

COVER STORY

“If I can be indicted, other journalists can too”

Portrait by John Toledano

Julian Assange is being hunted by the United States – and pilloried by the British media. Here, *John Pilger* defends the whistleblower and asks him: who is your biggest enemy?

Phantom menace: unscrupulous western governments and mainstream pundits worry that they cannot pin Assange down

The attacks on WikiLeaks and its founder, Julian Assange, are a response to an information revolution that threatens old power orders, in politics and in journalism. The incitement to murder trumpeted by public figures in the United States, together with attempts by the Obama administration to corrupt the law and send Assange to a hell-hole prison for the rest of his life, are the reactions of a rapacious system exposed as never before.

In recent weeks, the US justice department has established a secret grand jury just across the river from Washington in the eastern district of the state of Virginia. The object is to indict Assange under a discredited espionage act used to arrest peace activists during the First World War, or one of the “war on terror” conspiracy statutes that have degraded US justice.

Judicial experts have described the jury as a “deliberate set-up”, pointing out that this corner of Virginia is home to the employees and families of the Pentagon, CIA, department of homeland security and other pillars of American power. “This is not good news,” Assange told me when we spoke this past week, his

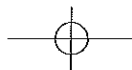
voice dark and concerned. He says he can have “bad days—but I recover”.

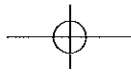
When we met in London last year, I said: “You are making some very serious enemies, not least of all the most powerful government, engaged in two wars. How do you deal with that sense of danger?”

His reply was characteristically analytical. “It’s not that fear is absent. But courage is really the intellectual mastery over fear – by an understanding of what the risks are, and how to navigate a path through them.”

Regardless of the threats to his freedom and safety, Assange says the United States is not WikiLeaks’s main “technological enemy”.

“China is the worst offender. China has aggressive and sophisticated interception technology that places itself between every reader inside China and every information source outside China. We’ve been fighting a running battle to make sure we can get information through, and there are now all sorts of ways Chinese readers can get on to our site.” It was in this spirit of “getting information through” that WikiLeaks was founded in ▶





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► 2006, but with a moral dimension. “The goal is justice,” wrote Assange on the home page, “the method is transparency.”

Contrary to a current media mantra, WikiLeaks material is not “dumped”. Less than 1 per cent of the 251,000 US embassy cables material has been released. As Assange points out, the task of interpreting and editing material that might harm innocent individuals demands “standards [befitting] higher levels of information and primary sources”. To secretive power, this is journalism at its most dangerous.

On 18 March 2008, a war on WikiLeaks was foretold in a secret Pentagon document prepared by the “Cyber Counter-intelligence Assessments Branch”. US intelligence, it said, intended to destroy the feeling of “trust” that is WikiLeaks’s “centre of gravity”. It planned to do this with threats of “exposure [and] criminal prosecution”. Silencing and criminalising this rare source of independent journalism was the aim, smear the method. Hell hath no fury like imperial mafiosi scorned.

Others have lately played a supporting part, intentionally or not, in the hounding of Assange. Sordid and shabby describe their behaviour, which serves only to highlight the injustice against a man who has courageously revealed what we have a right to know.

As the US justice department, in its hunt for Assange, demands the Twitter and email account details, banking and credit-card records of people around the world – as if we are all subjects of the United States – much of the “free” media on both sides of the Atlantic direct their indignation at the hunted.

“So, Mr Assange, why won’t you go back to Sweden now?” demanded the headline over Catherine Bennett’s *Observer* column on 19 December, which questioned his response to allegations of sexual misconduct against two women in Stockholm last August. “To keep delaying the moment of truth, for this champion of fearless disclosure and total openness,” she wrote, “could soon begin to look pretty dishonest, as well as inconsistent.” Not a word of Bennett’s vitriol considered the looming threat to Assange’s basic human rights and his physical safety, as described by Geoffrey Robertson, QC at his extradition hearing on 11 January.

