v The Sun, 21/4/2011)

The PCC has not followed its own advice in its handling of my 45 complaints. I would like to know which prior PCC case rulings were used as a basis for this adjudication (obviously not the one above), and what external expert advice the PCC sought before deciding to base its adjudication on its own interpretation of a 43-page High Court judgment in an extradition case, if any.

7. The Commission also admits it is not qualified to establish the strict legal meaning of the various formulations of ‘charges’ used in the articles complained of (Docs 4, 12, 18 and 19), yet – despite finding “It was not in dispute that the complainant had not been formally charged” – goes on to claim no breach of the Editors’ Code on the basis that there is no significant distinction between formal charges and allegations in common parlance. This would not survive a libel action when matched against what the imputation is in the articles themselves (see also point 3 above).

8. The PCC did not use any of the evidence that I supplied with my online complaint submissions or in follow-up emails; at least, there is no reference to any of it in the adjudication (Doc 18). I would like to receive a copy of the full minutes of the Commission’s meeting to check exactly what evidence the PCC did use. Loathe as I am to allege bias, it seemed right from the start that the evidence I supplied was being ignored and that the PCC had “gone out of their way to find other information” (see email exchange between my assistant and my lawyers copied into Doc 4). The evidence supplied includes public statements made by the Swedish prosecutor (attached to Doc 1), a legal opinion from my QC, supplied twice (Docs 4 and 12), a link to the Sweden vs Assange website – <http://www.swedenversusassange.com/> – to use as a reference tool as it provides the most detailed and accurate account of the facts of my case (Doc 1), and several links to specific pages on that site on the online complaint submission forms themselves (the Doc 4 email exchange includes a sample form).

One example to help you review this point: if the PCC had utilised the reference tool I had provided or looked at this link:

<http://www.swedenversusassange.com/Prosecution.html> included on several of my online submissions, the adjudication could not have stated “the complainant could only be indicted after he had been questioned again, which was not possible in his absence from [Sweden]”, as the Commission would have been aware that it has indeed been possible for the Swedish prosecutor to question me in the UK at any time over the past 16 months, via Mutual Legal Assistance, by any number of means: phone, video conference, the Swedish Embassy, and so on – all

arbitrarily, and very unusually, refused by this particular prosecutor. (This obviously signals deep significance to the fact that charges have still not been brought against me.)

While there are several Commission members who have some sort of legal background, none has the required expertise in extradition law to use this court judgment to inform its decision. The adjudication reveals fundamental misunderstanding of how the European Arrest Warrant system works (most crucially, that it *mandates* 'trust' by judges in what is written on the EAW; the High Court judges therefore looked at the allegations in light of this mandate).

9. The PCC did not inform me of the outcome of the adjudication before issuing it to the press (Docs 18 and 19). As noted above, the adjudication makes a libellous imputation and, without consulting me or, it would seem, speaking to its own lawyers, the PCC has disseminated this libellous adjudication to the editors of virtually the entire UK mainstream press, thus encouraging further libel and providing disincentive for newspapers to report the matter accurately or to correct previous misreporting.

If after reviewing my complaints case in light of the above points you feel, as I do, that insufficient weight or proper consideration has been given to any of these aspects, I would like you to refer my 45 complaints back to the Commission for reconsideration.

Yours sincerely,

Julian Assange

.....
From: Julian Assange
To: Charlotte Dewar
Date: Feb 8, 2012 5:35 PM

Dear Charlotte Dewar,

Thank you for your email of 3 February, replying to mine of 24 January. I am disappointed that you found nothing with which you felt the PCC's decision could be criticised. As you suggested, I've written to the Independent Reviewer outlining what went wrong and am forwarding you a copy below.

I would be grateful if you could arrange for the below email to be appended to the remaining seven complaints going forward for formal consideration, and to the Guardian 'QCs clash' article, which I believe Ben Milloy is now putting forward. I shall write to Ben and Simon Yip separately to let them know.

Kind regards,

Julian Assange

> -----
> From:
> Sent: Wed, 8 Feb 2012 02:53:41 +0100 (CET)
> To: <independentreviewer@pcc.org.uk>
> Subject: Julian Assange - Complaint about PCC mishandling of my complaints case

>
> Dear Sir Michael,
>

I understand that reviewing the substance of a decision made by the Press Complaints Commission lies outside your remit. The following points therefore all concern ways in which the PCC has mishandled 45 of my complaints. For your convenience, I provide a key to documents forwarded separately.

