



Assange & Sweden

Miscellaneous Information: Part 2

17 December 2010 – 17 February 2011

This is a somewhat random collection of news clippings and other items relating to accusations of sexual misconduct that have been made against Julian Assange by Swedish authorities. Much of the material is in Swedish, but I believe that at least half is in English.

The quality and reliability of the various items vary widely. In some places I have added clarifications, warnings, etc. *[in italics, within square brackets and initialed--A.B.]*. But there is nothing systematic about that, either, and everything in this document should be interpreted with due caution.

Questions and comments regarding any of the information included here are welcome and may be addressed to me via e-mail at: editor@nnn.se

– Al Burke
Nordic News Network

Links to other parts of the series

*Documents in PDF format
Require Adobe Reader or similar program*

Part 1: 14 August 2010 – 16 December 2010
www.nnn.se/nordic/assange/docs/case1.pdf

Part 3: 20 February 2011 - 17 July 2011
www.nnn.se/nordic/assange/docs/case3.pdf

Part 4: 8 August 2011...
www.nnn.se/nordic/assange/docs/case4.pdf

For more and better-organized information:
www.nnn.se/nordic/assange.htm

Q&A: Julian Assange allegations

Despite three legal hearings, there remains a lack of consensus about the status of charges against the WikiLeaks founder

*Esther Addley
The Guardian
17 December 2010*

Has Assange been charged with an offence, or are these just accusations?

Assange has not formally been charged with any crime. His lawyers insist the warrant against him is merely for questioning on the accusations made by the two women, Miss A and Miss W. But Gemma Lindfield, for the Crown Prosecution Service, said in court that the European Arrest Warrant "quite clearly states [Assange] is wanted for prosecution".

Mr Justice Ouseley, the head of the administrative court who rejected the appeal against Assange's bail, acknowledged the dispute in his judgment: "There is a debate, which may yet be had elsewhere, over whether the warrant is a warrant for questioning or a warrant for trial." He was proceeding, he said, on the basis that it was an extradition warrant for trial. A charge by the requesting country is a prerequisite for a valid EAW. *[The Swedish prosecutor has stated only that he is wanted for questioning; it appears that she may have lied about that in applying for the EAW which, as the judge noted, requires a formal charge. --A.B.]*

What are the accusations or charges?

Four were outlined at the hearings:

- That Assange "unlawfully coerced" Miss A by using his body weight to hold her down in a sexual manner.
- That he "sexually molested" Miss A by having sex with her without a condom when it was her "express wish" one should be used.
- That he "deliberately molested" Miss A "in a way designed to violate her sexual integrity".
- That he had sex with a second woman, Miss W, without a condom while she was asleep.

None of those mentions rape, so why is Assange being described as an alleged rapist?

The accusation in the fourth point, involving Miss W, falls into the category of rape under Swedish law. An arrest warrant, issued on 20 August, was withdrawn the following day, when one of Sweden's chief prosecutors, Eva Finné, said she did not think there was "reason to suspect that he has committed rape". On 1 September, Marianne Ny, the Swedish director of prosecutions, overturned Finné's judgment. "Considering information available at present, my judgment is that the classification of the crime is rape," said Ny.

What is the Swedish law on rape?

Three categories of rape are defined, with different sentencing guidelines. These were described in court on Thursday by Assange's barrister, Geoffrey Robertson QC, as "severe rape", "normal rape" and "minor rape". While the first carries a maximum 10-year sentence, he said, the last has no minimum sentence. The accusation relating to Assange and Miss W is held to fall into the third category.

Does this mean it would not be a crime under British law?

The charge that he had sex with Miss W while she was asleep would be a clear allegation of rape in this country. Legal experts consider that the third charge would directly correlate to an accusation of indecent assault in Britain.

10 days in Sweden: the full [???] allegations against Julian Assange

Unseen police documents provide the first complete account of the allegations against the WikiLeaks founder

*Nick Davies
The Guardian
17 December 2010*

Documents seen by the Guardian reveal for the first time the full details of the allegations of rape and sexual assault that have led to extradition hearings against the WikiLeaks founder, Julian Assange.

The case against Assange, which has been the subject of intense speculation and dispute in mainstream media and on the internet, is laid out in police material held in Stockholm to which the Guardian received unauthorised access.

Assange, who was released on bail on Thursday, denies the Swedish allegations and has not formally been charged with any offence. The two Swedish women behind the charges have been accused by his supporters of making malicious complaints or being "honeytraps" in a wider conspiracy to discredit him.

Assange's UK lawyer, Mark Stephens, attributed the allegations to "dark forces", saying: "The honeytrap has been sprung... After what we've seen so far you can reasonably conclude this is part of a greater plan." The journalist John Pilger dismissed the case as a "political stunt" and in an interview with ABC news, Assange said Swedish prosecutors were withholding evidence which suggested he had been "set up."

However, unredacted statements held by prosecutors in Stockholm, along with interviews with some of the central characters, shed fresh light on the hotly disputed sequence of events that has become the centre of a global storm.

Stephens has repeatedly complained that Assange has not been allowed to see the full allegations against him, but it is understood his Swedish defence team have copies of

all the documents seen by the Guardian. He maintains that other potentially exculpatory evidence has not been made available to his team and may not have been seen by the Guardian.

The allegations centre on a 10-day period after Assange flew into Stockholm on Wednesday 11 August. One of the women, named in court as Miss A, told police that she had arranged Assange's trip to Sweden, and let him stay in her flat because she was due to be away. She returned early, on Friday 13 August, after which the pair went for a meal and then returned to her flat.

Her account to police, which Assange disputes, stated that he began stroking her leg as they drank tea, before he pulled off her clothes and snapped a necklace that she was wearing. According to her statement she "tried to put on some articles of clothing as it was going too quickly and uncomfortably but Assange ripped them off again". Miss A told police that she didn't want to go any further "but that it was too late to stop Assange as she had gone along with it so far", and so she allowed him to undress her.

According to the statement, Miss A then realised he was trying to have unprotected sex with her. She told police that she had tried a number of times to reach for a condom but Assange had stopped her by holding her arms and pinning her legs. The statement records Miss A describing how Assange then released her arms and agreed to use a condom, but she told the police that at some stage Assange had "done something" with the condom that resulted in it becoming ripped, and ejaculated without withdrawing.

When he was later interviewed by police in Stockholm, Assange agreed that he had had sex with Miss A but said he did not tear the condom, and that he was not aware that it had been torn. He told police that he had continued to sleep in Miss A's bed for the following week and she had never mentioned a torn condom.

On the following morning, Saturday 14 August, Assange spoke at a seminar organised by Miss A. A second woman, Miss W, had contacted Miss A to ask if she could attend. Both women joined Assange, the co-ordinator of the Swedish WikiLeaks group, whom we will call "Harold", and a few others for lunch.

Assange left the lunch with Miss W. She told the police she and Assange had visited the place where she worked and had then gone to a cinema where they had moved to the back row. He had kissed her and put his hands inside her clothing, she said.

That evening, Miss A held a party at her flat. One of her friends, "Monica", later told police that during the party Miss A had told her about the ripped condom and unprotected sex. Another friend told police that during the evening Miss A told her she had had "the worst sex ever" with Assange: **"Not only had it been the world's worst screw, it had also been violent."**

Assange's supporters point out that, despite her complaints against him, Miss A held a party for him on that evening and continued to allow him to stay in her flat.

On Sunday 15 August, Monica told police, Miss A told her that she thought Assange had torn the condom on purpose. According to Monica, Miss A said Assange was still staying in her flat but they were not having sex because he had "exceeded the limits of what she felt she could accept" and she did not feel safe.

The following day, Miss W phoned Assange and arranged to meet him late in the evening, according to her statement. The pair went back to her flat in Enköping, near Stockholm. Miss W told police that though they started to have sex, Assange had not wanted to wear a condom, and she had moved away because she had not wanted unprotected sex. Assange had then lost interest, she said, and fallen asleep. However, during the night, they had both woken up and had sex at least once when "he agreed unwillingly to use a condom".

Early the next morning, Miss W told police, she had gone to buy breakfast before getting back into bed and falling asleep beside Assange. She had awoken to find him having sex with her, she said, but when she asked whether he was wearing a condom he said no. "According to her statement, she said: 'You better not have HIV' and he answered: 'Of course not,' " but "she couldn't be bothered to tell him one more time because she had been going on about the condom all night. She had never had unprotected sex before."

The police record of the interview with Assange in Stockholm deals only with the complaint made by Miss A. However, Assange and his lawyers have repeatedly stressed that he denies any kind of wrongdoing in relation to Miss W.

In submissions to the Swedish courts, they have argued that Miss W took the initiative in contacting Assange, that on her own account she willingly engaged in sexual activity in a cinema and voluntarily took him to her flat where, she agrees, they had consensual sex. They say that she never indicated to Assange that she did not want to have sex with him. They also say that in a text message to a friend, she never suggested she had been raped and claimed only to have been "half asleep".

Police spoke to Miss W's ex-boyfriend, who told them that in two and a half years they had never had sex without a condom because it was "unthinkable" for her. Miss W told police she went to a chemist to buy a morning-after pill and also went to hospital to be tested for STDs. Police statements record her contacting Assange to ask him to get a test and his refusing on the grounds that he did not have the time.

On Wednesday 18 August, according to police records, Miss A told Harold and a friend that Assange would not leave her flat and was sleeping in her bed, although she was not having sex with him and he spent most of the night sitting with his computer. Harold told police he had asked Assange why he was refusing to leave the flat and that Assange had said he was very surprised, because Miss A had not asked him to leave. Miss A says she spent Wednesday night on a mattress and then moved to a friend's flat so she did not have to be near him. She told police that Assange had continued to make sexual advances to her every day after they slept together and on Wednesday 18 August had approached her, naked from the waist down, and rubbed himself against her.

The following day, Harold told police, Miss A called him and for the first time gave him a full account of her complaints about Assange. Harold told police he regarded her as "very, very credible" and he confronted Assange, who said he was completely shocked by the claims and denied all of them. By Friday 20 August, Miss W had texted Miss A looking for help in finding Assange. The two women met and compared stories.

Harold has independently told the Guardian Miss A made a series of calls to him asking him to persuade Assange to take an STD test to reassure Miss W, and that

Assange refused. Miss A then warned if Assange did not take a test, Miss W would go to the police. Assange had rejected this as blackmail, Harold told police.

Assange told police that Miss A spoke to him directly and complained to him that he had torn their condom, something that he regarded as false.

Late that Friday afternoon, Harold told police, Assange agreed to take a test, but the clinics had closed for the weekend. Miss A phoned Harold to say that she and Miss W had been to the police, who had told them that they couldn't simply tell Assange to take a test, that their statements must be passed to the prosecutor. That night, the story leaked to the Swedish newspaper Expressen.

By Saturday morning, 21 August, journalists were asking Assange for a reaction. At 9.15am, he tweeted: "We were warned to expect 'dirty tricks'. Now we have the first one." The following day, he tweeted: "Reminder: US intelligence planned to destroy WikiLeaks as far back as 2008."

The Swedish tabloid Aftonbladet asked if he had had sex with his two accusers. He said: "Their identities have been made anonymous so even I have no idea who they are. We have been warned that the Pentagon, for example, is thinking of deploying dirty tricks to ruin us."

Assange's Swedish lawyers have since suggested that Miss W's text messages-- which the Guardian has not seen-- show that she was thinking of contacting Expressen and that one of her friends told her she should get money for her story. However, police statements by the friend offer a more innocent explanation: they say these text messages were exchanged several days after the women had made their complaint. They followed an inquiry from a foreign newspaper and were meant jokingly, the friend stated to police.

The Guardian understands that the recent Swedish decision to apply for an international arrest warrant followed a decision by Assange to leave Sweden in late September and not return for a scheduled meeting when he was due to be interviewed by the prosecutor. Assange's supporters have denied this, but Assange himself told friends in London that he was supposed to return to Stockholm for a police interview during the week beginning 11 October, and that he had decided to stay away. Prosecution documents seen by the Guardian record that he was due to be interviewed on 14 October.

The co-ordinator of the WikiLeaks group in Stockholm, who is a close colleague of Assange and who also knows both women, told the Guardian: "This is a normal police investigation. Let the police find out what actually happened. Of course, the enemies of WikiLeaks may try to use this, but it begins with the two women and Julian. It is not the CIA sending a woman in a short skirt."

Assange's lawyers were asked to respond on his behalf to the allegations in the documents seen by the Guardian on Wednesday evening. Tonight they said they were still unable obtain a response from Assange.

Assange's solicitor, Mark Stephens, said: "The allegations of the complainants are not credible and were dismissed by the senior Stockholm prosecutor as not worthy of further investigation." He said Miss A had sent two Twitter messages that appeared to undermine her account in the police statement.

Assange's defence team had so far been provided by prosecutors with only incomplete evidence, he said. "There are many more text and SMS messages from and to the complainants which have been shown by the assistant prosecutor to the Swedish defence lawyer, Bjorn Hurtig, which suggest motivations of malice and money in going to the police and to Espresen and raise the issue of political motivation behind the presentation of these complaints. He [Hurtig] has been precluded from making notes or copying them.

"We understand that both complainants admit to having initiated consensual sexual relations with Mr Assange. They do not complain of any physical injury. The first complainant did not make a complaint for six days (in which she hosted the respondent in her flat [actually her bed] and spoke in the warmest terms about him to her friends) until she discovered he had spent the night with the other complainant.

"The second complainant, too, failed to complain for several days until she found out about the first complainant: she claimed that after several acts of consensual sexual intercourse, she fell half asleep and thinks that he ejaculated without using a condom--a possibility about which she says they joked afterwards.

"Both complainants say they did not report him to the police for prosecution but only to require him to have an STD test. However, his Swedish lawyer has been shown evidence of their text messages which indicate that they were concerned to obtain money by going to a tabloid newspaper and were motivated by other matters including a desire for revenge."

[Note: This article is a hatchet job based on a very selective choice of available information. Its purpose is clearly to harm Assange's reputation. --A.B.]

Julian Assange: WikiLeaks faces 'very aggressive' investigation by US

Organisation's founder says he is reliant on public opinion to rein in 'superpower that does not appear to be following rule of law'

*Peter Walker
The Guardian
17 December 2010*

WikiLeaks faces a "very aggressive" and secretive investigation by US authorities stung by a perceived loss of face following the release of thousands of secret American diplomatic cables, the organisation's founder, Julian Assange, said today.

Speaking to reporters outside Ellingham Hall, the Norfolk house at which he is staying on bail following his release from prison, Assange said WikiLeaks faced "what appears to be an illegal investigation... certain people who are alleged to be affiliated to us have been detained, followed around, had their computers seized and so on".

He said he believed it was "80% likely" that the US authorities were seeking to prepare an attempt to have him extradited there to face charges of espionage.

He added that he was reliant on public opinion to rein in "a superpower that does not appear to be following the rule of law. I would say that there is a very aggressive investigation, that a lot of face has been lost by some people, and some people have careers to make by pursuing famous cases, but that is actually something that needs monitoring," he said.

He criticised the way Swedish authorities have sought to have him extradited to Sweden to face allegations of sexual assault-- the reason he was held in jail for 10 days. "That is something that actually needs monitoring, it needs scrutiny," he said. "We have seen this with the Swedish prosecutor in representations to the British government here, and the British courts say that it did not need to provide a shred of evidence-- said this three times-- and in fact has provided nothing, not a single shred of evidence in its extradition hearings, in the hearings that ended up putting me in solitary confinement for 10 days.

"Similarly, in the United States, what appears to be a secret grand jury investigation against me, or our organisation-- not a single comment about what is actually going on."

The bulk of WikiLeaks' efforts were currently devoted to fending off various attacks, including technical assaults on its website, Assange said. "Over 85% of our economic resources are spent dealing with attacks-- dealing with technical attacks, dealing with political attacks, dealing with legal attacks, not doing journalism," he said. "And that, if you like, is attack upon investigative journalism."

Assange said he was worried about the prospect of being sent to the US, adding: "There have been many calls by senior political figures in the United States, including elected ones in the Senate, for my execution, the kidnapping of my staff, the execution of the young soldier Bradley Manning... that's a very, very serious business.

"The United States has shown recently that its institutions seem to be failing to follow the rule of law. And dealing with a superpower that does not appear to be following the rule of law is a serious business."

US efforts to prosecute Assange appear to rely on connecting him to Manning, the presumed source of the leaked cables. Assange, an Australian, was at pains today to stress his remove from Manning, referring to him as "a young man somehow embroiled in our publishing activities" and saying WikiLeaks did not know who its sources were.

Targeting him personally would not stop the work of WikiLeaks, Assange pledged. "People like to present WikiLeaks as me and my backpack. It is not true. We are a large organisation. It is resilient. It is designed to withstand decapitation attacks, and our publication rate actually increased during the time I was in solitary confinement."

<http://www.guardian.co.uk/media/2010/dec/17/julian-assange-wikileaks-us-investigation>

Assange: Intercepted SMS Traffic Exposes Setup

[Author?]
Rixstep.com
2010-12-17

ELLINGHAM HALL (Rixstep) — Marianne Ny and her friends in Stockholm have access to the SMS traffic between Anna Ardin, Sofia Wilén, and their friends and have even shown this traffic to Julian Assange's Swedish solicitor Björn Hurtig.

The traffic shows unequivocally how Anna Ardin and Sofia Wilén conspired to fabricate charges against Julian Assange as a form of '7-step revenge'. But Hurtig's been gagged by Marianne Ny and the Swedes refuse to disclose this information to anyone in Britain. The stink of harridan setup has become the foul stench of political skulduggery.

Many of these details were revealed recently by Australian barrister James Catlin who flew to Europe in October to support Julian Assange and ostensibly was made privy to the intercepts.

'That is something that actually needs monitoring, it needs scrutiny', Assange told reporters. 'We have seen this with the Swedish prosecutor in representations to the British government here, and the British courts say that it did not need to provide a shred of evidence-- said this three times-- and in fact has provided nothing, not a single shred of evidence in its extradition hearings, in the hearings that ended up putting me in solitary confinement for 10 days.'