In response to Bennett, the editor of the online Nordic News Network in Sweden, Al Burke, wrote to the *Observer* explaining that “plausible answers to Catherine Bennett’s tendentious question” were both critically important and freely available. Assange had remained in Sweden for more than five weeks after the rape allegation was made – and subsequently dismissed by the chief prosecutor in Stockholm.

Repeated attempts by him and his Swedish lawyer to meet a second prosecutor, who reopened the case following the intervention of a politician, had failed. And yet, as Burke pointed

out, this prosecutor had granted Assange permission to fly to London, where “he also offered to be interviewed – a normal practice in such cases”. So, it seems odd that the prosecutor then issued a European Arrest Warrant. The *Observer* did not publish Burke’s letter.

This record-straightening was crucial because it described the perfidious behaviour of the Swedish authorities – a bizarre sequence of events confirmed to me by other journalists in Stockholm and by Assange’s Swedish lawyer, Björn Hurtig. Not only that; Burke catalogued the unforeseen danger Assange faces should he be extradited to Sweden.

“Documents released by WikiLeaks since Assange moved to England,” he wrote, “clearly indicate that Sweden has consistently submitted to pressure from the United States in matters relating to civil rights. There is ample reason for concern that if Assange were to be taken into custody by Swedish authorities, he could be turned over to the United States without due consideration of his legal rights.”

These documents have been virtually ignored in Britain. They show that the Swedish political class has moved far from the perceived neutrality of a generation ago and that the country’s military and intelligence apparatus has been all but absorbed into Washington’s matrix around Nato.

In a 2007 cable, the US embassy in Stockholm lauded the Swedish government, dominated by the right-wing party of Prime Minister Fredrik Reinfeldt, as coming “from a new political generation and not bound by [anti-US] traditions”. It also showed how the country’s foreign policy is largely controlled by Carl Bildt, the present foreign minister, whose career has been based on a loyalty to the US that goes back to the Vietnam war – when he at-

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tacked Swedish public television for broadcasting evidence that the US was bombing civilian targets. Bildt played a leading role in the Committee for the Liberation of Iraq, a lobby group with close ties to the White House of George W Bush, the CIA and the far right of the Republican Party.

“The significance of all this for the Assange case,” Burke notes in a recent study, “is that it will be Carl Bildt and perhaps other members of the Reinfeldt government who will decide – openly or, more likely, furtively behind a façade of legal formality – on whether or not to approve the anticipated US request for extradition. Everything in their past clearly indicates that such a request will be granted.”

For example, in December 2001, with the “war on terror” under way, the Swedish government abruptly revoked the political refugee

status of two Egyptians, Ahmed Agiza and Muhammad el-Zery. They were handed to a CIA kidnap squad at Stockholm Airport and “rendered” to Egypt, where they were tortured. By the time the Swedish ombudsman for justice investigated and found that their human rights had been “seriously violated”, it was too late.

The implications for the Assange case are clear. Both men were removed without due process of the law and before their lawyers could file an appeal to the European Human Rights Court, and in response to a US threat to impose a trade embargo on Sweden.

Last year, Assange applied for residency in Sweden, hoping to base WikiLeaks there. It is widely believed that Washington warned Stockholm through mutual intelligence contacts of the potential consequences. In December, Marianne Ny, the prosecutor who reactivated the Assange case, discussed the possibility of his extradition to the US on her website.

Almost six months after the sex allegations were first made public, Julian Assange has been charged with no crime, but his right to presumption of innocence has been wilfully denied.

The unfolding events in Sweden have been farcical at best. The Australian barrister James Catlin, who acted for Assange in October, describes the Swedish justice system as “a laughing stock . . . There is no precedent for it. The Swedes are making it up as they go along.”

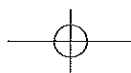
He says that Assange, apart from noting contradictions in the case, has not publicly criticised the women who made the allegations against him. It was the police who tipped off the Swedish equivalent of the *Sun*, *Expressen*, with defamatory material about them, initiating a trial by media across the world.