- >
- > Key:
 - > Doc 1 – Julian Assange to Simon Yip, 12 Nov
 - > Doc 2 – Julian Assange to Simon Yip, 25 Nov
 - > Doc 3 – Simon Yip to Julian Assange, 29 Nov
 - > Doc 4 – Julian Assange to Simon Yip, 29 Nov
 - > Doc 5 – Julian Assange to Simon Yip, 3 Dec
 - > Doc 6 – Simon Yip to Julian Assange, 5 Dec
 - > Doc 7 – Julian Assange to Simon Yip, 8 Dec
 - > Doc 8 – Julian Assange to Simon Yip, 10 Dec
 - > Doc 9 – Simon Yip to Julian Assange, 15 Dec
 - > Doc 10 – Rebecca Hales to Julian Assange, 22 Dec
 - > Doc 11 – Simon Yip to Julian Assange, 10 Jan
 - > Doc 12 – Julian Assange to Rebecca Hales, 10 Jan
 - > Doc 13 – Simon Yip to Julian Assange, 11 Jan
 - > Doc 14 – Julian Assange to Simon Yip, 11 Jan
 - > Doc 15 – Ben Milloy to Julian Assange, 13 Jan
 - > Doc 16 – Julian Assange to Ben Milloy, 16 Jan
 - > Doc 17 – Ben Milloy to Julian Assange, 18 Jan
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complaints taken straight to adjudication; that was the PCC's decision, not mine. Emails labelled Docs 4, 6, 10, 12, 15, 16 and 17 are relevant.

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>

> If after reviewing my complaints case in light of the above points you feel, as I do, that insufficient weight or proper consideration has been given to any of these aspects, I would like you to refer my 45 complaints back to the Commission for reconsideration.

>

> Yours sincerely,

>

>

> Julian Assange

From: Julian Assange

To: Simon Yip

Date: Feb 8, 2012 5:56 PM

Dear Simon Yip,

Thank you for your email of 7 February, and for arranging for the extra evidence to be appended to the seven complaints now going forward to the Commission:

The Guardian

This week's new theatre and dance (07/01/12)

2011: the year in review (30/12/11)

Daily Record

Wikileaks founder Julian Assange to be extradited to face sex charges in Sweden after losing court battle (02/11/11)

The Sun

Wiki chief must face sex cases (03/11/11)

Daily Mail

Assange wins permission to continue extradition fight but judges warn his chances of success are slim (05/12/11)

ZDNet UK

Assange granted Supreme Court appeal (16/12/11)

News to know: Julian Assange, Goodbye 'open' web, and what was Google's top search?

As you may be aware, I've now referred the Commission's previous adjudication to the Independent Reviewer (copy forwarded below). Could you please arrange for this email to be pinned to the remaining seven complaints also, along with my 24 January one. Thank you.

Kind regards,

Julian Assange

.....
From: Julian Assange
To: Ben Milloy
Date: Feb 8, 2012

Dear Ben Milloy,

Thank you for clarifying the position with regard to the Sun print correction; your comments and advice are noted - thank you.

You may have heard that I'm not happy with the Commission's ruling concerning 45 of my complaints which the PCC took straight to adjudication. I've now referred my complaints case to the Independent Reviewer (copy forwarded below) and, given that we now have one complaint - the Guardian's 'QCs clash' article - going forward for adjudication following this sole instance of unsuccessful mediation on the same issue, I would be grateful if you would arrange for the email below to be appended to the complaint, along with the other items listed in my email of 6 February.

Many thanks.

Best wishes,

Julian Assange

.....
From: Ben Milloy
To: Julian Assange
Date: Feb 13, 2012 4:51 PM

Dear Mr Assange

I write regarding your complaints against the Daily Mail, specifically 1) News of the World: If Max Clifford deserves £1m what price Milly Dowler's family and 2) Wikileaks may endanger secret sources by publishing 250,000 uncensored US cables.

Article 1

Mr Bannister apologises for the delay in responding. He accepts that it is not strictly accurate to say that you 'hacked into the security services' and has offered a wording (to appear in the page 2 corrections column and online) which corrects this point, and makes clear that, to your knowledge, no one has died as a result of the Wikileaks publications.

Article 2

The newspaper initially provided a copy of the Guardian article upon which the claim was based. She pointed out that the article remained online; did not appear to have been amended and did not contain any denial, a <http://www.guardian.co.uk/media/2011/sep/02/why-i-had-to-leave-wikileaks> . In any event, MailOnline Managing Editor, Sarah Graham, has since offered to include your denial in the article and to append the following statement to the article:

This article was amended on xx February to include Mr Assange's denial that he had 'tried to use money donated to WikiLeaks to pay for his defence against sexual assault allegations in Sweden'.

