



Human Rights Lawyer Jennifer Robinson on the Dangers of Extraditing Julian Assange

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Moderator:

Our next speaker is Jen Robinson. Jen is a barrister with Doughty Street Chambers in London. She's a member and adviser of Julian Assange's legal team and she recently provided expert advice on international law to the U.N. inquiry into the death of journalist Jamal Khashoggi. I'd also like to welcome to the stage Richard Burgon, who has joined us [incomprehensible] [Applause]. Over to you Jen.

Jennifer Robinson [JR]:

We are facing a situation where a journalist and an editor faces 175 years in prison for publishing truthful information. For publishing the very publications for which he's been nominated for the Nobel Peace Prize. He's won the Sydney Peace Prize and the Walkley Award in Australia for the most outstanding contribution to journalism.

That is how stark the situation is and that is how stark the situation is that faces Julian Assange. I always think it's important to remember what these publications were and their significance. The publications for which he now sits in a high security prison over in Belmarsh:

“Collateral murder” [Name of the publication] - evidence of a war crime, the killing of journalists in a conflicts where they pose no risk.

The Afghan war logs, the Iraq war logs, evidence of torture, the mistreatment of political detainees, the killing of civilians far beyond what the US government was reporting to its own citizens and to the world. Cablegate, the diplomatic cables that revealed the true nature of U.S. imperialism. The fact that the United States was ordering the spying on U.N. diplomats. Corruption, torture, human rights, abuse, war crimes, the world over.

These are the publications for which he sits in prison. This is the very same material for which WikiLeaks and its media partners have been recognized the world over with journalism awards. This is the same material that has been cited in the European Court of Human Rights to hold European states accountable for their complicity in CIA renditions. This is the same material that was cited both before the UK Supreme Court in this country and the International Court of Justice in the Chagos Islands case, setting a precedent that WikiLeaks cables can be used as evidence in human rights cases around the world and certainly in this country and in the Commonwealth.

I think it's also important to remember that Julian sits in prison for the same publications which were published together with media partners around the world: Der Spiegel, The New York Times. The Guardian. Le Monde, El Pais. But so far, Julian is the only person that is facing prosecution for these publications. At least so far.

Since 2010, we've been warning about what this precedent would mean, as the New York Times general counsel has said, "it is impossible with respect to these publications to distinguish between what WikiLeaks did and what The New York Times did". For that reason, we'd been saying for years that the media needed to stand with WikiLeaks to defend against this precedent being set, because it would have a chilling impact on investigative journalism the world over. Now that we have the indictment from the United States, the very thing that we warned about since 2010, we can see that this indictment is an effort to criminalise journalists for stock standard communications with their sources for receiving and publishing information in the public interest. This is as The New York Times and The Washington Post recognized, the criminalization of typical journalistic practices that have been used for decades in the public interest.

We talk about what this case means, and I think we need to talk about what it means for both journalists and editors around the world with respect to the United States and what it says to other countries. This precedent that the Trump administration is pursuing means that any journalist or any editor anywhere in the world who receives and publishes truthful information about the United States could be extradited and sought for prosecution in the United States. What does that say to China or to Russia or to Saudi Arabia? How would we react in the U.K. if a British journalist's published secret information that obtained about the murder of Jamal Khashoggi from Saudi Arabia and then was sought for prosecution and extradition to Saudi Arabia to face prison? Let alone 175 years in prison for having published that information in the public interest. There would be outrage and rightly so. Already we're seeing in Bolsonaro's Brazil American investigative journalist Glenn Greenwald is now being prosecuted on precisely the same case theory that the United States is running in this case. That is, that journalists can be criminalized and accused of conspiracy for the alleged illegal acts of their sources in revealing information in breach of their own legal obligations. That is a dangerous, dangerous precedent. It may now be Julian and it may now be Glenn Greenwald. But who will be next?

I think it's important that Kristinn Hrafnsson [Wikileaks Chief Editor] referred to the semantics being used by the CIA. In 2017, it was Mike Pompeo who said as then as director of the CIA, that WikiLeaks is a hostile non-state intelligence agency. This kind of semantics is the sort of thing we've seen from the US government in other contexts to justify previously unthinkable action. Whether we talk about torture and the phrase "enhanced interrogation techniques", a term used to politically justify what is an unacceptable and illegal practice. Whether we talk about "unlawful enemy combatants", the phraseology used in the context of Guantanamo to lock people up in circumstances that we previously could hardly have imagined in the United States at least. That is the precedent is being used here that a publisher, a journalist and a journalistic organization, an award winning publishing organization is being branded a "hostile non-state intelligence agency". We have to be very wary of what that semantics means, and now we're seeing it not just in bluster from the director of the CIA, but now in the arguments of the Department of Justice in arguing that a foreign national shouldn't benefit from First Amendment protections.

The extradition hearing is going ahead on the 24th of February. There'll be a separate three more weeks of evidence in May. Of course, we're preparing for a case that the world's superpower has had 10 years to do to prepare for in circumstances where our legal meetings have been spied upon. We now know that my meetings with Julian were recorded and that evidence was handed over to the United States in breach of legal privilege. We also have had difficulty arranging access to Julian in prison, we've had difficulty with visits. We had to threaten litigation in order to be able to hand him documents. He still doesn't have the correct computer facilities in prison to be able to defend [himself in] this case. But we will do the best we can.

It's really important, I think to at least, Julian has asked me, actually, I saw him in prison this morning and he's asked me to pass on his thanks to all of you who continue to turn up to protest the situation and to provide support both to WikiLeaks and to the Courage Foundation, which is fundraising for his legal defence. One of the things that I've struggled with is someone who has been working on his legal team for the last decade. I walked him into the police station in December 2010. He has been under some form of restriction on his liberty since that time. Whether it be under house arrest within the embassy and now in a high security prison. I have had to continually resist the normalization of this treatment of an award winning editor, and it's important that we continue to do that. So thank you for coming and thank you for organizing.

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