Marianne Ny has still refused to provide documentation to Assange and his solicitors in the English language, in direct violation of EU law.

The online presence of Sofia Wilén who was officially [???] cohabiting with her boyfriend from Brooklyn, Seth Benson, at the time of the alleged encounter and who has since moved to a new address in the same town of Enköping, leaving Benson behind at the old address, has been professionally scrubbed.

Anna Ardin, who took it upon herself to scrub her online presence, has been famously unsuccessful, getting caught deleting incriminating tweets, redacting her now notorious '7 steps to revenge', removing her CV (with details of her militant feminism and her escapades at Swedish embassies in a number of countries) from her blog and website, and finally reducing her Twitter feed to a single tweet: 'I'm so sick of it all. Will it never end? At any rate I want to say the other girl's just as much to blame.' [Note: In fact, the tweet refers to den andra, i.e. "the other person"; it is not entirely clear who the other person is supposed to be.--A.B.]

Even the political interventionist Claes Borgström, who forced the snake pit open again for his crony [???] Marianne Ny and who seems intent on exploiting the mess to regain political 'face' after being roundly shamed for his misbehaviour in the Thomas Quick affair, seems to be getting cold feet.

'If they'd known what was going to happen, maybe they wouldn't have gone to the police at all. I wouldn't have.' [With "what was going to happen", Borgström presumably means the various forms of verbal abuse to which the two accusers have been subjected, especially on the Internet.--A.B.]

<http://rixstep.com/1/20101217,00.shtml>

Snow Shovels!

Crisis in the constitutional monarchy

[Author?]
Rixstep.com
2010-12-17

STOCKHOLM (Rixstep) — Sweden is in the throes of a constitutional monarchy crisis— there's a severe lack of snow shovels in the country. This is the top story today with the country's most respected news source, Svenska Dagbladet (SvD). *[Note: Svenska Dagbladet is probably the best daily newspaper in Sweden, which is not saying much. But opinion polls indicate that the "most respected news source" is public broadcasting--roughly equivalent to the BBC, including all of the latter's flaws and limitations.--A.B.]*

Sparse mention of Julian Assange's release is found only on the third fold of the home page.

SvD's article on the shortage of snow shovels represents a milestone in investigative journalism in Sweden: SvD's reporter Karin Thurfjell rang around to a number of garden supply outlets across the country to find out how bad the situation really was. Her article was condensed / expanded down / to 308 words.

Mention of Julian Assange now being free on bail was given 100 words and buried deep in the site. This token article was however followed by a hyperlink list of previous articles with the giving title 'Read More About the Sex Crime Suspicions Against Julian Assange'.

The Swedes have taken the Rupert Murdoch idea to heart and perfected it for their own conditions. Sweden may have source protection in theory but it matters not when the media so gleefully play into the hands of the powers that be and simply refuse to report the news that matters.

There's no mention of the recent embassy cables, no mention of Assange's interviews today, no mention of Björn Hurtig's revelations about intercepted SMS traffic, no mention of the CNN coverage of the condemned harassment of Julian Assange-- none of that. And this from Sweden's most respected news source *[see above]*. What happens outside Sweden stays outside Sweden and is only newsworthy in Sweden if it has something to do with Britney Spears, new accidental beaver shots, some celeb getting a divorce, or new makeup and wardrobe strategies for the weekend.

Swedish media, despite the much overhyped source protection, are part of an unholy alliance with the Swedish government, something akin to the Steve Ballmer OEM agreements. Media companies have to pay a revenue tax they can't afford and after paying that tax are normally entitled to government subsidies amounting to roughly the same thing. Garbage in, garbage out. The trick is the powers that be don't have to pay the tax revenues back in the form of subsidies-- they can withhold payment at any time for in principle any reason. This effectively keeps the private parts of media corporation editors in a vise-like grip that results in a severe level of self-censorship.

Swedes may be second best in Europe when it comes to using English but they're notoriously chauvinistic when it comes to their own language. And few venture out from the confines of their constitutional monarchy duck pond to see what the media and the people in the world outside have to say-- they've mostly only heard 'wild rumours' about the disgrace the current legal mess has put their country through, how they as a nation and a people have been roundly derided for their weird ideas.

Get your snow shovel as soon as you can. Get a bullshit shovel while you're at it. And use both to try to uncover the truth.

Below: Screenshot from Svenska Dagbladet's website, Friday evening 17 December 2010 [including the unkind cut of attorney Jennifer Robinson's head].



Assange släppt

Publicerad: 16 december 2010, 19.21. Senast ändrad: 16 december 2010, 20.56

Wikileaksgrundaren Julian Assange har nu släppts mot borgen från häktet, uppgav en talesperson för Wikileaks sent på torsdagseftermiddagen rapporterar flera medier.

Läs vidare + Textstorlek: A A A Skriv ut Bloggänkar (17 st)

PHOTO: ANDREW WINNING /REUTERS

Med kamerablixtrar smattrande mot ansiktet höll Julian Assange ett kort tal från trappan till domstolsbyggnaden efter att ha släppts.

- Det känns skönt att känna Londons friska luft igen, sade Wikileaksgrundaren
- Jag hoppas kunna fortsätta med mitt arbete och fortsätta vidhålla min oskuld i detta fall och att kunna avslöja - i takt med att vi får dem - vilket inte fått än, bevisen bakom dessa anklagelser, sade Assange om det svenska åtalet för våldtäkt och sexuellt övervåld.

Tipsa och dela

Rekommendera 9

Tweet 1

Vad är det här?

UTRIKES | Mest lästa

<http://rixstep.com/1/20101217,02.shtml>

Nick Davies' Deep Throat

Kindergarten leaks-- oh so trustworthy

[Author?]
Rixstep.com
2010-12-18

LONDON (Rixstep) — Nick Davies of the Guardian claims to have been given 'unauthorised access' to a number of authentic documents in the Marianne Ny case file against Julian Assange. This follows closely on the announcement the day before by Assange and others that there would be a new 'smear' starting within 24 hours.

The documents sent to Davies add little to existing knowledge of the case but they seem to have been accompanied by an explanatory letter written by someone outside the legal process.

And the most extraordinary: important parts of the case files seem to have been deliberately withheld-- namely those parts previously cited by James Catlin and Björn Hurtig as decisive to the realisation that there in fact is no case at all.

What's Not There

The documents Nick Davies' 'deep throat' sent paint a cohesive picture of a 'cad' rather than a rapist. As if someone went through a lot of time and trouble to revise the testimony of the girls to make it less contradictory and more convincing.

The main flaw-- and it's a huge flaw-- is that this new version of events ('Story Two') is completely at odds with the first one ('Story One'). It further contradicts the testimony given by Anna Ardin to the tabloid Aftonbladet on 21 August.

Borgström Lurking?

Who's Claes Borgström and how did he get involved in this case? Why would a politician become involved as legal counsel on the plaintiff side in a rape case when the plaintiff already has the assistance of a state prosecutor? *[Answers: 1. To my knowledge, Borgström does not currently hold political office; in any event, he is a licensed attorney, of which there are several among the members of the Swedish parliament, for example. 2. Separate legal counsel for alleged victims of serious crime is a well-established component of the Swedish legal system; nothing unusual about it in this case.. — A.B.]* Why would a legal counsel represent two plaintiffs at once? Something's never been right there.

But Borgström-- who insists he doesn't want to talk about the case beforehand-- was ostensibly miffed by Björn Hurtig who said he could prove Assange is innocent and could make extradition a 'moot point'. Borgström then contacted the tabloid media to boast that he too had access to secrets about the case Hurtig didn't know about. Good for him.

And then the following day an early Xmas gift lands in the inbox of Nick Davies. Coincidental as well with Julian Assange's release on bail-- something known today to be strongly opposed by Borgström's friend [???] Marianne Ny, regardless of her earlier denials.

If the bad guys fail first time around in smearing and harming Julian Assange so the Stockholm prosecutor has to dismiss all charges, if they're so intent on evil that they refuse to give up, if they're prepared to fabricate stories to get at him again, then they should remember the first rule of smears: don't contradict yourselves.

<http://rixstep.com/1/20101218,00.shtml>

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WikiLeaks: Notorious Swedish Tabloid in New Smear Campaign

The best Swedish 'journalists' can manage isn't very good.

[Author?]
Rixstep.com
2010-12-18

STOCKHOLM (Rixstep) — Tabloids will generally print anything sleazy to get people's attention. The battle is especially difficult in Sweden where gossip journalism literally drenches the citizenry.

But there's a difference between garden variety sleaze and sleaze with a political agenda. And Stockholm's Expressen seems to be practicing the latter again.

It was of course this very same Expressen who blasted out headlines back in the morning of 21 August that Julian Assange was 'hunted' in Stockholm, who elicited an illegal corroboration from prosecutor Maria Kjellstrand, and who then spent the next twelve hours incessantly tweeting on three separate accounts to get their story 'out there'.

The Nick Davies article [*in the Guardian*, 17 Dec.] on 'unauthorised' documents sent to his inbox still hasn't got legs. No one's yet picked it up-- perhaps because there's very little of substance to it.

Strange then that Expressen of all questionable media companies should be privy to the article-- especially when Swedes and their media companies are famously ignorant of what goes on in the world around.

The Expressen article demonstrates two connections to Assange and Davies-- both pulled from the same article in the Australian. The article mentions that Assange has a personal secretary and that he previously had an apprentice volunteer from Oxford University. This to Expressen becomes the equivalent of Assange being a 'dirty old man' and basically having a 'harem'.

Curiously the article also hints at a rift between Davies and Assange and suggesting the rift is connected to Davies' reluctance to work with his colleagues on the embassy cables. But to Expressen this becomes a sub-header in bold print: 'After his time in prison he's surrounding himself with only his innermost circle, including a number of young women.'

But there is no 'number of young women': Icelandic journalist Kristinn Hrafnsson is there and he's definitely not a young woman; there is one 'young woman' who's been

Assange's personal assistant for quite some time-- and whether she's ever washed his socks is totally immaterial; another close associate on the same level and part of the organisation for as long is-- hold on-- male. And all is being presided by former British army officer Vaughan Smith who owns the estate.

The article Expressen cite-- along with its contents-- makes things look highly suspicious indeed for the Stockholm rag. The choice of Nick Davies was not accidental— he was chosen on the off-chance that he'd be negative about WikiLeaks. The article has both the references to Davies and the 'young women' stuff Expressen's 'reporters' were able to spin into a smear.

But Expressen take things one step further, claiming there are 'three witnesses' to what Assange purportedly did with Wilén and Ardin-- which must be quite the feat as each of those girls was alone with Assange at the time of the alleged incidents. But that's a subtlety Expressen's ace journalists are not going to bother pointing out. It's all in the headlines-- 'three witnesses can convict Assange' and that's all most people read.

The connection with Davies and the article at the Australian also make Expressen the #1 suspect as the sender of the Davies documents.

The people at Expressen are obviously implicated up to their eyeballs in a malicious smear campaign-- all that remains is to uncover why and who's behind it.

[Note: If this analysis is correct, it would be entirely consistent with Expressen's past behaviour.--A.B.]

<http://rixstep.com/1/20101218,01.shtml>

WikiLeaks cables: Julian Assange says his life is 'under threat'

- *WikiLeaks founder says Swedish rape case is 'a travesty'*
- *Bank of America blocks WikiLeaks payments*

*David Batty
The Guardian
18 December 2010*

Julian Assange said today his life and the lives of his colleagues at the whistleblowing website WikiLeaks are under threat. Speaking to reporters outside Ellingham Hall, the Norfolk house at which he is staying following his release on bail from prison, Assange said: "There is a threat to my life. There is a threat to my staff. There are significant risks facing us."

Assange is wanted in Sweden, after he was accused of committing sex offences. He denies the allegations and his lawyers have accused the Swedish authorities of waging a "vendetta".

He was initially remanded in custody but freed from prison on Thursday after a judge granted bail pending a court ruling on extradition to Sweden.

Assange said: "The case in Sweden is a travesty. No person should be exposed to that type of investigation and persecution. I have seen a statement from one of the witnesses that she was bamboozled ... I have heard a rumour that one has withdrawn her statement."

Meanwhile, Bank of America has become the latest financial institution to refuse to handle payments for WikiLeaks. The bank released a statement saying it will no longer process any transactions that it believes are intended for the site, which has released thousands of secret US diplomatic cables.

"This decision is based upon our reasonable belief that WikiLeaks may be engaged in activities that are, among other things, inconsistent with our internal policies for processing payments," the bank said. The action comes as WikiLeaks says it plans to release information about banks. Other financial institutions, including MasterCard and PayPal, have also stopped handling payments for the site.

In response to the bank's announcement, WikiLeaks issued a message on Twitter urging its supporters to leave the bank. "We ask that all people who love freedom close out their accounts at Bank of America," it said. "Our advice is to place your funds somewhere safer," the organisation said in another post.

Assange told Forbes magazine last month that the data on banks would show "unethical practices".

Curiosities Abound in Assange Case

*Dennis Bernstein
Consortiumnews.com
December 18, 2010*

Editor's Note: WikiLeaks founder Julian Assange was released on bail in London on Thursday, after nine days in the bowels of a Victorian-era prison awaiting possible extradition to Sweden over charges of sexual misconduct. But Assange also faces a threatened indictment in the United States for "conspiracy" in disseminating leaked U.S. government documents.

After the hearing, Assange told supporters outside the High Court that "I will continue my work and continue to protest my innocence" regarding the accusations from two women in Sweden. On Thursday, Dennis Bernstein of Pacifica's "Flashpoints" program spoke with filmmaker and author John Pilger, who was present in the courtroom:

* * *

DB: Let me get your overview here of Julian Assange and what is happening to him. How do you see this?

JP: Well, it's a very complicated and very suspicious case, of course. Today [Thursday] we saw a pinch of justice, that's all. But his bail is weighted down with conditions. He's virtually under a kind of house arrest. Now if he wasn't Julian Assange, the founder of

WikiLeaks, none of this would have happened. I doubt whether there would be any prosecution, we'd be having this conversation.

And we learned today [Thursday] that the Swedes had not initiated this appeal against bail that was heard today in the London court. It was the British. Why were they doing it? Were they doing it on behalf of the U.S.? I don't know the answer to those questions. But suspicions really do mount in this case.

Because the unspoken in the court ... was the possible prospect of Julian Assange being extradited to the U.S. to be prosecuted under a law, which at this point doesn't exist, which the Attorney General in the U.S. is at the moment is trying to invent. 'Cause there isn't such a law against whistleblowers, certainly not against those who facilitate whistleblowing as WikiLeaks does. But that is speculation.

But then there's the Swedish case which is very strange indeed. I'm not saying that it is being run by the CIA or anything like that but it's got very strange and dark elements and very contradictory elements to it. So more of this is going to emerge when the extradition issues are heard. I think the next hearing is in January but it will probably run through for a couple of months.

DB: In the United States, everybody has everything on the table now, not for Iran, but for Julian Assange. Arrest him, prosecute him, lock him down, assassinate him. Could you talk about this?

JP: Well, I mean, you know there's always been this tension in the U.S. hasn't there? Between all that rosy history of Georgian gentlemen handing down tablets of good intentions and the other side, a bunch of lunatics. I'm not saying these people writing those columns are lunatics but they're on the fringe of that fringe. So they've always been there, and so we expect to hear from them at times like this.

But I think what's more worrying is that the, as I mentioned, the Attorney General in the Obama administration is making all these boorish noises about he's going to prosecute him. For what? For what? This is supposed to be the land of the First Amendment. And I dug out a statement by Obama just before he came to power about how he wanted it to be the most informed period in modern U.S. history and all that nonsense. I think that's the worry.

The truth is the Obama administration is worse than the Bush administration certainly in this area. You know Bush didn't actually prosecute a single whistle-blower. He made a lot of noises. Obama is breaking all records in Justice Department prosecuting whistle-blowers. So there is clearly a motivation there to try and get Assange.

DB: I suspect that the idea, in part, is to keep the focus on Assange and off the information-- some of which helps to fill in some pretty big holes. Speaking about some of the documents, it was rather interesting and significant that we saw the administration and the Congress in the U.S. playing a key role in trying to prevent the former Vice President of the U.S., Cheney, et al, from being indicted by a Spanish court, indeed trying to suppress the court from indicting members of the Bush administration for torture and related adventures. That kind of material is interesting and it seems to put the fire under Obama and official Washington to go after WikiLeaks.

JP: Yeah, because it might lead to them. They know that they've all got secrets, and they want to keep their secrets from us, and they are all implicated, to some degree.

And they are worried. A lot of these people are worried about what's going to come out, all over the world.

Truth, they are worried about the truth getting out. That's why there's such intense feeling about, as you say, distracting from all this by pursuing Assange but also trying to shut him up. They won't, of course, because WikiLeaks is all over the world. It won't shut him up one bit. In fact, I think it will have the opposite effect.

It is interesting as the Swedish case came up WikiLeaks released a whole lot of documents in Sweden that showed the nefarious relationships between the government and the media and the U.S. and so on. So it's an interesting struggle.

DB: Official documents are for journalists, often more effective than eyewitness accounts. Because sometimes what people see through their senses is deeply affected by everything and the chemistry of the moment. But when you see the cold rule on the page you can work with it and you can make a very strong case.

JP: Yeah, that's absolutely right. There is nothing like evidence in their own words. That doesn't mean to say we have to believe everything they've written down, of course not. But it gives us a very good idea of the thinking of those in power in their own words. That's the most revealing of all.

DB: Well what are your concerns now? What do you see as some of the pitfalls? Some people are already active in this country, one, in creating all kinds of devices to shut down Internet sources like WikiLeaks and their secondary support services. And we've also seen moves to say that this is why we can't have this kind of Internet.

JP: Well, they're not going to succeed. They won't shut it down. And WikiLeaks has shown that there are so many mirrored sites, WikiLeaks sites, all over the place. You know, they keep duplicating themselves. It's not possible.

