

Swedish court refuses to drop arrest warrant for Julian Assange

Josh Varlin**26 May 2016**

The Stockholm District Court upheld Sweden's European Arrest Warrant (EAW) for WikiLeaks founder Julian Assange on Wednesday, explicitly rejecting the conclusion of the United Nations' Working Group on Arbitrary Detention (UNWGAD) that Assange has been arbitrarily detained in violation of international human rights conventions.

In February 2016, the UN working group issued its finding that Assange's detainment as a result of the actions of the Swedish and British governments violates the Universal Declaration on Human Rights and the International Covenant on Civil and Political Rights. The UNWGAD is a United Nations expert group founded in 1991 to investigate allegedly arbitrary deprivations of liberty.

Assange's persecution began in August 2010 after two women with whom he had had sexual relations visited a Stockholm police station to see if they could compel Assange to take an HIV test. The two women had not intended this visit to open a police investigation.

Earlier that year, WikiLeaks had already begun publication of documents relating to the wars in Iraq and Afghanistan leaked by Army whistleblower Chelsea Manning. This included the infamous "Collateral Murder" video. In response, Washington began pressuring US allies internationally, including Sweden, to restrict Assange's freedom of movement and potentially arrest him. US prosecutors also secretly empaneled a grand jury in Alexandria, Virginia.

Swedish prosecutors initially wanted to question Assange for charges of rape and molestation. However, Chief Prosecutor of Stockholm Eva Finne found on August 25, 2010 that there was no evidence of rape but that the lesser charge of molestation could still be investigated.

Under the pressure of right-wing Social Democrat Claes Borgstrom, who represented the two alleged victims with the apparent goal of bolstering his election chances, Swedish prosecutor Marianne Ny resurrected the rape investigation. Assange waited for weeks in Sweden to be questioned but left with Ny's written permission.

In December 2010, Sweden issued a European Arrest Warrant, essentially requesting that the UK arrest and extradite Assange to Sweden. Since December 2010, Assange has been subjected to different periods of humiliating detainment, including several days in jail, over a year under house arrest and years in the Ecuadorian embassy.

Ecuador granted Assange asylum and has let him stay in its London embassy since June 2012 because Assange compellingly argued that he will be extradited from Sweden to the United States for his political and journalistic activities exposing imperialist war crimes.

Since then, Assange has been trapped in the embassy due to the UK's refusal to let him leave for Ecuador. Meanwhile, the investigation against Assange has not progressed since 2010, despite Assange's numerous offers to be interviewed in the Ecuadorian embassy or otherwise provide testimony. Ny, pressured by the UK, has insisted that Assange be interviewed in person in Sweden, despite the fact that Swedish authorities have interviewed 44 people in the UK since 2010 and even moved an entire Stockholm court to Rwanda in 2012.

Assange has still not been charged with any crime.

Assange's attorneys asked the Stockholm District Court in February to nullify the EAW, which effectively imprisons him inside the tiny Ecuadorian embassy, after the UN working group issued its finding that the inquisitorial actions of Sweden and the UK constitute arbitrary detention.

Prior to the UN group's decision, Assange said he would accept their reasoning as definitive, promising to turn himself over to UK authorities for arrest and extradition if he was found not to have been arbitrarily detained.

The group's findings "are legally-binding to the extent that they are based on binding international human rights law, such as the International Covenant on Civil and Political Rights (ICCPR)." The UNWGAD further says that its decisions "are also considered as authoritative by prominent international and regional judicial institutions, including the European Court of Human Rights."

UK and Swedish authorities nevertheless rejected the group's findings.

The Stockholm court likewise rejected the UN group's decision, saying, "Unlike the UN Working Group on Arbitrary Detention the district court does not consider [Assange]'s stay at the Embassy of Ecuador in London a form of detention."

The court also said in a statement, "The district court finds that there is still probable cause for the suspicion against [Assange] for rape, less serious incident, and that there is still a risk that he will depart or in some other way evade prosecution or penalty."

This is despite evidence that Assange is the victim of a frame-up, including the fact that the alleged victims did not intend to charge Assange until the politicized intervention of Swedish prosecutors, and that they positively and publicly discussed Assange on social media after the alleged molestations.

Five hundred human rights organizations, activists, Nobel laureates and diplomats have condemned the Swedish and British rejection of the UNWGAD ruling in an open letter. Signatories include director Alfonso Cuarón, Pentagon papers leaker Daniel Ellsberg, filmmaker Laura Poitras, the Japanese Lawyers International Solidarity Association and the US-based National Lawyers Guild.

The *Guardian*, which reported on the revelations from WikiLeaks and worked with Assange, has since viciously turned on him. In a February 4, 2016 editorial, published before the UNWGAD's full report was made public, it bluntly editorialized, "Julian Assange: no victim of arbitrary detention."

The paper, aligned with the British Labour Party, later published an anti-Assange editorial by Marina

Hyde containing legal inaccuracies. For example, Hyde claimed that Assange had not been under house arrest, something agreed on as fact by the UN working group, Assange's legal team, Sweden and the UK.

Meanwhile, the British pseudo-left has aligned itself with the drive by the United States to railroad Assange. The Socialist Workers Party and Socialist Party both echoed the *Guardian* and the Swedish and British states in claiming that "Assange must face rape charges."

Several local National Union of Students bodies have likewise attempted to block Assange from speaking at British universities, following its "no platform" policy, supposedly aimed at creating "safe spaces" on campuses. Assange condemned this attack on his democratic rights, anchored in gender-based identity politics, at a recent event at the University of Sheffield, which he addressed via video link from the Ecuadorian embassy.

The *World Socialist Web Site* rejects these attempts to witch-hunt Assange and calls for workers and young people in the US, UK, Sweden and internationally to oppose the US-backed efforts to silence him.



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