

What's at Stake for Julian Assange—And the Rest of Us

By [Karen Sharpe](#)

Global Research, February 19, 2024

Region: [Europe, USA](#)

Theme: [Law and Justice](#), [Police State & Civil Rights](#)

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On February 20 and 21, the High Court of Justice in London will conduct a hearing to decide whether WikiLeaks founder Julian Assange can appeal the court's earlier decision to extradite him to the U.S. to face 17 charges under the Espionage Act and one for computer crime, with a Methuselan prison sentence of 175 years. This, even though Julian is not an American citizen (he's Australian), and he was not under U.S. jurisdiction when the "crimes" were allegedly committed.

At the end of the two-day hearing the court could grant Julian permission to appeal, it could deny it, or it could postpone its decision to a later date. Or the two judges might have some other ruling up their puffy sleeves.

In the first instance, if permission to appeal is granted, whilst awaiting another hearing, Julian would most likely be returned to high-security Belmarsh Prison where he has been held for nearly five years under arbitrary detention in near-total solitary confinement, though he has been convicted of no crime. Belmarsh is known as Britain's Guantanamo because of its torturous conditions as well as for its population of mostly alleged murderers and terrorists.

Julian, an award-winning journalist and publisher, a life-long promoter of peace, a nine-time nominee for the Nobel Peace Prize, is quite obviously not in that category, though there are those who think he is. Most notable among these is former CIA Director Mike Pompeo, who pronounced Julian "a darling of terrorist groups", and defined WikiLeaks as a "nonstate, hostile intelligence service".

The crime that Julian is essentially "guilty" of is revealing truths most uncomfortable to the ruling powers—practicing journalism as it should be practiced.

The second possible outcome of the upcoming hearing, denial of permission to appeal, could mean that within hours Julian would be shackled and placed on a U.S. military jet headed for Alexandria, Virginia. There his case will be heard by the U.S. District Court for the Eastern District of Virginia, where many residents work in national security (CIA, FBI, Department of Defense) or have a family member who does. The jury pool comes from this group and, not surprisingly, no one brought before this court under the Espionage Act has ever been exonerated.

Not only would Julian be denied a fair trial there, according to experts such as Nils Melzer, former U.N. rapporteur on torture, but he would not be able to use the defense that what he did was in the public interest, though clearly it was. The outcome there for Julian has virtually been decided even though his final appeal in Britain has not yet been heard.

What happens to Julian after a near-certain conviction by the federal court is that he will forthwith be sent to Supermax ADX Florence Colorado—or a comparable hell hole—which was described by a former supervisor there as being worse than death.

Possible Stay of the Extradition

There is one intervention that could at the very least delay Julian's rendition to the U.S. if his appeal is denied: Julian's lawyers will petition the European Court of Human Rights (ECtHR) to become involved as a last resort. Julian's case certainly falls within the scope of Rule 39, under which the court takes on a case if "the applicant would otherwise face an imminent risk of irreparable damage". This would be Julian's case in the U.S. where he would be subject to inhuman and degrading treatment—torture.

But there are also a few complications: it is not certain that Britain would respect the court's decision, and if extradition has already taken place, the U.S. may very well not honor a decision made by a European court.

If (the big if) the plane bearing Julian has not yet left the tarmac in Britain, and the ECtHR has taken on the case in time, it's probable Julian would be returned to Belmarsh to await the subsequent ruling. Bail has previously been denied, even for health concerns, because Julian is considered a high flight risk, and it's doubtful bail would be granted at this point.

It's possible that the judges will not hand down a decision on February 21, but postpone it. A delay would avoid a messy outcry from the increasing numbers of fervent supporters of Julian during an important election year for both the U.S. and Britain, when a virtual death sentence of a publisher would not look good for an incumbent or any candidate who condones the extradition yet touts "a democratic society".

In any case, barring instant extradition, nothing short of a *deus ex machina* could prevent Julian from being returned to Belmarsh to await his appeal, intervention by the ECtHR, or a delayed decision on the right to appeal from the High Court.

Deus ex machina?

As improbable as it might seem, the suggestion of a *deus ex machina* did recently come onto the scene in the guise of former president Donald Trump. Donald Trump, Jr., one of his father's chief advisors, recently said that based on what he knows now, he would be in favor of dropping the charges against Julian Assange.

Vivek Ramaswamy, former candidate in the Republican party primary, now a Trump supporter who throughout his campaign said he would pardon Julian on day 1, stated that in a recent meeting with Trump, when they discussed various issues, Trump said he would be amenable to pardoning Julian. Three other presidential candidates also want to see Julian freed: Jill Stein, Robert F. Kennedy, Jr., and Marianne Williamson.