They can throw the amassed ranks of Mastercard and Visa and Paypal and all the rest of at them. And the Pentagon can try its best to conduct a kind of cyber-warfare against them but it won't work. They won't succeed. So it's very interesting.

DB: Do you think that those people, those journalistic institutions given access now have done a good job? Do you think maybe it's time to have a consortium of independent thinkers/journalists going through this stuff in a methodical way. How do you perceive the best way to deal with this amount of information?

JP: Well, I think that is happening. WikiLeaks itself is very good at analyzing and interpreting the material. If you look at their site it is very clear in the way it interprets and kind of navigates through the documents. And then you also have, well, particularly the Guardian has done a skillful job in putting out the documents. So you know I think it is out there. I think it is there. You get the New York Times completely runs to the White House to "please sir, can we...."

DB: To get permission...

JP: Yeah. So I wouldn't...what I have seen of the New York Times' slant on them I wouldn't really take the time to read it the way they do it. But I have been reading them in the Guardian and it's pretty straight. So yeah, I don't think people have any

difficulty reading these documents actually. I've seen plenty of them and once you unscramble the acronyms and the codes and all that, they are pretty easy.

DB: Well, final question and I have to say, I don't really quite get it or accept the fact as has been suggested that the overwhelming amount of these documents came from one private in the military. Maybe they did. But what do you think about that story and the potential that it could have been a private somewhere in the U.S. military that could reveal this amount of information.

JP: Well, I mean, it's surprised [me] to read that for the certain diplomatic cables they were available to 2.5 million people. They had clearance to have access to them. So who should be surprised that they were leaked? **It's amazing they weren't leaked before.**

I can only speculate, the technology for all this is beyond me. But it does seem farfetched to think that ... suggesting Bradley Manning would have done it. He seems to have leaked, or may well have leaked the Apache footage and some of the other material. I don't know. I don't know.

But when I spoke to Julian Assange about this he was clear and spoke about people who he compared with the conscientious objectors in the First World War so **he was talking in the plural**. So I think, the suggestion is there's more than one and perhaps many more than one.

DB: Did you talk to him today [Thursday]? Do we know how he was treated?

JP: Well, he was in solitary, so he was isolated basically. He looked ok in court, he looked fine. It's an unpleasant experience.

DB: And just to underline where we started, you are saying, it is your understanding now that the reason he stayed in jail was not the Swedes pressing the case but it was the Brits.

JP: It appears that's the case. Yes, he was given bail on Tuesday, and within two hours there was an appeal against that bail. Everyone assumed that the Swedes appealed and it emerged this morning that it wasn't the Swedes. In fact the Swedes say "We don't have a view on bail." It was the British prosecution service who have tried to explain it away by saying "Well, it's in this country, it's up to us." It wasn't very convincing at all. So the question is "What's going on?"

Note: Dennis Bernstein produced this interview for "Flashpoints" on the Pacifica network, which was broadcast across the US on Thursday, Dec. 16, from the KPFA studio in Berkeley, California. You can access the audio archive of that entire show on their Web site, www.flashpoints.net.

Julian Assange furore deepens as new details emerge of sex crime allegations

Bitter divisions open up between supporters and critics of WikiLeaks leader in wake of fresh claims by Swedish women

Tracy McVeigh and Mark Townsend
The Guardian
18 December 2010

As fresh snow erases the traces of Friday's scrum of camera crews from the elegant lawns of a Georgian mansion in East Anglia, inside Ellingham Hall Julian Assange is considering his next move.

Transformed from cyber celebrity into household name, Assange-- the man who kicked a diplomatic hornet's nest across the globe-- is carrying an extraordinary weight of controversy and opprobrium on his narrow shoulders.

Assange faces a whole new debate this weekend over his personal conduct, after the allegations made by two women in Sweden, who accuse him of sexual misconduct and rape, were published in their fullest form in the Guardian. An increasingly diverse cast of characters are forming unlikely coalitions over the case across ideological divides.

The accounts of the two women have led Stockholm authorities to request the extradition of Assange so that he can be questioned by a prosecutor. That request led to Assange spending nine days on remand in Wandsworth prison-- a controversial decision by the courts, which was overturned on Tuesday when he was given £240,000 bail. He was released on Thursday after the high court dismissed an appeal from prosecutors against the bail decision.

A condition of his bail was that he reside at Ellingham Hall, the estate of former British Army officer and journalist Vaughan Smith, who offered bed and board as "an act of principle".

Dismissed by his supporters as a smear campaign, the case against Assange now threatens to move from a sideshow to overwhelm the main act-- the work he has done in his public life as editor of WikiLeaks. In part, Assange, 39, who has become a figurehead for whistleblowers, can blame this on supporters who have pressed accolades on the man rather than the cause, and who range from left wing historians, feminists and human rights campaigners to misogynist right wing bloggers and a porn baron.

Today Larry Flynt, the founder of American sex magazine Hustler, announced that he would give \$50,000 (£32,000) to the Assange defence fund, calling him a "hero" who deserved a "ticker-tape parade". Flynt's support was not for WikiLeaks itself, but because he thought the rape charges a nonsense.

Assange has been called "the new Jason Bourne" by Jemima Khan, the "Ned Kelly of the Cyber Age" by members of the press in his native Australia and a libertine 007 by those who note his fondness for martinis.

On the other side, Republican US senators have lined up behind the Democrat secretary of state Hillary Clinton to condemn him. Sarah Palin claims that he is "an anti-American operative with blood on his hands" that America should pursue "with the same urgency we pursue al-Qaida and Taliban leaders." George Packer of the New Yorker magazine, called Assange "megalomaniacal" and Vanity Fair's Christopher Hitchens called him "a middle man and peddler who resents the civilisation that nurtured him". There have been disturbing calls from both Republicans and Democrats for him to be assassinated.

Smith agreed there was a "risk" of the allegations against Assange overshadowing WikiLeaks' revelations. "When a friend of mine looks me in the eye and tells me they are not guilty I tend to believe them," he said. "One has to remember that conviction rates are amazingly low, and I suppose if one had to stand back away from this-- and I say this without trying to diminish claims of any form of crime of this nature-- but if one takes enough distance one might observe that perhaps it is something of a distraction," he told the Observer. "When, as I believe, he is determined to be innocent one might look on this and ask: was this in the interests of it all?"

It is now nearly three weeks since Assange and his WikiLeaks team began disseminating secret US state department cables to internet users and newspaper readers around the world, who were in turns fascinated and appalled. The cables have revealed wrong-doing, international double-dealing, espionage, plots, bitchiness, bad behaviour and scandal in the political, military and business worlds. Within a torrent of 250,000 documents was information on how world leaders lied and connived on everything from the direction of the conflict in Afghanistan to spying at the UN and Saudi Arabia's push to have the US bomb Iran.

The WikiLeaks campaign of reveal and be damned has splintered opinion on both left and right. The US government was furious, and is expected to take some kind of legal action. Already pressure may have been exerted as large financial institutions including PayPal, MasterCard and Visa-- and today the Bank of America-- have refused to do business with WikiLeaks, cutting it from donors.

But after Assange's period in jail last week, the focus was switching. In today's Guardian editorial, the newspaper explained why it had chosen to publish the sexual misconduct allegations in detail: "It is unusual for a sex-offence case to be presented outside of the judicial process in such a manner, but then it is unheard of for a defendant, his legal team and supporters to so vehemently and publicly attack women at the heart of a rape case."

The paper is reflecting a growing discomfort among many, in both camps, at the widespread vilification-- and naming-- of the two alleged victims on websites and blogs, and also of the kind of language being used by people including Assange's own lawyer Mark Stephens who referred to the allegation as a "honeytrap".

"I have never heard the like. Legal representatives do not and should not stand on the steps outside a court of law and make such comments about their clients, it is neither right nor fitting," said one outraged barrister. "It is certainly in my view deeply unprofessional."

It's understood that several high- profile Assange supporters have been shown what they understand to be translations of texts and emails to help persuade them Assange is not guilty of rape.

Human rights campaigner Bianca Jagger has directed her Twitter followers to a blog suggesting that one of the women had links to an anti-Castro Cuban group. She insisted to the Observer that she had been in court and taken great care over her analysis of the charges, and believed in Assange's innocence. Michael Moore, the US film-maker, has suggested Sweden does not always pursue rape allegations. He has offered money towards the bail surety. Others have been suggesting that Assange has fallen foul to a pact between jealous female groupies. A range of deeply misogynistic blog posts have blamed "feminists", despite insistence from people close to Assange that there is no conspiracy.

A new campaign called "talkaboutit" has been started online by Swedish women to defend the accusers from the extraordinary verbal attacks being made after Johanna Palmstom, of the Swedish thinktank Lacrimosa, wrote passionately this week in favour of justice being seen to take its course. But many young activists in the UK see a conspiracy with the power of the US at its heart.

Jim Cranshaw, 29, a campaigner with the UK Uncuts movement said that a commonly held view among young activists was that the allegations against Assange amounted to a witchhunt by the US. "The majority of my peers are deeply sceptical about the whole process. He is wanted by the most powerful country in the world and the timing of the allegations, the extradition attempts, it all seems too convenient.

"The CIA has used sex offence allegations in the past because it makes people dislike you even if you win the case, as with Castro. However there is a view that if a woman makes allegations like these then they have to be taken seriously. There seems to be a lot of political pressure to get him to America and to possibly kill him."

It is a view shared by members of Anonymous, a group of hackers directing cyber attacks against companies that have withdrawn their support for WikiLeaks. Most have chosen to ignore the content of the sexual allegations, believing that the claims are part of a conspiracy.

But a colleague of Assange in Stockholm, who knows both women, said that Sweden was pursuing a "normal police investigation" and said that while WikiLeaks' enemies may exploit the case, "it's not the CIA sending a woman in a short skirt". UK author Joan Smith told the Observer that there was a disturbing "Polanski" effect among people who didn't know Assange.

"It's like Julian and the WikiLeaks-- a new boy band, that's turned into a phenomenon of celebrity. But people who assert the innocence of a man they have never met are on dangerous ground. It's that rush to judgement which is so extraordinary.

"Sexual manners and sexual conduct come in for careful consideration in Sweden and on the whole I rather approve."

Others showed similar reservations. WikiLeaks supporter, the historian Tariq Ali, said that it was possible to separate Assange the man and the allegations from the cables. "WikiLeaks is an organisation and he [Julian] is one of them. So I am very glad he is out and all that, but WikiLeaks would go on even without him and that is important to stress." Investigative journalist John Pilger believes it is necessary to defend Assange. "He is an innocent man until proven otherwise," he said. "It is clear that in Sweden the

presumption of innocence has been publicly torn up by those whose duty was to safeguard it. This has encouraged a vicious campaign in the US, including incitement to murder Assange, and secret planning to stitch him up as some sort of terrorist."

Such views are being rejected in Sweden, where a counter campaign is now building among those who don't see the US hand in these allegations.

Claus Borgström, the lawyer for the two women, is calling on Assange to return to answer the allegations. Now it is for a fresh prosecutor, Marianne Nye, a specialist in sex crime, to decide if the evidence would stand in court, and for that she wants to question Assange.

A Swedish senior civil servant, who asked not to be named, dismissed allegations of a plot and insisted that Swedes are capable of seeing the advantages of WikiLeaks, in terms of debate about freedom of expression, while conceding that Assange may have unsavoury morals between the sheets.

But like many, he conceded that the case has been handled clumsily. "The fact that one prosecutor dismissed the charges against Assange and another picked them up afterwards, makes the case look fishy. The prosecuting authorities should have acted more expeditiously and speedily."

DN 2010-12-18

Dags att prata om det

Johanna Koljonen

"Om vi inte kan berätta gör vi våld på oss själva." Det skriver Johanna Koljonen i en personlig text om en sexuell kränkning och självbildens och skammens nyanser.

När jag var yngre och hade sämre självförtroende blev jag en gång bjuden på middag av en kanske femton år äldre man i min egen bransch. Han berättade ganska tidigt under kvällen att hans avsikt var att förföra mig; det tyckte jag verkade som en fantastisk idé. Vi drack oss oregerligt fulla på dyrare vin än jag någonsin haft råd med, åkte hem till mig och hade massor med härligt sex med varandra. Jag var berusad, men jag är ingen idiot: vi använde självklart kondom, på min begäran.

Förhandlade han om kondomen? Lirkade han för att slippa? Jag önskar att jag kom ihåg det. Det gör jag inte. Jag har resonerat med lirkande män så ofta att gångerna flyter ihop.

Följande morgon vaknade jag av ömma smekningar i hans famn, bakfull och ganska lycklig. Eller snarare så här: jag vaknade med honom inuti mig. Det är där minnet av morgonen börjar, med penetrationen som ett faktum, att jag ville ha mera sex men kunde inte koncentrera mig på grund av den bultande ångestfrågan. Har han kondom? Han måste väl ha kondom? Jag vågade inte fråga. Vår överenskommelse var ju så klämkäckt tydlig: kondom i varje hål, annars blir det inget. Han skulle väl inte...?

Det skulle han.

Vad rörde sig i mitt huvud? Banaliteter. Jag ville inte vara till besvär. Skadan var redan skedd. Jag hade ju redan visat min njutning, då vore det väl barnsligt att avbryta? Och tacksamhet över att han just då, när han rörde sig mot min kropp, i min kropp, kallade mig underbar. Någonstans, i ett töcken av sexuella val från natten innan som jag medverkat i och njutit av men inte riktigt stod för, låg också känslan att min rätt att dra gränser på något sätt var förverkad. Jag hade varit för villig. Det hade varit för kul att få vara hon, tjejen som okomplicerat njuter av sex.

Jag höll på tills det var klart. Jag kokade kaffe och följde honom till t-banan genom min förort och visste att vi aldrig skulle ligga igen. Jag kände mig inte som ett offer för ett övergrepp. Jag var inte arg på honom, bara lite på mig själv, medan jag pussade adjö och noterade i min mentala att göra-lista att jag behövde testa mig för könssjukdomar. Olusten jag kände för den här mannen var så vag i konturerna att det krävdes tio års distans för att urskilja dess form: ett as. Den här härliga snubben hade betett sig som ett as. Medan jag, feminist sedan de tidiga tonåren, var så fullständigt obekant med tanken om bestämmanderätt över min egen kropp att jag låg där och var tacksam när han förgrep sig på vår överenskommelse om villkoren för vårt samlag.

Jag berättade den här historien på mikrobloggen Twitter i tisdags. Det var inget jag hade planerat. Jag låg framför teven och slötwittrade med en kompis om Assange-fallet och sängkammarens gråzoner och plötsligt mindes jag den här historien som jag aldrig tänker på, utom när jag någon gång ser hans namn i tidningen. Jag häpnade över minnet, som nu stod i en annan dager. Jag undrade vad som hade hänt om jag sagt stopp och han kanske inte hade slutat. Hade jag vågat anmäla då? Det hade jag nog inte.

Det slog mig, twittrade jag, att det finns ett strukturellt problem i vår våldtäktslagstiftning. Den förlitar sig på att parterna ska kommunicera om sina gränser. Det är en viktig princip. Men vi förmår det inte alltid, inte ens med partner vi känner och älskar. Man kan vara hur kåt som helst och samtidigt för blyg, tacksam, skamsen, imponerad, rädd eller kär för att säga vad man faktiskt vill. Och om vi inte kan berätta för varandra om våra gränser, då gör vi våld på oss själva. Vi kanske till och med tillåter, som jag gjorde då, övergrepp i lagens mening att ske. I sexuella övergreppssituationer är offret ofta hjälplöst. Det var inte jag. Jag kunde sannolikt ha brutit situationen med ett enda ord. Men jag ville inte vara till besvär.

Ingen av oss vet vad som hände i Assange-fallet. Sannolikt minns till och med parterna det rätt olika. Hittills har den mediala uppståndelsen kring fallet bara avslöjat ett enda faktum: att också vi här i Sverige är extremt dåliga på att prata om sexuella situationer där kommunikationen fallerar. Vi vill tillskriva skuld, identifiera offer och förövare och sortera in dem i trygga fållor byggda av kulturella föreställningar och klichéartade egenskaper.

Jag känner mig inte som ett offer, men det hade jag haft rätt till. Killen jag låg med kände sig garanterat inte som en förövare. Det här är något vi måste prata om så att språket i framtiden alltid finns på plats i de fall där det verkligen räknas. Där någon har kommit till skada, där liv och karriärer står på spel.

Ungefär så skrev jag på Twitter. Eller, på Twitter-språk: vi måste prata om det. Jag tappade snabbt räkningen på alla som hörde av sig och tackade för att jag berättat. Någon efterlyste ett upprop: "det här måste vi tala om". Jag svarade, nja, är det inte

bättre att bara... tala? Jag har ju redan berättat det här, jag kan skriva det i en tidning. Om jag inte är ensam.

Jag är inte ensam. Hundratals människor har delat med sig av sina egna erfarenheter på nätet. Tiotals tidningar har hakat på. Vi finns överallt, vi som behöver prata om det. För just mig är det viktigt att prata om självbildens och skammens nyanser. Någon annan berättar sårigt och rått om en brutal våldtäkt. En tredje om sorgen att inte vilja ha sex med sin älskade. En fjärde om sexuella trakasserier på jobbet. Både män och kvinnor berättar, både som offer och förövare, ofta förvånade över hur svårt det var att veta vilket man var. Den största överraskningen är hur mycket vi alla har på hjärtat.

Det är sorglig läsning. Ändå blir jag hoppfull om att jag nästa gång inte kommer att dra mig för att säga till en sexpartner-- på skarpen, om det skulle behövas.

I dag kan jag prata om det.

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Let's #talkaboutit

*Johanna Koljonen
wordpress.com
December 19, 2010*

It's been a busy few weeks-- months, really-- and there's a gazillion things I haven't updated, we're releasing the pod version of our Christmas show early and I have a new book out next week-- I'll throw in some links when I get the chance. All of that's just work though, and right now it's just not important.

