



Assange's Fate Awaits US 'Assurances'

Description

US : The High Court in London on Tuesday gave the United States an opportunity to rebuff Julian Assange's plea that he be allowed to appeal the Home Office's order to extradite him to the U.S. to face espionage charges.

In a complex ruling at the Royal Courts of Justice, the court agreed with Assange that he had grounds to ask for an appeal, but invited the United States to give the court assurances by April 16 that could negate Assange's arguments.

Specifically, the two-judge panel ruled that Assange had grounds to appeal because his extradition was incompatible with his rights of expression in the European Convention on Human Rights; that he might be prejudiced because of his nationality (not being given 1st Amendment protection as a non-American) and because he had inadequate protection against the death penalty. (Without such an assurance Britain cannot extradite him.)

However, the court is allowing the U.S. to given [written assurances](#) that all these rights won't be violated. If the U.S. misses the April 16 deadline then Assange will be allowed to appeal his case on those three grounds only.

If the U.S. meets the deadline, the parties will have until April 30 to make submissions about the assurances.

This is a significant departure from the previous High Court decision in 2020 that overturned the lower court's decision not to extradite based solely on U.S. assurances that Assange would not be mistreated in U.S. prisons.

In that case, Assange's lawyers were not permitted to challenge the validity of the assurances. The U.K. Supreme Court then rejected Assange's application to challenge them as well. This time, the High Court will allow Assange's legal team to pick apart the assurances.

Submissions about the assurances by both sides would have to be filed by May 14 and then the case would be adjourned to May 20, at which time there could be a final hearing on the question of whether

to allow Assange to appeal.

If not he could be immediately extradited to the U.S., unless the European Court of Human Rights issues an injunction in time to stop it.

Court Rejects Heart of Assange Arguments

The court on Tuesday rejected outright the most substantive and significant points raised by Assange's barristers at a two-day hearing heard on Feb. 20-21.

It rejected five grounds in all: the argument that the home secretary's extradition order was incompatible with the U.S.-U.K. Extradition Treaty that bars extradition for a political offense.

The High Court also rejected that Assange was being prosecuted for his political opinions in violation of U.K.-U.S. Extradition Act. (These two points would mean Assange's revelations of U.S. war crimes is now irrelevant to his case, as the court does not find his case to be "political.")

The court also ruled that Assange could not [argue a violation of](#) Article 7 of the convention, which in Assange's case was that the crime of publishing was not foreseeable in 2010, nor ever, because he would be the first journalist successfully indicted under the Espionage Act.

Article 7 is like the U.S. 5th Amendment in that a person has to know in advance they will be criminally liable, in other words, that something they are about to do is a crime.

Article 7 says: "No one shall be held guilty of any criminal offence on account of any act or omission which did not constitute a criminal offence under national or international law at the time when it was committed."

The court threw out Assange's argument that his extradition was incompatible with the right to a fair trial under article 6 of the convention; and that it was incompatible with the convention's article 2, the right to life and 3, freedom from torture and inhuman or degrading treatment.

Significantly, Tuesday's ruling did not allow Assange to introduce new evidence in the case that came to light after the lower court ruling, namely that the C.I.A. plotted to kidnap and assassinate Assange from the Ecuadorian Embassy in London, where he had had asylum before being arrested and thrown in Belmarsh Prison, where he continues to languish.

"Today's decision was astounding," Stella Assange, Julian Assange's wife, told reporters outside the Royal Courts of Justice. "The courts recognized that Julian has been exposed to flagrant denial of his freedom of expression rights, that he is being discriminated against on the basis of his nationality and that he remains exposed to the death penalty."

But, she said, the U.S. has been invited to "send a letter saying it is all okay."

She told reporters:

"I find it astounding that five years into this case the United States has to show that their case remains an attack on press freedom.

What the courts haven't agreed to look at is the evidence that the United States has plotted to assassinate Julian, to kidnap him. Because if it acknowledges this, then of course how can he be sent to the United States?

Julian is a political prisoner. He is a journalist. And he is being persecuted because he exposed the true cost of war in human lives. This case is a retribution. It is a signal to all of you that if you expose the interests that are driving war, they will come after you. They will put you in prison, they will try to kill you."

Assange is 16 days away from the fifth anniversary of his arrest and imprisonment in Belmarsh, without conviction. "The charges against him are to punish him for publishing the truth, for publishing evidence of the war crimes of the country that is trying to extradite him," said Stella Assange.

By Joe Lauria

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