



Written by [Joe Wolverton, II, J.D.](#) on April 13, 2012

## Is Julian Assange Being Denied Due Process?

*"A mother is the truest friend we have, when trials, heavy and sudden, fall upon us; when adversity takes the place of prosperity; when friends who rejoice with us in our sunshine, desert us when troubles thicken around us, still will she cling to us, and endeavor by her kind precepts and counsels to dissipate the clouds of darkness, and cause peace to return to our hearts." — Washington Irving*



During a nearly one-hour interview with Christine Assange the truth of Irving's definition was confirmed to this reporter. Christine Assange, mother to WikiLeaks founder and editor-in-chief Julian Assange (left), is as committed to finding justice for her son as for the rest of the world.

As has been [widely reported](#), Julian Assange is currently being detained under house arrest in the United Kingdom awaiting a decision by that nation's Supreme Court regarding a request for extradition filed by Sweden.

Mrs. Assange told *The New American* that she talks to her son about every 10 days and that he is required to report to the local police station every day. As for his mental and physical state, Mrs. Assange says that he is doing as well as could be expected for someone being detained without being formally charged with any crime — not in the United Kingdom, the United States, or Sweden.

Julian may not be in the United Kingdom much longer, however, as the decision of the Supreme Court is expected to be handed down any day now. Mrs. Assange believes the Court will [tweet its ruling](#) sometime during the week of April 16.

The case pending before the Supreme Court of the U.K. is whether a [European Arrest Warrant](#) (EAW) issued for Julian Assange is valid. If the judges hold that the EAW is valid, then Assange almost certainly will be extradited to Sweden to face charges of sexual assault.

While such accusations, if true, would certainly cast the Wikileaks founder in an unfavorable light, there is more than just a little suspicion that the charges and the manner in which they were brought by Swedish authorities are themselves suspect.

A brief recap of the case against Julian Assange and the role played by WikiLeaks in that matter is in order if one is to understand the numerous questionable actions taken by the governments of four nations (including the United States and Australia) that resulted in the arrest of Assange and the potential imprisonment he faces.

First thing, however, no matter what one may think of Julian Assange, WikiLeaks, or the information that has been released on that website, it must be recalled that Assange has been under arrest for nearly a year and a half without being formally charged with any crime and without being brought before a magistrate to challenge his detention.



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In late July 2010, WikiLeaks released the so-called [Afghan War Diary](#). These documents are a collection of internal U.S. military logs of the War in Afghanistan.

Next, on August 18, 2010 (two days before allegations of sexual impropriety were raised) Anders Hellner, a senior policy adviser to the Swedish Foreign Policy Institute, told Swedish TV News Rapport:

The situation is escalating because an official Swedish party which is represented at the European Parliament (the Pirate Party, which had announced it would host WikiLeaks servers) is taking up what the U.S. views is a very controversial role. The Americans are looking to stop this somehow.

It isn't too much of a strain of credulity to believe that the United States would want to retaliate against Assange for the revelations contained in the Afghan War Diary, particularly those related to the aid given to the Taliban and al-Qaeda by our ersatz "ally" in the War on Terror — Pakistan, as well as the disclosure of the number of civilian casualties precipitated by the military action of the United States and other "coalition" forces.

In the days following the Afghan War Diary release, Julian Assange traveled to Sweden hoping to establish residency and to move the headquarters of WikiLeaks there in order to take advantage of that country's liberal whistleblower laws.

While in Sweden, Julian Assange had consensual sex with two women in August 2010.

As for the two women, one of them invited Julian to speak in Sweden at a seminar about Afghanistan in mid August 2010, while the other says she met Julian at a seminar and invited him home.

Importantly, both of these women have made sworn statements to the police in Sweden that their relations with Assange were consensual and non-violent.

In fact, discovery procedures revealed the existence of exculpatory evidence (chiefly text messages sent by the women to friends) that demonstrate that neither considered their encounter with Assange as anything other than consensual.