What is important is the overwhelmingly courageous, exhilarating and saddening response to a small idea I had on Tuesday night, zonked out on my sofa watching Friday Night Lights for work and talking to people on twitter about how difficult it is to even think about the Assange case in a rational manner. Even if we're able to unthink the troubling consequences for Wikileaks if the allegations turn out to be true, and even if we'd by magical means find out the facts about what really happened in the contested situations, we probably still wouldn't agree on how the facts should be interpreted.

It struck me that most of us just don't have the language or the conceptual apparatus for completely honest sexual negotiations. The cultural ideas around acceptable sexual expression weigh too heavy upon us. We're horny and sometimes drunk, we're embarrassed, impressed, afraid, grateful, ashamed, in love... We don't speak our minds, even to the people we love the most, and certainly very rarely to people we'd like to impress. And this is just us, just people, trying to love and get laid. Then there are the predators, and the people blinded by their power, and the people who are so needy or hurting that they don't even notice that what they take for their comfort was not willingly offered.

It is often very clear what a rape is and what has happened, but even then we know it's difficult for the parties to get a fair hearing in court. Then there are the situations in which acts have been performed which may or may not be illegal, depending on the parties' negotiation of consent. This principle makes legal situations complicated, but it is of vital importance: we should not and cannot legislate acceptable sexual practice.

But given how difficult it is sometimes to draw a line even in the best circumstances, given that we lack a language and fora to talk about these things, how can we be expected to have the strength to say “no” and “yes” and mean it when it really matters? How can judges and juries and the media be expected to speak honestly and think coolly about things we can’t even say to ourselves without shame?

I remembered, just then, that I’d been in a situation once that had made me uncomfortable and disappointed, but that I had never thought about in terms of rape: I woke up in a sexual situation with a partner with whom I had just a few hours earlier had consensual sex on the condition that we use a condom. This, during the night, he had conveniently forgotten-- or just selfishly ignored. I was embarrassed to speak out and didn’t draw a line, even if I probably could have: I had no reason to be afraid of this person who, all in all, was a pretty decent guy.

Under Swedish law, initiating sex with someone who isn’t in a position to express consent is illegal.*** It feels weird to call this a rape but I guess it technically was. What made me feel violated though was something else-- that the penetration had happened without a condom. I don’t even know whether consent can be defined conditionally under Swedish law. I suspect it hasn’t been tried. But I could have just said something just then, I could have withdrawn consent at any moment. I didn’t, for all kinds of cultural and psychological reasons.

I’m not trying to diminish the importance of the situation. The dude was a being douche, obviously, and he broke the law. But I also betrayed myself, and to me that’s a bigger deal.

I talked about this on twitter for a few hours on Tuesday night, very casually, and it seems like mostly everyone who was reading me just then (a few hundred out of maybe a thousand followers) retweeted me or responded or sent me an email thanking me for talking. I was surprised, but fascinated that I wasn’t alone in finding it very difficult to even think about right and wrong in situations like these.

I suggested that I might write my story up in a newspaper: people said that I should, embarrassment be damned. I considered that embarrassment for about ten seconds, and came up with an easy fix. I will write, I suggested, if I’m not the only one. If twelve people write their personal stories in twelve different papers on the same day, then it won’t be embarrassing, and it can be nuanced, and it might open a little space for a few days where people in the blogosphere might feel safe to share their stories, and that might actually be the beginning of a real conversation.

I didn’t make any calls, I didn’t write any emails. I tweeted that, and writers and editors messaged me back. By next morning all who had responded (most of them normally competitors in one way or the other) were on a mailing list and sorting out in a very self-organised manner who should write what and where. This was Wednesday and we realized that it wouldn’t be practically possible to get everyone to publish on the same day. I tweeted, again very casually, that this thing in the papers was happening, and mentioned that obviously anyone who wanted to start on twitter was welcome to #talkaboutit-- #prataomdet. I remember thinking that we would need a hash tag for the links to the articles. I remember thinking that maybe a few people will start sharing in the next few days. It might create a little buzz for the stories in the newspapers.

One of the writers in the #prataomdet movement, Mymlan (Sofia Mirjamsdotter), a very influential blogger, picked up the tag and started tweeting her experiences. Others tentatively started doing the same. Wow, I thought. And also: this is sad and terrifying (because a lot of the stories were). And then: this is exhilarating (because just reading about it felt liberating). Did I post something about this on Facebook? I don't remember. I went into the studio and spent a few hours making radio, and when I emerged, a friend asked me, "are you reading #prataomdet? It's been about a tweet a second all afternoon".

I don't have any metaphors for what happened that aren't dead or trite. Imagine your own floodgates! Apparently, what we had needed to be able to speak was for someone, anyone, to said that we're allowed. That night the #prataomdet movement put up a web page to link to blog posts where people #talkaboutit, to publish texts by people who don't have their own blogs or prefer to write anonymously, and of course to link to the articles we are now publishing in conventional media.

Yesterday, I wrote in Dagens Nyheter. Today, Sonja Schwanzenberger writes in Svenska Dagbladet. The tabloids are publishing pieces (although, predictably, at least one couldn't quite restrain itself from also running a counterproductive "celebrities share sex crime stories" article). The list of participating media keeps growing, but last I checked it covered most newspapers in Sweden, large and small, as well as cultural and political magazines and a great number of professional and semi-professional blogs. And that is important. But not as important, not by far, as the hundreds or thousands of people who share their stories on twitter and in the blogosphere right now. As I'm writing this, it's trickling out, into Norway and Denmark, onto the English-speaking internet. I spotted a tweet in Hungarian in the #prataomdet feed last night.

Predictably, the trolls are out too. But not to the extent one would have expected. I don't think I've ever followed an online conversation about an issue this difficult which was more loving or more respectful. Men write, women write. Victims of brutal rapes write and people who are embarrassed because they can't sexually satisfy their spouses write. A word I hadn't heard before this week-- "tjatsex" (nagging sex = sex that you talked someone into having even when they didn't feel like it)-- is entering the mainstream. I've read descriptions here about feelings and situations I have never encountered in literature or the media before, yet recognize absolutely. Many of the stories make me cry, but I feel oddly elated. I've come to think the most powerful sentence in any language is "I have never told anyone about this before".

I didn't make this happen. Neither did the movement of writers, editors and other volunteers who are putting in the hours running the web site, writing and getting competing media houses to run intimate stories on uncomfortable topics at the same time. The internet made this, because #talkaboutit was enabled by its two most fundamental principles: That people want to be connected, and information wants to be free.

Teresa Axner lucidly explains what #talkaboutit is all about. The official website increasingly has content in English, but since we're not an organisation in any formal sense and we all have day jobs we're spread a bit thin on stuff like translation resources.

EDIT: I got a really good comment below which unfortunately I couldn't publish for linking reasons, which stated that having sex with someone who is sleeping isn't automatically illegal in Sweden if consent is already established. This seems to be correct! However, in opposition to what I have earlier believed, use of a condom seems to be a valid condition of consent, which could mean that consent is automatically withdrawn if the agreement is ignored by one of the parties. (I'd still be curious to know whether this has been tried in court).

<http://johannakoljonen.wordpress.com/2010/12/19/lets-talkaboutit/>

#Prataomdet sprider sig snabbt

Det som startade som ett Twitterinlägg om sexuella övergrepp och gränsdragningar av Johanna Koljonen spred sig fort. #Prataomdet har nu blivit en egen sajt och diskuteras i allt fler medier.

<http://www.journalisten.se/artikel/25824/prataomdet-sprider-sig-snabbt>

Assange feels under attack from his British media partner

'Guardian' article detailing women's statements to police about Wikileaks founder angers his supporters

*David Randall and Emily Dugan
The Independent
19 December 2010*

The plot that no one thought could possibly get even thicker, expanded its dimensions quite considerably this weekend. Fresh details from the statements made to police by the two Swedish women who have made sexual allegations against the WikiLeaks founder, Julian Assange, were published by The Guardian newspaper, his principal British media partner and supporter.

The story-- bylined Nick Davies, the journalist and author who first suggested a tie-up between WikiLeaks and the newspaper-- says that the new material offers "a detailed account of a number of disputed incidents involving the women that appear, at least, to warrant investigation". It also claims that the reason Swedish authorities applied for an international arrest warrant was that Mr Assange did not come back to the country for a scheduled meeting with prosecutors.

It is understood that there was a debate inside the paper about whether, and how, to run the article, but that, in the end, The Guardian decided to publish. A close friend said yesterday that Mr Assange regarded the article as "an attack by somebody who he'd hope not to receive it from".

The police statements deal with what the women say happened when Mr Assange visited Sweden to speak at a conference in August. Accuser 1, who was involved with the host organisation, offered him her vacant apartment, but she returned early, and later they had sex. This much is not disputed. However, according to The Guardian,

she claims in the newly revealed police statement that: "he began stroking her leg as they drank tea, before he pulled off her clothes and snapped a necklace she was wearing".

Her statement adds that she, uneasy at the speed of developments, put on some more garments, but that "Assange ripped them off again". She then let him undress her, and, as he attempted to have unprotected sex with her, she tried several times to get out a condom, but that, as The Guardian reports: "Assange had stopped her by holding her arms and pinning her legs." It was said he freed his grip, put on a condom, but that, in her words, he had "done something" to the condom so that it ripped. He denies doing so.

The next day, as we reported last week, he went to the cinema with Accuser 2, a young woman who had gone out of her way to make his acquaintance. According to the new information, they sat in the back row and, says The Guardian, "he put his hands inside her clothing". That evening, at a party, Accuser 1 told a friend about her encounter with Mr Assange. "Not only had it been the world's worst screw, it had also been violent." This was Saturday 14 August. Two days later, Accuser 2 rang him, they met, went back to her out-of-town flat and began to have sex. She stopped this, as he was not using a condom; they had sex in the night when, she claims, he "unwillingly" agreed to a condom; and then, in the morning, she woke to him having sex with her without a condom. She had never had unprotected sex before, even with her boyfriend, and was perturbed by this, even more so when Mr Assange declined to undergo an HIV test.

She did have a test herself, and, in her efforts to contact Mr Assange, who was proving elusive, rang Accuser 1. They compared notes, and then went to the police, asking if Mr Assange could be forced to have a test. He later agreed to one, but by then clinics had closed for the weekend. Police thought the women's stories meant possible offences had been committed (it can be illegal in Sweden to have sex without a condom when one partner has insisted upon it), and the ball was set in motion that led to his extradition case.

It must be emphasised that Mr Assange denies any wrongdoing. Nor has he presented his side of these events. Should the case ever come to court, it would be a matter of one person's word against another's. But, wherever the truth lies, the allegations and their timing have had a polarising effect.

Last week, The Independent on Sunday revealed the extent of online abuse being directed at Mr Assange's two accusers. Both have been widely named, and their pictures, addresses and even mobile phone numbers have appeared on the internet, in defiance of the anonymity normally accorded alleged victims of sex crimes. He has been subjected to death threats. Meanwhile, he may yet have to face the US charging him with information offences. He remains at Ellingham Hall, Suffolk, waiting for the next hearing in connection with the process of extradition to Sweden.

His most prominent supporters were certainly unmoved by the new details from the police statements. Vaughan Smith, who is putting Mr Assange up in his 18th-century mansion, said his guest thought the article in The Guardian was "an attack by somebody who he'd hope not to receive it from". Mr Smith added: "I'm not going to criticise Nick Davies. I'm not accusing The Guardian of any wrongdoing. I don't think it delivers any new revelations. I'm sad to read it. The article was critical and I wondered to what extent The Guardian maintains a level of criticism politically to keep off the flak of publishing the leaks. I wonder how much of this is politics. It hasn't

made me think that Julian is guilty but it makes me think, perhaps, newspapers feel the need to put in criticism."

The Australian author and journalist Phillip Knightley, one of those who put up bail for Mr Assange, said: "I've had no change of heart. I have no opinion one way or another on the sex charges; they're distinct from the WikiLeaks business and I support his stand on WikiLeaks. I felt that he deserved the principle of innocent until proven guilty. I do think there are dark forces at work to attempt to punish him, and I believe the Swedish allegations are part of that. I spent some time with him at the Frontline Club. I admired him and I still do."

Sarah Saunders, a catering company manager in Kent, a personal friend of Mr Assange and the person who came up with the biggest pledge for his surety, said: "People are interested in the smutty detail, but as a friend of Julian's I can absolutely, categorically, say that I stand by him. As a single woman, I never felt personally vulnerable or at risk in his presence. He's not an aggressive man. I cannot understand the allegations; to me, they don't make sense. He needs to be heard in a fair way and I hope he's given the opportunity of a fair assessment of the facts which he deserves."

John Pilger: Swedes are smearing him and encouraging the US

The Independent
19 December 2010

I don't regard the Guardian article as revelatory but as more of what we know, plus scuttlebut. There are serious omissions. The impression is given that Julian Assange refused to attend a meeting with the Swedish director of prosecutions on 14 October. This is false. Assange offered to attend on the 15th and 16th. When these days weren't suitable, he offered a complete week instead.

What happened in Sweden was a public smear, and trial by Swedish tabloid media. The chief prosecutor, Eva Fine, understood this. After making her own inquiries, she cancelled the arrest warrant. "Julian Assange is not suspected of rape," she said. It was only the intervention of a leading political figure, Claes Borgstrom, that reactivated the case.

After the "crime", one of the women wrote on Twitter that she was with "the world's coolest smartest people". And when asked whether Assange should leave her flat, she replied, "No, it's not a problem. He's very welcome to stay here." Referring to their night together, she said that she "felt dumped" when he left her bed to work on his computer.

This may help to explain why Assange is not charged with any crime, and why the director of prosecutions has appeared so reluctant to provide the defence with documents. The first official document arrived on 18 November, three months after the alleged offences.

Whether or not the smear is a "CIA conspiracy", it is clear that Assange's name has been blackened. Also, the women's details have been hauled across the internet. And his very serious enemies in Washington have been hugely encouraged to pursue their vicious campaign against him. Meanwhile, we have the spectacle of the US Attorney

General trying to concoct a specious law to prosecute Assange for revealing the lies and obsessions of rapacious great power, which, under the First Amendment in the land of Thomas Jefferson, is not a crime. He deserves all our support.

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So, Mr Assange, why won't you go back to Sweden now?

The WikiLeaks founder's reluctance to face his accusers sits badly with his avowed role as champion of freedom

Catherine Bennett
The Observer
19 December 2010

It could be a quality lost on suspicious interviewers, or one he has quite recently acquired, but in all the profiles I have read of the extraordinary Julian Assange, none has begun to convey the man's dazzling effect on his admirers, male as well as female. For the woman who last week flourished the placard: "Julian, I want your babies", his release from Wandsworth must have come as particularly welcome news. But his chief British benefactor, the former army officer Vaughan Smith, has shown that the Assange effect goes way beyond standard manipulation of the groupie-reflex.

Smith's atmospheric account of the night before his hero turned himself in might easily have been set in the Tower of London, on the eve of a royal execution. "I feel that I am intruding," Smith writes, "but Julian smiles at me. He does that: brings you in and makes you feel you are important to him when most of us would feel too preoccupied to do such a thing." All too soon it is morning. "Julian is hungry, as he had no dinner last night."

A similar, doting concern for Assange's physical wellbeing pervaded every pre-release bulletin from his lawyer, Mark Stephens, with his repeated emphasis on the privations of his client in the "Orwellian" and "Victorian" conditions in which, it was discovered, Oscar Wilde had previously been incarcerated, though without the benefit of Victorian TV. Ghastly as Wandsworth jail must be, an earlier Assange myth had depicted someone more along the lines of Jason Bourne than Lady Jane Grey, one perhaps better prepared than most prisoners for discomfort and isolation.

All his life, it is said, Assange rejected domesticity, catnapped on floors and mattresses, if not up trees, shunned routine and regular meals. The New York Times interviewer John F Burns recently found him moving, excitingly, "like a hunted man", using false names and encrypted phones. This hard, lonesome Assange told Burns: "When it comes to the point where you occasionally look forward to being in prison on the basis that you might be able to spend a day reading a book, the realisation dawns that perhaps the situation has become a little more stressful than you would like."

That, however, was written in October, before both the latest tranche of revelations and the Swedish extradition order relating to alleged sexual offences against two women. Conspiracy theorists are not alone in thinking this coincidence reason enough to forget any serious consideration of the sex allegations.

"The honeytrap has been sprung," Stephens said. "Dark forces are at work. After what we've seen so far you can reasonably conclude this is part of a greater plan."

Thus far, if he is right, it is hard to see the plan as an unqualified success for the dark forces. Unless, always a possibility, it was always part of the plan for Assange to mesmerise a host of brilliant, clever new supporters, plus John Pilger, to experience martyrdom in the same cell as Oscar Wilde, and now to move his operation into WikiLeaks's answer to Downton Abbey. Was it the plan, back at dark forces HQ, that Assange's name should now be so potent, among legions of influential, normally judicious supporters, as to place him above the law? To listen to them, the creation of WikiLeaks and an allegation of sexual impropriety are two utterly irreconcilable concepts: there is no way the person who did the former could have to answer for the latter.

Even if the dark forces are not responsible, their hero could never have done the things the women say he did. Negligible though they were. As a captivated Tariq Ali said last week: "The charges are wishy-washy, even in Sweden."

In court, Assange's liberal barrister, Geoffrey Robertson, considered the offences so minor he would probably get off anyway. On Thursday, however, Assange said he did not know what the allegations are. Classic Sweden.

In the most unexpected places, any interest in establishing the truth through the Swedish legal process, as opposed to claim and counter-claim in the media, instantly translates as disloyalty to Assange, the world's greatest champion of the truth. Any sympathy for the women he slept with, as their frailties are indefinitely, globally exposed, will earn you none from, say, John Pilger, slamming the "false tribunes of feminism" he blames for trusting the "chaotic, incompetent and contradictory accusations against Assange".