For a Trump pardon of Julian to happen, many factors would have to come into play here. Trump has previously flipflopped with regard to Julian, and may well do so again. "I love WikiLeaks!" he declared with great fervor in 2016, lauding WikiLeaks for having published internal emails of the Democratic National Committee showing it undermined Bernie Sanders' chances of becoming the Democratic presidential nominee and instead installed Hillary Clinton.

But then Trump indicted Julian under the spurious 107-year-old Espionage Act and declined to pardon him during his last days in office. And, under Trump's presidency, the CIA plotted to kill Julian. Perhaps now Trump wants to be seen as doing the right thing for Julian—or just gain the hundreds of thousands of votes of those who want to see that happen.

The possibility of Trump being elected and then pardoning Julian is of course very far from certain. If indeed it did happen, it couldn't be before January 2025. By that time, unless extradited, Julian will have suffered yet another year in Belmarsh prison, where he has been held since April 11, 2019, on remand, at the bidding of the U.S.

Increasing Demands for Julian to be Freed

As Julian's dire situation gathers more attention, voices from all around the world have risen up calling for his liberation. In a groundbreaking cross-party show of unity, members of Australia's House of Representatives voted overwhelmingly (86 to 42) on February 14 for Julian not to be extradited but to be brought home. What was particularly significant here and welcomed by Julian's supporters well beyond Australia is that Prime Minister Anthony Albanese also voted in favor, after months of waffling.

"Enough is enough", he kept saying, yet not insisting that the U.S. pardon and release his country's most famous citizen. This despite the fact that Julian's return is what nearly 80 percent of Australians want. Perhaps Albanese's previous inaction was motivated by a recently signed juicy agreement with the U.S. to buy nuclear submarines, bringing the country yet more into the orbit of the U.S. as a strategic satellite in a geopolitically important part of the world.

In view of Albanese's reticence, a multi-partisan group of Australian parliamentarians has been consistently acting on behalf of those constituents who want Julian freed. Recently they uncovered a ruling by the U.K. Supreme Court that could be the cog in the drive to send Julian to the U.S. According to the law, if a government stipulates that a country to which a person is to be extradited from Britain has given assurances that that person's health or life won't be threatened in the receiving country, then those "assurances" must be thoroughly investigated by a third party before extradition can take place.

And so the parliamentarians have written to British Home Secretary James Cleverly calling for a probe into the risks to Julian's health should he be extradited to the U.S.

In the U.S., House Resolution 934, introduced by Rep. Paul Gosar, a Republican from

Arizona, calls for the U.S. to drop the charges against Julian Assange, stating that “regular journalistic activities, including the obtainment and publication of information, are protected under the First Amendment”. The Resolution has eight other co-sponsors from both parties and is currently before the House Judiciary Committee. While its passage there, then onto the floor of the Congress, then over to the Senate could be a lengthy route, its supporters hope that thousands of people will write to their representatives urging their support for this resolution, thereby bringing massive attention to Julian’s case and what it means.

Parliamentarians in France, where Julian also has a family, have called for Julian to be granted political asylum, though it’s questionable if this could be allowed if a demand for asylum has not been requested while the person is actually on French soil. Mexico and Bolivia have offered Julian asylum. Cities in dozens of countries have named Julian an Honorary Citizen.

The five major publications, *The New York Times*, *The Guardian*, *Le Monde*, *El Pais*, and *Der Spiegel*, which had “partnered” with WikiLeaks in publishing thousands of files, signed an open letter on November 22 of last year calling for an end to the prosecution of Julian Assange. They’re rather late to the game, even with that wishy-washy letter, having profited from enormous sales when the WikiLeaks files were released, then not only ignoring Julian, but criticizing him, often using lies and slander.

Julian’s importance has been acknowledged by hundreds of thousands of parliamentarians, human rights authorities, medical doctors, religious leaders (including the Pope), artists, teachers, trade unionists, legal professionals, journalists, students, writers all over the world who publicly demand his immediate release.

Nevertheless, the Americans and Brits may very well prevail, keeping Julian locked up for more years as he wastes away under the grueling prison conditions awaiting a final decision. Or they could prevail in having Julian sent to a supermax prison via the U.S. district court.

2 by 3 Meters in Belmarsh

During the nearly five years Julian has been incarcerated in Belmarsh, he has been kept mostly in solitary confinement in a cell measuring 2 meters by 3 meters, for 23 hours a day, allowed to stretch his long legs in an enclosed concrete area for an hour. Food is budgeted at 2 British pounds (\$2.50) a day per prisoner, with meals consisting of gruel, thin soup, and little else.

