

UK High Court puts Assange on the brink of extradition to the United States

Thomas Scripps
26 March 2024

Julian Assange has been moved a step closer to extradition to the United States. On Tuesday, the UK High Court handed down a judgement rejecting six of the nine grounds for appeal advanced by Assange's lawyers and giving the United States government the opportunity to issue "assurances" invalidating the last three.

The court has given the US government three weeks to indicate that Assange "is not prejudiced at trial (including sentence) by reason of his nationality, that he is afforded the same First Amendment protections as a United States citizen and that the death penalty is not imposed."

If those assurances are not given, "then leave to appeal will be given and there will then be an appeal hearing. If assurances are given then the parties will have a further opportunity to make representations, and there will be a further hearing on 20 May 2024 to decide if the assurances are satisfactory, and to make a final decision on leave to appeal."

As Julian's wife Stella explained outside the court, even this rotten ruling amounts to an admission "that Julian has been exposed to a flagrant denial of his freedom of expression rights ... and that he remains exposed to the death penalty."

The lower court, High Court judge Mr Justice Swift and the British Home Secretary all signed off on these abuses. "And yet," Stella continued, "what the courts have done has been to invite a political intervention from the United States to send a letter saying, 'It's all okay'."

The court's proposals are a fig leaf. US prosecutors will furnish "assurances" as worthless as those already provided in connection with his conditions of imprisonment.

Even if they are not totally ignored once Assange is in the United States, the US government does not need to kill Assange itself; medical evidence has already established the significant risk of his suicide, and his health is in severe decline.

A formal right to First Amendment protections is meaningless in the face of "national security" charges and procedures, as the UK High Court makes clear in its own legal ruling.

Grounds advanced by Assange's lawyers that the UK-US Extradition Treaty bars extradition for a political offence are dismissed with reference to the Tony Blair Labour government's anti-democratic exclusion of this bar from the Extradition Act (2003).

Arguments that extradition would be contrary to Articles 6 and 7 of the European Convention on Human rights (to fair trial and to no punishment without law) are rejected based on various expressions of faith in the US legal system.

Most telling is the response to arguments asserting Assange's right to life and freedom from inhuman and degrading treatment, made in connection with the CIA plot to kidnap or assassinate him in the Ecuadorian Embassy, where he had claimed political asylum.

The judges do not refute the evidence but say there is "nothing to show that the conduct in relation to the Embassy was connected to the extradition proceedings"!

In an extraordinary passage, they write that "the contemplation of extreme measures against the applicant (whether poisoning for example or rendition) were a response to the fear that the applicant might flee to Russia. The short answer to this, is that the rationale for such conduct is removed if the applicant is extradited."

Any suggestion that the US has not pursued Assange in good faith, says the High Court, is "not arguable."

Answering the case that Assange has been prosecuted as punishment for his political opinions, the judges write, "We are content ... to assume that the applicant acted out of political conviction, and that his activities exposed state involvement in serious crimes. It does not follow however that the request for his extradition is made on account of his political views."

They cite in justification “sworn evidence given by [US prosecutor] Mr Kromberg ... He has given a detailed account of the steps that resulted in the decision to prosecute the applicant and to seek his extradition. [Assange’s lawyer] Mr Summers made it clear, in terms, that the applicant does not accuse Mr Kromberg of dishonesty. That, in itself, is fatal to this aspect of the applicant’s case.”

The largest section of the judgement deals with Assange’s appeal under Article 10, the right to freedom of expression. The sole point on which the judges required additional assurances from the US government was whether Assange would be granted equivalent protections under the First Amendment. Both Kromberg and former CIA director Mike Pompeo have said openly these may be denied.

Every other argument was rejected, including protections for whistleblowers and journalists who reveal information of criminal wrongdoing, especially state crimes.

The judges write that Article 10 “is a qualified not an absolute right. It is necessary to balance the public interest in publication against the legitimate aims pursued by legislation that is intended to protect national security.” They cite “significant harm” caused “to some of the human sources” named in released documents, relying on unsubstantiated assertions by US officials, and “harms such as loss of confidence in the State intelligence services.”

The public interest served by Assange’s work is met with the response that his “activities did not accord with the ‘tenets of responsible journalism’,” and the ludicrous assertion that “the respondent [the US government] does not seek to prosecute the applicant in respect of those matters.”

This absurd claim is justified on the basis that “The starting point, as Mr Kromberg has explained, is that each of the publication charges (counts 15 to 17) is explicitly limited to documents that contain the names of human intelligence sources.”

The fact that it was not Assange who was responsible for the initial public release of unredacted documents containing the names of US agents and informants but *Guardian* journalist David Leigh and other websites is brushed aside with the statement, “Those who published the identities of human sources could only do so because he had provided them with the names. This did not provide the applicant with a public interest justification for publishing them too.”

As to the venal role of the corporate media, to impugn Assange’s lack of “responsible journalism,” the judges “refer, as did the [District] judge, to the views expressed by the press itself, including by the *Guardian*, the *New York Times*, *El Pais*, *Der Spiegel* and *Le Monde*.”

Tuesday’s judgment makes abundantly clear that the British courts and government are intent on rendering Assange to the United States, where his life is in danger. Assange’s persecutors are driven by the need to silence not only him, but all opponents of imperialist war.

The effort to extradite Assange is now being led by the Biden administration, as it escalates the US-NATO war against Russia and supports the genocide in Gaza.

In a statement posted on X/Twitter after the court ruling, Socialist Equality Party (US) presidential candidate Joseph Kishore stated that both the Democrats and Republicans support the campaign against Assange. “The president changes, but Assange’s fate remains.”

Kishore added, “It is in the working class that the fight to defend Assange must be based. The defense of democratic rights is the fight against imperialism. And the fight against imperialism is the fight against capitalism.”

No purely legal block can be put on his persecution. The essential task posed before Assange’s supporters is to link his defence to the mass movement emerging in opposition to these crimes. The same eruption of militarism and aggression fuelling the pursuit of Assange is simultaneously producing a mass radicalisation among workers and young people revolted by the ethnic cleansing of the Palestinians and increasingly aware of the danger of a regional war in the Middle East and even a nuclear war in Europe.

It is in alliance with this social force that the campaign for Assange’s freedom can be fought and won.



To contact the WSWWS and the Socialist Equality Party visit:

wsws.org/contact