But some feminist supporters have similar problems with his accusers. Naomi Wolf, the American intellectual, said they are "using feminist-inspired rhetoric and law to assuage what appears to be personal injured feelings". Right, stick to your own language, blondie. In Britain, Assange's lawyer, Jennifer Robinson, also had her doubts about those false tribune favourites.

"We are seeing increasingly on the internet research into the backgrounds of both women that raises real questions about their credibility and the credibility of their claims," she told one broadcaster. An interesting view, in the week that Keir Starmer declared, of rape investigations, that "myths and stereotypes have no place in the criminal justice system".

On the internet, of course, the women can be joyfully named, pictured and pilloried, assessed and obscenely condemned for everything from their feminism to loose morals, clothing and idle, pre-WikiLeaks blogs. Jemima Khan, an Assangist, has tweeted a personal favourite: one accuser, months before meeting Assange, composed a document called "7 steps to Legal Revenge". The Daily Mail and now the Guardian have had much to add about the women's story, of separate sexual encounters with Assange, followed by accusations of his alleged impropriety, followed by formal charges, followed by a withdrawal of those charges and, in yet another reversal, the restoration of the women's case by the lawyer Claes Borgström.

With the women's statements now out there in full, everyone, including Mr Assange, can check out the way the honeytrap combo has used feminist-inspired rhetoric-- you bet without asking-- to get round the fact that one of them actually went out in a bright pink cashmere jersey and now expects her moment in court. Only in Sweden.

Of course, if Julian Assange accepts his extradition, travels to this liberal hell-hole and answers the relevant questions, something approaching the facts might be established. Why doesn't he just do it? He could clear his name.

But any outcome would, surely, be better for his reputation than celebrity-funded evasion. To keep delaying the moment of truth, for this champion of fearless disclosure and total openness, could soon begin to look pretty dishonest, as well as inconsistent.

If and when the Americans come after Assange, there should be any number of admirers who want to contribute to his survival, in particular, one hopes, all the media organisations that have gained so much from his years of hardship and skulking. Is it too much, until then, to act like a decent person? Like Tariq says, it's only Sweden.

* * *

Date: 19 Dec. 2010

To the editor of The Observer:

Among the plausible answers to Catherine Bennett's tendentious question, "So, Mr Assange, why won't you go back to Sweden now?" (The Observer, 19 Dec. 2010) are the following:

- Julian Assange has, in fact, on numerous occasions offered to make himself available for questioning. He remained in Sweden for 40 days after the original charges were made; but for reasons that have not been explained, he was not called for questioning. According to his Swedish attorney, he left the country with the consent of the prosecutor. While in England, he has offered to return to Sweden on several specific dates for questioning, but all of those alternatives were rejected by the prosecutor. He has also offered to be interviewed in England-- a normal practice in such cases, according to Swedish judicial experts-- but that alternative has also been rejected by the prosecutor on specious grounds. Instead, she contrived a European Arrest Warrant on dubious grounds-- an apparent abuse of the EAW that has been sharply criticized by British judicial experts.
- These and other circumstances relating to the case raise serious questions about the prospects of Assange receiving impartial justice in Sweden.
- Documents released by WikiLeaks since Assange moved to England 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. That concern is heightened by vicious attacks that have been directed against Assange by leading figures in the United States, including demands for his incarceration, assassination, etc.

In short, returning to Sweden is now fraught with serious risks to Assange's civil rights and physical safety, due in large measure to the highly questionable behaviour of the

Swedish prosecutor. I am certain that Catherine Bennett would have no difficulty understanding that if she were in Assange's predicament. Otherwise, the same insight could be achieved with a modicum of intelligence and good will.

*Al Burke
Sweden*

Julian Assange like a hi-tech terrorist, says Joe Biden

US vice-president makes strongest remarks by any White House official over WikiLeaks founder and diplomatic cables

*Ewen MacAskill
The Guardian
19 December 2010*

The US vice-president, Joe Biden, today likened the WikiLeaks founder, Julian Assange, to a "hi-tech terrorist", the strongest criticism yet from the Obama administration.

Biden claimed that by leaking diplomatic cables Assange had put lives at risk and made it more difficult for the US to conduct its business around the world. His description of Assange shows a level of irritation that contrasts with more sanguine comments from other senior figures in the White House, who said the leak had not done serious damage.

Interviewed on NBC's Meet the Press, Biden was asked if the administration could prevent further leaks, as Assange warned last week. "We are looking at that right now. The justice department is taking a look at that," Biden said, without elaborating. The justice department is struggling to find legislation with which to prosecute Assange.

Asked if what Assange had done was criminal, Biden seemed to suggest it would be considered criminal if it could be established that the WikiLeaks founder had encouraged or helped Bradley Manning, the US intelligence analyst suspected of being behind the leak. Biden claimed this was different from a journalist receiving leaked material.

"If he conspired to get these classified documents with a member of the US military that is fundamentally different than if someone drops on your lap ... you are a press person, here is classified material."

Asked if he saw Assange as closer to a hi-tech terrorist than the whistleblower who released the Pentagon papers in the 1970s, which disclosed the lie on which US involvement in Vietnam was based, Biden replied: "I would argue it is closer to being a hi-tech terrorist than the Pentagon papers. But, look, this guy has done things that have damaged and put in jeopardy the lives and occupations of people in other parts of the world.

"He's made it more difficult for us to conduct our business with our allies and our friends. For example, in my meetings— you know I meet with most of these world leaders— there is a desire now to meet with me alone, rather than have staff in the room. It makes things more cumbersome— so it has done damage."

The interview, though broadcast yesterday, was conducted on Friday. In an interview the previous day, he had been more neutral about WikiLeaks, saying: "I don't think there's any substantive damage."

The US secretary of state, Hillary Clinton, led criticism of the WikiLeaks revelations at the end of November when she accused the website of mounting an "attack" on the world.

Paedophile guide author Greaves arrested in Colorado

Guidebook marketed on Amazon

BBC

20 December 2010

Colorado police have arrested the author of a guidebook that gives advice to paedophiles, and charged him with violating obscenity laws in Florida. Philip R Greaves II sparked controversy last month after selling the *Pedophile's Guide to Love and Pleasure: a Child-lover's Code of Conduct* through the online retailer Amazon.

Mr Greaves gained public notoriety last month after Amazon.com initially defended selling his book on its website-- saying Amazon did not promote criminal acts but also avoided censorship-- despite angry comments and threats of boycotts from thousands of the site's users. The online retail giant removed the book from its website in November.

He was arrested after selling his guide to a detective, officials said. The book argues that paedophiles are misunderstood and purports to offer advice to help them abide by the law.

Authorities in Colorado arrested Mr Greaves on behalf of police in Florida after he sold and mailed a copy of the self-published guidebook to an undercover detective in the southern US state, said Polk County Sheriff Grady Judd. Mr Greaves has not yet responded to the charge and it remains unclear whether he has appointed a lawyer.

Mr Greaves has been charged in Florida with distribution of obscene material depicting minors.

Laurie Shorter, spokeswoman for the Pueblo County Sheriff's Department in Colorado, said Mr Greaves would be held in jail in the state on the Florida charge. It is unclear how soon, if at all, he could be extradited to Florida. "If he will waive extradition, it's my goal for him to eat processed turkey on Christmas Day in the Polk County Jail," said Mr Judd.

Julian Assange: my fate will rest in Cameron's hands if US charges me

WikiLeaks founder says it would be 'politically impossible' for Britain to extradite him to the US

Luke Harding
The Guardian
23 December 2010

Julian Assange said today that it would be "politically impossible" for Britain to extradite him to the United States, and that the final word on his fate if he were charged with espionage would rest with David Cameron.

In an interview with the Guardian in Ellingham Hall, the Norfolk country mansion where he is living under virtual house arrest, the founder of WikiLeaks said it would be difficult for the prime minister to hand him over to the Americans if there was strong support for him from the British people.

"It's all a matter of politics. We can presume there will be an attempt to influence UK political opinion, and to influence the perception of our standing as a moral actor," he said.

Assange is currently fighting extradition to Sweden. He strongly denies allegations of sexual misconduct with two Swedish women. But he believes the biggest threat to his freedom and to WikiLeaks, his whistleblowing website, emanates from a wrathful United States.

There is no evidence of any imminent US move to indict him. But according to Assange, the Obama administration is "trying to strike a plea deal" with Bradley Manning, the 23-year-old intelligence officer and alleged source of the more than a quarter of a million US diplomatic cables embarrassingly leaked last month. The US attorney general, Eric Holder, wants to indict Assange as a co-conspirator and is also examining "computer hacking statutes and support for terrorism", Assange claims.

Sitting in front of a log fire, his Apple MacBook Pro perched on his lap, Assange said his recent nine-day spell in Wandsworth jail had prepared him for the possibility that he might spend a long period in prison if indicted by the US. He said the prospect of solitary confinement was no longer an "intellectual abstraction" but a reality. The high court bailed him to Norfolk last Thursday, with his extradition hearing scheduled for 6-7 February.

He said: "Solitary confinement is very difficult. But I know that provided there is some opportunity for correspondence I can withstand it. I'm mentally robust. Of course it would mean the end of my life in the conventional sense."

If the US succeeded in removing him from the UK or Sweden, Assange said there was a "high chance" of him being killed "Jack Ruby-style" in the US prison system.

Since moving to Ellingham Hall, a Georgian country house and organic farm owned by his friend and supporter Vaughan Smith, Assange has given numerous media interviews. But he said he was fed up with the press and described an interview with BBC Radio 4's Today programme—in which John Humphrys grilled him on how many people he had slept with—as "awful".

Assange also took issue with a lengthy report in Saturday's Guardian setting out the prosecution allegations against him in Sweden. Assange acknowledged that the Guardian had a right to publish the material, dealing with his alleged encounters with the women. But he said it had been "sub-selected" and not placed properly in context. Swedish prosecutors have demanded that he return to Sweden to face further questions about the allegations.

Assange also said WikiLeaks did not have enough money to pay its legal bills, even though "a lot of generous lawyers have donated their time to us". He said legal costs for WikiLeaks and his own defence were approaching £500,000. The decisions by Visa, MasterCard and PayPal to stop processing donations to WikiLeaks— apparently following US pressure— had robbed the website of a "war chest" of around €500,000, he complained. This would have been enough to fund WikiLeaks' publishing operations for six months. At its peak the organisation was receiving €100,000 a day, he said.

According to publishing sources, however, Assange can take cheer from the fact that he has secured a seven-figure advance for a book about WikiLeaks and his life story. The sources suggest he is likely to receive £250,000 himself, allowing him to pay off some of his debts and to settle his personal defence fund, currently "paralysed". The book is to be published in the spring by Knopf in the US and Canongate in the UK, the sources suggest.

Assange— who has to wear his electronic tag in the bath, and report every day to Beccles police station— confessed he has no idea where he will be in a year's time. He described the next chapter in his life as "not yet predictable."

"Legally the UK has the right to not extradite for political crimes. Espionage is the classic case of political crimes. It is at the discretion of the UK government as to whether to apply to that exception."

He argued that Cameron and Nick Clegg were in a stronger position than the previous, Labour government to resist his extradition by Washington. "There is a new government, which wants to show it hasn't yet been co-opted by the US," he said, claiming that the security services— British and Australian— had a history of spying on and unduly influencing Labour politicians.

Many WikiLeaks supporters have now gone home for Christmas, leaving Assange with a scaled-down team over the holiday period, on an estate where the pheasant and grouse greatly outnumber the humans.

His immediate plan, he said, was to rest after a gruelling couple of months and then to continue with the staged global release of redacted US state department cables in the new year. Physically, he appeared somewhat wrung out, although very much composed and in good spirits.

Assange defended one of WikiLeaks' collaborators, Israel Shamir, following claims Shamir passed sensitive cables to Belarus's dictator, Alexander Lukashenko. Lukashenko has arrested 600 opposition supporters and journalists since Sunday's presidential election. The whereabouts and fate of several of the president's high-profile opponents are unknown.

Of Shamir, Assange said: "WikiLeaks works with hundreds of journalists from different regions of the world. All are required to sign non-disclosure agreements and are generally only given limited review access to material relating to their region. We have no reason to believe these rumours in relation to Belarus are true."

Over the past month the Guardian has published more than 200 articles based on the trove of US diplomatic dispatches obtained by WikiLeaks, and 739 of the cables themselves. All cables published by the Guardian and the four other international news organisations who had exclusive early access to the material have been carefully redacted to protect sources who could be placed in danger, and the redacted versions have been passed to WikiLeaks.

WikiLeaks now plans to begin sharing the cables with a wider group of regional news organisations. Julian Assange says all future cables released by WikiLeaks will either be redacted by other partner news organisations, or by WikiLeaks itself. The Guardian and its partners in the project, the New York Times, Der Spiegel, El Pais and Le Monde, will continue to share redactions with WikiLeaks for any cables they publish in future.

What was missing in "10 days in Sweden: the full allegations against Julian Assange"

(Re: *The Guardian*, Nick Davies, 17 December 2010)

Bianca Jagger
Huffington Post
December 23, 2010

I was surprised to read the article, "10 days in Sweden: the full allegations against Julian Assange" because I hold the Guardian in high esteem and I cannot fathom why such a credible publication would publish a prejudiced and unfair article. I object to the Guardian's decision to publish selective passages from the Swedish police report, whilst omitting exculpatory evidence contained in the document.

Julian Assange has the right to a fair and impartial trial in a court of justice; instead, in denial of due process, he is being subjected to a 'trial by newspapers,' in an effort to discredit him. This tactic is not new. As Justice Felix Frankfurter said in 1961, 'inflammatory' news stories that prejudice justice are 'too often' published. For those that remember Daniel Ellsberg's leak of the Pentagon Papers in 1971 to the New York Times, this seems to be a case of history repeating itself. Like Assange, who has been hailed a 'terrorist' by US Attorney General Eric Holder, Ellsberg was subjected to a malicious media campaign, in which he was branded 'the most dangerous man in the world.'

It is deplorable the Swedish police files have been given unlawfully to the Guardian and other newspapers. By whom I wonder? We have the right to know who is behind this obvious effort to conduct a smear campaign. According to Assange's legal team there is a lot of exonerating evidence in the police file, and material which they supplied to the Guardian, including a copy of the chronology of events, and the press statement of the initial chief prosecutor Eva Finne. **This important evidence was omitted from the article.** The statement by Ms. Finne, "The decision which up to this

point has been established is that Assange is not suspected of rape and he is therefore no longer wanted for arrest" is nowhere to be found.

I am aware that Assange's legal team failed to respond to the Guardian on time when invited to publish a response to the article prior to its publication. However, the point here is not about the defense. The issue is the choices the Guardian made when presenting the facts contained in the police dossier, and the overriding duty of any credible news publication to present a fair rendition of events, particularly when due process is at stake.

There is information in the public domain, including Tweets, SMS messages and statements to friends, from the two complainants. Although there are vague references to this correspondence, the content is conspicuously absent from the narrative the Guardian has woven.

If the media insists in engaging in this reprehensible method of publicly trying Julian Assange, the least they could do is publish an accurate account. The Guardian has reversed the presumption of innocence by only publishing allegations against him, and not his account of events or the mitigating evidence in the police dossier. Although the article alludes to his objections to the allegations, his account, contained in the police file, is not directly quoted.

From a molehill, a mighty mountain of innuendos has been made to cast Julian Assange as some kind of rapist. I refuse to be drawn into passing judgment on the case, however, we should all remember, Assange is innocent until proven guilty.

I condemn and abhor rape and as an advocate of women rights, I will denounce any man who forces his sexual attention on women. I have found the sequence of events in the case against Assange, disturbing to say the least. At the end of the day, the issue here is justice and due process for all. Denying justice for men will not achieve justice for women.

Assange has been criticized for not being willing to return to Sweden to prove his innocence. It is hardly surprising he has reservations, given Sweden's human rights record. Anyone acquainted with it will remember the cases of Ahmed Agiza and Muhammad Alzery, two Egyptian asylum seekers who were, according to Redress, 'removed from Sweden to Egypt by the United States' Central Intelligence Agency in cooperation with the Swedish authorities and outside of any legal process, 'on charges of terrorism in 2001. The deportation was carried out by American and Egyptian personnel on Swedish ground, with Swedish servicemen as passive onlookers.

In 2005, in *Agiza v. Sweden* (Communication No. 233/2003), the UN Committee against Torture found that Sweden had violated the Convention against Torture. The following year, in *Mohammed Alzery v. Sweden* (Communication No. 1416/2005), the UN Human Rights Committee found Sweden to have violated the International Covenant on Civil and Political Rights. Alzery was released without charge after two years in prison however, 'he continues to suffer physically and psychologically as a result of his torture and ill-treatment.' Agiza was sentenced to 15 years in prison in a military tribunal. The process was not fair, and there is doubt as to the men's guilt.

Redress has stated: "Mr. Agiza and Mr. Alzery remain at a real risk of torture and ill-treatment as a result of Sweden's violations of the Convention against Torture. These

cases epitomise the recent attempts by states to circumvent the absolute principle of non-refoulement enshrined in the CAT in the name of counterterrorism.”

Given this precedent, one can appreciate why Julian Assange is apprehensive about being extradited to Sweden. In the Today Show on December 21st, Assange revealed that Sweden has requested that if he returns and is arrested, he is to be held incommunicado, and his Swedish lawyer is to be given a gag order.

Having grown up under a dictatorship in Nicaragua, I am very sensitive to any attempts to weaken our democracy. Although I do not agree with everything WikiLeaks has done, I feel compelled to defend freedom of speech, freedom of the press and due process. I was in court last week, not, as has been reported to pledge surety for Assange's bail, but to voice my support for the founder of WikiLeaks, because I suspect that what is on trial here is not Julian Assange's alleged sexual misconduct, but freedom of speech guaranteed in Art 19 of The Universal declaration of Human Rights, The First Amendment to the United States Constitution and Art 10 of The European Convention on Human Rights. This trial has far reaching implications for all of us who believe in the core values of our democratic system. I fear that Mr. Assange is being punished for releasing information, which reveals the misuse of power by the US and other governments. He is on trial for holding governments to account.

