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Assange's Fate Awaits US 'Assurances'

The High Court on Tuesday rejected six Assange grounds for a new appeal, agreeing he had only three minor arguments but that the U.S. could mollify them with new "assurances," reports Joe Lauria.

Julian Assange outside London's High Court. (Screen Shot, Consortium News, 2018 video)

By Joe Lauria
in London
exclusive to Consortium News

The High Court in London on Tuesday gave the United States an opportunity to relief Julian Assange from his fate if he wins a appeal for those Office's order to extradite him to the U.S. for espionage charges.

In a complex ruling at the Royal Courts of Justice, the court agreed with Assange that he had grounds to ask for an appeal, but invited the United States to give the court assurances by April 26 that could negate Assange's arguments.

Specifically, the two-judge panel ruled that Assange had grounds to appeal because his extradition was incompatible with his rights of expression in the European Convention on Human Rights, that he might be prejudiced because of his nationality (not being given an Amendment protection as a non-American) and because he had inadequate protection against the death penalty. (Without such an assurance Britain would violate Article 2.)

However, the judges ruled, in allowing the U.S. to give written assurances that all these rights won't be violated, if the U.S. misses the April 26 deadline then Assange will be allowed to appeal his case on those three grounds only.

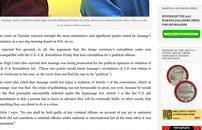
If the U.S. meets the deadline, the parties will have until April 30 to make submissions about the assurances. The judges will then decide if assurances from the previous High Court decision in which they overturned the lower court's decision not to extradite Israel while on appeal, U.S. assurances that Assange would not be mistreated in U.S. prisons.

In that case, Assange's lawyers were not permitted to challenge the validity of the assurances. The U.K. Government had argued that assurances were binding and could be relied on. This time, the High Court will allow Assange's legal team to pick apart the assurances.

Submissions about the assurances by both sides would have to be filed by May 14 and then the case would be adjourned to May 20, at which time there could be a final hearing on the question of whether to allow Assange to appeal.

If he is found to be unsuitable extradited to the U.S., unless the European Court of Human Rights issues an injunction in time to stop it.

Court Rejects Heart of Assange Arguments



Assange inside London's heavily-fortified Belmarsh Prison in prison clothes in a video of prison visits. (Screen Shot, Video Screenshot, Consortium News, 2018)

The court on Tuesday rejected outright the most substantial and significant points raised by Assange's barristers at a two-day hearing heard on Feb. 20-21.

It rejected five grounds in all for appeal, including that the home secretary's extradition order was incompatible with the U.S.-U.K. Extradition Treaty that bars extradition for a political offense.

The High Court also rejected that Assange was being prosecuted for his political opinions in violation of U.S.-U.K. Extradition Act. (These two points would mean Assange's extradition of U.K. was crimes is non-relevant to his case and the court ruled that he can be extdited.)

The court also ruled that Assange could not argue a violation of Article 7 of the convention, which is supposed to ensure that no prosecution is based on a retroactive application of a criminal law that was not in force when the first journalist successfully violated the Espionage Act. Article 7 is like the U.S. 1st Amendment in that a person has to know in advance they will be criminally liable, in other words, that something they are about to do is a crime.

Article 7 says: "No one shall be held guilty of any criminal offence on account of any act or omission which did not constitute a criminal offence under national or international law at the time when it was committed."

The court found Assange's argument that his extradition was incompatible with the right to a fair trial under article 6 of the convention, and that it was incompatible with the convention's article 8, the right to life and a freedom from torture or inhuman or degrading treatment.

Extraordinary

Video by Journal on Assange Appeal

"I find it astounding that five years into this case the United States has to show that their conduct is compatible with the fundamental rights of a journalist, that is what we are dealing with," said Assange's barrister Edward Fitzgerald, who, following Tuesday's court hearing, said he had underwritten this. Date of course here can be to be used in the Treaty Office?

Julian is a political prisoner. He is a journalist. And he is being prosecuted because he exposed the true cost of war to human lives. This case is a retribution. It is a signal to all of you that if you expose the immense lies are driving, war lies, you will come after you. They will put you in prison, they will try to kill you.

Assange is 46 days away from the 50th anniversary of his arrest and imprisonment in Belmarsh, without conviction. "The charges against him are to punish him for publishing the truth, for publishing evidence of war crimes and corruption, that is being extradition for," said Bob Jeffrey.

Bob Jeffrey, barrister for Julian Assange, speaks to Consortium News in a new video program to remedy a failing.

Video by Joe Lauria, edited by Cathy Gaspo

Joe Lauria is editor-in-chief of *Consortium News* and a former U.N. correspondent for the Wall Street Journal, Boston Globe and Sunday Times (London). His latest book, *Politics Without Illusions*, with Andrew Kolb, and the new edition of *Confessions of an Investigative Reporter* for the Sunday Times of London, a financial reporter for *Bloomberg News* and began his professional work as a cub year old stringer for *The New York Times*. He is the author of two books, *A Political Odyssey*, with Sen. John Kerry, forward by Daniel Ellsberg, and *Hard Cash* by Hillary Clinton, forward by Julian Assange. He can be reached at joelauria@consortiumnews.com and followed on Twitter @joelauria.

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