



Julian Assange

Julian Assange: what is Australia's position on his extradition, and what options does it have?

Anthony Albanese 'stands by' his opposition to pursuit of WikiLeaks co-founder but is unlikely to take a more forthright public position

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Daniel Hurst

[@danielhurstbne](#)

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Australia's prime minister, [Anthony Albanese](#), has said he stands by his previous comments opposing the ongoing pursuit of the WikiLeaks co-founder Julian Assange.

But when asked on Monday whether he had spoken with Joe Biden about the US push to extradite Assange from the UK, Albanese indicated he would pursue the issue out of the public glare. The US is seeking to try Assange in connection with the publication of [hundreds of thousands of leaked documents](#) about the Afghanistan and Iraq wars, as well as diplomatic cables.

So what is the new Australian government's position? What options does it have? And what are the next steps in the legal process?

What has he said in the past about Assange?

Albanese told ABC Radio Northern Tasmania on 15 December:

■ ■ Well, I've said for some time that enough is enough. The fact is that you have the circumstances whereby the person who has actually leaked the classified information to WikiLeaks is free, is walking around, isn't incarcerated. But the person who published that information remains in jail in Britain awaiting the extradition procedures that the United States is taking place.

That was a reference to the former army intelligence analyst Chelsea Manning, who was released in 2017 when Barack Obama **commuted her 35-year military prison sentence** in one of his final acts as president. Albanese went on to say that Assange had “paid a big price for the publication of that information already”:

■ ■ I do not see what purpose is served by the ongoing pursuit of Mr Assange. He is an Australian citizen as well. And with that should come an obligation of the Australian government to ensure that he receives appropriate support.

In April Assange's father, John Shipton, said the election of a Labor government would be a “great opportunity” to free the WikiLeaks co-founder. Shipton **said he had had several lunches with Albanese** and had been assured the then opposition leader would do “whatever he can” to free his son.

What did Albanese say on Monday?

Speaking to reporters in Melbourne, the prime minister reaffirmed his previously stated position, while suggesting that he would not take a more forthright public position.

“I have made clear what my position is publicly,” he said. “I made it clear last year. I stand by my comments that I made then.

“But I make this point as well - there are some people who think that if you put things in capital letters on Twitter and put an exclamation mark, then that somehow makes it more important. It doesn't.

“I intend to lead a government that engages diplomatically and appropriately with our partners.”

Why are press freedom groups worried about this case?

Press freedom advocates and human rights groups have raised fears the prosecution of Assange under the US Espionage Act sets “a dangerous precedent”.

Daniel Ellsberg - the whistleblower prosecuted 50 years ago for releasing the [Pentagon Papers](#) about the Vietnam war - [has said](#): “This extradition would mean that journalists, anywhere in the world, could be extradited to the US for exposing information classified in the US.”

What’s happening with the legal process?

In April a UK court [formally approved the extradition](#) of Assange to the US on espionage charges but it was up to the home secretary, Priti Patel, to sign off.

On Friday the UK Home Office announced that Patel had approved the extradition, saying the UK courts had “not found that it would be oppressive, unjust or an abuse of process to extradite Mr Assange”.

“Nor have they found that extradition would be incompatible with his human rights, including his right to a fair trial and to freedom of expression, and that whilst in the US he will be treated appropriately, including in relation to his health,” a Home Office spokesperson said.

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WikiLeaks immediately announced that the decision would be appealed (the Home Office said Assange “retains the normal 14-day right to appeal”). [Any appeal was likely to focus on grounds](#) such as the right to freedom of expression and whether the extradition request was politically motivated.

How did the government’s response differ from the previous government’s stance?

The foreign affairs minister, [Penny Wong](#), and the attorney general, Mark Dreyfus, responded to Patel’s decision by observing that Australia was “not a party to Mr Assange’s case, nor can the Australian government intervene in the legal matters of another country”.

But they said they planned to “continue to convey our expectations that Mr Assange is entitled to due process, humane and fair treatment, access to proper medical care, and

access to his legal team”. This is a similar position to what the former Australian government repeatedly said in public.

But there was a critical addition to the statement alluding to new overarching representations to the US and the UK: “The Australian government has been clear in our view that Mr Assange’s case has dragged on for too long and that it should be brought to a close. We will continue to express this view to the governments of the United Kingdom and United States.”

What options does the government have to intervene?

The only real option for the Australian government is to vigorously pursue this issue at a political level.

The government has not elaborated exactly what it means by bringing the matter to a close. One option would be to encourage the US to drop the charges. The Biden administration has previously said this is a matter for the Department of Justice, which it says acts independently.

Another option would be to encourage the US president to issue a pardon to Assange. If Assange were to be extradited and convicted and sentenced, Australia could also lobby for the sentence to be commuted, in a similar way to Manning’s sentence.

Ultimately, this is a question of how much political capital Albanese wishes to use.

One of Assange’s most vocal advocates, the independent MP Andrew Wilkie, thinks the time for quiet diplomacy is over and the government should “call an end to this madness”.

“I think if Anthony Albanese made an unambiguous and strong public comment in support of [Julian Assange](#) I think that would be helpful at this point in time,” Wilkie told Sky News on Monday. He acknowledged the new government’s changed tone as “good” but said “it hasn’t amounted to anything” because Patel had signed off on the extradition.

The former foreign minister Bob Carr has argued that Australia has been an “exemplary ally” to the US and this should count for something. Carr also points to the Howard government’s success in 2007 - after years of mounting calls to act - in [securing the return of the former Guantánamo Bay inmate David Hicks](#) to serve out the remainder of his sentence in Australia.

Could Assange serve any sentence in Australia?

