

Julian Assange's Final Appeal. Chris Hedges

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Julian Assange will make his final appeal this week to the British courts to avoid extradition. If he is extradited it is the death of investigations into the inner workings of power by the press.

If Julian Assange is denied permission to appeal his extradition to the United States before a panel of two judges at the High Court in London this week, he will have no recourse left within the British legal system. His lawyers can ask the European Court of Human Rights ([ECtHR](#)) for a stay of execution [under](#) Rule 39, which is given in "exceptional circumstances" and "only where there is an imminent risk of irreparable harm." But it is far from certain that the British court will agree. It may order Julian's immediate extradition prior to a Rule 39 instruction or may decide to ignore a request from the ECtHR to allow Julian to have his case heard by the court.

The nearly 15-year-long persecution of Julian, which has taken a heavy toll on his physical and psychological health, is done in the name of extradition to the U.S. where he would stand trial for allegedly violating 17 counts of the 1917 Espionage Act, with a potential sentence of 170 years.

Julian's "crime" is that he published classified documents, internal messages, reports and videos from the [U.S. government](#) and [U.S. military](#) in 2010, which were provided by U.S. army whistleblower Chelsea Manning. This vast trove of material revealed [massacres](#) of civilians, [torture](#), [assassinations](#), the [list](#) of detainees held at Guantanamo Bay and the [conditions](#) they were subjected to, as well as the [Rules of Engagement](#) in Iraq. Those who perpetrated these crimes — including the U.S. helicopter pilots who [gunned down](#) two Reuters journalists and 10 other civilians and severely injured two children, all [captured](#) in the [Collateral Murder](#) video — have never been prosecuted.

Julian exposed what the U.S. empire seeks to airbrush out of history.

Julian's [persecution](#) is an ominous message to the rest of us. Defy the U.S. imperium, expose its crimes, and no matter who you are, no matter what country you come from, no matter where you live, you will be hunted down and brought to the U.S. to spend the rest of your life in one of the harshest prison systems on earth. If Julian is found guilty it will mean the death of investigative journalism into the inner workings of state power. To possess, much less publish, classified material — as I did when I was a reporter for The New York Times — will be criminalized. And that is the point, one understood by The New York Times, Der Spiegel, Le Monde, El País and The Guardian, who [issued](#) a joint letter calling on the U.S. to drop the charges against him.

Australian Prime Minister Anthony Albanese and other federal lawmakers [voted](#) on Thursday for the United States and Britain to end Julian's incarceration, noting that it stemmed from him "doing his job as a journalist" to reveal "evidence of misconduct by the U.S."

The legal case against Julian, which I have covered from the beginning and will cover again in London this week, has a bizarre Alice-in-Wonderland quality, where judges and lawyers speak in solemn tones about law and justice while making a mockery of the most basic tenants of civil liberties and jurisprudence.

How can hearings go forward when the Spanish security firm at the Ecuadorian Embassy, UC Global, where Julian sought refuge for seven years, [provided](#) videotaped surveillance of meetings between Julian and his lawyers to the CIA, eviscerating attorney-client privilege? This alone should have seen the case thrown out of court.

How can the Ecuadorian government led by Lenin Moreno violate international law by rescinding Julian's asylum status and permit London Metropolitan Police into the Ecuadorian Embassy — sovereign territory of Ecuador — to carry Julian to a waiting police van?

Why did the courts accept the prosecution's charge that Julian is not a legitimate journalist?

Why did the United States and Britain ignore Article 4 of their [Extradition Treaty](#) that prohibits extradition for political offenses?

How is the case against Julian allowed to go ahead after the key witness for the United States, Sigurdur Thordarson – a convicted fraudster and pedophile – [admitted](#) to fabricating the accusations he made against Julian?

How can Julian, an Australian citizen, be charged under the U.S. Espionage Act when he did not engage in espionage and wasn't based in the U.S. when he received the leaked documents?

Image: Julian Assange was secretly recorded while living at the Ecuadorean embassy in London. (Source: EPV)



Why are the British courts permitting Julian to be extradited to the U.S. when the CIA — in addition to [putting](#) Julian under 24-hour video and digital surveillance while in the Ecuadorian Embassy — considered [kidnapping and assassinating](#) him, plans that [included](#) a potential shoot-out on the streets of London with involvement by the Metropolitan Police?

How can Julian be condemned as a publisher when he did not, as Daniel Ellsberg did, [obtain and leak](#) the classified documents he published?

