

Assange again

Bernard Porter

KKeep a scandal simmering for long enough, and people will get bored with it. That must be most people's reaction to the latest development in the Assange case: a UN ruling that he has been 'unlawfully detained'. He's an odd-looking fellow, and hasn't he been accused of rape? Why shouldn't he go and face the music in Sweden for that? Especially if he's as innocent as he claims. And – the final straw – how could he be said to be 'unlawfully detained' when he detained himself? (In the Ecuadorian embassy in London, to avoid extradition.) Well, my longish piece of about a year ago explains pretty clearly, I think, how and why.¹ I've little to add to that. It still stands. The UN ruling bears me out to the hilt. (He's 'unlawfully detained' because bad legal judgments have restricted his freedom of movement.) But do you think the British and Swedish governments will take any notice? Or will need to, in view of his semen-smeared reputation?

I won't go over the whole issue again. I'm getting bored too, which is a shame, as I'm broadly on his side. To my mind the basic question is quite simple. Assange was perfectly willing to face trial *either* if he were questioned in the UK, which is a normal practice; *or* if the Swedish government would promise – which it is in their power to do – that he wouldn't be extradited from there to the USA on Wikileaks-associated espionage charges. Extradition laws in the past have always contained provisions against 're-extradition', for an obvious reason: to prevent governments from seeking extradition on spurious grounds. It is genuinely puzzling, and may also be suspicious, that those two very fair and straightforward requests weren't met.

But this doesn't seem to have percolated into the

1 <<http://www.lobster-magazine.co.uk/free/lobster69/lob69-julian-assange.pdf>>

current public debate on the Assange case, outside the fringes of the blogosphere, that is. Much of this seems to be almost entirely fuelled by prejudice against him; some of which, as it happens, I might share. I'm not sure that, if I met him, I would like Julian Assange very much. (I may be wrong.) Part of that has to do with what I described in my earlier article as his 'caddish' behaviour towards the women who fall for his (undoubted) charm. I'm also not at all convinced that all his Wikileaks revelations were politically justified, even in liberal terms; or that governments should not be allowed some degree of strict confidentiality to pursue delicate negotiations.

Enter Marianne Ny

None of this, however, bears on the huge doubts I have about the rectitude of his attempted extradition from Britain to Sweden four years ago, on charges that may be flimsy. The point about justice is that it should apply to people you don't approve of as well as to those you do. Remember that Assange originally gave himself up voluntarily to the Stockholm police, who ruled that no charges should be brought against him – the evidence was too flimsy, and the women involved hadn't asked for his arrest – before the redoubtable Marianne Ny stepped in – she's a prosecutor from the other side of Sweden – to order his *re*-arrest. The extradition request was even more dodgy. It was acceded to on her say-so alone, and without any formal charges being laid. He's only wanted for questioning – again. Isn't this odd? Since 2014 Britain has incorporated new safeguards into the European Arrest Warrant (EAW) – for example, that it would require the authority of a judge in the requesting country, not a mere prosecutor – which as a result would certainly have ruled out Assange's extradition under it today. The EAW was originally passed, of course, to facilitate the extradition of terrorists and mobsters. Only Madame Ny will think that initiating sex with a partner before she's had her first cup of coffee (I exaggerate, but not by much) ranks on this level. All this is suspicious, and, together with Sweden's covert closeness to the USA (revealed, as it happens, by Wikileaks), gives some ground for

Assange's fear that the Swedes might send him on. I should add that many Swedes of my acquaintance share these doubts and suspicions.

I despair that most of the public commentators on the UN declaration that I've read, in both the British and the Swedish press, have entirely neglected these considerations, building their arguments on the prejudice against him; the idea – which is false – that he is trying to avoid Swedish justice; and pressure from feminists whose understandable desire to punish sexist bastards seems to conflict, here, with the basic legal requirement of the presumption of innocence. Supporters of Assange are assumed to be pro-rape, or at least to treat it lightly. A previous Swedish prime minister claimed – in this connection – that this was true of Britain generally. This makes it difficult to raise his case at all sympathetically in Sweden – I live there half the year, so I know. (My Swedish partner thinks I'm quite 'brave'!)

Defenders of Assange's extradition also assume that the Swedish justice system is perfect, like most other things Swedish, which – as I've shown in other posts – is very far from the truth.² (No juries; solitary confinement in prison before trial; defendants left in ignorance of the cases against them; secret trials in rape cases; and more. I wouldn't like to come up before the beak, and his or her two politically-appointed henchpeople, in Sweden.) There's also the argument, of course, that 'well, he's not as badly off as some', which of course is true, but also irrelevant, and could be used to excuse almost any injustice. And I'm sure that chauvinistic Tories and crusty old English lawyers simply resent being told off by the UN.

Censorship

I'm also starting to take some of the 'conspiracy theories' surrounding this case seriously. That worries me. I've always resisted this way of thinking, possibly naively. (It can be

² See <<http://www.lrb.co.uk/blog/author/bernard-porter/>> entries for 11 November 2014, 21 May 2013, 20 August 2012, 6 May 2011, 11 February 2012.

curtains for an academic.) In connection with the Assange case, however, the signs of collusion between Swedish, British and *American* governments are too blatant to be ignored entirely. And this is confirmed by the censorship that seems to be going on in the printed media or on 'respectable' websites of pieces supportive of Assange. Craig Murray's website gives some examples of this.³ I think I may have experienced it myself. When last year I tried to post a comment on a *Guardian* site about the EAW which dared to mention Assange (politely and non-contentiously) I was immediately 'pre-moderated' – i.e. banned from all areas of its website – on quite ludicrous grounds (I was being 'irrelevant' and 'commercial'). This ban that lasted six months, until a friendly editor, for whom I sometimes write book reviews for the print version, got it lifted for me. Since then I've noticed that when the *Guardian* carries reports on the Assange case, it never permits comments 'below the line'. Can you blame me for harbouring suspicions – along now with Assange – of the 'powers that be'? They certainly have their reasons for getting at him. Or is it *just* the feminists?

Let me add one more thought. Marianne Ny's refusal to examine Assange outside Sweden has, of course, been the main reason for the stand-off that is keeping him in the Ecuadorian embassy – at a cost of millions for policing borne, I presume, by the British taxpayer. (That's another reason for attacking him.) She's still making things difficult for him in this respect. Does she – it has occurred to me, perversely – genuinely want to bring him to trial in Sweden? If he *were* to stand trial there, it would – insofar as it was conducted in public (and there are doubts about that) – be highly publicised internationally; and if the case against Assange is as weak as some of us suspect, it would show her up, and possibly the whole Swedish judicial system, in a very poor light. She, and it, might be laughed out of court. That's a huge risk, both for the 'progressive' reputation and for the national dignity of Sweden, no less. Better to let him stew.

³ <<https://www.craigmurray.org.uk/archives/2016/02/why-the-assange-allegation-is-a-stitch-up/>>

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