

Prominent lawyers and legal associations demand Assange's freedom

By Oscar Grenfell
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A group of 152 eminent legal experts from around the world, along with 15 lawyers' associations, this morning issued an open letter to the British government documenting a litany of abuses perpetrated against Julian Assange by the country's judiciary and all the governments that have pursued the WikiLeaks founder for the past decade.

The 10-page document is a meticulous review of Assange's case, including the current attempt to extradite him from Britain to the US where he faces life imprisonment for publishing evidence of war crimes and global diplomatic conspiracies.

Its conclusion, backed by extensive citations of relevant legislation, is unambiguous: the campaign against Assange has been based upon gross violations of domestic and international law, and the WikiLeaks founder must be immediately released from prison.

The signatories write that the recipients of the letter—British Prime Minister Boris Johnson, Justice Secretary Robert Buckland, Foreign Secretary Dominic Raab and Home Secretary Priti Patel—are legally obligated to grant “Mr. Assange his long overdue freedom—freedom from torture, arbitrary detention and deprivation of liberty, and political persecution.”

The letter was publicly released just days after Assange's last British court appearance on Friday which took the Kafkaesque character of previous proceedings to new heights. As has been the case throughout the coronavirus crisis, the press was effectively excluded from the hearing by means of a faulty dial-in connection. The US prosecutors did not show up, and Assange was only brought in by video conference at the eleventh hour.

Most egregiously, US prosecutors submitted to the British authorities a new indictment of Assange two days before the hearing began and a new extradition request the day before it was held. This is more than a year after the deadline expired for the US to submit its final charge sheet, and just weeks out from Assange's scheduled extradition hearing in September.

Assange has not yet been re-arrested on the basis of the new indictment. To all intents and purposes he is in a legal limbo, being detained on the basis of a previous indictment that has been superseded. As the WSWs commented on Saturday, the

new indictment, which contains no new charges or evidence, confronts Assange's lawyers with an impossible dilemma: either they accept that the September hearing will proceed despite the filling of an indictment after the defence had finalised its case, or they appeal for a delay, prolonging Assange's detention.

Today's letter demonstrates that this unprecedented situation is the culmination of ten years of legal abuses.

The opening sections of the document outline the blatant illegality of the attempt to extradite Assange to the US. If handed over to his American persecutors, Assange “faces a show trial at the infamous ‘Espionage court’ of the Eastern District of Virginia before which no national security defendant has ever succeeded.” He would be denied the right to a trial before a jury of his peers, instead being judged by a handpicked collection of intelligence agents and government patsies.

Assange's rights to legal privilege in such a proceeding, the letter writers note, has already been violated by the well-documented surveillance conducted against him as a political refugee in Ecuador's London embassy by the US Central Intelligence Agency.

This included unlawful recordings of his discussions with attorneys, constituting an “irremediable breach of Mr. Assange's fundamental rights to a fair trial under Art. 6 of the ECHR [European Convention on Human Rights] and due process under the US Constitution.” The protection of legal privilege contained in the ECHR, has, the letter states, long been recognised in English common law, while the inalienable right to a fair trial is enshrined in the United Nations Model Treaty on Extradition.

The dispatch of Assange to the US would be unlawful under the existing treaty arrangements between the US and Britain, which explicitly prohibit extraditions for political offences. Assange has been charged on the basis of explicitly political legislation, the US Espionage Act.

The political character of the prosecution has been further demonstrated by the “essence of the 18 charges” against him, which are all based on his “alleged intention to obtain or disclose US state ‘secrets’ in a manner that was damaging to the strategic and national security interests of the US state, to the capability of its armed forces, the work of the security and

intelligence services of the US, and to the interests of the US abroad.”

The signatories cite the warnings of United Nations Special Rapporteur on Torture Nils Melzer that Assange would inevitably face “torture or other cruel, inhuman or degrading treatment or punishment” if extradited. He would be imprisoned under “Special Administrative Measures,” to which many convicted terrorists are subject in the US, involving total isolation and conditions described by rights organisations as a “living death.”

This would breach international law prohibitions on the refoulement of political refugees to those responsible for their persecution. Assange’s status as a political asylee was repeatedly upheld by the UN, and its abrogation was carried out by the Ecuadorian and British authorities last year in violation of international law.

The letter writers point to the broader implications of Assange’s case. A successful US prosecution would overturn the principles of press freedom, undermining not only the American Constitution, but the legal protections of journalists in Europe and internationally.

The latter half of the letter details the abuses that have been perpetrated against Assange by the British judiciary, acting under the direction of the country’s government. These are almost too numerous to detail at any length. They include, however, the fact that the British authorities have done nothing to address UN official Melzer’s finding that Assange is already being subjected to “psychological torture,” including as a result of the conditions of his detention and the blithe dismissal of warnings that his health has deteriorated to the point he may die in prison.

Violations of the WikiLeaks founder’s right to a fair trial include the fact that the Chief Magistrate, Emma Arbuthnot, has a clear judicial conflict of interest as a result of her close connections to the security and intelligence apparatus; the “inequality of arms” expressed in Assange’s inability to prepare his own case and the denial of his ability to direct his legal team or even to properly follow the proceedings against him.

The signatories, to their credit, do not blunt their weapons. They “condemn the denial of Mr. Assange’s right to a fair trial before the UK courts” and conclude by insisting that the “the UK government bring an end to the US extradition proceedings against Mr. Assange and ensure his immediate release from custody.”

Those who have initiated and supported the letter carry significant weight. The legal associations that have endorsed it include national lawyers’ and jurists’ associations from countries as diverse as the United States, India, the Ukraine and Brazil. Among them are bodies that represent legal professionals across entire continents including the African Bar Association and the European Association of Lawyers for Democracy and World Human Rights.

Two of them, the International Association of Democratic Lawyers (IADL) and the Association of American Lawyers (AAL), have consultative status with the United Nations Economic and Social Council, the highest UN status granted to NGOs.

Individual signatories hail from around the world, and include such distinguished legal experts as the British Lord Hendy QC and Australian barrister and human rights advocate Julian Burnside.

The letter is further proof, if any were needed, that Assange’s persecution is a travesty of justice threatening legal and democratic norms that, at least on paper, protect the rights of millions, if not billions of people around the world. It is no exaggeration to state that the lawlessness of his treatment by the British authorities recalls nothing so much as the actions of the dictatorial regimes that came to power in western Europe amid the last period of capitalist breakdown in the 1930s and 40s.

Significantly, the signatories have formally constituted themselves as “Lawyers for Assange.” This follows the establishment last year of “Doctors for Assange,” a group of more than 200 medical experts, and “Journalists speak up for Assange,” which has been endorsed by 1,498 reporters in 99 countries. In July, dozens of privacy, human rights and press freedom organisations issued an open letter to the British government demanding Assange’s immediate release.

Taken together, these initiatives provide a glimpse of the real global public opinion on the Assange case, which is usually suppressed by a pliant corporate media. For those who defend democratic rights, the actions of the US and British governments are those of “rogue” states, with no respect for the rule of law. Assange is a heroic journalist being persecuted for publishing the truth.

The determination of the major powers to proceed with the prosecution of Assange demonstrates how much is at stake in the case. It underscores the fact that to free the WikiLeaks founder requires nothing less than the mobilisation of the working class internationally, the objective basis for which exists in the resurgence of the class struggle and the immense social and political disaffection everywhere.

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Socialist Equality Party visit:

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