

British court ruling heightens danger of Assange extradition to the US

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Last week's ruling by the British High Court allowing prosecutors to appeal an earlier judgment blocking Julian Assange's extradition, poses the very real danger that the WikiLeaks publisher will be dispatched to his American persecutors in the not-too-distant future.

The ruling is a microcosm of the Assange case as a whole. As they have for the past decade, the British courts have thrown aside the WikiLeaks founder's legal and democratic rights. They have granted a US appeal that is both duplicitous and irregular under conditions in which the entire attempt by the American state to prosecute Assange has been exposed as an illegal frame-up.

The corporate media remains silent, or presents the latest travesty against Assange as fair play. The major political parties in the US, Britain and Australia, which have orchestrated the campaign against the WikiLeaks founder, give their tacit stamp of approval declaring, along with the official politicians who have occasionally voiced "concern" over Assange's persecution, that the British "legal process" must be "respected."

The US appeal is a damning refutation of those, including among Assange's own supporters, who have peddled dangerous illusions that the US administration of President Joe Biden may drop the prosecution if a sufficient number of moral pleas are addressed to the new occupant of the White House.

The appeal was first issued in the dying days of the Trump administration but it was continued, honed and argued for by Biden's Justice Department. Assange remains in London's maximum-security Belmarsh Prison and faces the prospect of lifetime incarceration in the US because Biden is determined to press ahead with the prosecution of a journalist and publisher for exposing American war crimes, human rights violations and illegal spying operations.

That is because the Assange prosecution is viewed as a crucial precedent by the imperialist powers for the suppression of dissent and anti-war opposition amid a ratcheting up of the preparations for military conflict, including the Biden administration's threats and provocations against China, and the first signs of a resurgence of working-class struggle.

The appeal also confirms the warnings made by the *World Socialist Web Site* about January's British District Court decision that barred extradition.

Judge Vanessa Baraitser accepted all the substantive arguments of the US prosecutors, including their right to try a publisher under the Espionage Act. Her ruling, prohibiting extradition, was framed

in the narrowest terms. Its purpose was to defuse a groundswell of opposition to the prospect of Assange's extradition and to provide the US with ample scope for appeal.

Baraitser ruled that extradition would be "oppressive." Assange's compromised health and the conditions of his imprisonment in the US would likely result in his suicide.

The deliberate consequence of that judgment was that there was only a legal sliver between Assange and extradition.

The US has exploited this with its appeal claiming that the conditions of imprisonment would not be so oppressive. It has proposed worthless assurances that Assange would not be held under Special Administrative Measures (SAM), regulations that impose almost total isolation on a prisoner, and that he could serve out his sentence in Australia.

The extradition hearing had heard harrowing testimony about the dire psychological consequences of SAMs and conditions at the supermax ADX Florence prison where they are frequently imposed.

The US arguments, accepted as a legitimate basis of appeal by the British court, were demolished by Stella Moris, Assange's partner and an international human rights lawyer.

In a statement issued on Friday, Moris wrote: "Reports about US undertakings are grossly misleading. On any given day 80,000 prisoners in US prisons are held in solitary confinement. Only a handful are in ADX/under special administrative measures. ADX is just one of dozens of self-described supermax prisons in the United States. The US government also says it may change its mind if the head of the CIA advises it to do so once Julian Assange is held in US custody.

"With regard to the supposed concession of allowing Julian to serve jail time in Australia, it was always his right to request a prisoner transfer to Australia to finish serving his sentence because he is an Australian. It is no concession at all. There are existing agreements between the US and Australian authorities. What is crucial to understand is that prisoner transfers are eligible only after all appeals have been exhausted. For the case to reach the US Supreme Court could easily take a decade, even two.

"What the US is proposing is a formula to keep Julian in prison effectively for the rest of his life. The only assurance that would be acceptable would be for the Biden Administration to drop this shameful case altogether, once and for all. He should not be in prison for a single day, not in the UK, not in the United States, not in Australia—because journalism is not a crime."

As Moris noted, the US appeal itself reserved the “right” to impose SAMs once Assange is on US soil. Testimony at the extradition hearing, including from a former US prison warden, established that the imposition of SAMs is essentially extra-judicial, often being introduced at the say-so of the intelligence agencies, and with no genuine means of appeal.

