

# WikiLeaks' Julian Assange appeals extradition before UK Supreme Court

Julie Hyland  
2 February 2012

WikiLeaks founder Julian Assange appeared before the UK Supreme Court Wednesday for the start of a two-day hearing to challenge his extradition to Sweden on trumped-up sexual assault charges.

The appeal to Britain's highest court is the last legal avenue open to Assange in the UK to prevent his removal, after he was arrested under a European Arrest Warrant (EAW) issued by Sweden on December 7, 2010. He has been held under house arrest ever since.

Two earlier attempts before the High Court to block the extradition failed. Finally, on December 5, the High Court reluctantly agreed that Assange could petition the Supreme Court on a question of "general public importance".

The Supreme Court agreed to his appeal on December 19 before seven justices. Any number above five is considered to underscore the public importance of the issue raised.

However, the two-day hearing is restricted to the technical matter as to whether the fact that the EAW was issued by a prosecutor rather than a judge, or in Sweden's case the National Police Board, makes the extradition request invalid.

Any examination of the dirty tricks operation mounted against Assange, with the aim of silencing him and WikiLeaks, is out of bounds.

The allegations of rape and molestation made by two women in Sweden, relating to separate sexual encounters with the WikiLeaks founder in August 2010, do not withstand scrutiny. It is agreed by both that sex was consensual, but Assange is accused of failing to use a condom in one instance, and having intercourse with the other women while she was not fully awake. Assange denies both claims.

Neither woman—one of whom is a member of Sweden's Social Democratic Party—made any

complaints at the time. When they finally did so, their allegations were thrown out—with Swedish chief prosecutor, Eva Finné, stating, "I don't think there is reason to suspect that he has committed rape."

Their accusations were only resurrected due to the intervention of Claes Borgström, a right-wing Swedish Social Democrat and lawyer who served as equal opportunities ombudsman in government between 2000 and 2007. Borgström runs a law firm with Thomas Bodström, another Social Democratic politician and former minister for justice.

Following Borgström's intervention, an EAW was issued by Sweden's chief prosecutor, Marianne Ny. She was described at an earlier High Court hearing by Brita Sundberg-Weitman, a former appeal court judge in Sweden, as a "malicious" radical feminist, who is "biased against men".

Assange has never been charged with any offence, yet his name was released to the press as a potential rapist by Ny, triggering a campaign of vilification against him.

His arrest came just days after WikiLeaks began publishing 251,287 leaked US embassy cables, the largest set of confidential documents ever released into the public domain. Other details of the criminal machinations of US imperialism released by WikiLeaks include the "Collateral Murder" video, showing US soldiers killing defenceless civilians and children from a helicopter in Iraq in July 2007. WikiLeaks was subsequently subject to a block on financial donations by Visa, MasterCard and PayPal, forcing it to suspend its activities.

The Supreme Court is expected to take up to ten weeks to deliver its verdict. If it rejects the appeal, Assange could be removed to Sweden within weeks, where he faces immediate arrest and detention without

bail.

Only last week, Swedish Prime Minister Reinfeldt attacked Assange's legal challenge for casting "suspicion" on his country's legal system. "Of course we have to stand our ground," he said, "And we take rape accusations very seriously."

Extradition to Sweden is widely considered to be only a prelude to Assange's extradition onto the US, with whom Sweden has a "temporary surrender" agreement in place.

Assange has been branded a wanted "terrorist" by US political and media figures, who allege that he collaborated with American army private, Bradley Manning, to release top-secret documents. Manning, who has been imprisoned for 20 months under inhumane conditions, faces charges of espionage for "aiding the enemy"—punishable with the death penalty or life imprisonment.

Manning and Assange deny the claims. During a preliminary court martial hearing in December, Manning's lawyer, David Coombs, said his treatment was aimed at pressuring him into striking a plea bargain and incriminating Assange. A secret grand jury investigation is underway in Virginia to prepare an indictment against the WikiLeaks founder.

The politically motivated case against Assange is the high point of an offensive against democratic rights, whose aim is to threaten and intimidate all those who express oppositional sentiment.

Britain's ruling elite share the same aims. Valsamis Mitsilegas, Director of the Criminal Justice Centre at Queen Mary University of London, said the Supreme Court had decided to hear the case because "they want to send a clear message that they're taking this seriously and that due process has been taken in this case."

The most likely upshot, however, according to many legal experts predictions, is that, having gone through the motions Assange's appeal will be rejected.

High Court judge, Sir John Thomas, who earlier upheld the extradition order against Assange, said the WikiLeaks founders' chance of success at the Supreme Court was "extraordinarily slim".

In court on Wednesday, Assange's lawyer Dinah Rose argued that the inclusion of public prosecutors in the issuing of extradition warrants was "contrary to a basic, fundamental principle of law".

The historical evolution of extradition law gave a

"very strong indication" that "decisions with serious implications for personal liberties should only be taken by independent judicial authorities".

But the EAW is the centrepiece of a raft of legislation enacted under the so-called "war on terror" aimed at overturning civil liberties. Passed into law in 2003, it enables people within any of the European Union's 27-member states to be extradited to another, without any regard for the veracity of the allegations against them and regardless of whether the charge cited is an indictable offence in the host country.

More than 14,000 people are now subject to EAW's each year, often on the flimsiest of charges. The UK extradites three people a day on EAW's. In addition, the UK extended the powers available under the EAW to apply to extradition to the US, Australia and Canada.

Earlier this month, Judge Quentin Purdy ruled that Richard O'Dwyer, a 23-year-old computer science student, can be extradited to the US from the UK on piracy charges merely for running a web site posting links to other sites where people could download copyrighted content.



To contact the WSWS and the  
Socialist Equality Party visit:

**[wsws.org/contact](http://wsws.org/contact)**