Why is the U.S. government not charging the publisher of The New York Times or The Guardian with espionage for publishing the same leaked material in partnership with WikiLeaks?

Why is Julian being held in isolation in a high-security prison without trial for nearly five years when his only technical violation of the law is breaching bail conditions when he sought asylum in the Ecuadorian Embassy? Normally this would entail a fine.

Why was he denied bail after he was sent to HM Prison Belmarsh?

If Julian is extradited, his judicial lynching will get worse. His defense will be stymied by U.S. anti-terrorism laws, including the Espionage Act and Special Administrative Measures ([SAMs](#)). He will continue being blocked from speaking to the public — except on a rare occasion — and being released on bail. He will be tried in the U.S. District Court for the Eastern District of Virginia where most espionage cases have [been won](#) by the U.S. government. That the jury pool is [largely drawn](#) from those who work for or have friends and relatives who work for the CIA, and other national security agencies that are headquartered not far from the court, no doubt contributes to this string of court decisions.

The British courts, from the inception, have made the case notoriously difficult to cover, severely limiting seats in the courtroom, providing video links that have been faulty, and in the case of the hearing this week, [prohibiting](#) anyone outside of England and Wales, [including](#) journalists who had previously covered the hearings, from accessing a link to what are supposed to be public proceedings.

As usual, we are not informed about schedules or timetables. Will the court render a decision at the end of the two-day hearing on Feb. 20 and Feb. 21? Or will it wait weeks, even months, to render a ruling as it has previously? Will it permit the ECtHR to hear the case or immediately railroad Julian to the U.S.? I have my doubts about the High Court passing the case to the ECtHR, given that the [parliamentary arm](#) of the Council of Europe, which created the ECtHR, [along with](#) their Commissioner for Human Rights, oppose Julian's "detention, extradition and prosecution" because it represents "a dangerous precedent for journalists." Will the court honor Julian's request to be present in the hearing, or will he be forced to remain in the high-security HM Prison Belmarsh in Thamesmead, south east London, as has also happened before? No one is able to tell us.

Julian was saved from extradition in January 2021 when District Judge Vanessa Baraitser at Westminster Magistrates' Court [refused](#) to authorize the extradition request. In her 132-page [ruling](#), she found that there was a "substantial risk" Julian would commit suicide due to the severity of the conditions he would endure in the U.S. [prison system](#). But this was a slim thread. The judge accepted all the charges leveled by the U.S. against Julian as being filed in good faith. She rejected the arguments that his case was politically motivated, that he would not get a fair trial in the U.S. and that his prosecution is an assault on the freedom of

the press.

Baraitser's decision was [overturned](#) after the U.S. government [appealed](#) to the High Court in London. Although the High Court [accepted](#) Baraitser's conclusions about Julian's "substantial risk" of suicide if he was subjected to certain conditions within a U.S. prison, it also [accepted](#) four [assurances](#) in U.S. Diplomatic Note no. 74, given to the court in February 2021, which promised Julian would be treated well.

The U.S. government claimed in the diplomatic note that its assurances "entirely answer the concerns which caused the judge [in the lower court] to discharge Mr. Assange." The "assurances" state that Julian will not be subject to SAMs. They promise that Julian, an Australian citizen, can serve his sentence in Australia if the Australian government requests his extradition. They promise he will receive adequate clinical and psychological care. They promise that, pre-trial and post-trial, Julian will not be held in the Administrative Maximum Facility ([ADX](#)) in Florence, Colorado.

It sounds reassuring. But it is part of the cynical judicial pantomime that characterizes Julian's persecution.

No one is held pre-trial in ADX Florence. ADX Florence is also not the only supermax prison in the U.S. where Julian can be imprisoned. He could be placed in one of our other Guantanamo-like facilities in a Communications Management Unit (CMU). CMUs are highly restrictive units that replicate the near total isolation imposed by SAMs. The "assurances" are not legally binding. All come with [escape clauses](#).

Should Julian do "something subsequent to the offering of these assurances that meets the tests for the imposition of SAMs or designation to ADX" he will, the court conceded, be subject to these harsher forms of control. If Australia does not request a transfer it "cannot be a cause for criticism of the USA, or a reason for regarding the assurances as inadequate to meet the judge's concerns," the ruling reads. And even if that were not the case, it would take Julian 10 to 15 years to appeal his sentence up to the U.S. Supreme Court, which would be more than enough time to destroy him psychologically and physically. Amnesty International said the "assurances are not worth the paper they are written on."