The hearings, moreover, heard evidence of a case in which similar assurances were immediately thrown out the door once extradition was secured. Lawyers for terrorist leader Abu Hamza had argued that his extradition would be oppressive because he would likely be held under SAMs, despite severe health issues, including that he is missing both hands. US prosecutors guaranteed that this would not be the case stating that if he were, it would only be for a short time. Once they had their hands on Hamza, they placed him under SAMs in ADX Florence, where he remains.

Aside from the wilful credulity of the British court, the US assurances contradict affidavits presented by Assistant US Attorney Gordon Kromberg to the extradition hearings which indicated that SAMs would be considered as an option for Assange’s imprisonment. Because of this, the High Court would have been within its rights to deem the assurances new evidence, not applicable in an appeal hearing because they were not presented to the lower court where the matter was first heard.

The decision to hear the appeal creates a highly dangerous situation for Assange. Nick Vamos, a partner at the Peters & Peters law firm and a former head of extradition at the Crown Prosecution Service, told the *Guardian* that the appeal process could proceed “quite quickly.” He added: “There’s also a longstanding history of our courts accepting the assurances from requesting states.”

In the immediate future, the decision means that Assange will remain indefinitely imprisoned in Belmarsh Prison, where he has been incarcerated for more than two years. More broadly, the appeal demonstrates that the US government is planning to continue its persecution of the WikiLeaks founder for decades to come.

The suggestion that Assange could serve out a sentence in Australia recalls a scenario outlined by Fred Burton, chief security officer of Stratfor, which is often described as a “shadow CIA.” In a 2010 email to a colleague, subsequently published by WikiLeaks, Burton said the US strategy against Assange was: “Pile on. Move him from country to country to face various charges for the next 25 years. But, seize everything he and his family own, to include every person linked to Wiki.”

That strategy was initiated by the Obama administration in which Biden served as vice-president. Obama empanelled a Grand Jury to try and concoct charges against Assange. Parallel with this, his administration was involved in numerous dirty-tricks operations against Assange including discredited Swedish allegations of sexual misconduct.

Only when these extra-judicial operations had succeeded in depriving Assange of his liberty by forcing him to seek political asylum in Ecuador’s London embassy, did the Obama administration apparently drop its plans for a formal prosecution.

A report in the *Stundin* newspaper earlier this month shed further light on the Obama-Biden campaign, demonstrating the

extent to which the US collaborated with an Icelandic conman and paedophile Sigurdur Thordarson to violate Iceland’s sovereignty and frame Assange as a computer hacker, under Obama’s administration. This included taking possession of files stolen by Thordarson from WikiLeaks, lying to Iceland’s government about why FBI agents were flown to the country in 2011, and ferrying the Icelandic criminal around Europe.

Thordarson was later picked up by the Trump Justice Department as it publicly-unveiled charges against Assange in 2019. His claims were prominently featured in a superseding indictment, issued by US prosecutors in June 2020, which is the basis of the extradition request.

Thordarson has now admitted, however, that almost all his testimony consisted of lies proffered in exchange for immunity from US prosecution. The American government thus submitted a false indictment to the British courts.

Baraitser’s January judgment, upholding the substantive arguments of US prosecutors, cited Thordarson some 22 times. His claims of hacking, since withdrawn, were presented as proof that the prosecution had met the test of dual criminality, requiring that offences be illegal in both Britain and the US for extradition to be granted.

The dependence of the prosecution case on Thordarson’s lies should have meant that it was summarily dismissed. The same is true of well-documented allegations that the CIA illegally spied on Assange, including his privileged discussions with attorneys, when he was a political refugee in the Ecuadorian embassy. Despite all of this, the attempted prosecution continues.

The latest High Court ruling again demonstrates that the fight for Assange’s freedom cannot be based upon moral appeals to his persecutors, or any section of the political establishment, from the Biden administration, to the British judiciary, the Australian authorities and the corporate media. All of them nailed their colours to the mast long ago.

The constituency for the defence of Assange and the defeat of state frame-ups is the international working class. It is being propelled into struggle against the very political forces that have pursued Assange as they carry out the homicidal policy of “herd immunity” on the pandemic, preside over ever-greater social inequality, and escalate their reckless drive to war. Every effort must be made to apprise the working class of Assange’s plight and to mobilise it in his defence.



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