

# British High Court rejects Assange appeal: Extradition an imminent threat

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In a decision revealed publicly today, a British High Court judge on Tuesday rejected Julian Assange's application to appeal against his extradition to the United States on Espionage Act charges. The ruling places Assange at imminent risk of being dispatched to the American authorities, who are pursuing him for exposing US-led war crimes.

After more than three years of proceedings, the legal avenues for Assange's extradition to be blocked have narrowed substantially. He essentially has only one option of appeal remaining, and it could be rejected next week.

At the beginning of 2021, a Magistrate's Court ruled against extradition on the grounds that Assange's imprisonment in the US would be oppressive and he would likely die. The High Court overturned that judgment in December 2021, based on assurances from the US that Assange's treatment in a US prison would not be so bad.

The decision was a travesty. The US assurances constituted new evidence and so should not have been accepted. They were made by a state that, media revelations have shown, discussed illegally kidnapping or assassinating Assange when he was a political refugee in 2017. The assurances, moreover, contained loopholes that would have allowed the US to treat Assange however it liked once he was on American soil.

Despite that, the Supreme Court refused to hear an appeal by Assange on health grounds in March 2022.

In July, Assange's lawyers filed a further High Court appeal, the full grounds of which they elaborated later in the year. It is that application that was rejected this week. Justice Sir Jonathan Swift reportedly issued a three-page ruling on Tuesday. The document has not been made public.

The appeal was to have centered on the substantive issues in the case. They included that Assange is being being prosecuted for his political opinions and for

protected speech, both barred under the British extradition act; that the US request violates the US-UK Extradition Treaty, which forbids extradition for political offenses; that the US government has misrepresented the facts of the case to the British courts, and that the attempt represents an abuse of process.

The High Court was not ruling on those matters directly. Instead all that needed to be determined was whether there was a point of law upon which Assange could proceed with a High Court appeal. Despite some legal experts saying such a decision could have been made in days or weeks, it was dragged on for over six months before the rejection.

In a Twitter posting today, the WikiLeaks publisher's wife Stella Assange explained the next step of the legal process.

She wrote: "On Tuesday next week my husband Julian Assange will make a renewed application for appeal to the High Court. The matter will then proceed to a public hearing before two new judges at the High Court and we remain optimistic that we will prevail and that Julian will not be extradited to the United States where he faces charges that could result in him spending the rest of his life in a maximum security prison for publishing true information that revealed war crimes committed by the U.S. government."

If the High Court judges uphold Swift's ruling next week, it appears that Assange's legal options in Britain are exhausted. Assange's lawyers filed an appeal to the European Court of Human Rights last December. It could potentially issue an injunction to halt extradition prior to it examining the case.

Whatever occurs, it is clear that Assange is closer than ever before to being dispatched to a US prison. There he would be held in what human rights organisations have described as the "darkest corner" of the draconian American prison system. He would, in all likelihood, be

detained in the same conditions of near-total isolation as convicted terrorists.

Assange would face a national security trial under conditions of secrecy. It would be held in the Eastern District of Virginia, where the CIA and other intelligence agencies are based, ensuring that the jury was composed of spooks, their relatives or associates. The charges carry a maximum sentence of 175 years.

The British judiciary has functioned as a linchpin of this operation. It has overseen Assange's imprisonment for more than four years, most of that time without charge, even as medical experts warn that his health is deteriorating.

And the British courts have seemed impervious to all developments branding Assange's case as an illegitimate frame-up. Most obvious is the fact that the US case has been denounced by every notable human rights and press freedom organisation in the world as a body blow to basic democratic rights and an attempt to prosecute journalism.

Sensational stories have broken, that should by all rights have resulted in an end to the extradition proceedings and Assange's immediate freedom. They have scarcely registered on British justice.

In June 2021, Sigurdur "Siggi" Thordarson, a convicted Icelandic criminal, admitted that he had provided false evidence against Assange in exchange for immunity from prosecution by the US Federal Bureau of Investigation (FBI). Thordarson's acknowledged falsehoods remain in the current indictment under which the US is seeking Assange's extradition.

In September 2021, *Yahoo News* published an extensive investigation, alleging that in 2017 the Trump administration and the CIA held discussions about illegally kidnapping or assassinating Assange, who was then a political refugee in Ecuador's London embassy.

Whistleblowers have also alleged that the company providing security to the embassy, UC Global, had gone rogue and was secretly collaborating with the US government. That included unlawfully spying on Assange's privileged discussions with his attorneys.

UC Global founder David Morales is being prosecuted over these accusations, and other crimes, in Spain. Last weekend, *El Pais* reported the most direct evidence yet that Morales and the CIA were in a criminal partnership against Assange. In his computer files, illegal surveillance of Assange had been placed in a folder named "CIA."

At the same time, there is growing popular support for Assange, including in Australia, where he is a citizen. An Australian poll last month found that 79 percent of

respondents wanted the US government to drop all of the charges against Assange so that he could be freed.

With the US case continuing to unravel, and Assange's plight more visible, there is every danger that the authorities involved, in America, Britain and Australia, will seek to complete the extradition as rapidly as they possibly can. The best way to preempt the growing backing for Assange may be to confront it with a fait accompli, i.e., his dispatch to the US.

That underscores the urgency of transforming the latent sentiment in support of Assange into a mass movement of workers and young people consciously fighting for his freedom.

In this struggle, no confidence can be placed in any of the governments or official institutions. That includes the Australian Labor government. It has made vague statements of concern for Assange's plight, along the lines of "enough is enough" and the case "should be brought to a close."

Labor claims to have voiced these positions to the Biden administration, but as this week's British court ruling demonstrates, nothing at all has changed. Assange remains imprisoned in Britain, the extradition proceedings are accelerating towards a conclusion, Biden has not given any indication that his administration will drop the charges. Meanwhile, Labor deepens its collaboration with the US every day, especially in the preparations for an aggressive conflict with China.

That is the context in which Assange's persecution is unfolding. As they conduct a proxy war against Russia in Ukraine, and prepare for an even more catastrophic war against China in the Indo-Pacific, the imperialist powers are also going to war against the democratic rights of the population. They are using the persecution of Assange as the spearhead of a wider campaign to intimidate opposition to war and the status quo more broadly.

The other side of the world situation is the growth of the class struggle and a developing political radicalisation of workers and young people. Defenders of civil liberties must turn to this movement, and fight to inscribe Assange's freedom on its banner, to prevent his extradition.



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