I would be grateful for your comments on the attached responses, in particular, whether you might accept the offers as a means of resolving these matters? In the event that you have reservations regarding either of the suggested wordings, I would be happy to pass on an amended draft for the newspaper's thoughts.

I look forward to hearing from you at your earliest convenience.

Please do give me a call if you wish to discuss.

Best wishes

Ben

Ben Milloy
Complaints Officer

.....
From: Julian Assange
To: Ben Milloy
Date: Feb 15, 2012 1:27 AM

Dear Ben Milloy,

Many thanks for sending through the latest responses from the Daily Mail.

Article 1: News of the World: If Max Clifford deserves £1m what price Milly Dowler's family
12/07/11

I'm delighted to hear the Daily Mail has changed its procedures for updating online articles so it's now clearer to the reader when they have been amended. Mr Bannister's reply was a bit long-winded but I suppose he got there in the end so wording agreed, with a slight amendment:

"A column on 12 July suggested that Wikileaks founder Julian Assange had hacked into the security services and published information which got people killed. Mr Assange points out that Wikileaks itself does not engage in hacking but provides an electronic drop box for anonymous sources of information. He also says that he is not aware of any loss of life as a result of Wikileaks' publications. Surveys carried out by Amnesty International and the Associated Press would appear to confirm this."

Please thank Mr Bannister for confirming the correction will appear both on the online article and in the Daily Mail's Page 2 corrections column. I'm happy with that.

Article 2: Wikileaks may endanger secret sources by publishing 250,000 uncensored US cables 03/09/11

The fact that the inaccuracies in the original Guardian article, on which this Daily Mail article was based, remain uncorrected on the Guardian's website is not a good justification for either the Daily Mail reproducing the inaccuracies in the first place, or for a slow or reluctant effort to put them right now. As I'm sure you can appreciate – and Ms Graham ought to – there are particular difficulties in getting any inaccuracies or libels made by the Guardian corrected at source because we are locked in an ongoing dispute with them over their deliberate breaking of contractual arrangements. I'm sure your own efforts at mediation will have told you as much.

However, I'm grateful for Ms Graham's suggested resolution. Two points:

The wording in the article itself should read: "Guardian journalist James Ball, who worked at Wikileaks for **two** months from November, also claims that Mr Assange tried to use money donated to Wikileaks to pay for his defence against sexual assault allegations in Sweden. Mr Assange denies this claim."

And I'd like the appended wording revised to: "This article was amended on xx February to include Mr Assange's denial that he had 'tried to use money donated to WikiLeaks to pay for his defence against sexual assault allegations in Sweden'. He also points out that all Wikileaks' donations funds are independently administered and audited, as detailed on the Wikileaks website."

Can Ms Graham please confirm this correction will also appear in the Page 2 corrections column?

Many thanks for all your work on this, Ben. Have we now reached the point where all the articles – except for the two from the Guardian, of course – are considered ‘resolved’ and ready to go on the PCC website?

Kind regards,

Julian Assange

From: Ben Milloy
To: Julian Assange
Date: Feb 15, 2012 2:23 PM

Dear Mr Assange

Thank you for your further correspondence. I have now written to the Daily Mail and shall await its further comments before reverting to you.

Your most recent email and that of 6 February contained a number of suggested amendments and queries/requests regarding prominence. Before the matters can be closed as resolved, these issues need to be agreed by each publication. While I would expect to hear from the Sun, the Economist and the Daily Mail shortly, I am currently still awaiting their comments. Please note, however, that in the event that they are not prepared to accede to your requests, I will need to revert to you further before these matters can be considered resolved.

As soon as settlement is reached, I will close the files and draft resolution summaries for each. Once these have been approved by the Commission (a process which takes around 2 weeks) I will write to you (and the newspapers) with draft wordings. You will then have 7 days in which to comment/approve the statements before they are uploaded onto the website.

Turning to the remaining complaints:

The Independent

Mr Gore states in his latest response (attached) that he is not minded to publish the statement in the online corrections column, his position being that there is no requirement for the statement under the terms of the Code. However, he has offered to publish the statement as a header to the article, rather than as a footnote.

This appears to be the Independent’s final offer. Accordingly, I would be grateful to know whether you wish to resolve the matter on this basis, or, to have it considered formally by the Commission. If you wish to pursue the latter option, I would be grateful for any final comments you may have on the matter. For obvious reasons, the PCC would not publish a resolution summary if you were to opt for formal consideration.

