

The Guardian defends continued persecution of Julian Assange by UK and Sweden

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The *Guardian* has played a critical role as a propaganda outlet for the British government in its attempts to silence WikiLeaks founder Julian Assange.

On the evening of February 4, the *Guardian* published an editorial online, “Julian Assange: no victim of arbitrary detention”, reproduced in the following day’s print edition. The *Guardian* was intent on opposing the final opinion of the United Nations Working Group on Arbitrary Detention (UNWGAD) regarding the detention of Assange, even before its findings had been made publicly available.

The *Guardian* was delivering a blind verdict on a 16-month legal inquiry in order to ensure that the witch-hunting of Assange by London and Stockholm would not be undermined by the devastating conclusions of the UN.

After noting that UNWGAD “has played a valuable role in highlighting unjust and improper imprisonment, often of political prisoners,” it editorialised, “But its latest opinion, which is expected to be formally published tomorrow, that the WikiLeaks founder Julian Assange is being detained arbitrarily, is simply wrong.” The *Guardian* categorically states, “He is not being detained arbitrarily.”

Assange initially collaborated with the *Guardian*, which selectively published and edited cables released by WikiLeaks to publicise material documenting US war crimes and conspiracies against the world’s population. However, shortly after publishing the revelations provided by WikiLeaks, the newspaper turned viciously on Assange, and has led attempts ever since to blacken his name, demanding his return to Sweden to face trumped-up sexual misconduct allegations.

In order to pursue the vendetta against Assange and sanction a blatant denial of justice to a man who has not been charged with a single crime, the *Guardian* resorts to lies and falsification.

In seeking to undermine the UN’s opinion, it simply parrots the line of the British and Swedish governments, blithely declaring, “‘Arbitrary’ detention means that due legal process has not been observed. It has. This is a publicity stunt.”

Through gritted teeth the *Guardian* states, “it is possible to sympathise with his [Assange’s] circumstances”, before adding, “without accepting his right to evade prosecutors’ questions about the allegation that he committed a serious criminal offence.”

This is a lie.

Assange has never evaded any questioning regarding allegations made against him. Had the *Guardian* waited a few more hours, it

could have read the UN’s withering conclusion: “Assange has been denied the opportunity to provide a statement, which is a fundamental aspect of the *audi alteram partem* principle, the access to exculpatory evidence, and thus the opportunity to defend himself against the allegations.”

In reality, Assange was forced to claim asylum in the Ecuadorian embassy in London, a right protected under international law, to avoid extradition to Sweden, and ultimately to the United States. There he would be in the hands of a ruling elite, some of whom have called for his death as a “traitor”. As the UN opinion records, “If Mr. Assange leaves the confines of the Embassy, he forfeits his most effective and potentially only protection against refoulement to United States of America.”

The *Guardian* editorial is forced to note that Assange has “always argued that it is not the sex offence inquiries that he is avoiding, but extradition from Sweden to the US. ... There are indications that WikiLeaks is in the US justice department’s sights: it’s been confirmed that a grand jury is investigating; no indictment has been made public, but that does not mean there is none.”

But in the end, this counts for nothing, according to the newspaper. The *Guardian* insists, “...WikiLeaks was founded on exposing those who ignored the rule of law. Surely its editor-in-chief should recognise his duty to see it upheld.”

What shameful sophistry. The collusion between the UK, Sweden and the US to silence Assange, including the issuing of a European Arrest Warrant (EAW) based on no criminal charges, represents the “rule of law” which Assange must uphold by accepting his own ritual sacrifice. Predictably, the *Guardian* has issued no editorials in response to Sweden’s and the UK’s rejection of international law, as represented by the UN’s opinion.

Following the publication of the UN verdict, the *Guardian* commissioned a scurrilous article by Marina Hyde. An intellectual lightweight, she writes on everything from sport to the tawdry lifestyles of the rich and famous. She is an Oxford-educated daughter of Sir Alastair Edgcumbe James Dudley-William, the second Baronet of the City and of the County of the City of Exeter and the granddaughter of Conservative politician Sir Rolf Dudley-Williams.

Hyde’s piece is an incoherent rant in which as much dirt as she can muster is flung at Assange and the UN opinion in the hope that some of it will stick. She faithfully follows the directive of the UK Foreign Office that “This [the UN opinion] changes nothing. We

completely reject any claim that Julian Assange is a victim of arbitrary detention.”

Hyde complains that the UN found that Assange “has been arbitrarily detained, including under house arrest, and that the diplomatic asylum offered him by Ecuador somehow binds the UK to give Julian Assange free passage...”