In Britain, this trial has welcomed yet more eager prosecutors, with the BBC to the fore.

There was no presumption of innocence in Kirsty Wark’s *Newsnight* court in December. “Why don’t you just apologise to the women?” she demanded of Assange, followed by: “Do we have your word of honour that you won’t abscond?”

On Radio 4’s *Today* programme, John Humphrys, Catherine Bennett’s partner, told Assange that he was obliged to go back to Sweden “because the law says you must”. The hectoring Humphrys, however, had more pressing interests. “Are you a sexual predator?” he asked. Assange replied that the suggestion was ridiculous, to which Humphrys demanded to know how many women he had slept with.

“Would even Fox News have descended to that level?” wondered the American historian William Blum. “I wish Assange had been raised in the streets of Brooklyn, as I was. He then would have known precisely how to reply to such a question: ‘You mean including your mother?’”



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What is most striking about these “inter-views” is not so much their arrogance and lack of intellectual and moral humility; it is their indifference to fundamental issues of justice and freedom and their imposition of narrow, prurient terms of reference. Fixing these boundaries allows the establishment media to diminish the journalistic credibility of Assange and WikiLeaks, whose remarkable achievements stand in vivid contrast to their own. It is like watching the old and stale, guardians of the status quo, struggling to prevent the emergence of the new.

In this media trial, there is a tragic dimension, obviously for Assange, but also for the best of mainstream journalism. Having published a slew of professionally brilliant editions with the WikiLeaks disclosures, feted all over the world, the *Guardian* recovered its establishment propriety on 17 December by turning on its besieged source. A major article by the paper’s senior correspondent Nick Davies claimed that he had been given the “complete” Swedish police file with “new” and “revealing” salacious morsels.

Assange’s lawyer Björn Hurtig says that crucial evidence is missing from the file given to Davies, including “the fact that the women were reinterviewed and given an opportunity to change their stories”, as are the revealing tweets and SMS messages between them, which are “critical to bringing justice in this case”. Vital exculpatory evidence is also omitted, such as the statement by the original prosecutor, Eva Finne, that “Julian Assange is not suspected of rape”.

Having reviewed the Davies article, Assange’s former barrister James Catlin wrote to me: “The complete absence of due process is the story and Davies ignores it. Why does due process matter? Because the massive powers of two arms of government are being brought to bear against the individual whose liberty and reputation are at stake.” I would add: so is his life.

The *Guardian* has profited hugely from the WikiLeaks disclosures, in many ways. On the other hand, WikiLeaks, which survives mostly on small donations and can no longer receive funds through many banks and credit-card companies, thanks to the bullying of Washington, has received nothing from the paper.

In February, Random House will publish a *Guardian* book that is sure to be a lucrative bestseller, which Amazon is advertising as *The End of Secrecy: the Rise and Fall of WikiLeaks*. When I asked David Leigh, the *Guardian* executive in charge of the book, what was meant by “fall”, he replied that Amazon was wrong and that the working title had been *The Rise (and Fall?) of WikiLeaks*.

“Note parenthesis and query,” he wrote. “Not meant for publication anyway.” (The book is now described on the *Guardian* website as *WikiLeaks: Inside Julian Assange’s War on Secrecy*.)

Still, with all that duly noted, the sense is that “real” journalists are back in the saddle. Too bad about the new boy, who never really belonged.

On 11 January, Assange’s first extradition hearing was held at Belmarsh Magistrates’ Court, an infamous address because it is here that, before the advent of control orders, people were consigned to Britain’s own Guantanamo, Belmarsh Prison. The change from ordinary Westminster Magistrates’ Court was because of a lack of press facilities, according to the authorities. That they announced the change on the day Vice-President Joe Biden declared Assange a “hi-tech terrorist” was no doubt coincidental, though the message was not.

