

Julian Assange appeals extradition to the United States at two-day hearing in UK High Court



London, February 20 (RHC)-- London's High Court has scheduled two days of hearings on Tuesday and Wednesday to decide whether WikiLeaks founder Julian Assange may appeal a United States request for extradition to stand trial on espionage charges.

Those charges carry maximum penalties of 175 years, but the real danger, says Assange's wife Stella, is that he may suffer an inadvertent death penalty instead.

“His health is in decline, physically and mentally,” Stella Assange recently told reporters. “His life is at risk every single day he stays in prison, and if he’s extradited, he will die.”

If Wednesday’s decision goes against Assange, his legal team plans to appeal to the European Court of Human Rights – though a favourable ruling there may not come in time to stop an extradition. Assange will not attend court due to illness, his lawyers said on Tuesday.

A British judge agreed in January 2021, ruling he should not be extradited to the U.S. because he was likely to commit suicide in near total isolation. “I find that the mental condition of Mr. Assange is such that it would be oppressive to extradite him to the United States of America,” judge Vanessa Baraitser said. But the U.S. has continued to press for his extradition.

The 17 charges of espionage from a district court in East Virginia stem from Assange’s publication in 2010 of hundreds of thousands of pages of classified US military documents on his website, WikiLeaks.

U.S. prosecutors say Assange conspired with U.S. intelligence analyst Chelsea Manning to hack the Pentagon’s servers to retrieve the documents.

The files, widely reported in Western media, revealed evidence of what many consider to be war crimes committed by U.S. forces in Iraq and Afghanistan. They include video of a 2007 Apache helicopter attack in Baghdad that killed 11 people, including two Reuters journalists.

Since it came to prominence in 2010, Wikileaks has become a repository for documentary evidence uncovered by government or corporate whistleblowers.

In 2013, Edward Snowden, a contractor with the U.S. National Security Agency, leaked documents to WikiLeaks revealing that the NSA had installed digital stovepipes in the servers of email providers, and was secretly filtering private correspondence.

Three years later, millions of documents were leaked from the Panamanian offshore law firm Mossack Fonseca, revealing that corporations and public officials had set up offshore companies to evade taxes and hide money that could be used for illicit purposes.

Snowden called Assange’s case “the most important press freedom case in the world” on X, formerly Twitter, and legal experts agree. “This case is the first in which the US government has relied on the 1917 Espionage Act as the basis for the prosecution of a publisher,” Jameel Jaffer, a professor of law and journalism at Columbia University, told Al Jazeera.

“A successful prosecution of Assange on the basis of this indictment would criminalise a great deal of the investigative journalism that is absolutely crucial to democracy,” Jaffer said, including cultivating sources, communicating with them confidentially, soliciting information from them, protecting their identities from disclosure, and publishing classified information.

“I really can’t imagine why the Biden administration would want this dangerous, short-sighted prosecution to be part of its legacy. The Justice Department should drop the Espionage Act charges, which should never have been filed in the first place.”

Although the leak happened in 2010, Assange was not prosecuted by the administration of Barack Obama, then in power. The prosecution came from the administration of Donald Trump eight years later, and US President Joe Biden seems to be doubling down on it.

Stella Assange argued that her husband acted as a publisher in posting information beneficial to the public, and publishers have customarily not been prosecuted for doing their job. “Julian has been indicted for receiving, possessing and communicating information to the public of evidence of war crimes committed by the US government,” Stella Assange said. “Reporting a crime is never a crime.”

Assange has already spent seven years in the Ecuadorean embassy in London, where he sought asylum, and since 2019 has been in London's high-security Belmarsh Prison. Assange's allies consider that his 11 years of imprisonment amount to punishment enough.

WikiLeaks editor Kristinn Hrafnsson called it "punishment through process." "It is obviously a deliberate attempt to wear him down to punish him by taking this long," Hrafnsson recently told reporters.

Julian and Stella Assange have two sons conceived while he lived in the Ecuadorean embassy, who have only met their father behind bars. The government of Assange's native Australia has also asked for a rapid conclusion to the gruelling legal process.

On February 14, the federal parliament in Canberra passed a resolution supporting that Assange's 2010 leak had "revealed shocking evidence of misconduct by the USA" and underlining "the importance of the UK and USA bringing the matter to a close so that Mr Assange can return home to his family in Australia".

Australian Prime Minister Anthony Albanese pointed out that the resolution had the support of diverse political forces that "would have a range of views about the merits of Mr Julian Assange's actions".

Yet, he said, "they have come to the common view ... that enough is enough and that it is time for this to be brought to a close."

Australia "has sought to advance that position by making appropriate diplomatic representations," Donald Rothwell, a professor of international law at the Australian National University, told Al Jazeera. "However, its ability to advance that is limited by the fact that legally and politically the matter really rests with the UK and U.S."

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