Calling on her hitherto unknown but apparently encyclopaedic knowledge of international law, she adds, “except he was never under house arrest, there has been nothing arbitrary at any stage of the various legal procedures with which he has been involved, and the UK has no obligation to recognise diplomatic asylum granted within its borders by another state.”

Hyde is carried away by the tide of her own vitriol. Even the Swedish government accepts that Assange was under house arrest. As stated in its own submission to the UN, “He [Assange] was thereafter subject to certain restrictions, such as house arrest.” *Point 24 of the Opinion No.54/2015 concerning Julian Assange (Sweden and the United Kingdom of Great Britain and Northern Ireland).*

On the arbitrary nature of Assange’s arrest and detention the UN opinion says, “The Human Rights Committee, in its General Comment No. 35 on Article 9 ... stated that ‘An arrest or detention may be authorised by domestic law and nonetheless be arbitrary. *The notion of “arbitrariness” is not to be equated with “against law”*, but must be interpreted more broadly to include elements of inappropriateness, injustice, lack of predictability and due process of law, as well as elements of reasonableness, necessity, and proportionality’” (emphasis added).

Hyde disparages the UN opinion for not engaging “with the reasoning of the various courts that have already considered (and rejected) many of the arguments against extradition...”

This was not the purpose of the UN’s opinion, as she should know. In his response to the UNWGAD verdict, Liora Lazarus, a Fellow of St. Anne’s College and an Associate Professor in Law at Oxford University, stated, “Its role is different to that of a national or regional court, and it applies an independent and exacting standard of review to national authorities. A UN WGAD ruling is the highest expression of the review of arbitrary detention that can be made by a human rights body. The European Court of Human Rights has recognised that ‘in view of the composition, functions, process complaints and investigative powers of this body, the Working Group of the United Nations on Arbitrary Detention should be viewed as “a procedure of international investigation or settlement” within the meaning of Article 35 of the Convention’.”

In addition, while dealing with the legalities of the rulings of various courts was not the remit of the UN’s opinion, it does note in relation to the European Arrest Warrant, under which Assange was detained in December 2010, “With regard to the legality of the EAW... since the final decision by the Supreme Court of the United Kingdom in Mr. Assange’s case, UK domestic law on the determinative issues had been drastically changed, including as a result of perceived abuses raised by Sweden’s EAW, so that if requested, Mr. Assange’s extradition would not have been permitted by the UK.”

It adds that the UK government, in relation to Assange has

stated, “that these changes are ‘not retrospective’ and so may not benefit him.” Therefore, “A position is maintained in which his confinement within the Ecuadorian Embassy is likely to continue indefinitely.”

Lazarus notes that “*Assange’s decision to claim asylum and take up residence in the Ecuadorian embassy*” came after, despite two dissenting opinions, the “Supreme Court held against Assange on the matter of whether an EAW could be issued by a ‘prosecutor’ and not a ‘judicial authority’ as stipulated in relevant European and English law.” This decision could not now be arrived at following the changes introduced by the British parliament (emphasis added).

Hyde claims, “the UK has no obligation to recognise diplomatic asylum granted within its borders by another state.” The UN opinion details that Assange’s legal team explained, “The United Kingdom failed to acknowledge custom and its own practice of recognising diplomatic asylum.”

In the case of Sweden, it has “long recognised humanitarian diplomatic asylum as being a part of general international law.” The opinion states, “In Santiago in 1973, the Swedish Ambassador to Chile, Harald Edelstam, gave numerous Chileans and other nationals sought by the authorities of [military dictator] Augusto Pinochet not only diplomatic asylum in the Swedish Embassy, but also safe conduct to Sweden.”

The mass murderer Pinochet was detained in Britain in October 1998 under an international arrest warrant issued by a Spanish judge. Unlike Assange, who has never been charged with any crime in Sweden or the UK, Pinochet spent his time in the UK in luxury while being feted by leading politicians such as ex-Prime Minister Margaret Thatcher. Pinochet’s defence team included Clare Montgomery, the lawyer for the Crown Prosecution Service, who later argued for Assange’s extradition. In January 2000, Labour Home Secretary Jack Straw intervened directly to rule that Pinochet should not be extradited, but returned to Chile on grounds of ill-health.

Hyde and the *Guardian* are nothing more than sounding boards for Assange’s Swedish and UK prosecutors who, in rejecting the UN’s verdict, yet again flout international law.



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