

Assange extradition hearing: WikiLeaks exposed US drone killings, torture and rendition, says Guantanamo Bay lawyer

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On the second day of resumed extradition proceedings in USA v Assange, the court heard how WikiLeaks exposures helped free victims of torture and secret rendition around the world, exposing “kill lists” and helping to end a US drone assassination program instigated by the Obama administration.

Clive Stafford Smith, a US/UK civil rights attorney and co-founder of London-based charity Reprieve, told the court his work representing dozens of detainees at Guantanamo Bay, Cuba had made him familiar with WikiLeaks’ disclosures.

Classified diplomatic cables released by WikiLeaks had included evidence of a US drone assassination program in Pakistan, leading to High Court proceedings in that country which ruled they were a crime under international law.

“Would that litigation have been possible without the evidence disclosed by WikiLeaks?”, asked Mark Summers QC, appearing for the defence.

“It would have been very, very difficult to find some of the disclosures,” replied Smith. “In particular, the statements by the prime minister at the time, [Yousaf Raza] Gillani, were very powerful in revealing what was sadly a very hypocritical attitude by that government.”

Cables released by WikiLeaks exposed Gillani’s private backing for the US drone assassination program, with Pakistan’s former PM telling US Ambassador Anne Patterson, “I don’t care if they do it as long as they get the right people. We’ll protest in the National Assembly and then ignore it.”

WikiLeaks had also exposed US attempts to block investigations into rendition and torture, Smith confirmed.

Smith discussed a US assassination program in Syria, with a “kill list” of 669 names. The list, published by WikiLeaks, showed how the US had targeted American journalist Bilal Abdul Kareem and *Al Jazeera*’s Ahmad Zaidan.

Smith said the list revealed “an imperial attitude to assassination.”

Weapons used to assassinate US targets “were named after

porn stars and revealed names clearly from US allies, identifiable to Great Britain or Australia.”

Smith explained how WikiLeaks documents had helped free alleged “enemy combatants” illegally detained at Guantanamo Bay based on confessions extracted by torture. “Notwithstanding what we all know about Central America in the 1970s, I would never have believed that my government would do what it did. We’re talking about criminal offences, of torture, kidnapping, rendition, holding people without the rule of law and murder.”

Summers QC asked Smith, “Enhanced interrogation... and secret prisons. Is that the kind of thing we’re talking about?”

Smith replied, “I have had the project of comparing the methodologies that my government uses on my clients, to what they were called by the Spanish Inquisition, the best example of which is *strappado*—something that I believe Donald Rumsfeld said was ‘no big deal’—which is hanging by the wrists as the shoulders gradually dislocate.”

WikiLeaks publications had also been used in the *Chekkouri* case, exposing British involvement in the secret rendition and torture of Binyam Mohamed. Interrogators had taken a razor blade to his genitals before rendering him to a “Dark Prison” in Kabul where he was tortured again.

In his cross-examination, James Lewis QC, representing the US authorities, responded to Smith’s statements that WikiLeaks’ publications were in the public interest, “You must be aware that in the Official Secrets Act (1989) in the United Kingdom for example, there’s no defence of publication in the public interest.”

Lewis then made clear the aim of the superseding indictment introduced by the US Department of Justice at the eleventh hour, which formed the basis for Assange’s re-arrest on Monday.

In a *Through the Looking Glass* moment, Lewis told Smith, “Would it surprise you to know that there are no charges against Mr Assange, or anyone else, for publishing those cables which you mentioned in your statement?”

Lewis claimed, “The only thing he is being charged with relate to where people’s [unredacted] names have been put into the public domain, which puts their lives at risk.”

A Kafkaesque exchange followed in which Lewis denied that WikiLeaks’ exposures of torture, rendition and drone killings had any connection to the US indictment against Assange. At this point, Assange interjected. According to those inside the court, he was heard to say, “This is nonsense”, with Baraitser immediately warning that any further interruption would see Assange barred from his own hearing.

After a brief adjournment, Lewis returned, recycling the shabby lies of US intelligence agencies and their media ciphers that Assange authorised the “dumping” of unredacted documents.

Citing *Guardian* journalist David Leigh’s libellous book, *WikiLeaks: Inside Julian Assange’s War on Secrecy* (co-authored by Luke Harding), Lewis claimed that WikiLeaks had deliberately placed the lives of US informants at risk. In fact, it was Assange who oversaw the redaction of thousands of classified documents, with the *Guardian*’s journalists deliberately publishing a password that led to the release of unredacted names.

Mark Summers rejected Lewis’s assertion that Assange was being charged solely based on the alleged release of names. He quoted verbatim from Count 1 of the present indictment, which cites “conspiracy to disclose national defence information”, including “detainee assessment briefs related to detainees who were held at Guantanamo Bay; US State Department cables; and Iraq rules of engagement files” and conspiracy to “wilfully communicate documents relating to national defence.”

Summers told Smith, “It’s been suggested to you that the only cables that are the subject of prosecution are those that contained names. Is that your account of the reading?” Smith replied, “No it is not.”

US prosecutors are attempting to deny the central thrust of their decade-long persecution of Assange. Fully aware that WikiLeaks’ courageous exposure of US war crimes enjoys mass popular support—and with the case against Assange being exposed as a pseudo-legal travesty—the US is attempting to shift the grounds for its extradition request. The superseding indictment aims to counter one of the central arguments of the defence: that the charges against him are “political” and therefore a bar to his extradition.

In the afternoon session, Professor Mark Feldstein continued his expert witness testimony, discontinued late on Monday due to technical problems. Feldstein, a professor of Broadcast Journalism at the University of Maryland with 20 years’ experience as an investigative reporter, said Assange’s prosecution was politically motivated, part of

President Donald Trump’s “campaign against the press.”

Summarising Feldstein’s points, Edward Fitzgerald QC for the defence, pointed to the unprecedented nature of the charges and the wide-ranging nature of the indictment (in Feldstein’s words, “to mirror what it is journalists actually do”) and Trump’s known vitriol towards the press. Fitzgerald said the Obama administration had not brought such charges against Assange.

Replying to this last point, the prosecution pointed out that a Grand Jury against Assange had been established by Obama and there was no indication the investigation had been closed. Feldstein agreed, the “Obama administration was very eager to file charges against Assange and they conducted a very aggressive investigation.” All of which speaks *for* the point that Assange is being sought for political reasons—motivations which are common to the whole American ruling class. It was current Democratic Party presidential candidate Joe Biden who branded the WikiLeaks publisher and journalist a “high-tech terrorist.”

In cross-examination, prosecutors also argued that the so-called “*New York Times* problem”—that to prosecute Assange would require prosecuting the *Times*, which briefly worked with WikiLeaks to publish classified documents—does not exist, since the *Times* did not “conspire” with Chelsea Manning to access classified information, but merely “passively received” them.

Summers countered that the alleged “conspiracy” amounted to helping Manning, Assange’s source, protect her identity and encouraging her to pass on information, which Feldstein testified was a journalist’s “moral obligation” and “a thing all journalists do.” It is certainly true, however, that the *New York Times*’s pliant state stenography, like that of the *Guardian*, runs no risk whatsoever of falling foul of the US government’s attempts to criminalise principled investigative journalism.

The hearing continues today.



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