



Swedish Court Denies Julian Assange's Appeal of Arrest Warrant

A Swedish court of appeals last Thursday denied a motion by Julian Assange to vacate the arrest warrant against him still pending in that country. The ruling makes it likely that Assange, the founder of WikiLeaks and whistleblower extraordinaire, would be extradited to Sweden should he chose to leave the asylum of the Ecuadorian embassy in London.



The court's statement referenced Assange's unique living arrangement, as well as the gravity of the charges still pending against him. The ruling reads in part:

In making this assessment, account must be taken of the fact that Julian Assange is suspected of crimes of a relatively serious nature.

There is a great risk that he will flee and thereby evade legal proceedings if the detention order is set aside. In the view of the court of appeal, these circumstances mean that the reasons for detention still outweigh the intrusion or other detriment entailed by the detention order.

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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 should he be extradited to Sweden as the appeals court decision seems to desire.

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 (or constructively so) for nearly four years without being formally charged with any crime and without being brought before a magistrate to challenge his detention.

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 Pakistan, our ersatz "ally" in the War on Terror, and the disclosure



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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.

Insisting that he’s innocent, 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.

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 in 2012 by *Business Insider*:



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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 [European Arrest Warrant] 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."

Finally, regardless of one's assessment of Julian Assange's morality, there is no question that in every step of the case pending against him, including Thursday's decision of the Swedish court of appeals, Assange has been denied due process and the fundamental civil liberties that should be the right of all free people.

Photo of Julian Assange: AP Images

Joe A. Wolverton, II, J.D. is a correspondent for The New American. Follow him on Twitter @TNAJoeWolverton.



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