

British judge refuses to overturn Julian Assange's arrest warrant

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Senior District Judge Emma Arbuthnot refused yesterday to accept an appeal to overturn an arrest warrant against WikiLeaks founder Julian Assange in London's Westminster Magistrate's Court.

Arbuthnot was ruling on whether the existing UK arrest warrant and a potential future charge of absconding under sections 6 and 7 of the 1976 Bail Act are proportionate and whether it would be in the public interest for the current situation to continue.

Assange now continues to face arrest for violating his former bail conditions, which occurred in 2012, when he sought political asylum in the Ecuadorian embassy in London.

He sought sanctuary to thwart a conspiracy by the United States, British and Swedish governments to have him extradited to Sweden on trumped-up sexual assault accusations. The allegations were part of efforts to legally entrap Assange, providing the basis for his extradition to the US to face possible charges of espionage and treason carrying a potential death penalty. Neither the US nor British governments have publicly denied the existence of a secret application to extradite him to the US.

Lawyers for Assange argued the warrant should be revoked because Sweden dropped its extradition warrant last year and that arresting him was no longer "proportionate" or "in the public interest."

By closing their investigation, Swedish prosecutors effectively proved that there was never a case against Assange and that he and WikiLeaks were the target of a "dirty tricks" operation.

Assange's lawyers said that the five and a half years Assange has been confined to the embassy were "adequate, if not severe" punishment for his actions. The maximum penalty for skipping bail is six months in prison. They pointed to the December 2015 United Nations Working Group on Arbitrary Detention report condemning Assange's detention as "arbitrary,

unreasonable, unnecessary, disproportionate." The UN had called on the Swedish and British governments to immediately end his "deprivation of liberty" and pay him compensation.

Assange's legal team said their client had repeatedly offered to cooperate with the investigation in Sweden, but prosecutors had refused to talk to Assange until 2016. It has since emerged that Britain's Crown Prosecution Service (CPS) pressured its Swedish counterparts not to question Assange in Britain. They also encouraged Swedish prosecutors to proceed with extradition proceedings rather than drop them, as they were preparing to do as far back as 2013.

Assange was justified in seeking asylum in the embassy, his lawyers argued, because he had a legitimate fear he would be extradited to the US. Jennifer Robinson, said that the US administration had made clear its intention to bring a prosecution against WikiLeaks. A US grand jury investigation has been ongoing since May 2010, with the purpose of bringing a case against Assange over WikiLeaks' publications.

"The UK FCO [Foreign and Commonwealth Office] refuses to confirm or deny whether there is an extradition request for Mr Assange," she said. "In our recent FoI [Freedom of Information] challenge against the CPS ... the CPS refused to disclose certain material because it would 'tip off' Mr Assange about a possible US extradition request. It is time to acknowledge what the real issue is and has always been the risk of extradition to the US."

Arbuthnot's ruling, dripping with class venom and hypocrisy, serves the deepest interests of the British state.

Judge Arbuthnot—otherwise known as Baroness Arbuthnot of Edrom—is married to Tory politician Lord Arbuthnot, who served as Chairman of Parliament's Defence Select Committee from July 2005 to May 2014. The committee oversees the Ministry of Defence and has

presided over and legitimised the very war crimes Assange has exposed.

In the time-honoured tradition of British imperialism, Arbuthnot treated Assange and his lawyers with contempt, ruthlessness and vindictiveness. According to the learned judge, who is the Chief Magistrate of England and Wales, the man who has exposed crimes against humanity was himself a common criminal. He was expected to doff his cap to his betters, show remorse for stepping out of line and take his punishment.

She admonished Assange for not appearing in court: “Defendants on bail up and down the country, and requested persons facing extradition, come to court to face the consequences of their own choices. He should have the courage to do the same.”

Arbuthnot’s ruling was an affront to democracy. She ridiculed the UN findings that Assange’s incarceration is a “deprivation of liberty.” The ruling did not apply to him, she claimed, because his imprisonment was supposedly a self-imposed life of luxury!

“Firstly, he can leave the embassy whenever he wishes; secondly, he is free to receive, it would seem, an unlimited number of visitors and those visits are not supervised; thirdly, he can choose the food he eats, the time he sleeps and exercises.”

“I do not believe there is no sunlight. He can sit on the balcony (I accept probably observed by the police and his supporters) to take the air. He is not locked in at night. I suspect if one were to ask one of the men incarcerated in Wandsworth prison whether conditions in the Ecuadorian embassy were akin to a remand in custody, the prisoner would dispute the working group’s assertions.”

What would Baroness Arbuthnot know about conditions inside Wandsworth? Her depiction of Assange’s confinement as akin to a hotel on the French Riviera, complete with an open balcony, is contemptible.

Arbuthnot declared that Assange’s belief he would have been extradited to the US from Sweden was “unreasonable.”

Only the previous day, the US Department of Justice (DoJ) confirmed to Reuters that its case against Assange is ongoing. CIA director Mike Pompeo has described WikiLeaks as a “hostile intelligence service,” saying that Assange has “no First Amendment rights” and that the CIA is working to “take down” WikiLeaks. Attorney General Jeff Sessions stated last year that Assange’s arrest was a priority for the Justice Department.

Arbuthnot rejected arguments by Assange’s lawyers that it was not in the public interest to pursue him for bail

infringement, saying, “I find arrest is a proportionate response even though Mr Assange has restricted his own freedom for a number of years.”

Turning reality on its head, Arbuthnot described Assange, who has exposed state war crimes, as “a man who wants to impose his own terms on the course of justice, whether the course of justice is in this jurisdiction or Sweden ... He appears to consider himself above the normal rules of law and wants justice only if it goes in his favour.”

A victory for Assange would have forced British authorities to disclose any outstanding extradition warrants from the US.

“We must confront the real issue in this case,” said Assange’s lawyer Jennifer Robinson, “... [that] he risks facing extradition to the US to face prosecution for publishing information in the public interest with WikiLeaks.

“Mr Assange remains ready to face British justice ... but not at the risk of being forced to face American injustice.”

Gareth Peirce, a prominent human rights lawyer who serves on Assange’s legal team, said it would be possible to appeal against the decision. Speaking outside the court, she said, “The history of the case from start to finish is extraordinary. Each aspect of it becomes puzzling and troubling as it is scrutinised.”

Responding to the ruling, Assange indicated an appeal will be forthcoming: “We are surprised. The judge went outside what the parties presented in court. This seems to have led to significant factual errors. US DoJ confirmed to Reuters again yesterday that its case is ongoing. There are three months to appeal UK ruling.”



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