

Assange extradition trial opens in London

By Thomas Scripps and Laura Tiernan
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The United States government has unveiled its case against imprisoned WikiLeaks publisher Julian Assange. Their aim is the criminalisation of journalism that exposes war crimes, illegal mass surveillance and other forms of lawlessness by the imperialist powers.

Amid growing popular outrage over the railroading of Assange to a US prison, lawyers for the Department of Justice sought to reframe the charges against him. James Lewis QC claimed, “This is not a case about the disclosure of war crimes.”

Referring to the iconic WikiLeaks exposure of a US Apache helicopter attack on civilians in Iraq in 2007, he said that Assange, “is not charged with publishing the so-called Collateral Murder video.”

“The defence wishes to present Assange as an embodiment of press freedom and to paint him in glowing colours of liberty,” Lewis told the court. “What Mr Assange seeks to defend by free speech is not the publication of classified materials but the publication of names of sources.”

Assange was “no journalist,” he said, and his “reckless” actions had jeopardised the lives of “human rights activists and dissidents” who “risked their safety and freedom to provide information to the United States and its allies.”

Silent on the more than one million Iraqis killed as a result of the illegal US invasion and occupation of the country, Lewis claimed that US government informants identified by WikiLeaks had “subsequently disappeared” providing not a shred of evidence in support.

Significantly, Lewis cited as authorities on Assange’s alleged “recklessness” both the *Guardian* and the *New York Times*. The liberal news media has been at the forefront of the demonisation of Assange. Lewis read from a September 2, 2011 statement by the *Guardian*, the *New York Times*, *El Pais*, *Der Spiegel* and *Le Monde*, stating, “We deplore the decision of WikiLeaks to publish the unredacted State Department Cables which may put sources at risk. The decision to publish by Julian Assange was his, and his alone.”

In fact, unredacted files were only published due to the actions of *Guardian* journalists.

Lewis then sought to counteract growing concern over the 175 year prison term facing Assange. He told presiding judge, Vanessa Baraitser, “One should not be beguiled by the hyperbole of the defence in relation to sentencing,” claiming Assange would face a relatively minor sentence of perhaps 42 months—this under conditions in which senior US politicians, including President Trump, have called for the death penalty.

Having denied the case had any bearing on press freedom, Lewis outlined the far-reaching implications of the US indictments for journalists in Britain. The actions of US army whistleblower Chelsea Manning and Assange were illegal under Britain’s Official Secrets Act (OSA), Lewis argued.

“If a journalist or newspaper publishes secret information that is likely to cause harm to UK interests, they are undoubtedly committing an offence,” emphasising there is “no public interest defence” under the OSA.

Edward Fitzgerald QC presented opening arguments for the defence. The history of the case against Assange showed that, “this prosecution is not motivated by genuine concerns for criminal justice but by politics.”

Fitzgerald refuted Lewis’s claim that Assange was engaged in a “conspiracy” with Manning, involving “theft and computer hacking.” He cited Manning’s own courageous words, “The decisions I made to send documents and information to the [WikiLeaks] website were my own decisions and I take full responsibility for my own actions.” Assange’s lawyer rejected any suggestion his client was engaged in “hacking”, saying that allegations were “incorrect and in any event a complete red herring.”

He also explained the lengths to which Assange went to prevent the disclosure of unredacted names.

Fitzgerald reminded the court that plans to prosecute Assange had been dropped by the Obama administration in 2013, over what the *Washington Post* called “the *New York Times* problem.” US prosecutors concluded that charging Assange would have been tantamount to prosecuting the *New York Times* and others who published leaked security information.

The case against Assange was revived by the Trump

administration as part of its war on journalists, with the US President having denounced the press as “enemies of the people”, “sick”, “crazed” and “unpatriotic.” In February 2017, FBI director James Comey had declared, “we’ll be putting journalists in jail” and “putting a head on a pike.”

In April 2017, the Trump administration began its pursuit of Assange and WikiLeaks, described by then-CIA director Mike Pompeo as a “non-state hostile intelligence agency.” Fitzgerald emphasised they pursued Assange despite having no new evidence. The case was escalated after Assange refused the offer of a presidential pardon delivered by Republican Congressman Dana Rohrabacher. Trump wanted Assange to publicly deny having used a Russian source in connection with leaked information showing that Hillary Clinton conspired with the Democratic National Committee (DNC) against the Sanders campaign in 2016.

The Computer Misuse criminal complaint against Assange was certified in December 2017, coinciding with Ecuador’s granting him diplomatic status. The superseding indictment, with 17 additional charges under the Espionage Act, was brought forward in May 2019—ten days after Swedish prosecutors announced plans to reopen investigations into state-manufactured sexual allegations against Assange. Fitzgerald claimed, “the US ratcheted up the charges” to ensure their extradition request would take precedence.

Fitzgerald cited the opinion of key defence witnesses, including law and journalism scholars, that the superseding indictment “breaks all legal precedents... No publisher has ever been prosecuted for disclosing national secrets since the founding of the nation more than two centuries ago.”

Assange was being targeted for his political opinion, Fitzgerald said. “He is a leading proponent of an open society and of freedom of expression. He is anti-war and anti-imperialism. He is a world renown champion of political transparency and of the public’s right to access information on issues of importance.

“Those beliefs and those actions inevitably bring him into conflict with powerful states, including the US administration, for political reasons.”

Fitzgerald outlined how Assange’s US extradition would breach Articles 10, 6, 7 and 3 of the Universal Declaration of Human Rights (respectively, a fair and independent hearing; recognition as a person before the law; the right to equal protection before the law; and life, liberty and security of person).

Assange’s right to a fair trial in the US was “irretrievably prejudiced”, with the US President, Secretary of State and Attorney General all having publicly denounced him, violating the presumption of innocence.

Fitzgerald described the outrageous methods employed by Spanish security firm UC Global on behalf of the CIA to

monitor and target Assange inside the Ecuadorian embassy. This included plans to kidnap or poison him. According to a protected witness, a former employee at UC Global, “Mr Assange and his lawyers were priority targets.”

Fitzgerald said these were “the actions of a lawless state bent on adopting any means necessary to bring him down. Even if it meant violating public international law. Even if it meant violating legal professional privilege and the sanctity of the Embassy’s protection.”

Assange’s defence team outlined several bars to his extradition under current Anglo-US treaty arrangements: a politically motivated prosecution, the denial of a right to a fair trial, the passage of time since the alleged offences were committed, the oppressive conditions under which he would be detained in the US.

Fitzgerald also cited section 91 of the US-UK extradition treaty, which affords a protection from extradition, where it, “would be rendered unjust or oppressive by reason of physical or mental disorder.” He cited the opinions of key medical witnesses, Professor Kopelman and Dr Sondra Crosby.

Kopelman said, “I am as confident as a psychiatrist can ever be that, if extradition to the United States were to become imminent, Mr Assange would find a way of suiciding.”

Crosby said, “It is my strong medical opinion that the extradition of Mr Assange to the United States will further damage his current fragile state of health and very likely cause his death. This opinion is not given lightly.”

The hearing continues.

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