In legal victory for Assange, Swedish court rules against extradition

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The Uppsala District Court yesterday ruled against a bid by Swedish state prosecutors for the country to formally detain WikiLeaks founder Julian Assange in absentia, which would have set in motion a request for his extradition from Britain.

Assange's lawyers have described the judgement as a legal "victory." It is a blow to the attempts by Swedish prosecutors to secure Assange's extradition, through the issuing of a European Arrest Warrant, despite the fact that he has never been charged with a crime in the country.

The hearing followed the reopening last month of a "preliminary investigation" into Swedish sexual misconduct allegations against Assange, that has been dropped twice in the past eight years. Prosecutors revived the investigation after Assange was expelled from Ecuador's London embassy on April 11 and arrested by the British police.

The purpose of the Swedish investigation is to blacken Assange's name and provide an alternate route for his dispatch to a US prison. Since 2010, Swedish authorities have repeatedly rejected demands by Assange's lawyers that they guarantee he would not face onward extradition to the US, if he were detained in Sweden.

At the hearing, Swedish prosecutor Eva-Marie Persson reportedly told the court that a detention order should be granted, because Assange was a "flight risk." She also claimed that it was necessary due to the "general interest in investigating the crime."

Assange's Swedish lawyer, Per Samuelsson, countered that the WikiLeaks founder could not be considered a "flight risk," because he is imprisoned in Britain's Belmarsh Prison on a 50-week sentence for minor bail offenses.

Samuelsson also noted that Assange had not even been asked to voluntarily participate in the investigation. "Therefore, he can't be arrested, for the reason of interrogation," he stated. The defence lawyer said that if they wished to, Swedish prosecutors could seek to interview Assange in Belmarsh Prison or via video link.

Samuelsson accused them of trying to "compete" with the US attempts to extradite Assange. He faces charges in the US under the Espionage Act carrying a maximum sentence of 170 years imprisonment, for WikiLeaks' exposures of US war crimes and diplomatic conspiracies. His lawyer insisted that Assange needed to be allowed to focus on defending himself from the US extradition application.

The court's judgement stated that to proceed, the investigation did not "require Julian Assange's detention. The court therefore does not find it proportional to detain Julian Assange."

Persson said, after the ruling: "I fully respect the court's decision." She said that Swedish prosecutors would issue a European investigation order to interview Assange at an unspecified date.

In an interview with *SVT Nyheter*, Samuelsson described the verdict as a "huge victory for the defence… The prosecutors have been rebuffed." He said the investigation was "blighted," adding that "it is impossible at this stage to make things right in terms of the integrity of the investigation."

He continued: "There is no reason to bring him to Sweden if the result is that the preliminary investigation will be dropped once again. The prosecutors have dropped the case twice already, and they could well drop it for a third time after questioning Assange again."

Bengt Ivarsson, former president of the Swedish bar association, commented: "I share the opinion that the

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District Court was correct in its decision not to detain Assange. The only reasonable thing to do would be to drop this investigation entirely, once and for all."

The Swedish prosecutors sought Assange's formal detention, despite the fact that their investigation is ongoing.

Under the British Extradition Act of 2003, individuals are not supposed to be extradited to another European country, under a European Arrest Warrant, if judicial authorities in the country issuing the request have "not made a decision to charge or a decision to try."

This proviso was trampled upon by British courts, which repeatedly ruled that Assange should be extradited to Sweden, despite the absence of any charge. British laws were amended in 2014, after Assange had been compelled to seek political asylum in Ecuador's London embassy, to reiterate the protection against extradition without charge.

The Swedish "investigation" has always been a political frame-up. In August, 2010, two Swedish women, who had engaged in consensual sex with Assange, went to the police to ask that he take an HIV test. During the course of questioning, allegations of sexual misconduct, were concocted.

Text messages from one of the supposed "victims" in 2010 stated, "I did not want to put any charges against JA" and "it was the police that made up the charges."

An initial "preliminary investigation" in 2010 found that "the evidence did not disclose any evidence of rape" and that there was "no crime at all."

Assange stayed in Sweden for five weeks, and only left the country after being told by prosecutors that he was not wanted for questioning.

The "preliminary investigation" was revived in September 2010 by a new prosecutor, Marianne Ny, at the instigation of Claus Borgström, a lawyer alleged to have close ties to the political establishments in Sweden and the United States. This occurred amid a massive US campaign against WikiLeaks, over its publication of videos and war logs exposing American war crimes in Iraq and Afghanistan.

Ny set in motion an Interpol red notice for Assange's arrest, usually reserved for terrorists and murderers. Despite the warrant for Assange's arrest being issued by Ny, a prosecutor, and not a court, it was repeatedly upheld by the British. Under conditions where the Swedish authorities would not provide any guarantee against Assange's onward extradition to the US, he sought political asylum in Ecuador's London embassy in 2012.

Over the following six years, Swedish prosecutors rejected Assange's offers to be interviewed in the embassy. Over the same period, they interviewed 44 individuals outside of Sweden, who were suspected of criminal offenses. In 2016, the Swedish Court of Appeal ruled that Ny had breached her duty, because a preliminary investigation must either be open and active, leading to a charge, or closed.

In November 2016, Swedish prosecutors interviewed Assange in the embassy building. The following year, they ended their investigation, despite the fact that they could have proceeded with it. Over the past eight years, the country's prosecutors have repeatedly charged individuals of serious crimes in absentia.

The scope of the conspiracy perpetrated against Assange was revealed in documents obtained by Italian journalist Maurizi under freedom of information requests in 2017 and 2018.

They showed that the British Crown Prosecution Service (CPS) insisted in 2010 and 2011 that Swedish authorities reject Assange's offer to question him in Britain, or via video link, rather than seeking an extradition arrest warrant.

The documents also demonstrated that the Swedes had been considering dropping the investigation as early as 2013. The British CPS insisted it continue, with the lead CPS lawyer handling Assange's case warning, "Don't you dare get cold feet!!!"

Other emails, including one from the US Federal Bureau of Investigations (FBI) to Ny, were inexplicably deleted. Ny later claimed she could not remember its contents. The FBI has played a central role in the US campaign to destroy WikiLeaks and its reputation.

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