

Julian Assange's temporary reprieve means Australia must now work aggressively to ensure his release



WikiLeaks founder Julian Assange faces 18 federal counts related to allegations of illegally obtaining, receiving and disclosing classified information. (Photo by AFP)

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There is only political upside for Albanese in picking up the phone to Biden, not waiting for an appeal to wend its way through the UK courts

The decision by the UK high court to allow the WikiLeaks founder Julian Assange leave to appeal against his extradition if the US does not provide assurances about his right to the first amendment, no death penalty and equal treatment under US law, is yet another milestone in this long-running case. Meanwhile Assange languishes in the notoriously harsh Belmarsh prison in London.

Assange faces criminal charges carrying a possible sentence of 170 years' imprisonment for publishing materials in 2010 which exposed war crimes by the US in Iraq and Afghanistan.

The decision overnight, particularly given its lack of certainty, does not provide any excuse for the Albanese government to take its foot off the pedal. It must now work aggressively to ensure that the US president, Joe Biden, and his attorney general, Merrick Garland, end this dangerous attack on freedom of the press, which threatens journalists and publishers around the world.

And the Assange case is also about keeping an Australian citizen safe. Anthony Albanese also knows that in 2021 Yahoo News reported that senior CIA officials discussed having Assange assassinated. If he were forced to go to the US now his life would be at real risk.

It is important to remember there is a human being involved in this case and the longer this case goes on the more the mental and physical health of Assange suffers. He has been fighting off the US legal pursuit of him for 12 years now. He spent seven years in the Ecuadorian embassy in London before being detained in Belmarsh in 2019 – five years ago. And of course he has a family – his wife, Stella, and two young children.

There is no public interest in this attempt by the US to prosecute Assange. This is for a number of reasons. One is the fact that that, as Gabriel Shipton, Julian's brother, says, this case "has gone on long enough" and "there are no benefits served in Julian's continual incarceration". He is reflecting a widely held view in the community.

But more broadly this case should be stopped because it represents an unprecedented attempt by the US to prosecute an individual who is not one of its citizens, and who was not in the US when the WikiLeaks material was published. This is called extraterritorial reach and generally the law frowns on it. Allied to this dangerous undermining of the rule of law is that if the US is successful in locking Assange away for the remainder of his life then the chilling impact of that on journalists and publishers will be immense.

To reward the US in the Assange case is to say that any person, anywhere in the world, who publishes materials which the US government doesn't want the world to know about could find themselves on the end of an extradition request from the Department of Justice.

Australia, along with the US and the UK, last year criticised China for the extraterritorial application of its Hong Kong security law. It is, according to a state department spokesperson "a dangerous precedent that threatens the human rights and fundamental freedoms of people all over the world". Unless the US and Australia release Assange now they can't claim any moral high ground on this issue.

There is only political upside for Albanese in picking up the phone to Biden, and not waiting for an appeal to wend its way through the UK courts. Assange has support from a political rainbow coalition in Canberra. Albanese can point to Australia's commitment to Aukus, to the US-China containment strategy and the submarine deal and indicate that Australians across the ideological spectrum want Assange to come home.

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