

# What Awaits Julian Assange After the May 20 Appeal Hearing?

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*On May 20, British High Court judges Dame Victoria Sharp and Justice Jeremy Johnson ruled that Julian Assange could be granted an appeal against his extradition to the U.S. where he faces 175 years in a supermax prison charged with 17 counts under the 1917 Espionage Act and one for computer intrusion—essentially for revealing truthful information about war crimes, for practicing journalism.*

Subsequent to the previous hearing of the High Court of Justice in February, the judges asked for assurances from the U.S. that if extradited, Julian wouldn't risk the death penalty in the U.S., he wouldn't be denied his First Amendment right to free speech, nor would he be subject to prejudice regarding that right because he is not a U.S. citizen. The U.S. provided what they considered assurances, and they were the basis of the May 20 hearing.

Julian's lawyers accepted that the assurance against the death penalty would be upheld, but vehemently objected to the assurances—in name only— that Julian, the award-winning journalist and founder and publisher of WikiLeaks, could benefit from the right to free speech. The feeble non-assurance stated simply that in the U.S. Julian could "seek" protection under the First Amendment.

It is highly questionable that a federal court—which would ultimately try Julian in the U.S.—could be constrained to grant Julian First Amendment rights precisely because the U.S. Supreme Court has previously ruled that foreigners are not entitled to those protections. Even if the U.S. agrees to full assurances, they would be highly suspect: The U.S. has given assurances in the past that Amnesty International, among others, has maintained are not worth the paper they are written on.

Once on U.S. soil not only could Julian see those protections withdrawn or modified, but he could be subject to further charges, particularly related to Vault 7 releases, the *largest-ever*

*publication of confidential documents on the CIA*, which reveal the agency's surveillance methods and misdeeds and further fueled the CIA's determination for revenge.

The judges on May 20 had three options: they could have accepted the assurances, in which case Julian would have forthwith been put on a military plane headed to the U.S. (in fact, two U.S. marshals were present in the courtroom that day, in case that was the decision), where he would never be heard from again; they could have rejected any one of the assurances, in which case Julian would be granted an appeal; or they could have delayed any ruling until a later date.

The judges agreed with Julian's lawyers, that the assurance of Julian's right to free speech was not sufficiently guaranteed, and on that basis granted an appeal. Both sides were given until May 24 to submit a timetable and procedure for the appeal. The date for that could then be set for weeks or months later.

But that wouldn't necessarily be the end of Julian's legal battles: If at that hearing the judges vote against extradition, the U.S. could appeal that decision to the Supreme Court of the United Kingdom, with no final decision for many more months, even years.

## Political Maneuverings

While this case is being held in a courtroom, it has nothing to do with justice but everything to do with politics. From the beginning the British have been taking direction from the U.S., and both former President Trump and President Biden fervently want Julian gone forever. Under Trump, the CIA plotted along with Britain's MI5 to kidnap and shoot Julian on the streets of London when he was in the Ecuadorian embassy where he had been given political asylum.

Biden and the Democrats charge that WikiLeaks releases regarding their undermining of Bernie Sanders' presidential nomination, among other things, were responsible for Hillary Clinton's losing the 2016 election to Trump, and some have even suggested Julian should be "droned" for that.

The WikiLeaks revelations regarding the wars in Iraq and Afghanistan, for which Julian is ostensibly being charged, were huge embarrassments for both the U.S. and the British, because they exposed the lies behind those wars, the barbarity, the torture, the corruption, the true numbers of combatants and civilians killed.

The 10 million documents comprising WikiLeaks revelations have had enormous impact. For example, they have helped win court cases, end torture in Guantanamo, overturn corrupt governments such 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. It's no wonder that this publisher who poses such a threat to the powerful is kept isolated, silenced, behind bars.

Though the U.S. tries to make the case that Julian is not a journalist but a reckless instigator of the theft of classified information whose publication has resulted in innocents being killed, increasing numbers of leaders and politicians have seen that this is not so at all and have come out in support of Julian. And media that previously published and profited from WikiLeaks revelations, then lied about Julian and slandered him, are realizing more and more the repercussions that could fall upon their heads if Julian goes down, so have also

voiced their support.

## Many Questions

It is possible that the court during the next hearing could take its time to deliberate on the assurance questions, then rule that the required First Amendment promises are still inadequate, and Julian goes free. This potential scenario raises a number of questions: What physical or psychological state might Julian be in at that point? Will his condition have deteriorated to such a degree that the U.S. and British governments will be satisfied that he will no longer be a threat? If extradition is denied, can it be assumed the U.S. will file an appeal to the Supreme Court of the United Kingdom, dragging out Julian's incarceration and devastating uncertainty for many months more?

