



Written by [Joe Wolverton, II, J.D.](#) on June 15, 2012

U.K. Supreme Court Denies Request to Reconsider Assange Extradition Ruling

On Thursday the Supreme Court of the United Kingdom [“dismissed the application”](#) filed by WikiLeaks founder and editor-in-chief, Julian Assange, to re-open the appeal filed by his legal counsel of the Supreme Court’s earlier decision to authorize his extradition to Sweden.



As reported by the *Wall Street Journal*, despite the U.K. Supreme Court’s rejection of Assange’s request, he retains the right to appeal that denial to the European Court of Human Rights (ECHR). A spokesman for WikiLeaks is quoted in the *Wall Street Journal* saying that Assange is “in discussions with his lawyers” with regard to the possibility. The Assange legal team refused to comment when contacted by *The New American*.

According to the [applicable rules of procedure](#), the ECHR has 14 days after receipt of a qualifying application for appeal in which to decide if it will take a case.

In the [ruling issued by the U.K. Supreme Court on May 30](#), the Swedish government could begin the extradition process as early as June 13.

The case brought before the Supreme Court of the U.K. concerned whether a [European Arrest Warrant](#) (EAW) issued by Sweden for Julian Assange was valid. In its ruling of May 30, the seven-member panel of judges held that the EAW was valid and as a result Assange now 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) 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 two years without being 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



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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 make 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.

After being assigned to the case, Borgstrum appealed the Chief Prosecutor's decision to throw out the



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rape charges to another prosecutor, Marianne Ny.

Unfortunately, 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, but 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 U.K.'s Serious Organised Crime Agency (SOCA) denied the first EAW 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 remained under house arrest throughout the arduous appeal process.

By a simple analysis of the Agreed Statement of Facts and Issues — without discussing the Swedish gender politics involved or how the media have treated Assange — it appears that Assange's argument that the EAW is invalid should have persuaded the British judges that Marianne Ny was more of an "enthusiastic prosecutor than an impartial 'judicial authority.'"

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 e-mails 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.

Based on a reading of Chapters 4:4, 6:1, and 6:10 of the [Swedish Penal Code](#), within four days of his arrival in Sweden, Assange should be brought before a court in Stockholm to consider whether he will be detained in prison pending additional inquiries into the crimes of which he is suspected of



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committing.

Photo of Julian Assange: AP Images



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