

WikiLeaks: Verdict on Assange extradition due February 24

Robert Stevens
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A ruling on the extradition to Sweden of WikiLeaks founder Julian Assange will not be made until February 24, Judge Howard Riddle, presiding over the hearing at Belmarsh Magistrates Court, said Friday.

Sweden's Director of Prosecutions Marianne Ny is seeking Assange's extradition on politically motivated, trumped-up charges of sexual misconduct. Assange rejects the claims, and as yet, no charges have been laid against him. Following the hearing, Assange was once again granted bail and returned to the state of virtual house arrest imposed since his original extradition hearing on December 16.

Yesterday, closing arguments were made by Assange's lawyer, Geoffrey Robertson QC, and the legal representative of the Crown Prosecution Service, Clare Montgomery, who is acting on behalf of the Swedish authorities.

Robertson called on the judge to adjourn the proceedings, in order to arrange witnesses to come from Sweden to testify regarding the negative effect on his client's case of recent comments by the Swedish prime minister, Fredrik Reinfeldt.

On Tuesday, Reinfeldt made an extraordinary public intervention in support of Assange's extradition. Seeking to undermine the arguments of the defence, Reinfeldt told the TT news agency, "It is unfortunate. We have an independent judiciary."

He added, "It is unfortunate that women's rights and standpoint is taken so lightly when it comes to this kind of question compared to other types of theories presented."

A critical component of Assange's defence case is that his human rights will be violated if he is extradited and forced to undergo a trial in Sweden on a charge of rape. Earlier this week, Assange's legal team had documented and presented the evidence of a Swedish legal expert as to the stringent nature of rape trials in Sweden.

Reinfeldt said, "Unfortunately, this is the kind of thing you hear when [a lawyer] trying to defend a client gives a condescending description of other countries' legal systems."

Assange's name was again deliberately associated with crimes of "rape" and "abuse", this time by a head of state.

"Let's not forget what is at stake here: It is women's right to get a hearing on whether they have been the victims of abuse," Reinfeldt said, adding, "In Sweden we have come far when it comes to clearly showing we will not accept sexual assault or rape."

Robertson said Reinfeldt's remarks had shown "complete contempt for the presumption of innocence". He added, "[Assange] has been denounced as an enemy of the people, and one doesn't have to know Ibsen to know what impact that could have in the fairness of his trial. Assange, said Robertson, "is public enemy number one as a result of the prime minister's statement."

"The real evil of this outburst is that...it has whipped up a toxic atmosphere. The Swedish people will believe, coming from their prime minister, that these falsehoods are true. We see this as an intolerable development.

"When the head of state blackguards a defendant we are entitled...to show why he cannot receive a fair trial with this sort of thing going on."

Opposing Robertson and Stephens, Montgomery asserted that Assange had no right to complain at such a public vilification: "You might think those who seek to fan the flames of a media firestorm can't be surprised when they get burnt".

The judge stated that the hearing would not be adjourned and that no further witnesses would be called to give evidence in the case. Ruling out adjournment, he stated, "In a case such as this there are always likely to be further developments."

In his argument, Robertson stated that what was being defined as "rape" by Assange's Swedish prosecutors was no such thing. He stated that it was "crystal clear" that sex had been consensual in the case of one of the complainants.

Presenting no evidence as to the content of the allegations, Montgomery said that the Swedish definition of rape was "pan-European" and "If Sweden says it's rape, it's rape".

Robertson replied, "If Sweden were to say sucking toes without washing them first is rape then would that be an extradition offence? No."

Robertson questioned the validity of Sweden's Director of Prosecutions Marianne Ny issuing a European Arrest Warrant, purely on the basis of her previously stated intention of only seeking to question Assange. "Is this a warrant for prosecution? The answer is no. It is issued as part of the preliminary investigation," said Robertson.

As she had done earlier this week, reversing Ny's previous verbal statements, Montgomery stated, "It is completely clear that what is sought is for the purposes of prosecution".

The claims that Sweden is impartial in its attempts to extradite Assange and that he will receive a fair trial cannot be accepted. And the issue is not simply that Assange would not receive a fair trial in Sweden but, as his defence team have stated, he would face the danger of being then extradited on to the United States, at the request of the latter.

In December the *Independent*, citing unnamed diplomatic sources, revealed that "informal discussions" were underway between the American and Swedish authorities. "Sources stressed that no extradition request would be submitted until and unless the US government laid charges against Mr. Assange, and that attempts to take him to America would only take place after legal proceedings are concluded in Sweden," the newspaper stated.

One media source, Andrew Kreig, a legal reform advocate and attorney, writing in the *Huffington Post* in December, stated that the attempt to get Assange to Sweden had the imprint of Washington all over it.

Kreig pointed out that Karl Rove, former high-level adviser to President George W. Bush, "has advised Swedish Prime Minister Fredrik Reinfeldt for the past two years after resigning as Bush White House political advisor in mid-2007."

Kreig said he was told by a reliable source, "This all has Karl's signature". The source added, "He must be very happy. He's right back in the middle of it."

Kreig pointed out that another columnist on the *Huffington Post* had also commented on the close connections between Reinfeldt and Rove. The columnist noted that the Swedish prime minister "has a friendship with Rove that dates back at least 10 years, to the George W. Bush campaign for president in 2000. Reinfeldt reportedly asked Rove to help with his 2010 re-election in Sweden."

Assange has continuously faced calls by US politicians and prominent media figures publicly advocating his assassination. He has been declared at various times an "enemy combatant" or "terrorist" who should be "taken out" or "assassinated". Bob Beckel, described by Fox News as a "Democratic strategist", said in December, "This guy's a traitor, he's treasonous, and he has broken every law of the United States. And I'm not for the death penalty, so...there's only one way to do it: illegally shoot the son of a

bitch."

US Vice President Joe Biden labelled Assange a "high-tech terrorist" and suggested that the activities of WikiLeaks in publishing secret US diplomatic cables activities were "criminal."

On Thursday evening, Christine Assange, the mother of Julian Assange, demanded that Australian Foreign Minister Kevin Rudd protect the legal and consular rights of her son, who is an Australian citizen. She read out an eight-page letter to Rudd outside his parliamentary office in Brisbane.

Christine said, "As far as I am aware you have made no diplomatic protest to Sweden for their abuse of my son's legal and human rights, nor have you protested to the US for their incitements to kidnap and murder."

Demanding he make urgent representations to Sweden for the extradition attempts to be ended, the letter stated, "If you do not act I can only conclude one of two possibilities—that you have been gagged or intimidated, possibly by the very person who deposed you from your prime ministership eight months ago.

"Alternatively you have not been gagged or intimidated but are choosing freely to be derelict from your duties as Australian Foreign Minister."

Outside the court, Assange's solicitor, Mark Stephens, stated, "The Swedish prime minister's comments were extraordinary and exceptional. In this country the matter would have been dropped as a result. In any decent country the rule of law is separated from the political process. In Sweden it appears not."

Assange noted that he had still not heard "any evidence of the allegation" and "In this case we have not been able to present my side of the story. I have never been able to present my side of the story...."

"What gives me hope is that we can prove this particular case and not simply draw attention to the difficulties and pressures that we and other people have been under but perhaps we will have an opportunity to set a new precedent about the abuses of the European arrest warrant.

"We have an opportunity perhaps to draw attention to all those people who do not have the luxury of this press to scrutinise what's happening to them".



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