Image: Julian Assange in Belmarsh Prison in 2019 (Source: WSWS)



Julian has not seen sunlight since he entered the Ecuadorian embassy in London in 2012

seeking asylum there, apart from the day he was dragged from the embassy, or the days he was driven in a van from Belmarsh to those court hearings he was actually allowed to attend in person—albeit enclosed in a glass box (as is often the case in British courtrooms).

Not surprisingly his health has been consistently declining. Julian has lost a lot of weight and is paler than any human should be. In 2021, during or before a court hearing, (it's unclear) he suffered a mini stroke at the age of just 49. He has subsequently been diagnosed with nerve damage and memory problems, and may very well suffer a much more serious stroke.

Death is never far away in Belmarsh—when Julian's father John Shipton visited his son there, he reported that three suicides and one murder had occurred in the prison just during the past month alone. Nor was death far away in the embassy, where plain-clothes and uniformed officers menacingly patrolled and surveilled the embassy 24/7.

While Julian was considered paranoid for believing the U.S. wanted to kill him, an exhaustive investigation by Yahoo News in September of 2019 revealed that the U.S. and British intelligence services conspired to assassinate Julian by poisoning him while he was in the embassy or shooting him on the street or else kidnapping him from there.

Psychological Torture

Julian's mental health has also suffered severely, as would be the case for anyone incarcerated for so long in such horrifying conditions, undergoing repeated legal proceedings to determine whether the equivalent of a death sentence—lifelong internment in a U.S. supermax prison— will be imposed.

In a supermax prison, and especially under “special administrative measures” that would most likely be applied to Julian, he would be completely isolated. At least in Belmarsh he can now have some visitors, though restricted, and, finally, some books and writing paper. In the U.S. prison he would be in a virtually empty cell, forbidden any contact with the outside world, or even fellow prisoners, and thus denied any support or motivation to keep on living.

The toll on Julian's mental health has been so significant that when Nils Melzer visited Julian in Belmarsh in May of 2019 with two medical experts, he stated unequivocally that Julian showed all the signs of psychological torture. His excellent book, *The Trial of Julian Assange*, lays out the case in great detail.



Judge Vanessa Baraitser, the magistrate who officiated during Julian's first hearing, recognized Julian's psychological fragility, as described in evidence presented to the court. Although she ruled in favor of extradition based on the 18 points presented by the American lawyers (obtaining, receiving, and disclosing classified information), she ruled against

extradition on the grounds that she was certain Julian would commit suicide if placed in a supermax prison.

It's unlikely Baraitser was motivated by the milk of human kindness, as she refused bail, saying Julian would "abscond", and, ironically, had him sent back to the same place where, testimony showed, he had seriously contemplated and possibly even attempted suicide. Moreover, subsequent hearings and a final ruling on the 18 points for which she supported extradition would mean Julian would never be released from any prison.

It is clear to many that the process—the relentless persecution and prosecution of Julian—is the punishment. Keeping him silenced, in a deathly dungeon, unable to do what has always been his passion—revealing truths so that we may all act upon them to make the world a better place—is clearly an eroding and fatal punishment.

A Threat to the Real Criminals

Why this ongoing punishment has been inflicted on Julian is to completely break him down, physically and psychologically, without even having to impose the very questionable ultimate blow of locking him up in a supermax prison for 175 years. The 10 million documents Julian published on WikiLeaks earned the wrath of those politicians, officials, plutocrats, dictators, rulers, generals, corporate executives whose murderous, illegal deeds he revealed, whether war crimes, crimes against humanity, corruption, mass surveillance. Ironically none of the perpetrators of those crimes has ever been convicted, while the publisher who revealed them remains in prison.

Revelations have helped end torture in Guantanamo, for example, overturn corrupt governments as in Egypt, end wars, for example in Iraq, aided by the very disturbing Collateral Murder video showing U.S. soldiers in Baghdad joyfully shooting down civilians from an Apache helicopter. Julian has done more than anyone to uncover how governments, politicians, corporations, the military, and the press truly operate. It's not surprising they want him silenced forever.

The possibility of Julian's cranking up WikiLeaks to once again be the propaganda and lies-shattering, truth-telling online publication that it was makes him a huge threat to all those all around the world who are committing unseen—or even seen—and with impunity the same and even more nefarious crimes Julian earlier revealed.

