

# Assange's final British appeal against extradition set for February

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Earlier this month, February 20 and 21 were confirmed as the dates for a hearing of what is the last avenue of appeal within the British legal system open to WikiLeaks publisher Julian Assange. The confirmed hearing means that Assange is perilously close to extradition to the US, where he would be tried in a secret national security court on Espionage Act charges carrying a maximum-sentence of 175-years imprisonment.

The date was revealed shortly before Christmas—the fifth Assange has spent behind bars in the maximum-security Belmarsh Prison. His supporters have repeatedly warned that during that protracted detention, solely aimed at facilitating the US extradition request, Assange's health has continued to worsen.

In a press release, his wife, Stella Assange, stated: “The last four and a half years have taken the most considerable toll on Julian and his family, including our two young sons. His mental health and physical state have deteriorated significantly.”

She added: “With the myriad of evidence that has come to light since the original hearing in 2019, such as the violation of legal privilege and reports that senior US officials were involved in formulating assassination plots against my husband, there is no denying that a fair trial, let alone Julian's safety on US soil, is an impossibility were he to be extradited. The persecution of this innocent journalist and publisher must end.”

The hearing will be held before a panel of two High Court judges. They are to review an earlier decision, released in writing by another High Court judge last June 6, refusing Assange permission to appeal.

To find in favor of Assange, the judges would, in effect, need to overturn a decision previously brought down by one of their colleagues. If they were to do so, it would not result in Assange's freedom, only permission to proceed with a full appeal hearing at some point in the future.

If the High Court panel upholds the previous rejection,

Assange's avenues within the British legal system are closed. There is an application to appeal before the European Court of Human Rights, but it is entirely unclear whether Britain would even accept its jurisdiction in the case.

In his June 6 ruling, Justice Sir Jonathan Swift declared that there was not a point of law on which Assange could appeal. Assange's lawyers had been seeking to appeal on substantive grounds, including the fact that the WikiLeaks founder is being targeted by the US for his political opinions and protected speech, which would rule out extradition under the relevant US-British treaty.

They had also raised that the US had misrepresented the facts of the case to the British courts and that the extradition attempt constituted an abuse of process.

Swift summarily dismissed those arguments in a short written judgment. Previous court decisions had rejected expert evidence that Assange would not survive extradition, and thus his dispatch should be blocked on health grounds. Their judgments were largely on the basis of bogus US assurances about the conditions of his imprisonment.

Pointing to the ramifications of the upcoming hearing, WikiLeaks editor-in-chief Kristinn Hrafnsson declared: “There is no press without the protection to operate freely. Julian's case is a landmark moment; the UK needs to decide if it wishes to be a haven for free press or if it wishes to be complicit in the degradation of a core value of our democracy. This is the last chance for judges in the UK to halt this un-just extradition of an innocent man.”

The US is seeking Assange's extradition, explicitly to prosecute him under draconian national security legislation for his activities as a journalist. The 2010 and 2011 publications for which Assange is sought exposed historic war crimes in Iraq and Afghanistan, including mass killings of civilians, as well as unlawful detentions at the US military prison of Guantanamo Bay and

innumerable diplomatic conspiracies spanning every corner of the globe.

The US pursuit of Assange has itself been thoroughly exposed as a dirty-tricks operation, involving violations of laws in multiple jurisdictions. Since the hearings began, voluminous evidence has emerged exposing illegal US spying on Assange, while he was a political refugee in Ecuador's London embassy. That extended to unlawful surveillance of his privileged conversations with lawyers.

There is also substantial and uncontradicted evidence that the top levels of the Trump administration and the Central Intelligence Agency discussed plans to kidnap or even assassinate Assange in 2017, before a criminal indictment and extradition request were issued.

Each new exposure, however, has largely passed without leaving a mark on the British court processes. The judiciary has repeatedly functioned as a handmaiden of extradition, in line with the support for the US witch hunt by the British government, Labour opposition and entire political establishment.

The scope of the US campaign against Assange and WikiLeaks continues to emerge.

A group of American citizens, including journalists and lawyers who associated with Assange, have initiated court action against the US government, alleging that they were targets of the illegal spying operation. On December 20, a District Court in the Southern District of New York rejected a government motion to dismiss the suit.

The ruling rejecting summary judgment stated: "The plaintiffs' complaint contains sufficient allegations that the CIA and [its then director Mike] Pompeo... violated their reasonable expectation of privacy in the contents of their electronic devices." It cited an April 2017 speech, in which Pompeo "pledged that his office would embark upon a 'long term' campaign against WikiLeaks." Thus those hearings will proceed.

In a separate development this month, the *Guardian* reported that US state department documents, released under freedom of information requests, showed that the American government was monitoring pro-Assange protests in Australia in 2010, as the WikiLeaks publications for which he is now charged politicised significant layers of workers and youth.

American officials were monitoring those Australian rallies for evidence of "anti-US sentiment." They warned of "increasing sympathy, particularly on the left" for Assange, and bemoaned "sensationalist" reporting of the WikiLeaks publications.

Notably, the *Guardian* reported "The embassy was

particularly critical of Australian media's reporting of cables that showed the US government was closely watching the rise of the then deputy prime minister, Julia Gillard." That is a reference to revelations, contained in US diplomatic cables, that Gillard's ascension to the prime ministership, in a coup in June 2010, had been orchestrated by a handful of Labor and union apparatchiks who functioned as "protected sources" of the US embassy.

Gillard's predecessor Kevin Rudd was ousted amid concerns that his calls for the US to reach a *modus vivendi* with China cut across the advanced plans for a massive American confrontation with Beijing.

More than a decade on, the US war drive, aimed at asserting American global hegemony, is far advanced. Australia is a full participant, with its transformation into a staging post for offensive US operations proceeding under the current Labor government. While deepening the American alliance, it has in practice rejected calls to defend Assange as a persecuted Australian citizen and journalist.

The US war drive against China is emerging as a major flashpoint in an unfolding global conflict. That includes the US-NATO proxy war against Russia in Ukraine, and the imperialist backed Israeli genocide in Gaza, which is part of moves towards a region-wide US-led conflagration focused against Iran.

Amid this eruption of imperialist militarism, stemming from a breakdown of the capitalist system, Assange's fate is more dependent than ever on the development of the mobilisation of the working class. The very governments persecuting him for exposing their past war crimes are engaged in new and even greater conspiracies.

At the same time, there is mass opposition among workers and young people, which must be developed into an international anti-war movement that fights for the freedom of those such as Assange who have exposed militarism and war.



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