It is my hope that justice will be served in the British judicial system. In the meantime, I hope readers will have the insight to suspend judgment until all evidence is available. Julian Assange is innocent until proven guilty.

I am pleased to learn that the Guardian will be publishing an interview with Julian Assange.

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Extradition: Part 3

*Submitted by Peter Kemp
W.L. Central
12/25/2010*

Backtracking a little from the UK's Extradition Act (in the Extradition 1 post) it is necessary to understand that the origin of that legislation comes from the European Arrest Warrant ("EAW") regime in turn based on the Council Framework Decision of 13 June 2002 on the European arrest warrant and the surrender procedures between Member States.

It is also necessary to understand that where interpreting legislation like the UK's Extradition Act (that will be applied in Assange's hearing) and if finding ambiguity or uncertainty, resort can be made-- ordinarily to parliamentary second reading speeches in countries like Australia for example-- to examining, in this case, that very document of the Council Framework Decision.

The Preamble to the Council Framework Decision states in part:

The objective set for the Union to become an area of freedom, security and justice leads to abolishing extradition between Member States and replacing it by a system of surrender between judicial authorities. Further, the introduction of

a new simplified system of surrender of sentenced or suspected persons for the purposes of execution or prosecution of criminal sentences makes it possible to remove the complexity and potential for delay inherent in the present extradition procedures. Traditional cooperation relations which have prevailed up till now between Member States should be replaced by a system of free movement of judicial decisions in criminal matters, covering both pre-sentence and final decisions, within an area of freedom, security and justice....

This Framework Decision respects fundamental rights and observes the principles recognised by Article 6 of the Treaty on European Union and reflected in the Charter of Fundamental Rights of the European Union (1), in particular Chapter VI thereof. Nothing in this Framework Decision may be interpreted as prohibiting refusal to surrender a person for whom a European arrest warrant has been issued when there are reasons to believe, on the basis of objective elements, that the said arrest warrant has been issued for the purpose of prosecuting or punishing a person on the grounds of his or her sex, race, religion, ethnic origin, nationality, language, political opinions or sexual orientation, or that that person's position may be prejudiced for any of these reasons.

Question 1: If objectively, the extradition is not for a prosecution per se, by the stated reason of Sweden's prosecutor it is an "investigation": is that a process of "punishment" of Assange based on his political opinions (and actions)? It is legally, as we would say, arguable.

Now a really interesting part is this: "The European arrest warrant is a judicial decision issued by a Member State with a view to the arrest and surrender by another Member State of a requested person, for the purposes of conducting a criminal prosecution or executing a custodial sentence or detention order."

Note it says criminal prosecution, not criminal investigation. Criminal investigations, after arrest, it must be strongly noted are subjected to legislated limits on time. A person cannot and should not be arrested and held in custody for days, weeks on end purely for the purposes of investigation. That way abuse lies as we have seen in our historical common law UK heritage— Star Chambers and the like-- and lately in despotic regimes such as Suharto's Indonesia.

On arrest, police or prosecutors as a general principle should have a reasonable suspicion of wrongdoing with sufficient or enough evidence that the suspect can be charged with statutory (and/or common law offences). If after the legislated time for investigation has passed with the accused in custody (NSW Australia four hours plus timeouts) and there is insufficient evidence to justify a charge, then the suspect must be released.

The purpose of arrest is to charge the accused and bring him/her before a court, it is not for a primary purpose of investigation.

The accused may be bailed initially on first court appearance, or later but eventually the standard criminal procedure of a criminal justice system operates: the prosecution serves a brief of evidence; defence subpoena material; prepares its defence ect and then a trial or hearing takes place some months later.

If it is the intention of Sweden, on extradition, to hold Julian Assange in custody, incommunicado, for weeks or months for purposes of investigation, before charging

him, then that must fall well below the minimum standards of common law jurisdictions that this writer in particular, and many others around the world are familiar with.

If there is a hidden intention to give precedence to a US request for extradition then that may well be an outrageous story waiting to be told. While not wanting in any way to condemn Sweden's criminal justice system from the outset, the forum shopping initiated by politician (and the complainants' legal adviser) Claus Borgstrom who apparently approached Marianne Ny, (head of a special unit in Gothenburg 200 kilometres from Stockholm who reinstated the dismissed case) does not inspire confidence, to say the least.

If as Assange and his lawyers have indicated, that incommunicado detention is planned, that adds to a situation redolent or highly suggestive of extra curial punishment.

Question 2: Is the extradition of Assange for purposes of investigation an abuse of the EAW. I am of the opinion it is, but I could be persuaded otherwise as time goes on.

Note that extraditable offences must attract a 12 months sentence back in Sweden. Sexual assault, (used in my country in all such matters instead of the "r" word by the way) punishable in Sweden by at least 3 years custodial sentence shall, under the terms of this Framework Decision and without verification of the double criminality of the act, give rise to surrender pursuant to a European arrest warrant:

The Fundamental Rights above while referring to the Treaty on European Union and reflected in the Charter of Fundamental Rights of the European Union must necessarily refer or even defer to the European Convention on Human Rights of which Article 6 is paramount and will get quite an airing at Assange's extradition hearing:

In the determination of his civil rights and obligations or of any criminal charge against him, everyone is entitled to a fair and public hearing within a reasonable time by an independent and impartial tribunal established by law. Judgement shall be pronounced publicly by the press and public may be excluded from all or part of the trial in the interest of morals, public order or national security in a democratic society, where the interests of juveniles or the protection of the private life of the parties so require, or the extent strictly necessary in the opinion of the court in special circumstances where publicity would prejudice the interests of justice.

2. Everyone charged with a criminal offence shall be presumed innocent until proved guilty according to law.

3. Everyone charged with a criminal offence has the following minimum rights:

- * (a) to be informed promptly, in a language which he understands and in detail, of the nature and cause of the accusation against him;
- * (b) to have adequate time and the facilities for the preparation of his defence;
- * (c) to defend himself in person or through legal assistance of his own choosing or, if he has not sufficient means to pay for legal assistance, to be given it free when the interests of justice so require;

- * (d) to examine or have examined witnesses against him and to obtain the attendance and examination of witnesses on his behalf under the same conditions as witnesses against him;
- * (e) to have the free assistance of an interpreter if he cannot understand or speak the language used in court.

Question 3: Taking the highlighted parts in order, will Assange get a “fair trial” in Sweden and will the presumption of innocence apply when millions of web hits associate his name with the “r” word?

One thing we do know is that he has not been served with a full brief of evidence in English, such brief containing the evidence and complainant statements against him.

If it is true, as some websites report, that the initial interview with Ms W was not recorded, was a "konceptförhör," meaning a summary by police and then apparently (and again this is not iron clad proven fact) embellished afterwards (by actual complainant statements?) while the case was in the hands of Prosecutor Ny egged on apparently by politician Mr Claus Borgstrom, then a significant injustice has occurred.

This is because it becomes extraordinarily difficult for the defence to establish legally crucial, prior inconsistent statements when the first one is only a summary by interviewing police, which in law, is ordinarily inadmissible hearsay evidence.*

This all ties up with my first post on Extradition and the UK's Extradition Act :Section 11 (b) extraneous considerations referring to section 13:

13 Extraneous considerations

A person's extradition to a category 1 territory is barred by reason of extraneous considerations if (and only if) it appears that—

- (a) the Part 1 warrant issued in respect of him (though purporting to be issued on account of the extradition offence) is in fact issued for the purpose of prosecuting or punishing him on account of his race, religion, nationality, gender, sexual orientation or political opinions, or
- (b) if extradited he might be prejudiced at his trial or punished, detained or restricted in his personal liberty by reason of his race, religion, nationality, gender, sexual orientation or political opinions.

More on the subject of human rights and Assanges extradition in future posts and hopefully some case law on abuses of the EAW regime.

Julian Assange & Mens Rea, Sweden & Doli Incapax: Extradition Part 4

Submitted by Peter Kemp
W.L. Central
 2011-01-15

We are indebted to Julian Assange who apparently instructed his counsel to make available the "Skeleton Argument" for the extradition hearing proper.

It was expected, per my previous post Extradition Part 3 that the issue of extradition (and arrest) for the purposes of investigation only, would be a highly significant issue for the extradition arguments, and so it was.

One part of that document however that shocked me, that I have discussed with colleagues (likewise shocked) was paragraph 88, the legal implications of which I was unaware. It now seems that some (or indeed all?) of the prospective charges of a sexual nature in Sweden do not have as a required element that the prosecution must prove (for a conviction to be sustained) the element of mens rea, the "guilty mind" otherwise known as the fault element.

I have not found the relevant Swedish law and even if I did, the Google translator would not do it justice, so to speak. In the meantime I have no reason to doubt the lack of mens rea in Swedish sexual offences law per the Skeleton Argument.

Fault elements, while they can be inferred from the circumstances, range for example, from explicit clear knowledge of wrongdoing to recklessness, but as a general principle of criminal law, with exceptions and modifications of course, criminal justice systems require that not only the unlawful conduct be proven, but that the element of knowing that it was wrong needs also to be proven.

Paragraph 88 of the Skeleton Argument reads:

Mr. Assange reserves the right to argue that his extradition is barred by reason of extraneous considerations, namely that the EAW has been issued against him for the purposes of prosecuting or punishing him for his political opinions (limb (a)) and / or that he will be prejudiced at trial, etc., by reason of those opinions (limb (b)), or by reason of his gender as a result of the 2005 amendments to the sexual offences laws in Sweden which deny to men the protection of mens rea.

The latter point will also be made in respect of the "extradition offence" issue (see earlier), in that these gender amendments preclude any assumption that the Swedish offence contains the requisite element of mens rea.

Wikipedia gives a good account of mens rea: *actus non facit reum nisi mens sit rea* meaning that the act alone is not sufficient, the mind also must be guilty, which is a questioning into the subjective mind of the accused.

At the opposite end, as opposed to the mens rea element, there are strict liability laws such as parking laws. Irrespective of state of the mind of the parking perpetrator, whether the coin meter is jammed; the power to the meter went off; you were having a baby in the car park and ran out of coins; even a life or death situation such as an earthquake: the "brown bombers" we well know are without mercy and will go the last mile to get you.

Nothing will save us from liability of the Scourge of the Streets, the Mania of local authority Mafia for a quick dollar: the ubiquitous, universally hated parking meters and their attendants.

Swedish law thus moves in the direction of a strict liability regime, with a prosecutor not entirely unlike a parking meter attendant, recently convicted of speeding, lacking

in the finer points of persuadability, ticketing a British judge in a car park outside the Old Bailey.

Conduct:

We can assume then that Swedish law has conduct alone as the necessary element which if proven establishes guilt, and that lack of consent is built into the conduct element.

Consent:

Looking at consent issues for the moment:

The NSW Crimes Act, for example, on knowledge of consent to sexual intercourse states:

61HA(3) Knowledge about consent. A person who has sexual intercourse with another person without the consent of the other person knows that the other person does not consent to the sexual intercourse if:

(a) the person knows that the other person does not consent to the sexual intercourse, or

(b) the person is reckless as to whether the other person consents to the sexual intercourse, or

(c) the person has no reasonable grounds for believing that the other person consents to the sexual intercourse.

This knowledge as it pertains to guilt or knowledge of wrongdoing, (or the opposite) is subjective, but can have external proofs, like a witness or a camera.

Juries are asked in the case of recklessness, in effect, not to apply an objective test but to focus on the mind of the accused. (R v O'Meager (1997) 101 A Crim R 196)

Apparently this is all of little to no account under Swedish law.

Instead of proving the guilty mind, a Swedish prosecution of sexual offences will ignore any reasonably held belief that the accused had as to consent, or even as to the belief and the "absolutely not guilty mind" of explicit consent: The State will instead impose an evidentiary test based on the accusation and evidence of conduct without a subjective element at all.

The state of mind of the accused, that he was innocent, along with the close corollary of belief of full consent, is no longer relevant.

(When one thinks of that at the "subjective" level, it's a corollary of sorts, perhaps it's more accurate to describe it as synonymous, but it's difficult to separate the two. In the case of sexual assault, the subjective mind knowing of consent has it practically indistinguishable from innocence. Conversely lack of consent and guilt.)

Such a non subjective regime fits in rather well with Claes Borgstrom's statement not so long ago, "They are not jurists"

The only realistic interpretation of that is that Mr Borgstrom is saying (and I stress, not the alleged victims) that the women had difficulty in knowing, or don't know whether or not they consented. An odd circumstance to say the least, and counter intuitive.

The Swedish Prosecution, with guidance apparently from that same political figure, will decide when the alleged victims are not sure, to lay a charge, and so we see law becoming subverted by a new policy, a new politics of gender.

For sexual assault in Sweden, an indictment would read in effect something like this, ie NSW law without a mental element:

That the accused, Joe Bloggs on 3rd March 2010 at Euroville in the State of Sweden did have sexual intercourse with Heidi X without the consent of Heidi X

The last bit, what we have in common law nations is the bit related to the mental element: "knowing she did not consent" is left out and irrelevant to the elements required in Sweden.

The Swedish elements required would therefore be:

- 1) The accused had sexual intercourse with the victim
- 2) The sexual intercourse occurred without the consent of the victim.

In such a regime there would be only one defence (that I can think of) and that would be for the accused to prove his innocence, and the only way to do that effectively would be to video record with audio, any and all acts of sexual intercourse.

Defence evidence otherwise by way of protestations of consent as a defence, and evidence of the subjective mind of an innocent accused, (not reckless, most reasonably believing there was consent), is of little to no account, or at best, having eliminated the subjective mens rea, an objective test is applied by the tribunal of fact, which asks, "Irrelevant to the mind of the accused, was consent given by our objective standards?"

That has to be the legal result of eliminating mens rea.

Imagine such an objective test in the hands of Mr Claes Borgstrom on the bench at trial, given the brand of gender politics that he espouses?

It's hard not to say that my advice to all men in Sweden (which I don't give incidently) is to video record all acts of sexual intercourse.

Proving one's innocence of course reverses the onus of proof contrary to the European Convention on Human Rights, Article 6, but that is the practical effect of eliminating mens rea as a required provable element of crime in Sweden.

That's what I would be arguing at Assange's extradition hearing, that if indeed the test for consent is objective and the subjective mens rea element is removed, the effect is to reverse the onus of proof, contrary to human rights law.

Most are familiar with the legal concept that a child under 10 cannot be held criminally liable--Australia and the UK among others. The principle in Latin, Doli Incapax is a rebuttable presumption of no liability (the situation in Australia, not the UK due to amendments) for children aged 10 to 14.

Sexual offences against children under 14 has lack of consent, and knowing of that, (a mental element on the part of the accused), a complete, irrelevant, non issue.

And that is so redolent of the Swedish regime, apparently: when it comes to consent as a defence, when the alleged victim is perhaps not sure of it, Sweden's legal regime may decide, as a matter of apparent gender policy, in effect, that the victim is not only innocent like a child, but is *doli incapax* incapable of giving that consent as a defence for the accused.

I don't think Swedish women should be treated as *doli incapax*, but I'm beginning to think the Swedish criminal justice system should be.

<http://wlcentral.org/node/937>

Swedish PM: Assange extradition a judicial matter

Associated Press
January 20, 2011

LONDON-- Swedish Prime Minister Fredrik Reinfeldt insisted Thursday that his government will play no role in deciding whether WikiLeaks' founder, Julian Assange, should be extradited to the U.S.

Assange is in London, where he's battling extradition to Sweden over sex-crime allegations. His supporters and lawyers have argued that if he's sent there, he may face extradition to the U.S., where he could be prosecuted and ultimately face the death penalty. It is not clear what charges U.S. authorities could bring against Assange.

Reinfeldt said that Sweden's policy is not to extradite people to nations with the death penalty. But he said Sweden's courts, not its government, would decide that.

"We should stay away from this," he told reporters in London, where he was attending a summit of Nordic and Baltic nations. "We should remember when we ask questions about this that these are legal systems talking to each other, not politicians."
[Thus far. But it is early in the game.--A.B.]

Assange, 39, is wanted in Sweden to answer rape and molestation accusations stemming from encounters with two women during a trip to Sweden last summer. American officials also are trying to build a criminal case against his organization WikiLeaks, which has published a trove of leaked diplomatic cables and secret U.S. military files on the wars in Iraq and Afghanistan.

Rape cannot be disentangled from the wider campaign for justice

Julian Assange should not become the target for expressions of fury over sexism

Katrin Axelsson
The Guardian
21 January 2011

Suzanne Moore accuses Naomi Wolf of having "muddled the personal with the political" ("All this polite and smiley feminism is pointless. It's time to get angry," 15 January). True, Wolf's call for an end to anonymity for rape victims-- following the Julian Assange extradition case-- shows ignorance ("The morality of anonymity," 5 January). We know no one who's found the protection afforded by anonymity "condescending". Nor does it "make rape prosecutions more difficult"-- low reporting (about 10% of rapes) and low conviction rates result largely from negligent and biased investigations.

But Moore herself is muddled. Somehow women concerned with the dangers the WikiLeaks founder faces-- extradition, rendition and even execution-- because of the effectiveness of WikiLeaks are "losing their heads around Assange. I picture Bianca Jagger washing his feet with her tears soon."

By dismissing Jagger, Moore removes upholding human rights and opposing dictatorships from feminist concern. What an indictment of her feminism! In this way the nub of the question is avoided: rape allegations against Assange can no longer be disentangled from the political agenda shaping how they are dealt with. He's become an easy target for expressions of fury and frustration at sexism. As part of a movement of rape survivors for over 35 years, we campaign for justice and protection, for rape victims' right to anonymity-- and defendants' right to be presumed innocent until proven guilty.

Moore rails against the "pitiful results" achieved by "smiley" feminism which fears to be labelled as "man-haters". She objects to "silicone implants", "shopping" and the term "sex workers": "We are all sex workers these days ... we are all encouraged to pursue lifelong sexiness." She says, "I want a movement." And who does she propose? Pornography-obsessed Andrea Dworkin-- "batty", but she had "balls". Are "balls" what women need? We thought we needed principles. Sadly they have been scarce.