During Julian's incarceration and WikiLeaks slowdown, alternative journalists and bloggers have done heroic jobs of reporting what must be brought to light—in Gaza, Ukraine, Yemen, Syria, Iraq, for example. But few, if any, has the capability to receive securely and completely anonymously major revelations from whistleblowers and then publish them for free for anyone anywhere in the world, as WikiLeaks did so successfully using a revolutionary method Julian invented and pioneered.

The two-day hearing beginning on February 20 will be the fourth time Julian's case has been in court. The first time, under Judge Baraitser in the Magistrate's court that denied extradition but upheld the Americans' 18 points, was followed by a hearing before two judges of the High Court, ruling on the U.S. demand to appeal the extradition decision based on additional assurances. While highly unusual, if not illegal, to present new assurances at that point, the High Court nevertheless agreed to hear the appeal.

In December 2021 it overturned the denial of extradition, accepting the specious assurance by the U.S. that Julian would be treated well in a U.S. prison, unless, their worthless caveat stated, he did something to warrant changing that. Not only could such “assurances” be revoked, but they are unenforceable.

Assange’s lawyers then filed an application for a cross appeal to the High Court of the first court’s judgement as well as the Home Secretary’s decision to extradite. That application was denied by a single High Court judge.

Craig Murray (craigmurray.org), Kevin Gosztola (*Guilty of Journalism: The Political Case against Julian Assange*), and the excellent *Consortium News* have done thorough reporting on all these hearings, while the brilliant investigative reporter Stefania Maurizi has followed Julian and WikiLeaks from the beginning, uncovering, as in a detective novel, the government forces arrayed against Julian and their treacherous tactics (*Secret Power: WikiLeaks and Its Enemies*).

The right to an appeal will now be heard this February 20 and 21 by two High Court judges, Mr. Justice Johnson and Dame Victoria Sharp, who were recently announced. Sharp and her family have long and strong connections to Conservative party leaders, and Sharp’s recent ruling against a journalist, Carole Cadwalladr, in a libel case, was denounced by press freedom advocates for supporting the repression of public interest journalism. Previous judges ruling on Julian’s case have had equally questionable connections.

A Case Rife with Illegalities

The illegalities in this case are numerous, as the *bona fides* of some of the judges suggest, and further underscore the fact that all along this case has not been about justice but politics. Among the many transgressions of justice and the rule of law figure initially the conditions under which Julian was kept in the Ecuadorian embassy, from which he could never step outside, even for a moment, even for urgent medical care, without risk of being whisked away and imprisoned.

He and his visitors, including his doctors and lawyers, had all their interactions with him filmed and ultimately sent to the CIA. Their electronic devices were confiscated during their visits, photographed, and that information was also sent to the CIA, thereby violating the rights of legal and medical confidentiality—to say nothing of the Fourth Amendment right to privacy—and potentially severely compromising Julian’s legal case.

Two lawyers and two journalists have filed a lawsuit against the CIA and Mike Pompeo plus UC Global, a Spanish security company that carried out the spying in the embassy, for these violations, and a federal judge in New York has agreed to let the suit go through, though any final decision will not be immediate.

An embassy’s premises are meant to be inviolable safe places for those seeking asylum there, yet British police, with the agreement of the Ecuadorian embassy under its newly elected government, dragged Julian—who is also an Ecuadorian citizen—from the embassy and locked him away in Belmarsh. They kept all his belongings, including his computers and legal notes. In Belmarsh he has been kept under conditions that violate any sense of human rights.

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

(Source: EPV)



The original “crime” for which Julian was brought to prison was breaching bail when he went to the Ecuadorian embassy, rightfully fearing extradition from Sweden to the U.S. following subsequently dismissed—and fabricated—allegations of sexual assault in Sweden. Breach of bail in Britain carries a maximum penalty of a year’s incarceration, though in most cases it results in a fine or dismissal.

Yet Julian has been kept in Belmarsh well beyond that limit, never convicted of any crime, in clear violation of *habeas corpus*. Much of the irrefutable evidence presented by Julian’s lawyers—he *did* heavily redact documents before releasing them on WikiLeaks, *not a single person* was harmed because of the releases, Julian did *not* help Chelsea Manning leak classified documents—was indeed fallaciously refuted by the judges.

The Espionage Act, under which a journalist or publisher has heretofore never been prosecuted, was designed, as its name suggests, to prosecute those Americans working to undermine the U.S. war efforts by delivering national defense information to the enemy—*espionage* coming from *espion*, or *spy*, in French. Not only is Julian not an American citizen, and he was in Europe when he was publishing WikiLeaks, but the “enemy” to whom he was meant to have supplied classified information—information in the public interest—must *ipso facto* be any member of the general public anywhere in the world!