Julian's lawyers will attempt to convince two High Court judges to grant him permission to appeal a number of the arguments against extradition which Judge Baraitser dismissed in January 2021. His lawyers, if the appeal is granted, will argue that prosecuting Julian for his journalistic activity represents a "grave violation" of his right to free speech; that Julian is being prosecuted for his political opinions, something which the U.K.-U.S. extradition treaty does not allow; that Julian is charged with "pure political offenses" and the U.K.-U.S. extradition treaty prohibits extradition under such circumstances; that Julian should not be extradited to face prosecution where the Espionage Act "is being extended in an unprecedented and unforeseeable way"; that the charges could be amended resulting in Julian facing the death penalty; and that Julian will not receive a fair trial in the U.S. They are also asking for the right to introduce new evidence about CIA plans to kidnap and assassinate Julian.

If the High Court grants Julian permission to appeal, a further hearing will be scheduled during which time he will argue his appeal grounds. If the High Court refuses to grant Julian permission to appeal, the only option left is to appeal to the ECtHR. If he is unable to take his case to the ECtHR he will be extradited to the U.S.

The decision to seek Julian's extradition, [contemplated](#) by Barack Obama's administration, was pursued by Donald Trump's administration following WikiLeaks' [publication](#) of the documents known as Vault 7, which [exposed](#) the CIA's cyberwarfare programs, including those designed to monitor and take control of cars, smart TVs, web browsers and the operating systems of most smart phones.

The Democratic Party leadership became as bloodthirsty as the Republicans following WikiLeaks' publishing of tens of thousands of emails belonging to the Democratic National Committee (DNC) and senior Democratic officials, including those of John Podesta, Hillary Clinton's campaign chairman during the 2016 presidential election.

The Podesta emails [exposed](#) that Clinton and other members of Obama's administration knew that Saudi Arabia and Qatar — which had both donated millions of dollars to the Clinton Foundation — were major funders of the Islamic State of Iraq and Syria. They [revealed](#) transcripts of three private talks Clinton gave to Goldman Sachs — for which she was paid \$675,000 — a sum so large it can only be considered a bribe. Clinton was seen in the emails telling the financial elites that she wanted “open trade and open borders” and believed Wall Street executives were best positioned to manage the economy, a statement that contradicted her campaign promises of financial reform. They [exposed](#) the Clinton campaign's [self-described](#) “Pied Piper” strategy which used their press contacts to influence Republican primaries by “elevating” what they called “more extreme candidates,” to ensure Trump or Ted Cruz won their party's nomination. They [exposed](#) Clinton's advance knowledge of questions in a primary debate. The emails also exposed Clinton as one of the architects of the war and destruction of Libya, a war she believed would burnish her credentials as a presidential candidate.

Journalists can argue that this information, like the war logs, should have remained secret. But if they do, they can't call themselves journalists.

The Democratic leadership, which attempted to blame Russia for its election loss to Trump — in what became [known as](#) Russiagate — charged that the Podesta emails and the DNC leaks were obtained by Russian government hackers, although an [investigation](#) headed by Robert Mueller, the former FBI director, “did not develop sufficient admissible evidence that WikiLeaks knew of — or even was willfully blind to” any alleged hacking by the Russian state.

Julian is persecuted because he provided the public with the most important information about U.S. government crimes and mendacity since the release of the Pentagon Papers. Like all great journalists, he was nonpartisan. His target was power.

He [made public](#) the killing of nearly 700 civilians who had approached too closely to U.S. convoys and checkpoints, including pregnant women, the blind and deaf, and [at least](#) 30 children.

He [made public](#) the more than 15,000 unreported deaths of Iraqi civilians and the torture and abuse of some 800 men and boys, aged between 14 to 89, at Guantánamo Bay detention camp.

He [showed us](#) that Hillary Clinton in 2009 ordered U.S. diplomats to spy on U.N. Secretary General Ban Ki-moon and other U.N. representatives from China, France, Russia, and the U.K., spying that included obtaining DNA, iris scans, fingerprints, and personal passwords.

He [exposed](#) that Obama, Hillary Clinton and the CIA backed the June 2009 military coup in Honduras that [overthrew](#) the democratically-elected president Manuel Zelaya, replacing him with a murderous and corrupt military regime.

He [revealed](#) that the United States secretly launched missile, bomb and drone attacks on Yemen, killing scores of civilians.

No other contemporary journalist has come close to matching his revelations.

Julian is the first. We are next.

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Featured image: Assange – by Mr. Fish

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