

The Kafkaesque Imperium: Julian Assange and the Second Superseding Indictment

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The Kafkaesque Imperium has taken yet another absurd step towards mean absurdity [with another superseding indictment](#) against Julian Assange. This move by the US Department of Justice seems to have surprised those involved in his extradition proceedings. Mark Summers QC, one of the members of the Assange legal team, [did not conceal his astonishment](#) at the call over hearing at London's Westminster Magistrates' Court. "We are surprised by the timing of this development. We were surprised to hear about it in the press."

What is baffling about this latest act of brutish pantomime is that the spruced up indictment does not contain new charges so much as added flesh. WikiLeaks editor-in-chief Kristinn Hrafnsdóttir could only remark upon this fact with consternation. We already know the sinister import of the charges, the lion's share of 17 focused on alleged violations of the US Espionage Act, and one of conspiring to commit computer intrusion. US prosecutors evidently felt that the latter charge required bulking.

On June 24, the DOJ's Office of Public Affairs [made mention](#) of a federal grand jury's return of "a second superseding indictment [...] charging Julian P. Assange, the founder of WikiLeaks, with offenses that relate to Assange's alleged role in one of the largest compromises of classified information in the history of the United States." No additional counts are added, but the new document is not immaterial in what it builds upon. It seeks to draw out the character of Assange as the enterprising "hacker" who also sought to recruit his fellow kind, a move that transparently seeks to undermine any journalistic or publisher credentials. It also casts a wider net against WikiLeaks, its associates and those who gave it a lending hand, while expanding the time line of alleged nefarious acts (no longer restricted to March 2010, it targets alleged activities between 2009 and 2015). "According to the charging document, Assange and others at WikiLeaks recruited and agreed with hackers to commit computer intrusions to benefit WikiLeaks."

The document makes mention, for instance, of Sarah Harrison, former spokesperson Daniel Domscheit-Berg, and digital activist Jacob Appelbaum. It also hones in on Assange on the conference circuit, noting how he, along with "a WikiLeaks associate", participated at the "Hacking at Random" conference in the Netherlands. Assange "sought to recruit those who had or could obtain authorized access to classified information and hackers to search for, steal, and send to WikiLeaks the items on the 'Most Wanted Leaks' list that was posted on WikiLeaks's website."

Assange is described as encourager and provocateur, suggesting to potential recruits that, "unless they were 'a serving member of the United States military,' they would have no legal liability for stealing classified information and giving it to WikiLeaks because 'TOP

SECRET' meant nothing as a matter of law."

Image on the right: Thordarson with Assange



This indictment does little to improve on previous defects. As Kevin Gosztola [writes](#) in the indispensable *Shadowproof*, the DOJ draws heavily on statements from FBI informants, namely Sigurdur "Siggi" Thordarson and Hector Xavier Monsegur ("Sabu") of the LulzSec hacker group. Thordarson was fired from WikiLeaks in November 2011 after his embezzlement ventures amounting to \$50,000 were discovered. According to WikiLeaks,

"In light of the relentless ongoing prosecution of US authorities against WikiLeaks, it is not surprising that the FBI would try to abuse this troubled young man and involve him in some manner in the attempt to prosecute WikiLeaks staff."

The Bureau's pieces of silver [for Thordarson's services](#) amounted to \$5,000.

Image below: Monsegur (Public Domain)



Monsegur's part in the whole business was, according to activist Jeremy Hammond and key figure in the hacking of the intelligence firm Stratfor, to entrap WikiLeaks in a cash-for-leaks scheme. It was also Monsegur who gave the hacker collective AntiSec access to the company's information trove. Hammond was duly entrapped in transferring, without his knowledge, confidential data to an FBI server. Monsegur's rather smelly pride of place in the indictment is that [of allegedly fielding requests](#) from Assange "to look for (and provide to WikiLeaks) mail and documents, databases and pdfs."

Another protagonist also makes an appearance in the prosecutorial show.

"To encourage leakers and hackers to provide stolen materials to WikiLeaks in the future, Assange and others at WikiLeaks openly displayed their attempts to assist [Edward] Snowden in evading arrest."

Harrison, tagged "WLA-4", is noted as assisting Snowden make his exit from Hong Kong to Moscow in 2013. The assistance provided by WikiLeaks is deemed conspiratorial; vocalised support for Snowden given by Assange at the Chaos Computer Club conference on December 31, 2013, is trotted as an example of incitement to theft.

Gosztola notes the purposeful mutilations by the prosecutors regarding statements made by Assange regarding radical transparency. Assange, for instance, is noted as claiming "that 'the famous leaks that WikiLeaks has done or the recent Edward Snowden revelations' showed that 'it was possible now for even a single system administrator to...not merely wreck[] or disable[e] [organizations]...but rather shift[] information from an information apartheid system...into the knowledge commons". The [actual quote](#) is more qualified in its philosophical belligerence, emphasising such liberated knowledge as "a disciplining force" and "constructive constraint" upon "those with extraordinary power and information" while also being "used to construct and understand the new world that we're entering into."

Assange's stance on information, and his encouragement to the young to rush into the ranks of the Central Intelligence Agency, is taken as an exhortation of bad faith, encouraging the theft of classified information and the ruination of secrecy. A better reading of this, [urges](#) Gosztola, is to see this as a call "to young people to help the public address a crisis of corruption in government by forcing transparency at a time when the government abuses the classified information system to conceal waste, fraud, abuse, and other illegal actions."

The new indictment has made something of a mockery of the London extradition proceedings. Judge Vanessa Baraitser conceded to being informed of the superseding document by email, but still awaits its official receipt. Prosecution barrister Joel Smith merely remarked that both parties were still pouring over its contents and implications. "If we need to involve the court ... then we will inform the court at the appropriate time." Summers was less sanguine, suggesting that the expansive larding of the new indictment would affect future management hearings.

"This shows," [stated](#) Hrafsson, "how they are abusing due process in the UK and flaunting the legal system's rules."

During the hearing, Judge Baraitser was again her merry self, [suggesting](#) that Assange had no good reason to avoid attending the call-over session. According to word from Belmarsh prison officials, he was refusing to attend for fear of contracting COVID-19, which was no reason at all. Medical evidence had to be supplied for any absence at the next call-over session on July 27. Another entry into the book of travesty that is this entire affair has been made.

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