

Endless Procedural Abuses Show Julian Assange Case Was Never About Law

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*It is astonishing how often one still hears well-informed, otherwise reasonable people say about **Julian Assange**: “But he ran away from Swedish rape charges by hiding in Ecuador’s embassy in London.”*

That short sentence includes at least three factual errors. In fact, to repeat it, as so many people do, you would need to have been hiding under a rock for the past decade – or, amounting to much the same thing, been relying on the corporate media for your information about Assange, including from supposedly liberal outlets such as the Guardian and the BBC.

At the weekend, a [Guardian editorial](#) – the paper’s official voice and probably the segment most scrutinised by senior staff – made just such a false claim:

Then there is the rape charge that Mr Assange faced in Sweden and which led him to seek refuge in the Ecuadorian embassy in the first place.

The fact that the Guardian, supposedly the British media’s chief defender of liberal values, can make this error-strewn statement after nearly a decade of Assange-related coverage is simply astounding. And that it can make such a statement days after the US finally [admitted](#) that it wants to lock up Assange for 175 years on bogus “espionage” charges – a hand anyone who wasn’t being wilfully blind always knew the US was preparing to play – is still more shocking.

Assange faces no charges in Sweden yet, let alone “rape charges”. As former UK ambassador **Craig Murray** recently explained, the Guardian has been misleading readers by [falsely claiming](#) that an attempt by a Swedish prosecutor to extradite Assange – even though the move has not received the Swedish judiciary’s approval – is the same as his arrest on rape charges. It isn’t.

Also, Assange did not seek sanctuary in the embassy to evade the Swedish investigation. No state in the world gives a non-citizen *political asylum* to avoid a rape trial. The asylum was granted on *political* grounds. Ecuador rightly accepted Assange’s concerns that the US would seek his extradition and lock him out of sight for the rest of his life.

Assange, of course, has been proven – yet again – decisively right by recent developments.

Trapped in herd-think

The fact that so many ordinary people keep making these basic errors has a very obvious

explanation. It is because the corporate media keep making these errors.

These are is not the kind of mistakes that can be explained away as an example of what one journalist has [termed](#) the problem of “churnalism”: the fact that journalists, chasing breaking news in offices depleted of staff by budget cuts, are too overworked to cover stories properly.

British journalists have had many years to get the facts straight. In an era of social media, journalists at the Guardian and the BBC have been bombarded by readers and activists with messages telling them how they are getting basic facts wrong in the Assange case. But the journalists keep doing it anyway. They are trapped in a herd-think entirely divorced from reality.

Rather than listen to experts, or common sense, these “journalists” keep regurgitating the talking points of the British security state, which are as good as identical to the talking points of the US security state.

What is so striking in the Assange coverage is the sheer number of legal anomalies in his case – and these have been accumulating relentlessly *from the very start*. Almost nothing in his case has gone according to the normal rules of legal procedure. And yet that very revealing fact is never noticed or commented on by the corporate media. You need to have a blind spot the size of Langley, Virginia, not to notice it.

If Assange wasn't the head of Wikileaks, if he hadn't embarrassed the most important western states and their leaders by divulging their secrets and crimes, if he hadn't created a platform that allows whistleblowers to reveal the outrages committed by the western power establishment, if he hadn't undermined that establishment's control over information dissemination, none of the last 10 years would have followed the course it did.

If Assange had not provided us with an information revolution that undermines the narrative matrix created to serve the US security state, two Swedish women – unhappy with Assange's sexual etiquette – would have gotten exactly what *they* said in their [witness statements](#) they wanted: pressure from the Swedish authorities to make him take an HIV test to give them peace of mind.

He would have been allowed back to the UK (as he in fact was allowed to do by the Swedish prosecutor) and would have gotten on with developing and refining the Wikileaks project. That would have helped all of us to become more critically aware of how we are being manipulated – not only by our security services but also by the corporate media that so often act as their mouthpiece.

Which is precisely why that did not happen and why Assange has been under some form of detention since 2010. Since then, his ability to perform his role as exposé of serial high-level state crimes has been ever more impeded – to the point now that he may never be able to oversee and direct Wikileaks ever again.

