

FREEDOM OF THE PRESS: A CASE STUDY OF JULIAN ASSANGE



History of the Julian Assange Case

Julian Assange, an Australian Journalist and founder of WikiLeaks – an online news platform has just been released following a plea deal where he pleaded guilty to the charge of conspiracy to criminally obtain classified information through computer hacking and was sentenced to 62 months imprisonment – equivalent to the time he had already served hence his release from Belmarsh prison in the U.K.

It all started in November 2009 when one Bradley Manning (now Chelsea Manning) – an Intelligence Analyst in the U.S Army – while on mission in Iraq gained access to Ministry of Defence files detailing abuse of human rights and possible war crimes committed by the U.S Army in Iraq and Afghanistan as well as photos of enhanced interrogation used at Guantanamo Bay on suspected terrorists, proof of corruption of global leaders and the role played by the United States and its allies in staging global events such as the Arab Spring that led to changes in leadership. Chelsea Manning shared these with Julian Assange which he later published on the WikiLeaks website – thereby exposing the different atrocities committed by high level officials as well as exposing identities of various key officials and spies in the intelligence network.

In 2010, the U.S issued an indictment for the arrest of Julian Assange charging him with 17 crimes in violation of the 1917 Espionage Act. However, being an Australian citizen, the process of having him arrested was complicated.

In December 2010, the Swedish authorities (known allies of the U.S government) obtained a European Arrest Warrant to have Julian Assange arrested and tried on charges of coercion, molestation and rape. Assange was arrested while in the U.K and was later on granted conditional bail on the 14th of December. In February, 2011, the Swedish authorities obtained an extradition order so that he could be tried in Sweden on the charges. It was however, suspected that this was a ploy to later have him extradited to the U.S. so that he would stand trial on the 17 charges for which he faced a possibility of being sentenced to 175 years in prison.

While on bail, Assange accessed the Ecuadorian Embassy in London where he sought asylum and was granted the same. He began his seven years' stay at the embassy on the 19th of June, 2012. This did not come without challenges. The British authorities tried to access the embassy to have Julian Assange removed and re-arrested while other authorities tried to gain surveillance on him while at the embassy. In the meantime, due to the statute of limitations in Sweden, 3 of the charges pressed against Assange lapsed while the charge of rape still stood. This was however eventually dropped by the Prosecutor due to insufficient evidence. However, with pressure mounting on Ecuador, and coincidentally at a time when the IMF had sanctioned Ecuador from obtaining loans, Assange lost his diplomatic status and asylum that had initially been accorded to him.

In 2019, Julian Assange surrendered himself to the British authorities and was re-arrested. He was sentenced to 50 weeks imprisonment for violation of his bail terms. This also marked the beginning of the long extradition proceedings by the U.S government.



Extradition Proceedings by the U.S Government

Extradition is a process where a government requests to have a suspect returned to its territory to answer to crimes purportedly committed by him/her.

The U.S government sought to have Julian Assange extradited to the U.S to answer to an amended indictment containing 18 charges, all pertaining to computer intrusion, receipt of information, unauthorized obtaining of national defense information and unauthorized disclosure of national defense information.

On the 29th of July, 2020, the Secretary of State issued a certificate recognizing the U.S. request to have Julian Assange extradited as a valid one. In the Magistrate's Court, it was found that Mr. Assange's extradition was not barred by the Extradition Act of 2003. An appeal was made to the Divisional Court and the District Judge upheld the ruling, thus forwarding the file to the Secretary of State who later ordered (in June 2022) that he should be extradited. Assange appealed against the Divisional Court's decision to have the file forwarded to the Secretary of State and the Secretary's decision on his extradition. While on appeal, Assange's team argued that his extradition request was made for a purpose of prosecuting him on account of his political opinions which was contrary to section 8 of the Extradition Act. It was also argued that the extradition was incompatible with Article 7 of the European Convention on Human Rights (ECHR) which prohibited punishment without a law in place (in this case, a U.K law which mirrored U.S law for which he was charged, and violation of Article 10 of the ECHR on freedom of the press/expression. Mr. Assange's mental health challenges following the long and grueling ordeal were also brought to light and it was submitted that there was a likelihood of suicide if he were to be placed in a maximum-security prison in the U.S.

