

Australian Foreign Minister Rudd blames the United States for cable leaks

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Australian Foreign Minister Kevin Rudd has blamed the United States, and not WikiLeaks founder and Australian citizen Julian Assange, for the leaking of thousands of secret diplomatic cables.

In an interview with Reuters yesterday, Rudd declared: “Mr Assange is not responsible for the unauthorised release of 250,000 documents from the US diplomatic communications network. The Americans are responsible for that. I think there are real questions to be asked about the adequacy of their security systems and the level of access that people have had to that material over a long period of time.”

Various reports have suggested that as many as two million people have had access to the classified US documents.

Rudd also declared that Assange, now in a London jail, had sought Australian consular assistance, and “We have confirmed that we will provide that, as we do for all Australian citizens”.

Rudd’s position, and his criticisms of the US, are in stark contrast with the views of Australian Prime Minister Julia Gillard, who last week denounced as “grossly irresponsible” and “illegal” Assange’s placing of US cables and other classified government communications on the WikiLeaks web site.

Unable to state which Australian law Assange had broken, Gillard has tried to bluster her way out, defending her earlier stance by insisting that the “foundation stone” of Assange’s activities was an “illegal act.”

From the outset, Gillard has proceeded in lockstep with the US administration, a fact that drew fulsome public praise from US counter-terrorism official Daniel Benjamin. In an interview with the *Australian*, Benjamin, dubbed the US State Department’s counter-terrorism “supremo”, thanked Gillard for refusing to

comment on any of the leaked cables. Australia had been a “terrific partner” in many respects and the US was “grateful for the way Canberra has handled this.”

No official comment has yet been made on Rudd’s latest remarks, but they are unlikely to have been well received in Washington. Coming six days after Gillard’s initial broadside against Assange, they have been made out of a concern, not so much to defend Assange’s legal rights, but to deflect mounting opposition to the Labor government’s craven backing for the United States.

A protest letter signed by more than 4,000 people, including hundreds of academics, lawyers and journalists, has sparked warnings that Assange could become the Labor government’s David Hicks. Hicks was illegally detained for six years in Guantánamo Bay without trial, with the support and collaboration of the former Liberal government—support that contributed to its electoral defeat in 2007.

Rudd’s comments on Assange echoed remarks of former conservative Prime Minister John Howard, who said the WikiLeaks founder had not done anything wrong by publishing cables containing “frank commentary.”

Opposition frontbencher Malcolm Turnbull, who acted as a lawyer in the Spycatcher case in the late 1980s, defending the right of a former British intelligence officer to publish his memoirs, said Gillard did not know what she was talking about.

In an internet blog posting, he wrote: “The Prime Minister’s clumsy accusation of criminal activity on the part of Mr. Assange just reinforce [sic] the impression that in this, as in so many areas, she is way out of her depth. I cannot see how he could be said to have breached Australian law and I understand that it is not alleged he has broken any American law.”

While the statements of Rudd, Howard and Turnbull are no doubt motivated by political calculations, opposition is growing to the persecution of Assange and the assault on his fundamental democratic rights.

Last weekend, New South Wales solicitor Peter Kemp wrote to Gillard to express concerns about the characterisation of Assange's actions as "illegal". Kemp said he found the announcement by Gillard and Attorney-General Robert McClelland of an investigation into possible criminality by Assange "most disturbing", pointing out that the 39-year-old Australian had "almost certainly committed no crime under Australian law in relation to his involvement in WikiLeaks."

Kemp then went on to emphasise that he joined with Professor Ben Saul (co-director of the Sydney Centre for International Law at Sydney University) in asking why the government had made no public complaint to the US about both Secretaries of State Condoleezza Rice and Hillary Clinton "being in major breach of International law i.e., UN Covenants, by making orders to spy on UN personnel, including the Secretary General, to include theft of their credit cards and communication passwords. Perhaps the Attorney General should investigate this clear prima facie evidence of a crime (likely against Australian diplomats as well)" rather than attempting to prosecute the messenger of those crimes.

On the sex charges levelled by Swedish authorities, on which Assange has been arrested and detained in London, Kemp said it was "disturbing" that no Australian official had castigated Sweden for his shameful treatment. Assange had not been served with papers in English regarding the evidence against him, contrary to Article 6 of the European Covenant on Human Rights, to which Sweden was a signatory. He said the offences "remain unclear" and "the Swedish prosecutor Ms. Ny appears to be making it up as she goes along."

Kemp insisted there were legitimate concerns that Assange's treatment by the Swedes was "connected to US interests." What Assange was doing "in my opinion, and in the opinion of many here and abroad, is vitally necessary to expose American foreign policy failures and potential war crimes and crimes against humanity—not for the purpose of damaging US interests but to make them accountable."

An opinion poll published in *the Australian* showed that 74.7 percent of respondents believed that Australia should oppose any attempts to extradite Assange to the United States.



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