

Assange Could Face Espionage Trial In US

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Theme: [Intelligence](#), [Law and Justice](#)

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Informal discussions have already taken place between US and Swedish officials over the possibility of the WikiLeaks founder Julian Assange being delivered into American custody, according to diplomatic sources.

Mr Assange is in a British jail awaiting extradition proceedings to Sweden after being refused bail at Westminster Magistrates' Court despite a number of prominent public figures offering to stand as surety.

His arrest in north London yesterday was described by the US Defence Secretary Robert Gates as "good news", and may pave the way for extradition to America and a possible lengthy jail sentence.

The US Justice Department is considering charging Mr Assange with espionage offences over his website's unprecedented release of classified US diplomatic files. Several right-wing American politicians are pressing for his prosecution and even execution, with Sarah Palin, the former vice-presidential candidate, saying he should be pursued the same as al-Qa'ida and Taliban leaders.

Mr Assange's appearance in the London court, the focus of massive international media attention, puts Britain in the centre of the controversy and recrimination over the publishing of thousands of diplomatic cables which have caused acute embarrassment to the administration in Washington. If the man responsible for putting them in the public domain is to be silenced, his supporters say, the process started here.

The Swedish government seeks Mr Assange's extradition for alleged sexual offences against two women.

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.

Mr Assange, 39, had voluntarily gone to a police station accompanied by solicitors after the issuing of an international warrant.

The court heard that Jemima Khan, the sister of the Conservative MP Zac Goldsmith, the film director Ken Loach and journalist John Pilger were among those who had offered to stand bail to the sum of £180,000. But District Judge Howard Rule remanded him in custody on the grounds that there was a risk the WikiLeaks founder would fail to surrender.

Mr Loach, who offered £20,000, explained that he did not know Mr Assange other than by reputation, but he said: "I think the work he has done has been a public service. I think we are entitled to know the dealings of those that govern us." Mr Pilger, who also offered £20,000, said he knew Mr Assange as a journalist and personal friend and had a "very high regard for him".

"I am aware of the offences and I am also aware of quite a lot of the detail around the offences," said Mr Pilger. "I am here today because the charges against him in Sweden are absurd and were judged as absurd by the chief prosecutor there when she threw the whole thing out until a senior political figure intervened." Ms Khan offered a further £20,000 "or more if need be", although she said she did not know Assange.

Gemma Lindfield, appearing for the Swedish authorities, successfully opposed bail being granted because there was a risk he would fail to surrender – and also for his own protection, she said. She outlined five reasons why there was a risk: his "nomadic" lifestyle, reports that he intended to seek asylum in Switzerland, access to money from donors, his network of international contacts and his Australian nationality.

Mrs Lindfield added: "Any number of people could take it upon themselves to cause him harm. This is someone for whom, simply put, there is no condition, even the most stringent, that would ensure he would surrender to the jurisdiction of this court."

Ms Lindfield told the court that Mr Assange was wanted in connection with four allegations of sexual offences. She said the first complainant, Miss A, said she was victim of "unlawful coercion" on the night of 14 August in Stockholm. The court heard Mr Assange is accused of using his body weight to hold her down in a sexual manner.

The second charge alleged Mr Assange "sexually molested" Miss A by having sex with her without a condom when it was her "express wish" one should be used. The third charge claimed Mr Assange "deliberately molested" Miss A on August 18 "in a way designed to violate her sexual integrity".

The fourth charge accused Mr Assange of having sex with a second woman, Miss W, on 17 August without a condom while she was asleep at her Stockholm home.

District Judge Riddle said: "This case is not, on the face of it, about WikiLeaks. It is an allegation in another European country of serious sexual offences alleged to have occurred on three separate occasions and involving two separate victims. These are extremely serious allegations. From that, it seems to me that if these allegations are true, then no one could argue the defendant should be granted bail."

However he added: "If they are false, he suffers a great injustice if he is remanded in custody. At this stage in these proceedings, the nature and strength of the allegations is not known."

Mr Assange's solicitor, John Jones, said he agreed the case was not about WikiLeaks but was a "simple accusation" case with the right to bail.

He said: "In relation to the state of play in Sweden, it is important for the court to be aware of the background to this. Mr Assange has made repeated requests that the allegations against him be communicated to him in a language he understands. That has been ignored

by the Swedish prosecutor. Another Swedish prosecutor dropped this case early on for lack of evidence and it was resurrected in Gothenburg rather than Stockholm.”

Another of Mr Assange’s lawyers, Mark Stephens, said he believed British authorities would go to extreme lengths to ensure his client was “perfectly comfortable” during his time in jail. While he is confident Mr Assange’s time behind bars will be brief, he said he did not want to appear to be “too cocky”.

“I think a lot of people, including the police, thought that he would get bail today. They were very surprised he didn’t,” he said.

Praising District Judge Howard Riddle’s assessment of the case, Mr Stephens said: “We are incredibly grateful to the judge for making it clear to the prosecutor that he thinks he wants to have a look at the evidence, to make assessments as to whether there is a real risk of conviction or not, because that will make a difference as to whether or not he wants to put him out on bail, or not, on the next occasion.”

Criticising Swedish authorities involved with the case, Mr Stephens said: “It’s a persecution, not a prosecution.”

He maintained that while Mr Assange was not prepared to go to Sweden to face alleged sexual assault claims, his client was prepared to meet the Swedish prosecutor in England.

“That, I think, is a reasonable approach,” he said.

The pressure on WikiLeaks, which relies on online donations from a worldwide network of supporters to fund its work, continued after Visa and Mastercard suspended all payments to the website.

A spokesman for Visa E said: “Visa Europe has taken action to suspend Visa payment acceptance on WikiLeaks’ website pending further investigation into the nature of its business and whether it contravenes Visa operating rules.” A MasterCard spokesman said: “MasterCard is currently in the process of working to suspend the acceptance of MasterCard cards on WikiLeaks until the situation is resolved.”

Kristinn Hrafnsson, a WikiLeaks spokesperson, said: “WikiLeaks is operational. We are continuing on the same track as laid out before. Any development with regards to Julian Assange will not change the plans we have with regards to the releases today and in the coming days.”

The legal proceedings

Q Why is Mr Assange, an Australian citizen, facing legal proceedings in the UK when the allegations against him relate to events in Sweden?

A Under the European arrest warrant procedure any EU state can request the legal assistance of another EU country in the detention of a suspect wanted for an offence committed abroad.

Q Mr Assange’s lawyers say he is not on the run and has voluntarily surrendered to police. So why is he being held in prison?

A District Judge Howard Riddle, sitting at the City of Westminster magistrates' court, refused Mr Assange's application for bail because he decided there was a danger he might abscond.

Q What happens next?

First his lawyers will return to court next week to try to secure his release on conditional bail. Eventually there will be an extradition hearing at which the Swedish prosecution authorities will present prima facie evidence to show there is case for Mr Assange to answer.

Q How long will the proceedings last?

Mr Assange's legal team are already preparing to challenge the extradition in the High Court in London. If they lose the case there, they can take it all the way to the Supreme Court, a process which could last many months.

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