The Biden administration responded by making four assurances in order to secure Assange's extradition; these included the assurance that Assange was to face a fair trial in the U.S and that he was not to be placed in a maximum-security prison unless he acted in a manner that would require him to be transferred there. All the assurances given were not absolute, but conditional and could thus be manipulated by the U.S at any point in time. In May 2024, the High Court found the US assurances unsatisfactory and gave Assange leave to appeal against his extradition to the U.S.

Plea Deal

On the 19th of June, 2024, Julian Assange signed a plea agreement with the U.S authorities where he would plead guilty to the charge of conspiracy to criminally obtain classified national defense information and in return, he would be sentenced to the period spent in custody since 2019 – 62 months. The High Court in the U.K granted Assange bail and he was released on the 24th of June 2024 to enable him fly to the U.S. the next day, Assange was arraigned in court where he took plea and was in return sentenced to the period spent on remand hence walking free and his return to Australia.



Role of International Powers

The role played by Sweden, U.K and Ecuador cannot be underplayed in Assange's case. It is a revelation of the concerted efforts and lengths that members of the G8 will go to in order to deal with an undesirable element. In a situation where the exposed abusers of human rights ought to have been brought to book, the impunity with which the powers that be retaliated and handled the matter exposed the various governments for what their motives are and the actual power play on the global scene. Assange's legal team often argued that the case was a politically motivated form of state retaliation and a case of revenge against openness and accountability for exposing war crimes.

Whereas Ecuador had initially proven itself as a formidable ally to Assange and a symbol of a protector of freedom of the press/expression, Assange's publication of files detailing an investigation into the possible corruption of the Ecuadorian President at the time lifted this veil of asylum that had initially been promised. Moreover, with mounting pressure from institutions like the IMF which had rejected Ecuador's loan requests, it became apparent that without the support of the U.S and its allies, Ecuador stood to lose a lot more than it anticipated. It did not take long for the Ecuadorian Embassy to give the British authorities access to its premises to arrest Assange.

Julian Assange's Plea Bargain and its Import to International Jurisprudence

Julian Assange's plea bargain has significant implications for international jurisprudence. International jurisprudence is a set of legal rules and standards that apply to relations between sovereign states and other actors on the global stage. It shapes the behavior of nations, influencing how they interact with each other and handle disputes. The goal of international jurisprudence is to promote cooperation and stability in the global community. The case revealed the challenges and conflicts in trying to balance state sovereignty, freedom of expression, national security, and human rights.

The case of Julian Assange brought the issue of the power of countries to enforce their laws outside their borders. The U.S., by charging Assange, an Australian citizen, for actions that happened outside the U.S., challenged the idea of state sovereignty, or the right of countries to control what happens within their borders without interference from other countries. This could lead to disputes between countries about who has the right to prosecute people for certain crimes.

This extraterritorial application of U.S. law challenged traditional state sovereignty, suggesting that one state can enforce its laws on individuals worldwide thus potentially setting a precedent for jurisdictional conflicts amongst states.





On the part of legal norms, Assange's prosecution under the Espionage Act highlighted the subtle balance between freedom of expression and national security. International human rights laws, like the International Covenant on Civil and Political Rights (ICCPR), give people the right to express themselves, but they also allow governments to limit this right for reasons of national security making it difficult to determine whether Assange's actions were a legitimate exercise of the right to free speech or a threat to national security.

The detention of Julian Assange in Sweden, the UK, and his subsequent imprisonment in the UK, raised serious human rights concerns, notably regarding his treatment and access to fair legal processes. On May 3rd, 2019, the UN Working Group on Arbitrary Detention (WGAD) expressed deep concern over Assange's conviction and 50-week sentence by a UK court reiterating their finding in Opinion No. 54/2015 to the end that his detention in Sweden and the UK was unjustified. This highlighted the importance of upholding human rights, even when dealing with national security issues.

The possible extradition of Assange to the U.S. was controversial, sparking debates around fair trials and adherence to international treaties like the European Convention on Human Rights (ECHR). The principle of non-refoulement, which prevents the extradition of individuals to countries where they are likely to face torture or inhumane treatment, was a key argument used by Assange's defense team to oppose extradition to the U.S.

Freedom of Expression vs. National Security

Julian Assange's case started sparked debates about the freedom of speech and expression versus national security, leading the international community to think about the power of states to control sensitive information and if security or transparency should be prioritized over the freedom of speech and expression. The case further showed the tension between protecting freedom of expression and protecting national security and the challenge of balancing these rights because Assange's actions could be seen as both good journalism and a threat to national security.

