Office of the Attorney General
Washington, D. C. 20530

July 23, 2013

His Excellency Alexander Vladimirovich Konovalov
Minister of Justice
The Russian Federation
14 Zhitnaya Ulitsa
Moscow 119991
Russia

Dear Mr. Minister:

I am writing concerning the current status of Edward Snowden. As you know, Mr. Snowden has been charged with theft of government property (in violation of Title 18, United States Code, Section 641), unauthorized communication of national defense information (in violation of Title 18, United States Code, Section 793(d)), and willful communication of classified communications intelligence information to an unauthorized person (in violation of Title 18, United States Code, Section 798(a)(3)). According to news reports and information provided by your government, Mr. Snowden is currently in the transit zone of the Sheremetyevo Airport.

We understand from press reports and prior conversations between our governments that Mr. Snowden believes that he is unable to travel out of Russia and must therefore take steps to legalize his status. That is not accurate; he is able to travel. Despite the revocation of his passport on June 22, 2013, Mr. Snowden remains a U.S. citizen. He is eligible for a limited validity passport good for direct return to the United States. The United States is willing to immediately issue such a passport to Mr. Snowden.

We also understand from press reports that Mr. Snowden has filed papers seeking temporary asylum in Russia on the grounds that if he were returned to the United States, he would be tortured and would face the death penalty. These claims are entirely without merit. Nonetheless, I can report that the United States is prepared to provide to the Russian government the following assurances regarding the treatment Mr. Snowden would face upon return to the United States:

First, the United States would not seek the death penalty for Mr. Snowden should he return to the United States. The charges he faces do not carry that possibility, and the United States would not seek the death penalty even if Mr. Snowden were charged with additional, death penalty-eligible crimes.

Second, Mr. Snowden will not be tortured. Torture is unlawful in the United States. If he returns to the United States, Mr. Snowden would promptly be brought before a civilian court convened under Article III of the United States Constitution and supervised by a United States District Judge. Mr. Snowden would receive all the protections that United States law provides to persons charged with federal criminal offenses in Article III courts. In particular, Mr. Snowden would be appointed (or, if he so chose, could retain) counsel. Any questioning of Mr. Snowden could be conducted only with his consent: his participation would be entirely voluntary, and his legal counsel would be present should he wish it. Mr. Snowden would have the right to a public jury trial; he would have the right to testify if he wished to do so; and the United States would have to prove his guilt beyond a reasonable doubt to a unanimous jury. If convicted, Mr. Snowden would have the right to appeal to the United States Court of Appeals.

We believe that these assurances eliminate these asserted grounds for Mr. Snowden's claim that he should be treated as a refugee or granted asylum, temporary or otherwise. Please ensure that this letter reaches the head minister for the Federal Migration Service, as well as any other Russian Federation agency responsible for receiving and considering Mr. Snowden's application for asylum.

Sincerely,

Eric H. Holder, Jr.
Attorney General