

# Britain: Julian Assange cannot be extradited to US, British judge rules

Tuesday 5 January 2021, by [QUINN Ben](#) (Date first published: 4 January 2021).

**Judge says it would be 'oppressive' to extradite WikiLeaks founder to US, citing concerns for his mental health.**

[Julian Assange](#) cannot be extradited to the US to face charges of espionage and of hacking government computers, a British judge has decided.

Lawyers for US authorities are to appeal against the [ruling](#), which rejected arguments that the WikiLeaks co-founder would not get a fair trial in the US but blocked extradition on the basis that procedures in prisons there would not prevent him from potentially taking his own life.

Wearing a mask and a navy suit, the 49-year-old listened from the dock at the central criminal court of England and Wales as the district judge, Vanessa Baraitser, initially knocked down arguments by his lawyers one after another and accepted the US authorities' assertion that his alleged activities fell outside of the realm of journalism.

But turning to evidence by medical experts about Assange's precarious mental health, she said: "The overall impression is of a depressed and sometimes despairing man, who is genuinely fearful about his future. I find that the mental condition of Mr Assange is such that it would be oppressive to extradite him to the United States of America," she concluded.

Assange has been taken back to Belmarsh prison before an application on Wednesday for his release on bail, which will refer to conditions at the high-security prison in south London against the backdrop of the worsening Covid-19 pandemic. The appeal will take place at Westminster magistrates court, which has essentially been sitting at the Old Bailey for the extradition hearing, though legal experts say they would be surprised if bail is granted.

The case against the 49-year-old relates to WikiLeaks's publication of [hundreds of thousands of leaked documents](#) about the Afghanistan and Iraq wars, as well as diplomatic cables, in 2010 and 2011.

Prosecutors say Assange helped the US defence analyst Chelsea Manning breach the US [Espionage Act](#), was complicit in hacking by others and published classified information that endangered informants.

Assange denies plotting with Manning to crack an encrypted password on US computers and says there is no evidence anyone's safety was compromised. His lawyers argue the prosecution is [politically motivated](#) and that he is being pursued because WikiLeaks published US government documents that revealed evidence of war crimes and [human rights abuses](#).

In her ruling, which triggered elation among Assange's supporters that he was not being extradited, but dismay that it was solely based on health grounds, the judge said she had no reason to doubt

that “the usual constitutional and procedural protections” would be applied to a trial he might face in the US.

Sending Assange across the Atlantic would not breach a bar on extradition for “political offences” she said, and she had no reason to doubt that “the usual constitutional and procedural protections” would be applied to a trial he might face in the US.

She sided with the argument of lawyers for US authorities who had denied Assange was being prosecuted merely for publishing diplomatic cables and military files. Her ruling was that his actions, if proven, would “amount to offences in this jurisdiction that would not be protected by his right to freedom of speech”.

Assange’s partner, Stella Moris, described the ruling as “the first step towards justice”, but told supporters gathered outside the court that it was not yet time to celebrate.

Referencing the words of [Ronald Reagan’s Berlin Wall speech](#), she called on Donald Trump to halt the extradition efforts, saying: “Mr President tear down these prison walls. Let our little boys have their father. Free Julian. Free the press.”

“It [the US government] continues to want to punish Julian and make him disappear into the deepest, darkest hole of the US prison system,” she said

There was also mixed reaction from bodies including Amnesty International, which [welcomed](#) the ruling, while accusing UK authorities of “having engaged in a “politically-motivated process at the behest of the USA and putting media freedom and freedom of expression on trial”.

In her ruling, the judge accepted that Assange was likely to be held in conditions of isolation in a so-called supermax prison and that he would find a way to take his own life with the “single-minded determination” of the Autism spectrum disorder he had been diagnosed with.

It appeared to be impossible to prevent suicide where a prisoner was determined to go through with it, added the judge, whose ruling twice referenced Jeffrey Epstein, the US billionaire who took his own life in August 2019 at the New York Metropolitan correctional centre before a trial for sex trafficking and conspiracy charges

Nick Vamos, a partner at Peters & Peters Solicitors and a former head of special crime and head of extradition at the Crown Prosecution Service, told the Guardian that the ruling did not break new ground and largely applied established principles which had thwarted a US attempt to secure the extradition [of Lauri Love, a British student accused of breaking into US government websites](#).

But he added: “Journalists will take no comfort from this ruling because it provides absolutely no defence of his activities.”

He added that the ruling now gave the opportunity for the US to respond to criticisms of procedures in its prisons, or provide assurances. On the basis of its past practice, he did not expect the US position to change significantly, though Assange’s travel options could be limited if future appeals were to go his way.

“He would have to spend the rest of his life looking over his shoulder and would not be safe to leave the UK.”

Assange has been in custody in Britain since April 2019, when he was removed from the Ecuadorian embassy in London, where he had taken refuge seven years previously to avoid extradition to

Sweden over a sexual assault case that was subsequently dropped.

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**P.S.**

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