

Julian Assange granted bail

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Julian Assange was granted bail at the High Court in London on Thursday. The WikiLeaks founder, who has not been charged with any crime still less found guilty of one, was still not released for several hours. Assange only walked out the front door of the High Court at 6 p.m., more than five hours after bail was granted.

His appearance came at the end of an afternoon in which supporters and the world's media waited on the pavement outside the court, expecting to catch a glimpse of him. A series of stories emerged to explain why he had not been released.

Firstly, it was said that it would take an hour to fit the electronic tag that was one of the conditions of his bail. Later, it was suggested that all the bail money had not been presented to the Westminster Magistrates Court, where Assange was first granted bail on Tuesday. Finally, reporters were told that there was a problem contacting all the extra people that the judge, Justice Ouseley, had required to stand surety and getting them to a police station where they could sign the necessary paperwork.

At one point it was suggested that if the formalities had not been concluded before the prison bus left for Wandsworth, Assange would have to remain incarcerated for another night. As late as 5:45 p.m., it was being suggested that he could not be released because he would not have time to drive to his bail address at Ellingham Hall in Suffolk by 10 p.m., when his curfew begins. This farrago went on all afternoon.

When he emerged, to cheers from the crowd who had waited all day in the bitter cold, Assange thanked those who had stood surety for him in the face of "great difficulty and diversion".

His appearance was the culmination of a day of extraordinary events that began with the Swedish Prosecution Service denying that it had instructed the English Crown Prosecution Service (CPS) to lodge an appeal against the granting of bail. The prosecutor's office told Sky News, "The decision to appeal Mr. Assange's bail was entirely the decision of the British authorities, we had nothing to do with it."

Karin Rosander, director of communications for the

Swedish prosecutor's office, told the *Guardian*, "It is entirely up to the British authorities to handle it."

Speaking that morning on BBC Radio 4's "Today" programme, Keir Starmer, head of the CPS, tried to conceal the revelation that it was the British authorities who had prevented Assange's release, after he was first granted bail on Tuesday, December 14. He stated, "The general position and the nature of the arrangement is absolutely clear. The Crown Prosecution Service acts here as agents of the government seeking extradition, in this case the Swedish government. These proceedings are brought as agents of the Swedish government."

The reference to acting as "agents" evades the question as to whether the UK had been asked to continue Assange's detention, after it claimed that Sweden had appealed the decision.

During the course of Thursday's hearing, the CPS offered a number of specious reasons why Assange should not be freed on bail. It was pointed out that the rural police station nearest to the house of Captain Vaughan Smith, where he has agreed to stay while on bail, was only open for two hours a day and would be closed over the Christmas period. Doubt was then cast on those standing surety for him.

Assange's supporters have raised £200,000 in cash during the course of 48 hours since bail was set on Tuesday. The American documentary filmmaker Michael Moore put up \$20,000 of this sum. The CPS argued that this was a relatively small amount of money, as were many other individual contributions. Prosecution argued that Moore and Assange's other supporters might not object to losing this amount of money if he absconded.

Justice Duncan Ouseley questioned the motives of Assange's supporters, suggesting that their support for his work at WikiLeaks might extend to them helping him to flee the country. They might regard this as a "righteous act", he argued. He therefore insisted on further sureties and picked a number of acceptable names from a list of those who had offered to stand surety and increased the sums required from some eminent people.

The five people the judge nominated were the author and journalist Sir Phillip Knightley, the publisher Felix Dennis,

Nobel laureate Sir John Sulston, Lord Matthew Evan, who is chairman of Faber & Faber, and Professor Patricia David.

The judge was, however, forced to accept that Assange had not come to Britain as a fugitive as was widely reported in the media. He agreed that Assange had been in contact with the Metropolitan Police throughout his stay in Britain and that his whereabouts had been known to the authorities. The judge also agreed that Assange had voluntarily attended a police station in Stockholm on August 30, where he had answered all the questions put to him. He had cooperated with the Swedish authorities and only left the country when they gave him permission on September 27.

Since then, Assange had been staying at the Frontline Club and had remained in contact with the Swedish prosecutor's office. When the European warrant was issued, he had presented himself at a London police station.

Justice Ouseley did not accept that the remoteness of Vaughan Smith's house in Suffolk made it unsuitable as a bail address for Assange. He ruled that extradition officers should make a house call during the Christmas period, when the local police station was closed. He pointed out that the history of the way in which the Swedish prosecutor had dealt with case gave Assange reasonable grounds to expect that he would be acquitted if the case came to trial, and that this was a factor in diminishing the risk of flight.

Under English law there is an assumption of bail. This can only be overridden if there is a fear of flight, in which case safeguards can be put in place, such as residing at an approved address, financial sureties and people of good character vouching for the accused person. All those provisions have been put in place in this case.

Despite the granting of bail, unanswered questions remain about the delay in Assange's release. It stretches credulity to believe that the prevarication on Tuesday, when the CPS claimed to be consulting with the Swedish prosecutors, and at the High Court was anything other than a ploy to allow time to discuss the situation with Washington. Speaking on ABC News, John Bellinger, a former legal adviser to the US State Department during the Bush administration, outlined the possible course of action:

"I think our Justice Department is considering a variety of different criminal statutes under which Mr. Assange could be charged, including the Espionage Act of 1917, which makes it a crime for a person of unauthorised access to information relating to the national defence to disclose it."

He pointed out that it can be difficult to bring prosecutions under the Espionage Act, so "that's probably one reason why we have not seen charges brought yet, at least publicly."

The current legal adviser to the State Department "wrote a very stern letter to Mr. Assange and his lawyers about 10

days ago," Bellinger said. The intention of this letter, he said, was to strengthen the US government's case if they can get Assange into court.

It has also become clear that the US administration is attempting to prove that Private Bradley Manning conspired with Assange to leak classified documents. Conspiracy charges would be easier to prove.

Tony Harden, US editor of the *Daily Telegraph*, suggested that the US authorities have a sealed warrant ready. "What's happening," he argued, "is that the US wants to wait for the right moment and the right place with which to nab him. This is likely to become a hugely controversial transatlantic issue, if, as seems likely, US espionage charges are brought and extradition is sought from either Britain or Sweden."

As he goes to Suffolk and a state of virtual house arrest, Assange's future remains in doubt. He has experienced very different treatment at the hands of the English legal system than that accorded to General Augusto Pinochet, the former military dictator of Chile.

Pinochet was arrested in London in October 1998 on a warrant issued by Spanish magistrate, Baltazar Garcon. He was not imprisoned, even though the formal indictment implicated him in more than 3,000 deaths. Pinochet was responsible for many more deaths and the systematic torture and rape of thousands of opponents.

Despite the horrific nature of his crimes, Pinochet was held in a comfortable house on the exclusive Wentworth Estate in Surrey, rather than Wandsworth prison where Assange has been held. Baroness Margaret Thatcher demanded his release and visited him a number of times. Ultimately, Labour Home Secretary Jack Straw overruled the dictator's extradition on grounds of ill health. What both cases have in common is the complete subservience of the British political elite to the dictates of Washington, in whose crimes they are directly implicated.



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