

To Appeal or Extradite: UK Courts Set to Decide on the Assange Extralegal Show Trial

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BY PAUL GREGOIRE *

The extradition case against Julian Assange has been close to coming to some sort of resolution for at least four years now.

And over the last five years, the WikiLeaks founder has been remanded in a UK prison under conditions of prolonged isolation, which the UN considers a form of torture.

US president Genocide Joe Biden told the press that he was reconsidering the case last month, after Australian PM Anthony Albanese backed a motion calling for the release of the publisher, which was more robust than our fearless leader's yearslong mantra of "enough is enough".

These last gestures from AUKUS leaders, coming as Julian's last extradition hearing may have already transpired, appear as mere window dressing, when considering that Stella Assange asserted in February, that former CIA director Mike Pompeo is out to kill her husband.

And perhaps the most sincere comments made regarding the Townsville-born son came from US state secretary Anthony Blinken, who, after local reporters asked our foreign minister about Assange, stepped in and chastised the Australian vassal state media for even questioning US policy.

But this is by no means over, as Assange's supporters continue to apply pressure, as do key local politicians. And with the US having last month provided assurances to allay points raised regarding Julian's treatment in the States, a decision on a potential fresh appeal will be made on 20 May.

Trumped up

The hearings relating to Assange's most vital appeal against extradition took place before two judges of the UK High Court on 20 and 21 February. And a 26 March determination gave the US opportunity to provide assurances to points raised on appeal, with a final decision coming in a fortnight.

The assurances relate to whether Assange could face new charges or a reconfiguration of existing offences post-extradition that could result in the death penalty being applied, as well as that local freedom of speech protections will apply to the journalist. And these were provided in mid-April.

The court also advised that three of the nine points raised on appeal have "a real prospect of success", which means the Australian journalist may get a fresh chance to appeal, and whether that is so will likely come down to how US assurances have affected these grounds of appeal.

If extradited to the United States, Assange will face the eighteen charges set out in the 24 June superseding indictment, which contains one originally laid hacking charge and 17 charges under the Espionage Act of 1917 (US). And together all these crimes carry a maximum of 175 years inside.

The validity of the spying charges laid against a foreign national has been repeatedly questioned, as has the fact that the US considered it had extraterritorial jurisdiction to reach out across borders to arrest a foreigner by proxy and attempt to extradite them over acts carried out in another country.

Exposing the whited sepulchre

Assange sought refuge in London's Ecuadorian Embassy in 2012, in relation to a suspicion that Swedish prosecutors sought his presence over alleged crimes, in order to facilitate an attempt by Washington to extradite him from there, which was an outcome that then followed him to the UK.

The reason this seemed likely to the WikiLeaks founder is that over 2010 and 2011 his organisation published five major US intelligence leaks, consisting of 70,000-odd diplomatic and military files, leaked to him by former US army officer Chelsea Manning, which exposed countless US war crimes.

The Obama administration, however, chose not to pursue Assange and rather prosecuted Manning. And it wasn't until Donald Trump took the presidency and appointed Mike Pompeo initially as leader of the CIA that the White House determined it should attempt to prosecute the WikiLeaks founder.

This decision, however, appeared to be more about Assange having just published the details of the CIA's secret hacking manual Vault 7 than the formidable leaks published over 2010 and 2011.

This incensed Pompeo leading him to condemn WikiLeaks as a "nonstate hostile intelligence service" and saw him then lead the charge to prosecute the Australian on US soil.

Indeed, Yahoo News published an investigative report in September 2021, outlining that the Trump administration had discussed kidnapping Assange and even assassinating him. And it's also apparent that the White House was bugging the Australian while talking with lawyers in the embassy.

And it should be recalled that for the initial years of Assange's detainment at Belmarsh Prison, our then PM Scott Morrison did absolutely nothing to assist the Australian, while it's now understood that Morrison is teaming up with Pompeo in business, which is a relationship forged back then.

Hope's last glimmerings

That the UK courts consider three grounds of appeal put by the Assange legal team during the February hearing could be successfully argued does bode well for the Australian citizen. However, the assurances that were provided may have put these concerns to rest.

The initial January 2021 decision of the UK courts not to extradite was based on mental health grounds, as Assange wouldn't cope within the harsh conditions of the US prison system. And this resulted in four assurances to assuage fears, which saw the decision not to extradite overturned.

These assurances involved not placing Assange in special administrative measures (SAMS) detention or the notorious ADX Florence supermax prison, that he would receive mental health care whilst in custody, and that he would be allowed to serve any prison time in Australia following sentencing.

The US also reserved the right to change its decision if it considers that Assange does something that warrants his detention in SAMS, which, as the journalist's mental health is in such a bad condition, it's considered he would not survive.

Yet, some of Assange's key political supporters have not given up hope. On 3 May, World Press Freedom Day, Independent for Clark Andrew Wilkie, Greens Senator David Shoebridge, Labor MP Josh Wilson and Liberal MP Bridget Archer penned a fresh statement calling for Julian's release.

"While we believe the prosecution of Julian Assange is wrong as a matter of principle, we say in any case that there is no justice, compassion, or reasonable purpose in the further persecution of Mr Assange," the four members of Australian parliament made certain.

And they added that this understanding only becomes all the clearer when considering "the duration and harsh conditions of the detention he has already suffered".

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