

Biden administration issues “weasel words” assurances to secure Assange’s extradition

Thomas Scripps
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The United States has provided “assurances” to the UK government to further its pursuit of WikiLeaks founder and journalist Julian Assange, held in London’s maximum security Belmarsh prison.

The US is seeking to prosecute Assange on charges under the Espionage Act which carry a de facto life sentence for publishing documents exposing war crimes and human rights abuses carried out by Washington and its imperialist allies.

When, at the end of last month, the UK’s High Court offered the US the opportunity to provide such commitments to prevent Assange from appealing against his extradition to America, the *World Socialist Web Site* wrote, “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.”

This has been confirmed. The commitments required by the court were that Assange would not be subject to the death penalty, and two connected points that he would not be prejudiced at trial by virtue of his Australian nationality and would be granted free speech rights under the First Amendment of the US Constitution.

A facsimile of the letter sent by the US Embassy to UK Foreign Secretary David Cameron Tuesday, published by *Consortium News*, reads:

“Assange will not be prejudiced by reason of his nationality with respect to which defenses he may seek to raise at trial and sentencing. Specifically, if extradited, Assange will have the ability to raise and seek to rely upon at trial... the rights and protections given under the First Amendment.” It then stresses, “A decision as to the applicability of the First Amendment is exclusively within the purview of the U.S. Courts.”

It continues: “A sentence of death will neither be

sought nor imposed on Assange... These assurances are binding on any and all present or subsequent individuals to whom authority has been delegated to decide these matters.”

Assange’s wife Stella was quick to point out the “blatant weasel words” of the first assurance, which only states that Assange can “seek to raise” First Amendment rights—it does not guarantee that he will receive them.

Legally, this should bar extradition outright.

Section 87 of the UK’s Extradition Act (2003) requires the courts to “decide whether the person’s extradition would be compatible with the Convention rights [European Convention on Human Rights] within the meaning of the Human Rights Act 1998... If the judge decides the question... in the negative he must order the person’s discharge.”

Article 10 of the Convention is the right to freedom of expression, or free speech. The same protection is enshrined in the US legal system in the form of the First Amendment. But the US Embassy’s letter leaves the door open to this right being denied to Assange at the say so of the US courts.

As Stella Assange noted, the letter pointedly “makes no undertaking to withdraw the prosecution’s previous assertion that Julian has no first amendment rights because he is not a US citizen.”

Both the lead prosecutor Gordon Kromberg and the former CIA Director Mike Pompeo have made this claim.

Stella Assange added that her husband’s “life is at risk” every day he is in prison: “The diplomatic note does nothing to relieve our family’s extreme distress about his future—his grim expectation of spending the rest of his life in isolation in US prison for publishing award-winning journalism.”

Her statement underscores the cynicism of the death penalty assurance offered by the US. Substantial medical evidence has been provided in Assange's case confirming the significant likelihood of suicide in the event of extradition to and imprisonment in the US. His mental and physical health have already declined sharply in the five years he has spent in Belmarsh.

Nor is it beyond the US government—whose intelligence agencies surveilled Assange and plotted his assassination—to renege on its promise or see to it that Assange is killed “unofficially”.

Underscoring the case's lawless character, on the same day the US sent its “assurances” to the UK, CIA Director William Burns submitted a statement to the Spanish courts. Burns asserted that “the CIA's statutory privileges... to protect intelligence sources, methods, and activities at issue” in a case examining the Agency's spying against Assange, refusing to either confirm or deny its involvement or to provide “factual bases for my privilege assertions”.

None of this was acknowledged by the Democratic Party-aligned *New York Times*, which sunk to new lows in its reporting of the case by citing some of Stella Assange's comments while excising her reference to the Biden administration's “weasel words”, allowing it to run a totally uncritical article headlined, “U.S. Lays Out Protections for Assange if He Is Extradited”.

The UK courts will likely take the same wilfully credulous view.

Geoffrey Robertson KC, founder and joint head of Doughty Street Chambers which is representing Assange, and who previously represented him directly, claimed, “Unless you can guarantee it [free speech rights], I think the British courts will be dubious about extraditing Mr Assange to a situation or to a trial where he doesn't have the equal protection of the laws.”

This will doubtless be the legally impeccable argument advanced by Assange's lawyers at the next hearing scheduled for May 20. But the High Court has already accepted equally worthless assurances at an earlier stage in the case to override warnings about Assange's significant risk of suicide—barring extradition under Section 91 of the Extradition Act.

These “guaranteed” that Assange would not be placed in America's supermax prison, the ADX Florence, or be subjected to Special Administrative Measures (SAMS), implicitly acknowledged to

constitute cruel, inhuman or degrading treatment or punishment prohibited under Article 3 of the Convention. But in each case, the undertaking was given “subject to the condition that the United States retains the power to impose SAMs [or an ADX designation] on Mr Assange in the event that, after entry of this assurance, he was to commit any future act that met the test for the imposition of a SAM [or ADX designation].”

The UK's High Court responded favourably in their December 2021 judgment that it could “see no merit in the criticisms made of the individual assurances... There is no basis for assuming that the USA has not given the assurances in good faith.”

In its latest ruling, dismissing Assange's right to appeal provided the new assurances were given, the High Court was again at pains to stress the trustworthiness of the US state, even to the point of denying that there was “anything to show” a connection between CIA plots to kidnap or poison Assange and the prosecutor's attempt to have him extradited.

If the assurances are accepted by the High Court on May 20, Assange's request for an appeal will be dismissed, leaving him at imminent risk of extradition. His legal team have submitted a preliminary appeal to the European Court of Human Rights in Strasbourg, but it is unclear whether the UK would abide by orders from that court to keep Assange in its custody until it has reached a decision even if Strasbourg agrees to hear the case.

Amid the vital and ongoing legal defence being mounted, workers must understand that Assange's fate depends on stepping up the global campaign demanding his release.



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