His current situation – locked up in Belmarsh high-security prison, in solitary confinement and deprived of access to a computer and all meaningful contact with the outside world – is so far based solely on the fact that he committed a minor infraction, breaching his police bail. Such a violation, committed by anyone else, [almost never incurs](#) prosecution, let alone a lengthy jail sentence.

So here is a far from complete list – aided by the research of John Pilger, Craig Murray and Caitlin Johnstone – of some of the most glaring anomalies in Assange’s legal troubles. There are 17 of them below. Each might conceivably have been possible in isolation. But taken together they are overwhelming evidence that this was never about enforcing the law. From the start, Assange faced political persecution.

No judicial authority

In late summer 2010, neither of the two Swedish women alleged Assange had raped them when they made police [statements](#). They went together to the police station after finding out that Assange had slept with them both only a matter of days apart and wanted him to be forced to take an HIV test. One of the women, SW, refused to sign the police statement when she understood the police were seeking an indictment for rape. The investigation relating to the second woman, AA, was for a sexual assault specific to Sweden. A condom produced by AA that she says Assange tore during sex was found to have neither her nor Assange’s DNA on it, undermining her credibility.

Sweden’s strict laws protecting suspects during preliminary investigations were violated by the Swedish media to smear Assange as a rapist. In response, the Stockholm chief prosecutor, **Eva Finne**, took charge and quickly [cancelled the investigation](#):

“I don’t believe there is any reason to suspect that he has committed rape.”
She later concluded: “There is no suspicion of any crime whatsoever.”

The case was revived by another prosecutor, **Marianne Ny**, during which time Assange was questioned and spent more than a month in Sweden waiting for developments in the case. He was then told by prosecutors that he was free to leave for the UK, suggesting that any offence they believed he had committed was not considered serious enough to detain him in Sweden. Nonetheless, shortly afterwards, Interpol [issued](#) a Red Notice for Assange, usually reserved for terrorists and dangerous criminals.

The UK supreme court approved an extradition to Sweden based on a European Arrest Warrant (EAW) in 2010, despite the fact that it was not signed by a “judicial authority”, only by the Swedish prosecutor. The terms of the EAW agreement were [amended](#) by the UK government shortly after the Assange ruling to make sure such an abuse of legal procedure never occurred again.

The UK supreme court also approved Assange’s extradition even though Swedish authorities [refused](#) to offer an assurance that he would not be extradited onwards to the US, where a grand jury was already formulating draconian charges in secret against him under the Espionage Act. The US similarly refused to give an assurance they would not seek his extradition.

In these circumstances, Assange fled to Ecuador’s embassy in London in summer 2012, seeking political asylum. That was after the Swedish prosecutor, Marianne Ny, blocked Assange’s chance to [appeal](#) to the European Court of Human Rights.

Australia not only refused Assange, a citizen, any help during his long ordeal, but prime minister **Julia Gillard** even [threatened](#) to strip Assange of his citizenship, until it was pointed out that it would be illegal for Australia to do so.

Britain, meanwhile, not only surrounded the embassy with a large police force at great public expense, but William Hague, the foreign secretary, threatened to [tear up](#) the Vienna Convention, violating Ecuador's diplomatic territory by sending UK police into the embassy to arrest Assange.

Six years of heel-dragging

Although Assange was still formally under investigation, Ny refused to come to London to interview him, despite similar interviews having been conducted by Swedish prosecutors [44 times](#) in the UK in the period Assange was denied that right.

In 2016, international legal experts in the United Nations Working Group on Arbitrary Detention, which adjudicates on whether governments have complied with human rights obligations, ruled that Assange was being detained unlawfully by Britain and Sweden. Although both countries participated in the UN investigation, and had given the tribunal vocal support when other countries were found guilty of human rights violations, they steadfastly ignored its ruling in favour of Assange. UK **Foreign Secretary Phillip Hammond**, flat-out lied in claiming the UN panel was "made up of lay people and not lawyers". The tribunal comprises leading experts in international law, as is [clear](#) from their CVs. Nonetheless, the lie became Britain's [official response](#) to the UN ruling. The British media performed no better. A Guardian editorial [dismissed](#) the verdict as nothing more than a "publicity stunt".