Both governments want Julian silenced forever. But the U.S. "assurances" were so far from what the judges could accept that they had no choice but to rule as they did. The U.S. could easily have provided a better semblance of assurances, even if not foolproof, that the judges would probably have accepted, leaving some to believe that the U.S. lawyers were led by hubris rather than a misguided strategy.

While Sharp and Johnson appeared more reasonable (that's not saying much at all) than the judges in the previous hearings, was that a sincere approach or a façade, to portray themselves as fair and just in the face of so many glaring injustices and violations of due process throughout Julian's case? Not only had Julian's meetings in the Ecuadorian embassy with his lawyers been spied upon, recorded, and sent to the CIA, but his computers and legal notes had been stolen when he was dragged out of the embassy and brought to Belmarsh prison. And the major testimony against him was provided by a convicted sociopath who subsequently retracted his testimony, saying the U.S. had made deals with him to provide it.

On the other hand, this little opening provided by Sharp and Johnson may have little to do with their being reasonable, fair judges but more to do with the fact that the U.S. lawyers made their decision inexorable.

In Britain, judges, lawyers, and politicians almost always come from the same class, have attended the same schools, socialize together—belong to the same "club"—and often work hand in hand. Will the justices who will ultimately hear the next appeal—and these may not be Sharp and Johnson—follow the proscribed path or take a just approach to jurisprudence as it should be applied to Julian's case, though it's only on the First Amendment issue that they can rule?

From the beginning, many have been extremely skeptical of a positive outcome for Julian. Governments, politicians, corporations, militaries that have been exposed by WikiLeaks, and others that fear exposure, do not want to see Julian free to continue publishing truthful information, they don't want to be held accountable. And they want vengeance for what Julian's revealed.

It seems they've had their vengeance. Julian has been locked up in one place or another for nearly 14 years, most of the time under torturous conditions that have broken him down physically and psychologically. If freed, one might wonder, will he have the strength to do what he so brilliantly did before? Do the U.S. and Britain count on his being so broken that his freedom will be of little risk?

## The Message Is the Meaning

Those entities fearful of exposure want other journalists and publishers to get the message: If you write and publish information uncomfortable to those in power committing crimes against humanity, you, too, will very likely find yourself deprived of liberty and maybe even life. You can be snatched up anywhere in the world and locked away forever under the draconian Espionage Act, regardless of your nationality, regardless of where you published, as is Julian's case.

It seems that whether or not Julian is exonerated, those messages have gotten out, loud and clear. Silence and self-censorship have become the unspoken rule. Mission accomplished? Or has the CIA bloodlust for Julian's head not yet been satisfied?

Many believe that Biden the incumbent would not want Julian to be brought in shackles to the U.S. to face a 175-year prison term before the November elections—not a good look for a president who touts freedom of expression (yet of course does everything to suppress it). Hence a probable delay of the decision until after the elections.

When recently asked if he would accord Australian Prime Minister Anthony Albanese's request that Julian be returned to his country of birth, Biden mumbled in a raspy near-whisper, "We're considering it." Yet no further amplification of this seemingly off-handed remark has been heard. Trump, for his part, has said that given what he knows now, he would be in favor of dropping the charges against Julian once elected. But both men have histories of opportunistically flipflopping on promises they make, as this latest one clearly shows.

While many have applauded the High Court's decision, seeing it as very positive, others are less sanguine, seeing it mostly as more of the same, with perhaps a small window of hope. More months will pass before the ultimate decision, during which time Julian will be kept in Belmarsh prison, "Britain's Guantanamo", locked in a 3-by-2-meter cell 23 hours of the day as he has been for more than 5 years. He is suffering from extreme depression and anxiety, which has led to self-harm, and for which he's been prescribed medication. Two years ago, at age 51, he suffered a mini-stroke that could well lead to others, and due to health problems, he was unable to attend the previous two hearings.

This rapidly deteriorating state of Julian's health has clearly been the plan all along. The near-14-year relentless persecution and prosecution of Julian is the real punishment. While there may be an opening to Julian's ultimate freedom, how much longer can he last in his dreadful dungeon before he might be freed?

All the more reason to do everything we possibly can to fight for Julian's freedom while there is still time. To fight for truth and transparency. To fight for accountability and our right to know. To fight for *our* freedom.

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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).*

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