

Flicker of Hope: Biden's Throwaway Lines on Assange

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Walking stiffly, largely distracted, and struggling to focus on the bare essentials, US President Joe Biden was keeping company with his Japanese counterpart, Prime Minister Fumio Kishida, when asked the question. It concerned what he was doing regarding Australia's request that the WikiLeaks founder Julian Assange be returned to Australia.

Assange, who has spent five tormenting years in Belmarsh Prison in London, is battling extradition to the US on 18 charges, 17 tenuously and dangerously based on the US Espionage Act of 1917.

The words that followed from the near mummified defender of the Free World were short, yet bright enough for the publisher's supporters. "We're considering it." No details were supplied.

To these barest of crumbs came this [reaction](#) from Australian Prime Minister Anthony Albanese on ABC's *News Breakfast*:

"We have raised on behalf of Mr Assange, Australia's national interest, that enough is enough, that this needs to be brought to a conclusion, and we've raised it at each level of government in every possible way."

When pressed on whether this was merely an afterthought from the president, Albanese responded with the usual acknowledgments: the case was complex, and responsibility lay with the US Department of Justice.

One of Assange's lawyers, the relentless Jennifer Robinson, [told](#) Sky News Australia of her encouragement at Biden's "response, this is what we have been asking for over five years. Since 2010 we've been saying this is a dangerous precedent that's being set. So, we

certainly hope it was a serious remark and the US will act on it.” Assange’s brother, Gabriel Shipton, also [told](#) Sky News that the statement was significant while WikiLeaks editor-in-chief, Kristinn Hrafnsson [thought](#) the utterance “extraordinary”, cautiously hoping “to see in the coming days” whether “clarification of what this means” would be offered by “those in power” and the press corps.

The campaign to free Assange has burgeoned with admirable ferocity. The transformation of the WikiLeaks founder from eccentric, renegade cyber thief deserving punishment to prosecuted and persecuted scribbler and political prisoner has been astonishing.

The boggling legal process has also been shown up as woefully inadequate and scandalous, a form of long-term torture via judicial torment and deprivation. The current ludicrous pitstop entails waiting for a UK Court of Appeal decision as to whether Assange will be granted leave for a full reconsideration of his case, including the merits of the extradition order itself.

The March 26 Court of Appeal [decision](#) refused to entertain the glaringly obvious features of the case: that Assange is being prosecuted for his political views, that due process is bound to be denied in a country whose authorities have contemplated his abduction and murder, and that he risks being sentenced for conduct he is not charged with “based on evidence he will not see and which may have been unlawfully obtained.” The refusal to entertain such material as the Yahoo News article from September 2021 [outlining the views](#) of intelligence officials on kidnapping and assassination options again cast the entire affair in a poor light.

Even if Assange is granted a full hearing, it is not clear whether the court will go so far as to accept the arguments. The judges have already nobbled the case by offering US prosecutors the chance to offer undertakings, none of which would or could be binding on the DOJ or any US judge hearing the case. Extradition, in other words, is likely to be approved if Assange is “permitted to rely on the First Amendment”, “is not prejudiced at trial (including sentence) by reason of his nationality” and that he “is afforded the same First Amendment protection as a United States citizen, and that the death penalty not be imposed”. These conditions, on the face of it, look absurd in their naïve presumption.

Whether Biden’s latest casual spray lends any credibility to a change of heart remains to be seen. In December 2010, when Vice President in the Obama administration, Biden [described](#) Assange as a “high-tech terrorist” for disclosing State Department cables. He failed to identify any parallels with previous cases of disclosures such as the Pentagon papers.

Craig Murray, former British diplomat and Assange confidant, [adds a note](#) of cautious sobriety to the recent offering from the president: “I’m not going to get too hopeful immediately on a few words out of the mouth of Biden, because there has been no previous indication, nothing from the Justice Department so far to indicate any easing up.”

For all that, it may well be that the current administration, facing a relentless publicity campaign from human rights organisations, newspapers, legal and medical professionals, not to mention pressure from both his own party in Congress and Republicans, is finally yielding. Caution, however, is the order of the day, and nothing should be read or considered in earnest till signatures are inked and dried. We are quite a way off from that.

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Featured image: Campaigners pressing for the release of WikiLeaks founder Julian Assange take part in a demonstration during a Night Carnival in Parliament Square in London, February 11, 2023

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