For his part, Assange is just as worried about what will happen to Bradley Manning, the alleged whistleblower who is being held in solitary confinement – in conditions that the US National Commission on Prisons calls “torturous”. At 23, Manning is the world’s pre-eminent prisoner of conscience, having remained true to the Nuremberg principle that every soldier has the right to a “moral choice”. His suffering mocks the notion of the land of the free.

“Government whistleblowers,” said Barack Obama, when running for president in 2008, “are part of a healthy democracy and must be

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protected from reprisal.” Obama has since pursued and prosecuted more whistleblowers than any other president in American history.

“Cracking Bradley Manning is the first step,” Assange tells me. “The aim clearly is to break him and force a confession that he somehow conspired with me to harm the national security of the United States. In fact, I’d never heard his name before it was published in the press.

“WikiLeaks technology was designed from the very beginning to make sure that we never knew the identities or names of people submitting material. We are as untraceable as we are uncensorable. That’s the only way to assure sources they are protected.”

He adds: “I think what’s emerging in the mainstream media is the awareness that if I can be indicted, other journalists can, too. Even the *New York Times* is worried. This used not to be the case. If a whistleblower was prosecuted, publishers and reporters were protected by the First Amendment, which journalists took for granted. That’s being lost.

“The release of the Iraq and Afghanistan war logs, with their evidence of the killing of civilians, hasn’t caused this – it’s the exposure and embarrassment of the political class: the truth of what governments say in secret, how they lie in public, how wars are started. They don’t want the public to know these things and scapegoats must be found.” What about the allusions to

the “fall” of WikiLeaks? “There is no fall,” Assange says. “We have never published as much as we are now. WikiLeaks is now mirrored on more than 2,000 websites.

“I can’t keep track of the spin-off sites – those who are doing their own WikiLeaks... If something happens to me or to WikiLeaks, ‘insurance’ files will be released. They speak more of the same truth to power, including the media. There are 504 US embassy cables on one broadcasting organisation and there are cables on [Rupert] Murdoch and News Corp.”

This latest propaganda about the “damage” caused by WikiLeaks is a warning by the US state department to “hundreds of human rights activists, foreign government officials and business people identified in leaked diplomatic cables of possible threats to their safety”. This was how the *New York Times* dutifully relayed it on 8 January – and it is bogus. In a letter to Congress, Robert Gates, the secretary of defence, admitted that no sensitive intelligence source has been compromised. Nato in Kabul told CNN it could not find a single person who needed protecting.

The great playwright Arthur Miller wrote: “The thought that the state... is punishing so many innocent people is intolerable. And so the evidence has to be internally denied.”

What WikiLeaks has given us is truth, including rare and precious insight into how and why so many innocent people have suffered in reigns of terror disguised as wars, executed in our name; and how the US has wantonly intervened in democratic governments.

Javier Moreno, editor of *El País*, which published the WikiLeaks logs in Spain, wrote: “I believe that the global interest sparked by the WikiLeaks papers is mainly due to the simple fact that they conclusively reveal the extent to which politicians in the west have been lying to their citizens.”

Crushing individuals such as Julian Assange and Bradley Manning is not difficult for a great power, however craven. The point is, we should not allow it to happen, which means those of us meant to keep the record straight should not collaborate in any way. Transparency and information, to paraphrase Thomas Jefferson, are the “currency” of democratic freedom. “Every news organisation,” a leading American constitutional lawyer told me, “should recognise that Julian Assange is one of them, and that his prosecution will have a huge and chilling effect on journalism.”

My favourite secret document – leaked by WikiLeaks, of course – is from the Ministry of Defence in London. It describes journalists who serve the public without fear or favour as “subversive” and as “threats”. Such a badge of honour. ☉

John Pilger’s new film, “The War You Don’t See”, is available on DVD at: johnpilger.com/newstatesman.com/writers/john_pilger