The Role of Prophecy and its Significance to the Case Outcomes

Julian Assange's release was nothing short of sudden and unexpected. Following the London High Court's grant of permission to Assange to launch a new appeal against extradition to the U.S. in May 2024, his wife and legal team welcomed this ruling describing it as a pivotal turning point in her husband's legal woes. Nevertheless, Assange's freedom still hang in the balance since it meant that his wrangles were still ongoing and far from a close. In fact, his fresh extradition appeal was slated for 9th and 10th July 2024 as reported by all major media outlets.

In a shocking turn of events, the world awoke to buzzing news of Julian Assange's release on 25th June 2024, much to the shock of many, but not to those who had the benefit of listening in to Prophet Elvis Mbonye give this very prediction early this year during the inaugural prayer meeting where he revealed varied global shaping prophecies that would determine the course of events through this year.



On 2nd January 2024, one of the prophecies made by Prophet Elvis Mbonye revealed something significant that would happen with Julian Assange. He stated how he had prophetically seen ahead of time different news reports about Assange forming major headlines on mainstream media. Prophet Elvis further revealed how he had seen a turning point and an end of something, and the beginning of something new regarding him and his case. He also highlighted how some International leaders would subsequently begin using Assange's name as a popularity stunt.

Indeed, 5 months and 3 weeks later, major news networks reported the abrupt and unanticipated release of WikiLeaks founder Julian Assange following his plea deal, just as the Prophet had foretold. Neither his immediate family nor the media that had been closely following his case expected such an outcome much as Prophet Elvis Mbonye had supernaturally seen and reported it months prior, defying all international legal systems, world governments, global organisations, and media reports.

Additionally, it is apparent that International leaders have since sought to use Assange's name to gain popularity including the prime minister of Australia, Anthony Norman Albanese, who, in a bid to secure political mileage credited himself for contributing to Assange's release.

Assange's prophecy and its Influence on International Jurisprudence

Assange's case is a high-profile example intersecting legal principles, political discourse, and public opinion intersect. While extradition processes under the extradition treaty obligations between the US and UK are designed to be systematic and impartial, Julian Assange case showed how contentious and complex they can become. It brought into question human rights considerations, political implications, and ethical debates surrounding the balance between national security and freedom of the press in shaping the future application of extradition law.

Although U.S. authorities stated that Assange was going to be prosecuted for the criminal act of conspiring to unlawfully obtain the leaked materials and hacking as opposed to prosecution for the publication of the leaked materials, human rights observers and organisations did express concerns over Assange's extradition orders arguing that this would establish a dangerous precedent and have a chilling effect on freedom of speech for publishers and journalists around the world. It was apparent that the undertones of his persecution had everything to do with him exposing the global leaders' dirty linen, owing to the fact that media and press narratives have for long been controlled by global forces, so much so that some global leaders demanded that he be sentenced to death upon extradition.





However, over and above the legal formalities of this matter, the Assange prophecy fulfillment not only circumvented a possible unfair trial for Assange; it also secured a win for global freedom of expression in the most unconventional of ways. Resultantly, his case has raised new legal questions on whether freedom of expression concerns can stop extradition and whether the exercise of freedom of expression constitute an exception to the offences under the US Espionage Act.

Secondly, it resounds the question of whether the principles of democracy and sovereignty of states often touted by international leaders largely remain a theory. On one hand, Ecuador's surrender to the British government demands following IMF loan request restrictions begs the question as to whether third world states free to exercise their sovereignty in the international space without interference from the supposed great nations. On the other hand, it appears that while the U.S. framed Assange's case as one that touched the heart and soul of American democracy, the pursuance of this matter instead undermined almost all the principles of democracy especially on accountability and transparency of the government.

Most importantly, it emphasizes the centrality of spirituality and the function of prophetic office in not only shaping but also offering uncanny forehand guidance in the determination and resolution of modern day political, diplomatic and legal complexities at their highest levels.

Conclusion

Julian Assange's case will have extensive consequences for international jurisprudence, specifically in the areas of state sovereignty, freedom of expression, and national security. The international community is being forced to reconsider the balance between these interests and their applications in today's world. Prophet Elvis Mbonye's prophecy ultimately introduced and infused a spiritual dimension to the narrative, proving the supremacy of divine spiritual influence in global affairs.

