

The Julian Assange Extradition Case: What You Need to Know

A British judge rejected an American effort to send the WikiLeaks founder to the U.S. to face charges of violating the Espionage Act and hacking government computers.



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A judge in London on Monday rejected an American effort to have the WikiLeaks founder Julian Assange extradited to the United States, where he faces charges of conspiring to hack government computers and violating the Espionage Act by obtaining and releasing confidential documents in 2010 and 2011.

The decision by the judge, Vanessa Baraitser, to deny the extradition request gave Mr. Assange an important legal victory at a time when recent U.S. administrations have increasingly used the Espionage Act against journalists' sources.

The United States has two weeks to file an appeal, and it is expected to do so. A ruling in favor of the U.S. extradition request could have paved the way for a high-stakes trial that Mr. Assange has sought to avoid for years, and which his supporters say would pose a dangerous threat to press freedom. Mr. Assange would face up to 175 years in prison if found guilty of all charges.

Here is what you need to know about Monday's ruling.

Where could the case go now?

Judge Baraitser did not rule on whether Mr. Assange was guilty of wrongdoing, but whether the U.S. extradition request met requirements set out under a 2003 extradition treaty with Britain — namely, that the crime of which Mr. Assange was accused could also have led to trial in Britain, had he committed it there.

In the ruling, Judge Baraitser said she was satisfied that the American authorities had pursued the case in good faith and said that Mr. Assange was not merely acting as a journalist.

But, she added, there was evidence of a risk to Mr. Assange's health were he to face trial in the United States, and in particular that there was a "substantial" risk that he would kill himself if he were extradited.

The judge's ruling does not end the politically delicate case: Appeals are likely to keep it in the courts for months. Even if it were overturned, the case would then go to a British cabinet minister, the home secretary, who has the last word on extraditions.

Any choice would be fraught. Mr. Assange is such a high-profile figure, and the charges he faces in the United States are so serious, that a decision by the British authorities will have long-lasting consequences.

Should Mr. Assange ultimately lose in Britain, his legal team could also attempt to take the case to the European Court of Human Rights. If he eventually prevails, he could be freed.

President-elect Joseph R. Biden Jr. could play a critical role in determining the fate of Mr. Assange. In 2010, as vice president, Mr. Biden called the WikiLeaks founder a "high-tech terrorist," but it remains unclear what he would do as president. Mr. Biden could pardon Mr. Assange, or the Justice Department could drop the charges against him, or carry on with the prosecution.

Calls for President Trump to pardon Mr. Assange have also grown in recent weeks as Mr. Trump has issued a wave of pardons and commutations before his term ends.

Britain has turned down several extradition requests from the United States in recent years. In 2012, it refused to extradite Gary McKinnon, a British hacker who breached U.S. government computers in 2002, on the basis that he was too ill. In 2018, a High Court ruling also blocked the extradition of Lauri Love, who was accused of breaking into U.S. government websites.



Julian Assange leaving Westminster Magistrates' Court last year. Facundo Arrizabalaga/EPA, via Shutterstock

What is at stake with the ruling, and any U.S. trial?

The ruling, at least for the moment, spares Mr. Assange the prospect of life in prison.

The U.S. government considers Mr. Assange an individual who has put lives at risk by revealing names of U.S. personnel and informants who provided valuable information in dangerous places like war zones.

“Reporting or journalism is not an excuse for criminal activities or a license to break ordinary criminal laws,” James Lewis, a lawyer representing the U.S. government, told the British court last year.

But news organizations and rights groups say the charges Mr. Assange faces pose a serious threat to press freedom.

“The future of journalism and press freedom is at stake here,” said Rebecca Vincent, the London-based director of international campaigns at Reporters Without Borders.

“If the U.S. government is successful in obtaining Mr. Assange’s extradition and prosecuting him in the U.S., then it could prosecute any journalist and news organizations under similar charges,” Ms. Vincent added.

Greg Barns, an Australian lawyer and adviser to Mr. Assange, said, “The greatest risk for him in the U.S. is that he won’t face a fair trial.” Mr. Barns added: “He could spend the rest of his life in solitary confinement, treated in a cruel and arbitrary fashion.”

Why is Mr. Assange in a British prison?

In 2012, Mr. Assange entered the Ecuadorean Embassy in London to escape an extradition request from Sweden, where he faced rape accusations. He spent seven years in the embassy, but was arrested by the British police in 2019, and later sentenced to 50 weeks in prison for skipping bail when he entered the embassy.

The charges in Sweden have been dropped, and Mr. Assange has completed his 50-week sentence. He is not accused of any crime outside the United States, but he remains at the Belmarsh prison in London while Britain decides on his extradition. His bail requests have so far been rejected.

Several doctors have said that Mr. Assange suffers from depression and memory loss and could attempt to kill himself if he were extradited.

Nils Melzer, the United Nations special rapporteur on torture and ill treatment, who has examined Mr. Assange in prison, said last year that his incarceration amounted to “psychological torture.”

“I can attest to the fact that his health has seriously deteriorated, to the point where his life is now in danger,” Mr. Melzer said last month in urging Mr. Trump to pardon Mr. Assange.



Mr. Assange addressed reporters from the Ecuadorean Embassy in London in 2017. He spent seven years there. Matt Dunham/Associated Press

Why is Mr. Assange wanted in the United States?

Mr. Assange, 49, was indicted in 2019 on 17 counts of violating the Espionage Act for obtaining and publishing secret military and diplomatic documents. He was charged with violating the Computers Fraud and Abuse Act.

Mr. Assange's promotion of government transparency has made him a hero to many, but he has also been criticized as a publicity seeker with an erratic personality.

The publication of the material exposed wrongdoing by the United States in Iraq and Afghanistan, and rights groups have hailed their release as valuable information for the public. Rights groups like Reporters Without Borders and Amnesty International have called for all charges to be dropped.

"The activities that Julian Assange engaged in are activities that journalists engage in all the time," said Julia Hall, Amnesty International's expert on counterterrorism and criminal justice in Europe. "We wouldn't have information without them."

What happened during the extradition hearings?

The hearings were delayed by the coronavirus pandemic and technical glitches that rights groups said hampered their ability to monitor them.

In February, Mr. Assange appeared in a glass box, where he could not hear properly, according to observers. In September, after an outburst from Mr. Assange, the judge warned that he would be removed from the courtroom if he kept interrupting prosecutors. Mr. Lewis, acting for the U.S. government, argued that Mr. Assange faced extradition over the publication of informants' names, not for handling leaked documents.

In their closing remarks, lawyers for Mr. Assange argued that accusations of espionage constituted a political offense, and that an extradition on the basis of a political offense was barred by the extradition treaty between the Britain and the United States.

Asked whether he would consent to extradition to the United States, Mr. Assange replied: "No."