

# Extradition hearing against WikiLeaks founder Julian Assange to reconvene

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9 February 2011

The extradition hearing against WikiLeaks founder Julian Assange is to reconvene on Friday morning, Judge Howard Riddle at Belmarsh Magistrates' Court in London stated on Tuesday.

The extension of what was intended to be a two-day hearing came after proceedings went beyond the original time scheduled. Lawyers have been given a half-day to make their closing statements.

Sweden's Director of Prosecutions Marianne Ny is seeking Assange's extradition on politically motivated, trumped-up charges of sexual misconduct. Two women in Sweden allege rape, molestation and unlawful coercion, despite acknowledging that they had sex with Assange willingly in August last year. One claims that Assange did not use a condom during intercourse. The other alleges that he had sex with her when she was not fully awake. Assange rejects the claims and has yet to be charged with any offence.

At the end of Tuesday's proceedings, Assange's lawyer Mark Stephens challenged Ny to attend the Friday hearing, and subject herself to cross-examination by defence counsel Geoffrey Robertson, QC. Ny had been prepared to give the media stories on the case but not to speak herself in court, he said.

Assange also questioned the absence of the Swedish prosecutor. Speaking outside the court he said that the hearing had seen "process abuse after process abuse being revealed hour after hour. What we have not seen yet is the Swedish prosecutor at these proceedings."

"Our witnesses were brought from Sweden, my lawyer was brought from Sweden and expensively cross-examined. Where is the equality in this case?" Assange asked. "Rather we see the unlimited budget of Sweden and the UK being spent on this matter and my rather limited budget being spent in response."

On Monday, Geoffrey Robertson QC had outlined the

basis of the defence case, which challenges the prosecutions on virtually every count. (The skeleton argument and other defence documents can be accessed [here](#).)

It challenges Ny's judicial authority to issue a European Arrest Warrant (EAW), arguing that its issuance is an "abuse of process" as no intention has been demonstrated to charge or prosecute Assange (it cannot be served without such intent), and that extradition is "disproportionate" given that the WikiLeaks founder has made clear his willingness to be questioned by various means from London.

It further states that the claims against Assange of unlawful coercion and sexual molestation are not criminal acts in British law and that extensive press coverage of the allegations means Assange could not receive a fair trial. It warns that, if removed to Sweden, Assange might be extradited on to the US, where his involvement in WikiLeaks disclosures of US Embassy cables meant he could face the "real risk" of torture and even death.

In defending the validity of the EAW, Crown Prosecution Service legal representative Clare Montgomery stated on Monday that the Swedish authorities intended to prosecute Assange—a reversal of previous statements by Ny that no decision had yet been taken. No new substantive evidence was presented to explain this volte-face.

The defence charges that Assange is the victim "of a pattern of illegal and or corrupt behaviour by the Swedish Prosecuting Authorities". It queries the motives behind the decision to revive the allegations of sexual misconduct against Assange when Sweden's chief prosecutor, Eva Finne, had dropped the rape investigation due to lack of grounds in August.

Ny took over the investigation at the instigation of

Claes Borgström, acting for the women. She had also confirmed to the media that Assange was the subject of complaints, contrary to Swedish law, “thus ensuring his vilification throughout the world.”

Borgström is a leading Social Democratic politician and one of the two women making the allegations is associated with the Christian wing of Swedish Social Democracy.

Retired Swedish appeal court judge Brita Sundberg-Weitman attacked Assange’s treatment. In a written statement to Assange’s counsel, she described Borgström as an “ultra-radical feminist” and said that Ny was involved in sexual politics in Sweden. She told the court that the prosecutor had “a rather biased view against men in the treatment of sexual offence cases.”

On Tuesday, Sven-Erik Alhem, a former Swedish prosecutor, now legal commentator, continued his evidence for the defence. He said that Ny’s decision to release Assange’s name to the media was “completely against proper procedure”.

The failure of the Swedish legal authorities to establish Assange’s response to the claims before seeking his arrest was “quite peculiar”, he said. It was a “golden rule” that a suspect should be able to respond to allegations made against them before prosecutors issue an EAW.

There was no reason that Assange needed to be extradited to Sweden for questioning, when that could take place in the UK.

Assange’s Swedish lawyer, Bjorn Hurtig, gave evidence. He accused the Swedish authorities of leaking information to the media. Following Ny’s decision to confirm the allegations against Assange on August 20, “The result was if you, a couple of hours after this happened, went on to the internet and entered Julian’s name and ‘rape’, you got two to three million hits.”

There was no way he could protect his client against the adverse impact of such prejudicial coverage, he said. Rape trials in Sweden are routinely held behind closed doors, with the public and press barred.

Hurtig said that he had been mistaken when he said Ny had waited five weeks to interview Assange in Sweden—it had been three weeks. The prosecution had suggested that Assange had fled the country when he discovered he was to be interrogated. This was rejected by Hurtig, who said Ny had given permission for

Assange to leave the country.

He explained the context in which the decision was made to interrogate Assange. It had been problematic to contact his client at one point, because he had had to go into hiding following “death threats” against him by some leading US politicians and media commentators.

Ny’s announcement that she intended to question Assange was made on November 18. On November 29, WikiLeaks began releasing the US embassy cables. On December 1, the EAW was issued.

Hurtig said that he had never received the full text of the prosecution case against his client, but he had been allowed to view excerpts from it, including texts from Miss W (one of the two complainants).

“There was information in the text messages which was not good for the claimants. Regarding the rape, there are texts speaking of revenge, making money out of Julian Assange by having contact with the media and giving him a bad name.

“There was a text message saying that the woman who said she was asleep (during the alleged rape) was half asleep, which in my world is the same as being half awake.”

In documents presented in evidence to the court, Hurtig said that Miss A (the other complainant) had posted messages on Twitter revealing her excitement at being in Assange’s company, after he had allegedly assaulted her. She had also written a blog describing various means of getting revenge on an ex-lover. These suggested that the women “may have a hidden agenda, which casts serious doubt on their accusations and their trustworthiness”, he said.



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