Moore acknowledges that "turning vulnerable young girls into drug-addicted prostitutes is disgusting in any culture", but belittles complaints about Jack Straw's racist comments that Asian men "target vulnerable young white girls". Arguments "about ethnicity and faith" are not "the central issue", she says. Yet most "groomers" and rapists in the UK are, of course, white.

It is reminiscent of Susan Brownmiller's *Against Our Will*, the feminist anti-rape bible, which was ambivalent on the lynching of 14-year-old Emmet Till for whistling at a white woman. His whistling "was ... just short of physical assault, a last reminder ... that this black boy, Till, had in mind to possess her".

Moore would do better to rail against feminists in government who rarely act for women and often act against us. When she says "Women are suffering most from the cuts that men are making", she forgets that Yvette Cooper's welfare cuts insisted that

even victims of domestic violence had to be available for work. And when, after the Abu Ghraib horrors, we wrote to all women MPs about the rape and torture of Iraqi women, their silence was deafening.

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Deconstructing Davies II — Naomi Wolf

'Yes, this stinks to me and yes, it's about politics.'

rixstep.com
21 Dec. 2010

Naomi Wolf: Well Jaclyn, let me say that I'm very very offended that you're suggesting that I'm blaming the victim. In fact, it's because of my twenty three years of supporting rape victims, of working in rape crisis centres, traveling around the world to report more than any journalist I know-- which in a way I've been very blessed to have the chance to do so-- from Sierra Leone to Bosnia to Ireland to the United Kingdom interviewing people who support rape victims and work with the legal system: it's because of that I'm raising my voice about these very ambiguous and corrupt allegations.

First of all, let me just correct you-- and Jaclyn, these-- the Guardian account which is based on leaked original documents doesn't say that he had sex with either of these women without their consent. The reason I'm hearing from rape victims across the world who are emailing me saying 'I'm a rape victim, thank you for standing up to put these charges in context' is that this is the only case I've ever seen in twenty three years of supporting rape victims which is based on multiple instances of consent.

If you read these allegations, 'he took off Miss A's clothes too quickly for her comfort, she tried to tell him to slow down, but then-- quote-- she allowed him to undress her. This is what the report says. The second woman says 'she woke to find him having sex with her, when she asked him if he was wearing a condom he said no, quote according to her statement she said 'you'd better not have HIV, he answered of course not, quote she couldn't be bothered to tell him one more time because she'd been going on about the condom all night, she'd never had unprotected sex before'.

So if you're going to treat women as moral adults and if you're going to take the issue of rape seriously, the person who is engaging in what he thinks is consensual sex has to be told 'I don't want this'. And again and again and again these women did not say 'this is not consensual'. Assange was shocked when these were brought up as complaints because he had no idea that this was not a consensual situation. Miss A kept Assange in her home for the next four days and threw a party for him.

So because I take rape seriously, because I'm aware that in twenty three years-- you know, in Sweden which has been criticised by Amnesty International for disregarding rape, for letting rapists go free, because you have a better chance in Sweden if you're a rape victim of-- you know-- dying in an accident or getting breast cancer than having a serious rape allegation prosecuted or getting any kind of legal hearing, according to Amnesty International's report 'Case Closed' -- it's because of that I know that these charges are utterly utterly atypically handled.

In twenty three years I've never seen any man in any situation this ambiguous, involving this much consent, have any kind of legal process whatsoever. And all over the world women who've been gang raped, brutally raped, raped in alleyways, pimped, prostituted, trafficked-- you know-- the rapists go free.

So yes, this stinks to me and yes it's about politics. Because really this is about a journalist who has angered the most powerful and increasingly brutal nation on earth, and it's about all of us who are journalists being dragged into a dangerous situation because of criticism of a government.

Video at: <http://rixstep.com/2/1/20101221,01.shtml>

Assange concerned over 'natural justice' in Sweden

Julian Assange: "There are some serious problems with the Swedish prosecution"

BBC

21 December 2010

Julian Assange has told the BBC that he is fighting a Swedish extradition warrant because he believes "no natural justice" would occur in Sweden. Mr Assange was speaking in an interview for the Today programme, at the mansion in East Anglia where he is staying under strict bail conditions.

The Wikileaks founder suggested the two women who have accused him of sexual assault had got into a "tizzy".

Mr Assange denies the allegations and says the case is politically motivated. The 39-year-old is free on bail in the UK while facing the extradition proceedings to Sweden and staying in Norfolk.

Mr Assange told the BBC's John Humphrys: "I don't need to go back to Sweden. "The law says I ... have certain rights, and these rights mean that I do not need to speak to random prosecutors around the world who simply want to have a chat, and won't do it in any other standard way."

He also said the Swedish authorities had asked, as part of their extradition application, that he and his Swedish lawyer be gagged from speaking about the case. "What is requested is that I be taken by force to Sweden and once there, be held incommunicado: That is not a circumstance under which natural justice can occur," Mr Assange said.

Mr Assange also said it was possible that the allegations against him arose from the two women going to the police for advice rather than to make a complaint. He said "one description" of what that occurred was that after having discovered they had each been sexually involved with him, they had got into a "tizzy" about the possibility of sexually transmitted diseases, had gone to the police for advice "and then the police jumped in on this and bamboozled the women".

But he also said there were "other people making descriptions" that the women had deliberately abused a loophole in Swedish law, whereby if they went to the police

for advice, they could not be charged with filing a false report. The same loophole also existed for approaching the police about sexually transmitted diseases, Mr Assange said.

Wikileaks has released thousands of leaked US diplomatic cables-- a move that US Secretary of State Hilary Clinton said was "sabotaging peaceful relations" between countries.

But Mr Assange insisted his mission was "to promote justice through the method of transparency". "The world has a lot of problems that need to be reformed-- and we only live once," he said. "Every person who has some ability to do something about it, if they are a person of good character, has the duty to try and fix the problems in the environment in which they're in."

Mr Assange said Wikileaks had already done a lot of good: "The gradual unfolding of the process of political reform is something that we cannot see immediately, but already we see that we have changed governments-- we have certainly changed many political figures within governments. We have caused new law reform efforts. We have caused police investigations into the abuses we have exposed."

Asked whether the publication by Wikileaks would prevent diplomats from committing to paper their honest opinions, Mr Assange added: "No, they just have to start committing things to paper that they're proud of."

Video at: <http://www.bbc.co.uk/news/uk-12047035>

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How Sweden, Likely at the Urging of the US, Used INTERPOL to Attack WikiLeaks

Mark Karlin
BUZZFLASH
12/21/2010

An examination of the INTERPOL web site would lead one to believe that Sweden intentionally heightened the media frenzy around the sex charges against Julian Assange as compared to similar sex charges against others.

Why does BuzzFlash make this contention? For several reasons, but first it is important to point out BuzzFlash's perspective on the charges themselves: Assange should answer to them, and we would hope that there would be a day that most governments, including Sweden, pursued sex charges by women with the vigor Sweden is pursuing Assange.

Yes, the US government is out to get Assange, and it is very possible that the Swedish government is using the charges to achieve a political goal of extraditing him to Sweden and then to the US, because extradition from the UK would take longer. But it is wrong to vilify the women who made the legal accusations. They have a right to have their claims taken seriously.

That being said, the international handling of the case by the Swedish government in relationship to Assange appears to be based more on Assange's role as head of WikiLeaks than how the charges would normally be handled via INTERPOL.

One of INTERPOL's duties for its member countries is to disseminate "wanted" information, at the request of a nation, to law enforcement agencies around the world. These are called "red notices" for fugitives. Some of the "wanted" individuals are online (on the INTERPOL web site) and many are not publicly posted at the request of the nation seeking the fugitive. But if you click the news section of the INTERPOL site and enter Assange into the search box, the only stories that come up are that Sweden wanted Assange's red notice to be made public:

INTERPOL has made public the Red Notice, or international wanted persons alert, for WikiLeaks founder Julian Assange at the request of Swedish authorities who want to question him in connection with a number of sexual offences.

The Red Notice for the 39-year-old Australian, which was issued to law enforcement in all 188 INTERPOL member countries on 20 November, has now been made publicly available by INTERPOL following official authorization by Sweden.

Now, what appears curious about this is that it is highly unlikely that US intelligence agencies did not know exactly where Assange was. Assange leaves a high-tech trail everywhere he goes, and the CIA has had him under the most intense tracking, one can assume, for some time.

So, why then the need for a public "red alert" when Assange's whereabouts were almost certainly known? Because it helps tarnish him as a "fugitive" from justice and taints the revelations of WikiLeaks as a whole. It also hijacks what may or may not be valid sexual charges for international political purposes. Indeed, the INTERPOL news release was headlined: "Sweden authorizes INTERPOL to make public Red Notice for WikiLeaks founder." The headline does not even mention the name Julian Assange. It might as well be a red notice for WikiLeaks as an organization.

<http://blog.buzzflash.com/node/12119>

Is the Swedish Government Acting as a Go-Between to Extradite Assange to the US?

Mark Karlin
BUZZFLASH
12/22/2010

Yesterday, BuzzFlash argued that Sweden-- probably at the behest of the US-- was exploiting the sex charges against Julian Assange to damage the reputation of WikiLeaks.

We also noted that BuzzFlash is not passing judgment on the accusations leveled against Assange-- and believes that, although the Swedish prosecutors have bungled the case (even dropping the charges at one point), the two women in Sweden have

every right to make legal allegations if they believe them to be true. And Assange should answer for them through the legal process-- not through the media. (It is important to note that Assange has not been charged with any crimes, as of yet. He is legally considered a fugitive from an ongoing investigation.)

While some progressives and pro-transparency advocates consider the sexual complaints to be a setup, BuzzFlash believes that there are two levels going on simultaneously: an appropriate legal investigation, and layered on top of it is the use of the case to achieve political goals to bring down WikiLeaks with Assange.

As we pointed out yesterday, Sweden requested an INTERPOL alert to 188 nations-- at the highest public level-- at a time when the CIA was most likely so close to Assange that their agents could hear him flush the toilet. The purpose of INTERPOL, in terms of international fugitives, is to inform countries that individuals are wanted by another nation so that the fugitive can be located. But that was entirely unnecessary in the case of Assange because, according to The Guardian UK, the British police knew where Assange was in the UK and were awaiting a new extradition request, because the Swedes had goofed up their first one. So, the Swedes knew that Assange was in Britain and that his lawyers had been negotiating with the British Police.

Indeed, Sweden was working closely with UK law enforcement at the time it directed INTERPOL to make the "red notice" for Assange public, thus ensuring maximum negative coverage from the media of WikiLeaks and Assange. What proof is there that Sweden was working with the UK? According to The Guardian UK:

Swedish authorities, who want to question Assange over sex offence allegations, issued a new warrant for his arrest. Mistakes in the original European arrest warrant sent by Swedish prosecutors to the Serious Organised Crime Agency (Soca) last month had prevented any move to apprehend the Australian.

Although British police know Assange's whereabouts, understood to be in the south-east of England, his lawyer said that by this afternoon there had been no attempt to contact him.

Mark Stephens said: "The police have given us an undertaking that they will contact us if they want to get in touch with Julian. At this point in time nobody has."

... The warrant, which is valid in all EU member states, requires the receiving member state to arrest and extradite the suspect within 90 days of arrest, or within 10 days if the arrested person consents to surrender. The warrant can only be issued for offences carrying a maximum penalty of 12 months or more.

This proves that the Swedish involvement with INTERPOL was theater, not in anyway necessary to the investigation into the sex charges or the arrest of Assange. Whatever the outcome of the sex charge investigation, it is highly likely that the Swedish government is playing politics with the case at the behest of the US, and this is the worst fear of advocates of government transparency.

Assange may or may not have violated Swedish law concerning his sexual relationships with two women, but there is a valid concern that his high-profile extradition from the UK would result in Sweden then extraditing him to the US. In that case, the

investigation sought by the two women charging him with sex crimes would be ill served.

Given that major papers in the US, including The New York Times, have revealed that the Department of Justice is trying to find grounds to indict Assange as, essentially, a terrorist and state secrets' thief-- and that Bradley Manning is being held in harsh conditions to try and get him to implicate Assange as part of a conspiracy-- it is not reassuring to see how Sweden used INTERPOL as a PR stunt to damage the image of WikiLeaks. Not reassuring at all.

<http://blog.buzzflash.com/node/12122>

Perspectives on Julian Assange

Letters to the Editor
The Independent
 24 December 2010

Trivial journalism shamed

Contrary to Christina Patterson's assertion (22 December), the real revelation of the Assange-Humphrys interview was not the direction of Julian Assange's moral compass, but the sleazy depths now reached by mainstream British journalism.

You could almost hear John Humphrys' raincoat flapping as he repeatedly pressed Assange to reveal the number of sexual partners he has had. Now a number of other journalists, including Ms Patterson, have revealed themselves as being comfortable on that rather prurient bandwagon.

What is it that Assange has done to upset them? I suspect it is that WikiLeaks has revealed the obsequious and provincial nature of much British journalism. As reporters rant on about dreary stuff that isn't really news, rather than actually bothering to investigate something, I wonder whether they ever question the value of their work, or even ask themselves whether they are really journalists at all.

That is Assange's true crime so far as these tittle-tattlers are concerned: revealing the fact that people want truth, not salacious gossip.

Susan Roberts
Tunbridge Wells, Kent

Public and private life

I am amazed that Christina Patterson suggests that Julian Assange has been hypocritical in not wishing to divulge explicit details of his private life. There is surely a very obvious distinction between the disclosure of decisions taken by governments that have a profound effect on many people's lives and the intimate details of personal relationships.

WikiLeaks has served a valuable purpose in exposing information that deserves to be in the public domain. Whatever went on between Mr Assange and two women in Sweden remains a matter for the parties involved until such time as criminal charges are brought.

Tim Matthews

Luton, Bedfordshire

Not nice, but important

You can write it on the walls, Julian Assange is a jerk. A vain, self-centred, monumental jerk, completely lacking in empathy. He is however, internationally, the most important journalist since Woodward and Bernstein, and that is the story. Or it should be. Lesser reporters need to focus on the big picture.

You can't reduce the significance of his work by making him appear unpleasant. That's just Christina Patterson losing the plot.

*Lawrence Norman
London SW19*

Claes Borgström-- Defence Attorney?

Sweden's 1 legal clown puts foot in mouth again for WaPo.

*rixstep.com
24 Dec. 2010*

STOCKHOLM/WASHINGTON (Rixstep) — Disgraced Thomas Quick solicitor Claes Borgström: he's repeatedly told the media he doesn't want to talk about the Assange case and then goes live with outrageous claims-- he's done it again. And this time he's worse (better) than ever before and may possibly have ended his clients' case against Julian Assange once and for all.

Speaking without thinking-- his strong suit-- Borgström inadvertently admitted Anna Ardin and Sofia Wilén had not contacted him to try to reopen the Assange case-- they hadn't known such a thing was possible.

And that leaves only one [???] remaining explanation: they retained him as a defence attorney, afraid they'd be charged with bringing false accusations, a very serious crime in Sweden.

It's not every day plaintiffs privately retain counsel in criminal cases in Sweden-- in fact it's unheard of. *[Not true, according to my legally trained sources.--A.B.]* Something that's made students of the ongoing legal circus scratch their heads again and again. But now there's finally an explanation.

It's been tiring to see Borgström cite client confidentiality every time it's suited him but blurt out anything at all when that's suited him. And now the inept politician did it again for the Washington Post. 'Asked whose initiative it was to appeal-- his or the women's-- Borgström demurred, citing client confidentiality. However, he said the women didn't even know it was possible to appeal a prosecutor's decision until he told them.'

But:

1. Anna Ardin and Sofia Wilén filed charges and went to Expressen on 20 August.
2. Chief Stockholm prosecutor Eva Finné dismissed the charges 21 August (the following day).
3. Anna Ardin contacted her crony [???] Borgström 22 August, the day after that-- on a Sunday.

Anna Ardin must have been in a bit of a panic. The presumption-- and it's never been a good fit-- was that Ardin in her well known hysteria [???] simply wanted to see her '7 steps of revenge' didn't fail. *[The "7 steps" were formulated by someone else, and that presumption is not the only possible explanation. She may have honestly believed that she was mistreated.--A.B.]* But Borgström's admission to WaPo makes it clear this couldn't have been the case.

Anna Ardin didn't retain Claes Borgström to resuscitate her failed plan of revenge-- she didn't even know such a thing was possible. Anna Ardin hired Claes Borgström as a defence attorney-- she was afraid the truth would get out. She was afraid of being prosecuted for bringing false accusations. *[Presumption based on little or no evidence.--A.B.]*

Swedish law is quite unequivocal in matters such as these. Penal Code Chapter 15, 7 §: "A person who, otherwise than in 6 §, with prosecutors, police or other authority falsely testifies of a criminal act, provides compromising circumstances, or denies acquitting or mitigating circumstances, shall be found guilty, if authority review such a case, of false accusation to imprisonment not exceeding two years or, if the crime is petty, to a fine or imprisonment not exceeding six months."

Claes Borgström is a horrendous defence attorney, as the Thomas Quick affair proved and as his handling of the current case proves time and again, now most recently in another 'show trial' appearance in the media.

WaPo can't be called unfair in their treatment of Borgström: they do disclose a number of rather unsettling things about him that the world at large will be appreciative to know-- things that challenge good people of normal healthy mind everywhere, as the DC rag of 'Woodstein' fame undoubtedly understood.

Even in gender-conscious Sweden, Borgström has raised eyebrows for speaking out so strongly against the male norms he says still pervade Swedish society. **He has said all men bear a collective responsibility for the fact that some men abuse women.** In 2006, he even proposed that Sweden withdraw from soccer's World Cup because of an expected surge in the sex trade in host nation Germany, where prostitution is legal.

