

# UK's Supreme Court will hear Assange appeal against extradition

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19 December 2011

The Supreme Court in the UK is to hear an appeal by WikiLeaks founder Julian Assange against his extradition to Sweden.

On Friday, the Supreme Court announced that three Supreme Court justices, Lord Hope, Lord Mance and Lord Dyson, had considered the appeal of Assange's legal team and gave him permission to appeal. Assange's case will be heard at the Supreme Court over two days, beginning February 1, 2012.

The Swedish authorities, in unison with the Crown Prosecution Service in the UK, are attempting to extradite Assange to Sweden to answer trumped-up allegations of sexual assault made by two women. Without any actual charge against him, Assange has been held under house arrest for more than a year since his arrest in London under a European Arrest Warrant (EAW) on December 7, 2010.

Assange's appeal to the Supreme Court followed the dismissal of the legal arguments of his counsel against his extradition in November. This meant that the only legal avenue open to him was to seek permission from the High Court to be allowed to make an appeal to the Supreme Court.

On December 5, the High Court ruled that Assange could not automatically be heard by the Supreme Court, but could petition to be heard by them on the grounds that his case had "general public importance". The decision to allow Assange to go forward to the Supreme Court was only taken reluctantly by the High Court.

Assange's counsel had argued that the UK's highest court should consider whether his extradition was unlawful on the basis that the request from the Swedish authorities was made by a "partisan prosecutor working for the executive".

Stating that the issue was a matter of public importance, therefore allowing Assange the right to petition the Supreme Court, Sir John Thomas, one of the two High Court judges, maintained that the High Court had "very little doubt that, as a matter of law, the prosecutor was within the scheme" for issuing warrants.

On the basis of the High Court decision, Assange's team

was given a "certification of a point of law of general public importance" for the Supreme Court to consider. The High Court judges gave Assange's legal team, headed by Gareth Peirce, just 14 days in which to petition the Supreme Court.

In allowing Assange to be heard, a statement from the Supreme Court read, "The Court has decided that seven Justices will hear the appeal given the great public importance of the issue raised, which is whether a prosecutor is a judicial authority."

The fact that seven justices will hear Assange's case, on the grounds of just one legal argument, is significant. The Supreme Court is the UK's final court of appeal, and the maximum number of justices that can hear a case is 12. The more significant the case, the greater number of judges will hear it.

The attempt to railroad Assange to Sweden is so clearly a frame-up that the UK judicial system is forced to be seen giving him the chance to explore every legal avenue.

Sweden is attempting to extradite Assange without even having accused him of a crime.

One of the other legal grounds that Assange's legal team attempted to be heard as a point of "public importance" is the fact that Sweden is attempting the extradition, despite the fact that Assange is not named as an accused on the face of the European Extradition Warrant that seeks his extradition.

This is just one of the many ways in which Assange's basic democratic rights have been trampled from the moment the politically motivated "Get Assange" campaign began.

The arrest of Assange last December came just days after WikiLeaks began the publication of 251,287 leaked United States embassy cables, the largest set of confidential documents ever to be released into the public domain.

These followed WikiLeaks' publication of thousands of secret documents exposing the criminal nature of the US-led invasions of Iraq and Afghanistan. WikiLeaks first sprang to worldwide prominence when it released the leaked "Collateral Murder" video. It showed American soldiers shooting from a helicopter and killing defenceless civilians

and children in Iraq in July 2007. The video came to symbolise the criminal occupation of US forces in Iraq, and did much to expose the murderous reality of the so-called “war on terror.”

WikiLeaks has also published American intelligence reports on the battle of Fallujah in Iraq, Guantanamo Bay operational manuals, diplomatic e-mails on US sources inside the Australian Labour Party and their involvement in the political coup against former prime minister Kevin Rudd in June 2010, and many other explosive issues.

In July 2010, the month prior to Assange’s visit to Sweden, WikiLeaks published 75,000 secret US military documents on the war in Afghanistan.

As far as the imperialist powers are concerned, these are the real “crimes” committed by Assange and WikiLeaks. For this he was branded by leading US political and media figures a “terrorist” and WikiLeaks a terrorist organisation. This was the atmosphere that existed leading up to his frame-up, after his visit to Sweden in August and his subsequent arrest in London.

The attempt to extradite Assange began with a dirty tricks operation.

The allegations of sexual assault made by the two women in Sweden do not stand up to any objective scrutiny. What is described as having taken place between Assange and the two women would normally be described as consensual sex.

Within 24 hours of the women making their allegations, Swedish chief prosecutor Eva Finné threw out the case, stating, “I don’t think there is reason to suspect that he has committed rape.” On that basis, an initial arrest warrant issued by Sweden was cancelled.

The case was only resurrected due to the intervention of a leading right-wing social democrat and lawyer, Claes Borgström.

Borgström served in the Swedish government as equal opportunities ombudsman from 2000 to 2007 and operates a law firm in partnership with another Social Democratic politician and former minister for justice, Thomas Bodström.

One of the two women making the allegations is associated with the Christian wing of Swedish Social Democracy. In February, it emerged that one of the women making accusations against Assange told a Swedish journalist, who knew her, two different versions of what she claimed had happened and told the Swedish police a different version. Despite later claiming sexual assault, the woman allowed Assange to remain in her house for another week after he had supposedly assaulted her and repeatedly fielded offers made by others to put him up.

In a February hearing of Assange’s case in London, expert witness Andrew Ashworth, professor of English Law at the University of Oxford, analysed the EAW in relation to the

statements made by the women in the preliminary investigation, as well as the prosecutor’s statement. Ashworth stated that he “did not consider that any of the alleged incidents” on the face of the EAW “is sufficient of itself to constitute any offence under English law.”

He added, “In respect of none of the four alleged incidents is there a clear allegation of lack of consent to the touching; moreover, in respect of none of the incidents is there any allegation that Mr Assange did not reasonably believe that the complainants were consenting to the touching.”

Assange fears that were he to be extradited, he will then be extradited to the United States. Sweden has a “temporary surrender” agreement in place with the United States in which Assange could be sent to the latter secretly and quickly.

The journalist John Pilger, one of Assange’s prominent supporters, commented, “Should Assange win his High Court appeal in London, he could face extradition direct to the United States. In the past, US officials have synchronised extradition warrants with the conclusion of a pending case.”

The Swedish government has been actively involved secretly in the illegal “extraordinary rendition” system on behalf of the CIA. To this end, the Swedish authorities have approved renditions through Sweden and also from Sweden. One of these renditions was Ahmed Agiza, an Egyptian asylum-seeker who was secretly apprehended by members of the Swedish Security Police in December 2001 and handed over to the CIA. From a Swedish airport, he was then flown to Egypt and tortured.



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