The Observer

As you may already be aware, the correction was published in last Sunday's Observer. A copy of the published correction is attached. The online version and updated article can be viewed here <http://www.guardian.co.uk/theobserver/2012/feb/12/observer-for-the-record> and here <http://www.guardian.co.uk/media/2011/oct/02/julian-assange-unauthorised-autobiography-review>. I shall now make the necessary arrangements for the resolution summaries.

The Guardian

Provided Ms Ribbans has nothing further to add, I will arrange for this complaint to be considered formally at the next opportunity. I will ensure that the Commission is aware of the contents of your 6 February email and your Independent Reviewer complaint.

Please do not hesitate to give me a call if you wish to discuss.

Best wishes

Ben

Ben Milloy
Complaints Officer

.....
From: Ben Milloy
To: Julian Assange
Date: Feb 15, 2012 5:37 PM

Dear Mr Assange

Further to my email of today, I have now received a response from Emma Duncan on behalf of the Economist (below).

As you will note, Ms Duncan is happy to adopt your proposed wording with a small alteration ('a less serious crime').

The text would be appended to the original online article and published in the 'Books and arts' section of the printed edition. The current correction would be removed.

I would be interested to know whether you are happy to resolve your complaint on this basis.

If not, now may be an appropriate time to have your complaint considered formally by the Commission. If this is how you wish to proceed, please can you state this in your response and provide any final comments you wish to be taken into account.

As a final point, I note your position that appending a statement to the online article constitutes insufficient prominence. While I am not a member of the Commission (and therefore not in a position to prejudge its decision in your case) I should point out that this practice is one that the Commission generally considers to meet the requirements of Clause 1 (ii) of the Editors' Code.

I look forward to hearing from you, at your earliest convenience, if at all possible.

Do give me a call if you wish to discuss.

Best wishes

Ben

From: Julian Assange
To: Ben Milloy
Date: Feb 19, 2012 9:52 PM

Dear Ben Milloy,

Thank you for your two emails of 15 February.

The Independent: Uncensored Wikileaks cables posted online (01/09/11)

I note the Independent's position is that it refuses to publish the correction in its online corrections column because there's no requirement for it under the Editor's Code. That can't be right, surely? The Independent obviously accepts the article was inaccurate and that a correction is required – they've already agreed to one – and the issue regarding print corrections for online inaccuracies doesn't arise in this instance. On my reading, the Editor's Code makes a pretty big noise about corrections being given appropriate due prominence so I would be interested to hear what the Commission has to say about it not being a requirement of the Code for online readers to be alerted to previous mistakes. Could you please put this complaint through for adjudication and request that they also cover this specific issue in their ruling?

The Economist: Leaker's leak (01/10/11)

Two points: First, "less serious crime" is how the offence is formally categorised by the Swedish Prosecution Authority – a meaning which is lost by Ms Duncan's amendment to "a less serious crime". It is important for readers to know the Swedish Prosecution Authority's own definition of the offence if they are to understand the political and legal context of my extradition case, so the wording needs to stay as I suggested.

However, second point: I would like this complaint to go forward for a formal ruling by the Commission in any event. I appreciate there will be a print correction in this case, but I would like to hear what the Commission has to say about the Economist's treatment of online corrections: <http://www.economist.com/node/21530938>. (Please note the clarification is linked from a small sidebar box halfway down the page, so the correction is not even on the original article itself.) I'd like to know how the Commission sees this practice fulfilling the requirements of Clause 1 ii) for promptness and due prominence when 1) the only way an online reader misled by the original inaccuracy will be put right is if they happen to go back to re-read a now 4-month-old article (complaint submitted on 08/11/11), and 2) it's not even prominently displayed there.

The Guardian: Steve Jobs v Julian Assange: what makes a good biography? (26/10/11)

You say "provided Ms Ribbans has nothing further to add" – has she responded to my 6 February email and refused the suggested standard disclaimer? I couldn't see any response from the Guardian included in the pdf – please let me have a copy if there has been one. I'd also like the Chirpstory link supplied in my 6 February email to be included with this complaint when it goes before the Commission if you could arrange for that please.

Observer: Julian Assange: the Unauthorised Autobiography – review 02/10/11

Thank you for sending the pdf scan of the Observer's print correction. Vanishingly small. I despair. Does the PCC believe this falls under 'due prominence'?

Kind regards,

Julian Assange

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