

## Day 1: Julian Assange Appeal Hearing

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**Taylor Hudak:** I'm here outside the Royal Courts of Justice in London. We just wrapped up the first day of what could be Julian Assange's final appeal hearing in the UK. This is the defence's last opportunity to argue before the courts that his case should be heard on appeal once more. The outcome of this case will in fact determine if he is able to appeal, or if he will enter the extradition process. The judge addressed the court, stating that Mr. Assange had requested to attend the hearing in person. He was granted permission, however, he is unable to attend due to his health. The court began with defence lawyer Edward Fitzgerald reflecting on a summary of the case, stating that on January 4th of 2021, the district judge initially rejected the extradition request, stating that it would be oppressive to extradite Assange due to his health condition. She cited section 91 of the UK Extradition Act of 2003. However, on appeal, this decision was reversed based on new US assurances brought before the court. The defence argued that the applicant is in fact being prosecuted for political offences, as espionage is clearly a political offence and this constitutes an abuse of process. Charges of espionage have historically been viewed as political offences, and that the courts have traditionally barred individuals from being extradited from the UK to other countries for political reasons or espionage. The defence continued to state that prohibition on extradition for political offences is an age old tradition, and it's a value that is embraced by the UK government for a very long time. It is also a fundamental protection recognised in international law. The UK government has extradition treaties with 158 countries. Out of those 158 extradition treaties, 156 of them include a provision which prevents extradition for political purposes or political offences.

Defence attorney Mark Summers addressed the court, reflecting on Julian Assange's work through WikiLeaks, which exposed high level state criminality. This point in fact went unchallenged during the full extradition hearings in 2020. Summers cited the State Department cables which exposed extrajudicial assassination, renditions, torture, dark prisons, rough killings, and this evidence was in fact relied upon by several foreign courts. Summers continued to discuss the work of WikiLeaks in reference Guantanamo assessment briefs, which disclose the fact that detainees were renditioned and were also tortured in GITMO. The Afghan and Iraq War diaries disclosed torture and war crimes. Assange was, in

fact, invited to the EU Parliament and the UN to speak about this work. This, of course, put him at odds fundamentally, morally with the US government in this. Because the charges are stemming from these publications the defence argument is that Assange is being tried for political reasons, and this is in violation of section 81 of the UK Extradition Act of 2003, which prohibits a person from being extradited due to their political opinions.

Mark Summers also posed a series of questions or points in which he questioned: Why did the US government decide to prosecute Assange at the time that it did. In around 2016/2017, due to the fact that these documents were released around 2010. What does this have to say about the States? That is, the U.S. government's motivations or intentions. And why did the US government choose to indict in 2016/ in 2017. Now, we heard in court today that the International Criminal Court, or ICC, in fact, intended to investigate the US government and the responsible parties as a result of the WikiLeaks publications. This, of course, was going to upset many people in Washington. Shortly after the ICC announced that they would conduct an investigation in which they, of course, would have to rely on Mr. Assange for this investigation, the US government and US officials began to publicly refer to Mr. Assange as a political actor. Summers went on to cite case law indicating that prosecuting a journalist for espionage is unprecedented, and it's also an unforeseeable offence, as no journalist has ever been prosecuted for obtaining and publishing classified material. This would be the first time for this to happen. This is also in violation of Article 7 of the ECHR, or the European Court of Human Rights, according to the defence, which states that no one shall be punished without law, no one should be held guilty for a criminal offence if the act was not a criminal offence at the time in which it was committed.

All right, and that's it for today's report and we will be back at the Royal Courts of Justice for the second day in the final day of Julian Assange's potentially final appeal hearing domestically in the UK. I'm journalist Taylor Hudak, reporting for AcTVism Munich and I'll see you next time.

**END**

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