

Judge rules WikiLeaks founder Julian Assange can be extradited to Sweden

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WikiLeaks founder Julian Assange can be extradited to Sweden to face charges of sexual assault, Judge Howard Riddle, sitting at Belmarsh Magistrates Court, London ruled Thursday.

The verdict marks a new stage in efforts to silence Assange and WikiLeaks and prevent further disclosure of the duplicitous and criminal actions undertaken by the United States and governments across the world.

Assange has made clear his intention to appeal the ruling. He has just seven days to do so. If the appeal is rejected, he could be extradited within 10 days.

This is despite the fact that Assange has yet to be charged with any offence, and a mountain of evidence that he is the victim of politically motivated, trumped-up allegations.

The WikiLeaks leader was arrested on December 7 on a European Arrest Warrant (EAW) issued by the Swedish authorities, alleging sexual misconduct. Two women in Sweden admit having sex with Assange willingly on separate occasions last August. But one alleges that, in one instance, Assange failed to use a condom. The other alleges that on one occasion Assange had sexual intercourse while she was not fully awake. Assange admits consensual sex with each woman, but rejects any wrongdoing.

In August, Sweden's chief prosecutor Eva Finne dropped the investigation into the allegations against Assange, on the grounds that there was no "reason to suspect that he had committed rape."

By this time, however, the allegations had been disclosed to the media by the Swedish authorities. The rape investigation was then re-opened at the instigation of Claes Borgström, acting for the women. Borgström is a Social Democrat who served in government between 2000 and 2007. One of the two women making the allegations is associated with the Christian wing of Swedish Social Democracy.

In a statement following yesterday's decision, Assange described the court proceedings as a "rubber stamping process" and the "result of a European arrest warrant system run amok."

While the verdict came as "no surprise", he said, it is "nonetheless wrong". No consideration had been made of the "merits of the allegations" he faced, he added, "No consideration or examination of even the complaints against me in Sweden."

"Why is it that I am subject—a non-profit free speech activist—that I am subject to a \$360,000 bail, that I am subject to house arrest when I have never been charged in any country?" Assange asked. The EAW must be immediately "subject to scrutiny", he said.

Introduced in 2003 as part of the so-called "war on terror", EAWs are used to extradite people to any of the 26 European Union countries without due consideration of the facts of the case against them. Three people are extradited every day from the UK alone on EAWs.

Assange said that the "tick-box" nature of the EAW meant that the judge at Belmarsh felt "constrained to not even consider anything" that was not on the two-page warrant. "He did not have to look off the face of the warrant."

Geoffrey Robertson QC for Assange had set out a number of challenges against extradition.

The defence argued that the EAW was not legal and was disproportionate and malicious. Swedish Prosecutor Marianne Ny did not have the judicial authority to issue an EAW, and had stated that extradition was to facilitate further questioning of Assange. Extradition could not be sought on grounds of "mere suspicion," it argued. The prosecutor had also released Assange's name to the press as a suspect in a rape inquiry, contrary to Swedish law, "thus ensuring his vilification throughout the world."

The defence charged that the allegations against Assange were not extraditable offences. Pointing to the prejudicial statements of Sweden's Prime Minister Fredrik Reinfeldt, it argued that Assange would not receive a fair trial. In an extraordinary public intervention in support of Assange's extradition, Reinfeldt had told the TT news agency, "It is unfortunate that women's rights and standpoint is taken so lightly when it comes to this kind of question compared to other types of theories presented."

It also argued that Assange's human rights would be abused by the fact that rape cases in Sweden are heard in private, without any possibility of bail for the accused.

Judge Riddle rejected the defence case on every count. He ruled that Ny did have the authority to issue an EAW and that the warrant was valid. He said that the accusations of sexual assault and rape, which allege the use of force, would be recognised in English law.

While accepting that there had been "considerable adverse publicity against Mr. Assange in Sweden," Riddle rejected undue political interference. And, though conceding that the leaking of Assange's name to the press was "a breach of confidentiality", he said it was "apparently not actionable in Sweden", although there "may be a remedy for breach of privacy in the European Court."

Judge Riddle acknowledged, "Perhaps the most significant of the human rights points is the submission that rape trials in Sweden are held behind closed doors". While this is "certainly alien" to the UK, he said, "If there have been any irregularities within the Swedish system, then the right place for these to be examined and remedied is the Swedish trial process."

In his summation, the judge also described Bjorn Hurtig, Assange's Swedish lawyer, as an "unreliable witness" and accused him of making a "deliberate attempt to mislead the court".

This was in reference to Hurtig's submission to the earlier hearing that Ny had made no attempt to contact him with regards to interviewing Assange before he left Sweden on September 27. At the last hearing, Hurtig agreed that this was incorrect and that he had received several messages prior to this date requesting an interview on September 28.

"[I]t would be a reasonable assumption from the facts that Mr. Assange was deliberately avoiding interrogation before he left Sweden," Judge Riddle asserted.

Also in his summary, the judge referred to defence claims that, if returned to Sweden, Assange could face "onward rendition" to the US on espionage charges, where he would face the "real risk" of torture or even death.

For the last seven months, US army Private Bradley Manning, jailed on suspicion of leaking documents to WikiLeaks, has been held under inhumane conditions in solitary confinement at Quantico Marine Corps base, Virginia. Several prominent US politicians and commentators have openly called for Assange to be assassinated.

But Judge Riddle said no evidence had been presented that Assange faced extradition from Sweden to the US. Should this be sought, "the consent of the Secretary of State in this country will be required", he said, and Assange "would have the protection of the English courts also".

Given the fact that the English courts have so willingly pursued and financed the EAW against Assange, have previously subjected him to nine days of solitary confinement in Wandsworth jail, and have imposed onerous bail conditions, this is hardly reassuring.

In his statement following Judge Riddle's verdict, Assange drew attention to the exchange between US Ambassador to Britain, Louis Susman, and the BBC's Andrew Marr on February 20.

Marr asked Susman whether he would like to see Assange on trial in the US for leaking tens of thousands of US Embassy cables. The ambassador replied that Assange was "someone who has received stolen material, has used it in a way that could be detrimental to our country" and that legislation governing such actions was currently being prepared. He continued, "But at this point in time, we have brought no action against Mr. Assange and we'll have to see how it plays out in the British courts."

"What does the United States have to do with a Swedish Extradition process?" Assange asked.

In December the *Independent* newspaper revealed that "informal discussions" were underway between the American and Swedish authorities. "Sources stressed that no extradition request would be submitted until and unless the US government laid charges against Mr. Assange, and that attempts to take him to America would only take place after legal proceedings are concluded in Sweden," the newspaper stated.

It has subsequently emerged that the United States Justice Department has subpoenaed Twitter accounts as part of its efforts to build a case against the WikiLeaks founder for espionage.

A court order was sent to Twitter on December 14 by the US Attorney's Office in Alexandria, Virginia, for details about the accounts of three Assange associates—US computer programmer Jacob Appelbaum, Icelandic MP Birgitta Jonsdottir, and Dutch hacker Rop Gonggrijp—and the general WikiLeaks Twitter account, thought to be run by Assange.

The order, which Twitter was initially barred from disclosing, demanded Twitter hand over to the government subscriber names, account details, IP addresses and destination email addresses. The order is currently being appealed by the American Civil Liberties Union and the non-profit Electronic Frontier Foundation.



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