The U.S. First Amendment protects the publication of documents, even those that are classified. Moreover per extradition agreements between Britain and the U.S., a person convicted for political reasons—and the case against Julian is purely political—or who could face a death penalty in the receiving country, may not be extradited from Britain.

One of the most egregious transgressions of justice during Julian’s first hearing was the fact that the principal evidence against him was supplied by a diagnosed sociopath, Sigurdur Thordarson, who had been convicted of fraud, embezzlement, and crimes against minors, and who later recanted his testimony, saying he had been bribed by the U.S. to say what he did.

Though Julian’s defense in any impartial courtroom based on the rule of law would undeniably be upheld, he remains condemned, locked up, perhaps forever, with the uncertainty of his future a gnawing torture.

Groundswell of Support

Thousands of people from all over the world plan to gather outside the Royal Courts of Justice where the hearing will be held on February 20 and 21 to support Julian, to demand that justice be done. As this is not a trial but a hearing to determine if an appeal against extradition can take place, it is unclear whether Julian will be present, though he has

requested that he be allowed to be in court so he can confer with his lawyers. Though for most of his time in Belmarsh Julian was deprived of a computer—although he was once allowed one that had the keys glued—he has nevertheless played a major role in helping his lawyers prepare his legal case.

Stella Assange, Julian's wife, mother of their two children, and one of his lawyers, has been travelling all over the world trying to convince world leaders, journalists, individuals why it's in all of our interests that Julian be freed, that justice be upheld, that freedom of expression is sacrosanct, as is our right to know, and that governments must be held accountable.

There has been a groundswell of support for Julian as the court date approaches. Day X, as this date has been referred to in calls to action, has rallied even those who haven't been active in Julian's defense to protest in support of what may be Julian's last attempt to be freed. From Boston to Buenos Aires, Sydney to Naples, Mexico to Hamburg, San Francisco to Montevideo, Denver to Paris, and well beyond, major demonstrations have been planned all across the world on February 20 and 21.

What's at Stake

What's at stake for Julian is horrendous. What's at stake for the rest of us is terrifying. If Julian is extradited and convicted under the draconian Espionage Act, the message will be that anyone anywhere in the world who says or writes anything that the U.S. considers against their interests can also be locked away forever.

While the U.S. seems to feel that extraterritorial jurisdiction is its right alone, other countries may decide to follow suit, picking off journalists or activists who don't toe the government line. If a journalist and publisher is locked away forever for revealing truths, a clear message is broadcast, and even more journalists and publishers will self-censor, so the same fate isn't rained down on them. And that ends a free and open press, that kills our right to know.

Today it is open season on journalists in many parts of the world, most egregiously in Palestine where some 120 journalists—and often their families as well—have been targeted and assassinated by the IDF of Israel. Increasing numbers of so-called news organizations unquestioningly publish government press releases essentially as news reports, to maintain access to those governments. Bloggers who write on Twitter or Facebook or other social media sites are frequently censored.

To understand what's going on in the very complex world of today, we desperately need Julian Assange, with his analytical, erudite, prophetic mind, to reveal, assimilate, and interpret this precarious world so we might understand and act.

Some Good News

The good news is that Julian has behind him his devoted family, travelling the world, speaking out for him. The excellent film "Ithaka" shows this in detail and very movingly. Julian also has behind him a dogged legal team of hundreds of lawyers and researchers looking for every possible way to secure his freedom.

And he has behind him the hundreds of dedicated supporters who hold weekly vigils whether in Piccadilly Circus or outside Belmarsh prison or in a square in Brussels or Berlin, or who join marches and rallies all over the world.

The other good news is that Julian is indefatigable. While incarcerated in the Ecuadorian embassy, under very difficult circumstances, during the last year often without Internet or telephone connections, Julian helped to publish 5 million documents, produced 3 books, launched more than 30 publications, and gave 100 talks. And he is extraordinarily resilient—few, if any of us, would be able to go through what Julian has, and to keep on going.

John Pilger, the brilliant journalist and filmmaker who recently passed away, said of his dear friend, whom he visited on several occasions in Belmarsh, “Julian is the embodiment of courage.” As Pilger was leaving the prison visitors room, he looked back at Julian. “He held his fist high and clenched, as he always does.”

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Karen Sharpe is the author of Julian Assange in His Own Words, translated into French (Julian Assange parle), and into Spanish (Julian Assange habla).

Featured image: Campaigners pressing for the release of WikiLeaks founder Julian Assange take part in a demonstration during a Night Carnival in Parliament Square in London, February 11, 2023

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