

Australian Prime Minister Gillard forced to retract “illegal” charge against WikiLeaks founder

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The concerted campaign by Australian Prime Minister Julia Gillard and her government to support the Obama administration’s threats against WikiLeaks founder Julian Assange was dealt a damaging blow last Friday. The Australian Federal Police (AFP) reported that it could find no Australian law that had been violated by the publication of secret US embassy cables on the WikiLeaks website.

At a media conference, Gillard was forced to concede that the AFP had “not found breaches of Australian law”. However, she immediately signalled the Labor government’s ongoing backing for Washington’s efforts to criminalise Assange, denouncing WikiLeaks’ publication of the cables as “grossly irresponsible” and declaring: “It’s clear that the theft of those documents is an illegal act.”

In reality, the AFP announcement directly undercut Gillard’s statements, made twice earlier this month, that the WikiLeaks postings themselves were “illegal”. The police statement also confounded the efforts of Attorney-General Robert McClelland and Foreign Minister Kevin Rudd, who had asked the AFP to investigate whether criminal charges could be laid against Assange.

McClelland had indicated that the AFP review could take some months to complete. But, after the government formally referred the issue to the AFP for investigation on November 30, it took just 17 days for the police to find no basis for any charges. The police media release stated: “The AFP examined material relevant to potential Australian offences to determine whether an official investigation was warranted. The AFP has completed its evaluation of the material available and has not established the existence of any

criminal offences where Australia would have jurisdiction.”

Notably, the police did not rule out a further reference from the government. “Where additional cables are published and criminal offences are suspected, these matters should be referred to the AFP for evaluation,” the AFP stated.

Nevertheless, the announcement compelled Gillard to seriously dissemble at her media appearance. She emphasised that a distinction existed between the alleged illegality of the leaking, and the publication of the classified documents, and accused journalists of “conflating” the two issues in an effort to deny her own role in accusing WikiLeaks of illegality. Challenged on whether her accusations against Assange could cause problems for “a hell of a lot of Australian journalists” who obtained leaked documents, she falsely claimed that her initial allegation had not been directed against a journalist. In fact, her charge was made against Assange, who is an on-line journalist and publisher.

Even as she backtracked, Gillard went out of her way to endanger Assange by declaring that the foundation stone of the WikiLeaks disclosures “is an illegal act that breached the laws of the United States of America”. Her comment is highly prejudicial to Assange, given the intensive efforts of the Obama administration to find means to indict him under US law.

While the prime minister repeated several times her government’s now pro-forma position that Assange, as an Australian citizen, was entitled to consular assistance, she pointedly refused to answer a question about whether her government would extradite him to the US if he were suspected of violating US law.

Gillard's remarks came amid an escalating operation against Assange by the Obama administration. US Vice President Joseph Biden confirmed on Sunday morning television that the American government was actively trying to find a way to charge Assange with espionage. Biden further denounced Assange as a "high-tech terrorist" and agreed with a suggestion that the organisation's activities were "criminal".

Over the past two weeks, Gillard has come under increasing criticism by media organisations, Labor MPs and civil liberties lawyers for labelling the WikiLeaks publication of US cables illegal and for refusing to defend Assange against threats of violence.

In the latest criticism, human rights lawyer Kellie Tranter accused both Gillard and Biden of denying Assange his presumption of innocence. Tranter told the Australian Broadcasting Corporation's "PM" program yesterday: "Joe Biden's comments are utterly unacceptable, and I think Prime Minister Gillard should be objecting to them having been made in relation to an Australian national, particularly when we've already heard calls for Mr Assange's assassination."

Trantner and former Australian diplomat Bruce Haig posted a comment on the ABC's *The Drum* web site pointing out that Gillard had also failed to defend Assange from the dubious legal proceedings instigated by Sweden and the decision of the British authorities to oppose bail.

Trantner and Haig said Gillard needed to send a message to Sweden, "first querying the way charges were laid, investigated and dropped, only to be picked up again by a different prosecutor; second, expressing Australia's concern that contentious Swedish action has had one of our citizens in solitary confinement in an English prison, and third, expressing Australia's concern that as an Australian citizen Mr Assange has his case dealt with expeditiously and with due legal process".

Gillard remains determined to stand unwaveringly with the US efforts to suppress and punish WikiLeaks for making available to the public some of the incriminating truth about the wars, invasions, coups, plots, assassinations and other conspiracies conducted by the US and its allies. As well as her fundamental political commitment to Canberra's strategic and

military alliance with the US, she has her own vested interests at stake. Cables already leaked reveal that she was installed as prime minister on June 24, after ousting Rudd, with the direct support of the US embassy. US officials had secret conduits in the Australian Labor Party, including Sports Minister Mark Arbib, who were instrumental in plotting her backroom coup.

In a little-reported section of last Friday's media conference, Gillard was asked for her reaction to the WikiLeaks revelations about how she became prime minister. While insisting that the cables were simply "a person's view of a conversation," she refused to comment, claiming that it was the government's consistent position not to comment on the contents of confidential cables.



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