Later, after learning of each other's existence, the two women apparently (as is evinced by over 100 texts exchanged between the two of them) concocted a plan to making money by going to the press with a different account of their sexual relations with Assange.

The next day, after reviewing the file, Stockholm's Chief Prosecutor Eva Finne dismissed the rape allegation.

"I consider there are no grounds for suspecting he has committed rape," said Finne.

At this point, authorities began an inquiry into the possibility of charging Assange with the lesser crime of harassment.

Convinced of his innocence, on August 30, 2010, Julian Assange went to the police and offered to be questioned regarding the allegations of rape that were now being reprinted on many websites.

Despite assurances from the Swedish police that his interview would remain sealed, the next day the Swedish tabloid paper *Expressen* ran a story containing details of the interview.

As the case inexplicably continued, Swedish Social Democrat politician Claus Borgstrum was appointed as lawyer for both women.

It is curious to note that, one month after the allegations against Assange surfaced, Borgstrum stood for election on a platform of aggressively prosecuting and punishing those accused of sexual offenses.



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After being assigned to the case, Borgstrum appealed the Chief Prosecutor's decision to throw out the rape charges to another prosecutor, Marianne Ny. Julian Assange was not informed about the appeal, and was thus denied the opportunity to respond to the reinstatement of the charges. On September 1, 2010, Marianne Ny granted the appeal and reinstated the rape investigation against Assange, despite the obvious and unexplained denial of due process to the accused.

Julian Assange did not demonstrate the comportment of a guilty man as he stayed in Sweden for five weeks in order to answer the serious charges against him that were once again being investigated. In fact, Assange made many attempts to arrange an interview with the prosecutor; all offers were rejected and Assange was granted permission to leave Sweden to attend a previously arranged business meeting.

The rest of the story is succinctly recited in [an article published by Business Insider](#):

On September 27, Ny ordered that Assange be arrested. Assange's lawyers were informed on September 30, and by that time he had left Sweden. Ny stated that Assange "was 'not a wanted man' and would be able to attend an interview 'discreetly'" despite the warrant for his arrest, according to the Agreed Statement of Facts.

In October and November Assange's lawyers offered a telephone or video-link interview (because telephone or video interviews with suspects abroad are lawful in Sweden and qualify for the purposes of a preliminary investigation), but the options were denied as Ny insisted that Assange be interviewed in person.

After the first EAW was denied by UK's Serious Organised Crime Agency (SOCA) because it "failed to specify the punishability in respect of each offence," Ny submitted a replacement EAW on December 2. It was certified by SOCA on December 6, Assange was arrested on December 7 and has been under house arrest while he appeals the EAW.

Thus, by simply looking at the Agreed Statement of Facts and Issues — without discussing the Swedish gender politics involved or how the media have treated Assange — it seems that Assange's argument that the EAW is invalid holds water because Marianne Ny seems more like an enthusiastic prosecutor than an impartial "judicial authority."

And that is the current status of the case today. If the appeal of the EAW is rejected by the U.K. Supreme Court, Julian Assange would be extradited to Sweden, where he would be arrested for the charges pending against him there.

Beyond the legal proceeding facing him in Sweden, Assange could also be extradited from Sweden to the United States where he could face serious charges of espionage or conspiracy regarding the disclosure by WikiLeaks of the Afghan War Diary and other caches of documents that reveal significant deception of the people on the part of the government of the United States particularly in regard to the ongoing prosecution of illegal wars in Iraq and Afghanistan.

Ironically, it was a [WikiLeaks disclosure made in February](#) of emails from the security firm Stratfor that reveal that an indictment was secretly made by a secretly impanelled American grand jury as early as January 26, 2011.

Again, regardless of one's personal opinion of Julian Assange's morality, there is no question that in every step of the case pending against him, Assange has been denied due process and the fundamental civil liberties that should be the right of all free people.



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As Christine Assange told *The New American* in defense of her son and of liberty, “We are now living in a world seemingly run by a one-world global government where whistleblowers are traitors and journalists are enemy combatants.”

*Photo of Julian Assange: AP Images*



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