The Honorable Eric Holder Attorney General United States Department of Justice Washington, D.C. 20530

June 19, 2014

Dear Attorney General Holder,

We, the undersigned press freedom and human rights organizations, call on the Justice Department to officially close all criminal investigations of WikiLeaks and its editor-in-chief, Julian Assange, and to stop harassment and other persecution of Wikileaks for publishing in the public interest.

Recent court documents explicitly reveal that the "criminal/national security investigation" by the US Department of Justice and FBI against both Julian Assange and WikiLeaks is "still active and ongoing" more than four years after it was opened. This investigation reportedly focuses on WikiLeaks' publication of leaked Defense and State Department documents in 2010, and has issued grand jury subpoenas for the records of WikiLeaks associates.

In a recent meeting with media representatives, you promised that "as long as I am attorney general, no reporter who is doing his job is going to go to jail." Yet, the continued criminal investigation and other persecution of WikiLeaks and Mr. Assange puts them at serious risk. Well-respected legal scholars across the political spectrum have stated that a prosecution of WikiLeaks or Mr. Assange for publishing classified material or interacting with sources could criminalize the newsgathering process<sup>5</sup> and put all editors and journalists at risk of prosecution. 6

There is growing international recognition that new media organisations are creating new channels for political debate and play a crucial role in maintaining transparency and democratic forms of government. The US Government made freedom of expression on the Internet one of the priorities of its foreign policy; this commitment must not be limited to the international arena. Thus, we are concerned that actions against Wikileaks undermine the commitment of the US Government to freedom of speech.

The investigation must come to a close.

Sincerely,

Defending Dissent Foundation (USA)
Demand Progress (USA)
Electronic Frontier Foundation (EFF) (USA)
Free Press (USA)
Freedom of the Press Foundation (USA)
Government Accountability Project (USA)
Human Rights Watch
OpenTheGovernment.org (USA)
Project on Government Oversight (POGO) (USA)
Anthony Romero, ACLU (USA)
Agnes Callamard, Columbia University
Shahid Bhutar, Bill of Rights Defense Committee (USA)
Daniel Ellsberg, Truth-Telling Project (USA)
John Perry Barlow (USA)

Article 19 (UK)

ActiveWatch (Romania)

Africa Freedom of Information Centre

Arabic Network for Human Rights Information (ANHRI)

Association for Civil Rights (Argentina)

Association for Freedom of Thought and Expression (Egypt)

Association for the Defence of Human Rights in Romania - Helsinki Committee (Romania)

Association of Caribbean Media Workers (ACM)

Association of Independent Electronic Media (Serbia)

Association for Technology and Internet - ApTI (Romania)

Center for Independent Journalism (Romania)

Centre for Independent Journalism (Malaysia)

Centre for Internet & Society (India)

Centre for Investigative Journalism (CIJ) (UK)

**European Digital Rights** 

Foundation forma the freeedom of press (FLIP) (Colombia)

Freedom Forum (Nepal)

Fundația Ceats (Romania)

Geo-spatial.org (Romania)

Globe International Center (Mongolia)

Human Rights Network for Journalists (Uganda)

I'lam Media Center for Arab Palestinians in Israel (Israel)

Index on Censorship (UK)

Independent Journalism Center (Moldova)

Indonesia's Alliance of Independent Journalists (AJI) (Indonesia)

Initiative for Freedom of Expression (Turkey)

Institute for Reporters' Freedom and Safety (Azerbaijan)

Institute for the Studies on Free Flow of Information (Indonesia)

Journaliste en Danger Afrique (JED)

La Quadrature du Net (France)

MADA - Palestinian Center For Development & Media Freedoms (Palestine)

Media Workers' Trade Union of the Kyrgyz Republic (Kyrgyztan)

Media, Entertainment & Arts Alliance (MEAA) (Australia)

National Center for Social Communication (Mexico)

Norwegian Pen Centre (Norway)

ONG Derechos Digitales (Chile)

Pakistan Press Foundation (Pakistan)

Panoptykon Foundation (Poland)

Privacy International (UK)

Reporters Without Borders (RSF) (France)

Romanian Center for Investigative Journalism (Romania)

Southeast Asian Press Alliance

Vrijschrift (Netherlands)

Benita Izemengia, Journaliste en Danger (DRC)

Bulbul Monjurul Ahsan, Media Watch, (Bangladesh)

Douwe Korff, Metropolitan University London (UK)

Simon Davies, Privacy Surgeon and founder of Privacy International

<sup>&</sup>lt;sup>1</sup> *EPIC v. DOJ*, Defendant's Supplemental Brief in Response to the Court's March 17, 2014 Minute Order, and in Further Support of Defendants' Motion for Summary Judgment, Civil Action No. 12-cv-00127 (BJR) (D.D.C. Apr. 25, 2014), *available at* http://www.emptywheel.net/wp-content/uploads/2014/04/140425-MOtion.pdf.

<sup>&</sup>lt;sup>2</sup> David Carr and Ravi Somaiya, Assange, Back in News, Never Left U.S. Radar, N.Y. Times (June 23, 2013), *available at* http://www.nytimes.com/2013/06/25/world/europe/wikileaks-back-in-news-never-left-us-radar.html?pagewanted=all.

<sup>&</sup>lt;sup>3</sup> Scott Shane and John F. Burns, *U.S. Subpoenas Twitter Over WikiLeaks Supporters*, N.Y. Times (Jan. 8, 2011), *available at* http://www.nytimes.com/2011/01/09/world/09wiki.html?pagewanted=all.

<sup>&</sup>lt;sup>4</sup> Hadas Gold, *Eric Holder Meets With Media Over New Guidelines*, Politico (May 27, 2014), *available at* http://www.politico.com/blogs/media/2014/05/doj-meets-with-media-over-new-guidelines-189254.html.

<sup>&</sup>lt;sup>5</sup> Jack Balkin, *Wikileaks and the Mayflower Hotel*, Balkinization (Dec. 16, 2010), *available at* http://balkin.blogspot.com/2010/12/wikileaks-and-mayflower-hotel.html.

<sup>&</sup>lt;sup>6</sup> Jack Goldsmith, *Why the U.S. shouldn't try Julian Assange*, Washington Post (Feb. 11. 2011), *available at* http://www.washingtonpost.com/wp-dyn/content/article/2011/02/10/AR2011021006324.html.