Ny finally relented on interviewing Assange in November 2016, coming to London after six years of heel-dragging. However, she [barred](#) Assange's lawyer from being present. That was a gross irregularity that Ny was due to be [questioned](#) about in May 2017 by a Stockholm judge. Apparently rather than face those questions, Ny decided to [close the investigation](#) against Assange the very same day.

In fact, correspondence that was later revealed under a Freedom of Information request shows that the British prosecution service, the CPS, pressured the Swedish prosecutor not to come to the London to interview Assange through 2010 and 2011, thereby creating the embassy standoff.

Also, the CPS destroyed most of the incriminating correspondence to circumvent the FoI requests. The emails that surfaced did so only because some copies were accidentally overlooked in the destruction spree. Those emails were bad enough. They show that in 2013 Sweden had wanted to drop the case against Assange but had come under strong British pressure to continue the pretence of seeking his extradition. There are [emails](#) from the CPS stating, "Don't you dare" drop the case, and most revealing of all: "Please do not think this case is being dealt with as just another extradition."

It also emerged that Marianne Ny had [deleted](#) an email she received from the FBI.

Despite his interview with Ny taking place in late 2016, Assange was not subsequently charged in absentia - an [option](#) Sweden could have pursued if it had thought the evidence was strong enough.

After Sweden dropped the investigation against Assange, his lawyers sought last year to get the British arrest warrant for his bail breach dropped. They had good grounds, both because the allegations over which he'd been bailed had been dropped by Sweden and because he

had justifiable cause to seek asylum given the apparent US interest in extraditing him and locking him up for life for political crimes. His lawyers could also argue convincingly that the time he had spent in confinement, first under house arrest and then in the embassy, was more than equivalent to time, if any, that needed to be served for the bail infringement. However, the judge, **Emma Arbuthnot**, rejected the Assange team's strong legal arguments. She was hardly a [dispassionate observer](#). In fact, in a properly ordered world she should have recused herself, given that she is the wife of a government whip, who was also a business partner of a former head of MI6, Britain's version of the CIA.

Assange's legal rights were again [flagrantly violated](#) last week, with the collusion of Ecuador and the UK, when US prosecutors were allowed to seize Assange's personal items from the embassy while his lawyers and UN officials were denied the right to be present.

Information dark ages

Even now, as the US prepares its case to lock Assange away for the rest of his life, most are still refusing to join the dots. Chelsea Manning has been repeatedly jailed, and is now facing ruinous fines for every day she refuses to testify against Assange as the US desperately seeks to prop up its bogus espionage claims. In Medieval times, the authorities were more honest: they simply put people on the rack.

Back in 2017, when the rest of the media were still pretending this was all about Assange fleeing Swedish "justice", John Pilger noted:

In 2008, a secret Pentagon document prepared by the "Cyber Counterintelligence Assessments Branch" foretold a detailed plan to discredit WikiLeaks and smear Assange personally. The "mission" was to destroy the "trust" that was WikiLeaks' "centre of gravity". This would be achieved with threats of "exposure [and] criminal prosecution". Silencing and criminalising such an unpredictable source of truth-telling was the aim." ...

According to Australian diplomatic cables, Washington's bid to get Assange is "unprecedented in scale and nature". ...

The US Justice Department has contrived charges of "espionage", "conspiracy to commit espionage", "conversion" (theft of government property), "computer fraud and abuse" (computer hacking) and general "conspiracy". The favoured Espionage Act, which was meant to deter pacifists and conscientious objectors during World War One, has provisions for life imprisonment and the death penalty. ...

In 2015, a federal court in Washington blocked the release of all information about the "national security" investigation against WikiLeaks, because it was "active and ongoing" and would harm the "pending prosecution" of Assange. The judge, Barbara J. Rothstein, said it was necessary to show "appropriate deference to the executive in matters of national security". This is a kangaroo court.

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Author's note: All of this information was available to any journalist or newspaper that cared to search it out and wished to publicise it. And yet not one corporate media outlet has done so over the past nine years. Instead they have shored up a series of preposterous US and UK state narratives designed to keep Assange behind bars and propel the rest of us back into

the information dark ages.

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