'What happens during the World Cup is that women are imported-- in the full sense of the word-- to meet the demands from the men going there to buy sex', Borgström told Swedish TV at the time. His proposal was rejected by the Swedish soccer federation and Sweden took part in the tournament as planned.

Borgström has previously described his passion for women's rights and equality as bordering on an obsession. 'Now that I really have put on my 'gender goggles' I see everything through them', he was quoted as saying in 2004 by the tabloid Aftonbladet.

What's not explained is those 'gender goggles' are constructed from the bottoms of empty bottles of Doctors' Special.

Wikipedia has the following to say about 'spoliation'.

"In law, spoliation of evidence is the intentional or negligent withholding, hiding, altering, or destroying of evidence relevant to a legal proceeding. Spoliation has two consequences: the act is criminal by statute and may result in fines and incarceration for the parties who engaged in the spoliation; also, case law has established that

proceedings that might have been altered by the spoliation may be interpreted under a spoliation inference.

“The spoliation inference is a negative evidentiary inference that a finder of fact can draw from a party's destruction of a document or thing that is relevant to an ongoing or reasonably foreseeable civil or criminal proceeding: the finder of fact can review all evidence uncovered in as strong a light as possible against the spoliator and in favour of the opposing party.

“The theory of the spoliation inference is that when a party destroys evidence, it may be reasonable to infer that the party had 'consciousness of guilt' or other motivation to avoid the evidence. Therefore, the factfinder may conclude that the evidence would have been unfavourable to the spoliator. Some jurisdictions have recognised a spoliation tort action which allows the victim of destruction of evidence to file a separate tort action against a spoliator.”

Things are hotting up for ~~prosecution~~ defence attorney Claes Borgström and his clients. It's high time Björn Hurtig filed criminal charges against them all.

<http://rixstep.com/1/20101224,00.shtml>

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WikiLeaks founder baffled by sex assault claims

*Marie Colvin
Sunday Times
December 27, 2010*

ONE of the women claiming she was sexually assaulted by Julian Assange took a "trophy photo" of him lying naked in her bed, he says. The white-haired computer impresario had been invited to stay in her empty flat when he visited Stockholm to give a lecture last August, shortly after WikiLeaks released tens of thousands of classified US documents on the Afghanistan war.

Mr Assange, 39, and unmarried, said the woman had returned home early and insisted he sleep in her bed. He does not feel he needs any excuses for what happened next. "We went to bed, and things went on from there," he said.

However, the 31-year-old woman, who is identified in legal documents as Miss A, subsequently went to the police. Her claim was that although he had reluctantly used a condom at first, he then appeared to have ripped it. Having unprotected sex without a partner's consent can be considered a crime in Sweden.

Mr Assange believes her intention in going to the police was to put pressure on him to be tested for sexually transmitted diseases, but the case was investigated as an alleged sexual assault.

Mr Assange, who is staying at Ellingham Hall, the mansion where he has lived since being arrested and released on bail pending an extradition hearing, said he was bewildered by the allegations. He argued that Miss A's behaviour, beginning with the taking of the photograph, had given no indication of any problem between them.

"The day after this incident, she invited friends around to her flat for a dinner in honour of me," he said. "Does that sound like someone who was upset by what had happened? And at the dinner were a couple who had offered to have me as their guest. Instead, she insisted I remain with her. I stayed the rest of the week."

Mr Assange, whose WikiLeaks organisation has infuriated US officials by releasing a stream of classified information, has led a nomadic life in recent months, moving from country to country "as the threats against us shifted", and has become the object of attention from women drawn by what they perceive to be the glamour of his mission.

Mr Assange has also been accused of sexual assault by another young woman he slept with during his trip to Sweden. According to him, the woman, named only as Miss W, arrived at a lunch in a revealing pink cashmere sweater, flirted with him, and took him home. She says they had consensual sex but she woke up the next morning to find him having intercourse with her to which she had not consented. When she asked him if he was wearing anything, he had allegedly said: "I am wearing you."

He said he believed his accusers became angry when the younger woman, Miss W, contacted Miss A and they realised he had been to bed with both of them in swift succession. They went to the police station together, apparently to seek advice. A policewoman who heard their stories is said to have suggested they could pursue criminal charges.

Mr Assange is now wanted on suspicion of rape, sexual coercion and sexual assault. It is important to him that it is known he has not yet been charged with any crime anywhere else.

Mr Assange regards himself as a victim of radicalism. "Sweden is the Saudi Arabia of feminism," he said. "I fell into a hornets' nest of revolutionary feminism."

Most recently, however, he has been preoccupied with financial problems as Mastercard, PayPal, Amazon and Visa cut off donors' payments-- under pressure, he claims, from the US government.

He is at pains to emphasise that he had nothing to hide. "I was in Sweden for five weeks after the claims," he said. "I have offered to give evidence by video, or to British police, or to Swedish police if they come over here."

<http://www.theaustralian.com.au/in-depth/wikileaks/wikileaks-founder-baffled-by-sex-assault-claims/story-fn775xjq-1225976459286>

#MooreandMe: the hashtag that roared

Michael Moore's comments on the Julian Assange sex crime charges provoked a remarkable Twitter protest campaign

*Richard Adams
The Guardian
28 December 2010*

It began when filmmaker Michael Moore appeared on Keith Olbermann's MSNBC show on 14 December, and was asked about his support for Julian Assange in the light of allegations of rape against the WikiLeaks founder. Moore replied:

This whole thing stinks to the high heavens. I've got to tell you. I mean, I wasn't born yesterday. But I've seen this enough times, where governments and corporations go after individuals ... They go after people with this kind of lie and smear. Daniel Ellsberg told you about it last week how they went after him. We've seen this before.

Now, [Assange's] guilt or innocence of this-- I mean, what he said they did [sic]-- and the lawyer said this today in court in London-- that what they say he did and the charge is, his condom broke during consensual sex.

That is not a crime in Britain, and so they're making the point, how can we extradite him over this? This is all a bunch of hooey as far as I'm concerned.

A week later, Moore reappeared on MSNBC to talk about the same subject. This time, Moore's message was dramatically different. Instead of diminishing the sexual assault allegations against Assange as "a bunch of hooey," Moore told Rachel Maddow:

Every woman who claims to have been sexually assaulted or raped has to be, must be, taken seriously. Those charges have to be investigated to the fullest extent possible. For too long, and too many women have been abused in our society, because they were not listened to, and they just got shoved aside ... So I think these two alleged victims have to be treated seriously and Mr Assange has to answer the questions.

What changed Moore's tune? In the week between those two appearances came hundreds, if not thousands, of tweets, blogposts and Facebook entries, most of them organised around a Twitter hashtag-- #MooreandMe-- started by New York blogger (and Guardian contributor) Sady Doyle, along with Jaclyn Friedman.

And what #MooreandMe revealed is that the casual dismissal of the allegations against Assange has rightly angered many-- explained in compelling detail by Kate Harding, Katha Pollitt and, in this remarkable essay, Andrea Grimes-- who see it as a symptom of the struggles that women still face in being heard on the subject of rape and sexual assault. While the two women in Sweden have been disparaged as tools of the CIA, or derided as hysterical (and sometimes both at once), Assange and his lawyers can speak freely in public.

But worst of all has been the suggestion that somehow their ordeal does not count, that they are an inconvenient distraction, the mad women in the attic, caught up in the clash of powerful forces involving the world's media and the US government in all its might-- as Moore put in on his blog on 14 December:

For those of you who think it's wrong to support Julian Assange because of the sexual assault allegations he's being held for, all I ask is that you not be naive about how the government works when it decides to go after its prey. Please-- never, ever believe the "official story". And regardless of Assange's guilt or innocence (see the strange nature of the allegations here), this man has the right to have bail posted and to defend himself.

Melissa McEwan noted: "Would that he had left it at the right to bail and defence and skipped the rape apologia."

Once upon a time, that might have been it. But Moore's callous remarks, which passed without challenge by the normally pugnacious Olbermann, caused a reaction that found full-throated expression through social media. Objecting to Moore's offhand dismissal of the allegations, Sady Doyle explained it in her post launching #MooreandMe:

You know what immeasurably harms the progressive community, though, is rape and rape apologism. Is victim-blaming; is accuser-smearing; is the unwillingness of men in positions of power to consider rape a crucial issue that must be taken seriously. And the person who's hurting our community, and refusing to take responsibility for that, right now, is Michael Moore.

So thank God he's on Twitter. He is @MMFlint, in fact! And here's what we're going to do: we're going to use the #MooreandMe hashtag to tell him why what he has done and said is wrong. We're going to talk to the man. We're going to stand outside his window with a megaphone until he comes down and talks to us.

And that, pretty much, is exactly what happened.

For a week, Moore didn't respond to the tide of protest. Olbermann did, foolishly and petulantly, only to make matters worse-- boasting that "Feminism has no greater male supporter in TV news than me", and at one point proclaiming he was suspending his Twitter account "until/if this frenzy is stopped", although he failed to take his own good advice.

Other writers waded in and got caught in the fallout: the journalist Moe Tkacik posted at the Washington City Paper, describing #MooreandMe as "near-homicidal #rage" while naming the two women (something the Guardian and New York Times have avoided as a matter of policy), only for her editors to yank the piece. The blogging pioneer Dave Winer produced an artless car-crash of arguments that might have worked as parody. Naomi Wolf continued her upside-down defence of Assange-- as can be heard in her debate with Jaclyn Friedman on Democracy Now. And so on.

In the end, though, it was Moore-- without addressing #MooreandMe directly-- who gave way, with his appearance on Rachel Maddow's show. Olbermann, meanwhile, like a soldier marooned on a Pacific island who doesn't know the war is over, sits nursing his wounds, and making gnomish statements and half-apologies.

Moore had the decency to send a message-- via Twitter, appropriately-- directly to Doyle on the night of his second MSNBC appearance, saying: "Thanks & Merry Xmas 2 you! Sorry I didn't respond sooner. I needed more than 140 charcters 2 say what I said 2nite-- & it needed 2 b said on TV."

To Doyle should go the last word, on how a hashtag harnessed a groundswell of protest:

That's the most important lesson of #MooreandMe, for me, the most important takeaway: the next time something is this fucked up, and we feel like we have to fight it, we will. The next time we feel like we have to fight something, we will know fighting can make a difference. The chief thing #MooreandMe gave me, the girl who started out a week ago just writing an irritated Tweet and then eventually hearing a "thank you" from Michael Moore, was faith in the idea that activism can change things.

• *Author's note: for full disclosure, in my former role as editor of Comment is Free America, I commissioned Sady Doyle to write opinion articles for the Guardian.*

* * *

Subject: Bias aplenty
Date: 30 Dec 2010
From: Al Burke <editor@nnn.se>
To: Richard.Adams@guardian.co.uk

Richard Adams
The Guardian

Mr. Adams,

As you seem an honest soul, I take the trouble to inform you that the outraged voices you cite and validate in your commentary on the 28th ("#MooreandMe: the hashtag that roared") are in some ways just as biased and one-sided as the objects of their complaints.

Much of the criticism is certainly well-founded. Rash judgements, ideological bias, premature conclusions and other sins of the mind are never absent from a debate like that surrounding the Swedish suspicions of sexual misconduct by Julian Assange. ("Suspensions" because, after four months, he has still not been charged with any crime-- in itself a suspicious circumstance.)

But what the outraged commentators like Katha Pollitt (whose work in general I much admire) seem unwilling or unable to grasp is that there are ample grounds for scepticism about the accusations against Assange. The basis of that scepticism consists primarily of (a) the very peculiar behaviour of the Swedish prosecutor in charge of the case, and (b) revealing and to some extent contradictory statements by the female accusers, in particular Anna Ardin who has been the more accessible.

Also, it is simply not true as you claim that the women's side of the story has not been heard, while Assange's lawyers have been free to criticize them unchallenged. If you

really believe that, you cannot have learnt very much about the case (or you are less than honest in writing about it, which I very much doubt).

Therefore, I urge you to explore a Word document with a fairly extensive collection of clippings and other information on the case, which is downloadable from this web address: <http://www.nnn.se/nordic/case1.doc>

Therein you will find, for example, many of the facts tending to exonerate Assange and cast doubt on the two women's accounts-- facts that were systematically omitted from Nick Davies's recent act of defamation in *The Guardian*. Much of the material is in Swedish, but there is more than enough in English to substantiate the points noted above.

I do not vouch for the reliability of all the information in the compendium; but I am confident that someone of your experience and acuity is capable of making a balanced assessment. If any of the information in the compendium is unclear, I will gladly attempt to clarify it.

When you have reviewed the material, I am fairly certain that you will want to publish a correction to, or at least a modification of, your commentary on the 28th.

Regards,

Al Burke
Sweden

P.S. Please pass this note on to Nick Davies and, more importantly, to his editors who should have known better.

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Clearing the Air of Nick Davies' Misinformation

Submitted by x7o
W.L. Central
12/30/2010

Today, Huffington Post published an article by Nick Davies, from the Guardian, in response to Bianca Jagger's Huffpost article. Jagger had been critical of Davies' role in the publication in *The Guardian* of the details from the police investigation report on the allegations against Julian Assange.

In his article today, Davies states that the publication of the details from the police report served the purpose of balancing out baseless speculation about the Swedish investigation. He claims it was necessary in particular to counterbalance a campaign of misinformation on the part of Wikileaks, and Julian Assange. This is very misleading. The substance of the claim is laid out below.

From Nick Davies: *The Julian Assange Investigation— Let's Clear the Air of Misinformation:*

Jagger calls this 'trial by media'. I call it an attempt to inject some evidence into a global debate which has been fueled by speculation and misinformation. On August 21, when this story first broke, Assange used Twitter to spread the idea that the two women who had gone to the police were engaged in 'dirty tricks'. His lawyer subsequently claimed that a 'honeytrap' had been sprung. Assange's celebrity supporters have announced to the mass media that the allegations are 'without foundation', that 'there is no prima facie evidence'. These statements have gone around the world. Millions of well-meaning people have been persuaded to believe them. The two women, who have been identified on the Internet, have had their reputations ruined by the claim that they cruelly colluded to destroy an innocent man. The Swedish police and prosecutors have been held up to ridicule as corrupt and/or incompetent partners in the plot.

Our story showed: first, that the Swedish police have found no evidence of any such dirty tricks (which would not surprise the conspiracy theorists); secondly, that in his interview with Swedish police on August 30, Assange himself never began to suggest that the allegations were any kind of dirty trick; thirdly, that Assange's supporters in Stockholm had tried to find evidence and come up empty, concluding, as the Swedish WikiLeaks coordinator put it to us: "This is a normal police investigation. Let the police find out what actually happened. Of course, the enemies of WikiLeaks may try to use this, but it begins with the two women and Julian. It is not the CIA sending a woman in a short skirt."

And by publishing our story, we achieved something: Julian Assange was forced to admit, in interviews with the London Times and with the BBC, that there is no evidence of a honeytrap. That matters very much.

Davies here manages to leave the impression that Assange was engaged in a campaign of misinformation against the integrity of the alleged victims since the allegations began, and was only forced to concede that this was not the case after Davies published the details from the investigation.

This is misleading. The tweet Davies refers to, without citation, is the following:

wiikileaks

We were warned to expect "dirty tricks". Now we have the first one:

<http://bit.ly/bv5ku9>

21 Aug

It is clear from the text of the tweet that it does not directly impute "dirty tricks" to the alleged victims of the alleged crimes, as Davies claims Assange did, when he says "Assange used Twitter to spread the idea that the two women who had gone to the police were engaged in 'dirty tricks'." The imputation of "dirty tricks" is far less specific than that, and is consistent with the idea that the allegations are being manipulated by the Swedish prosecutor.

In fact, the suspicion that there may be 'dirty tricks' involved has never, when explicated by Assange, in for instance the recent Frost interview, required any misconduct on the part of the alleged victims. Instead, as there, **Assange raises the possibility that the alleged victims might themselves be the victim of said "dirty tricks."**

One might also wonder whether Assange had any role in the writing of these tweets, since it is a commonly known fact that a number of Wikileaks staffers use the Wikileaks Twitter account. Immediately subsequent tweets quote Assange in the third person:

wiikileaks

Julian Assange: the charges are without basis and their issue at this moment is deeply disturbing.

21 Aug

I have compiled, from WL Central's Wikileaks Twitter Archive, a list of all tweets pertinent to the Swedish allegations. It is evident from a perusal of them that the official Twitter account was never, as Davies claims it was, used specifically to impugn the reputation or integrity of the alleged victims. The more extraordinary claims about the provenance of the investigation that can be associated with the official twitter account are to be found only in third party articles linked to by the Wikileaks twitter account. I invite readers to peruse this compendium of tweets, or, if they want, the full twitter archive, or the official twitter account, to find the instances where Assange can be said, as Davies implies that he did, to have alleged a "honey trap."

Davies claims that Assange's lawyer, Mark Stephens, claimed Assange had been the victim of a "honey trap." He fails to cite this claim. I have not been able to locate it. I would appreciate a citation of this claim. Nonetheless, it has to be pointed out that (below) Assange is on record as saying that Stephens claims he was misquoted. Further again, if it is in fact true that Stephens made this claim, it would be a mistake to blame Assange for this misinformation, although it would also be commendable that evidence against the claim might be fielded.

Davies gives the impression, in the last paragraph quoted above, that Assange "was forced to admit" that there was no evidence of a "honey trap". This phrasing insinuates that Assange in fact alleged that he was the victim of a "honey trap" and implies that he lately admitted to having so alleged, while explicitly renouncing the idea. In fact, again, this is misleading. In the BBC interview, for instance, Assange clearly stated that he never claimed that he had been the victim of a "honey trap."

From John Humphries: BBC Interview with Julian Assange (*Transcript*):

Q: So you're not suggesting that this was a honey-trap? That you were somehow set up by the Americans, by the CIA? You don't buy into that idea because your lawyer's suggested that that's the case.

JA: He says that he was misquoted. I have never said that this is a honey-trap.

Q: You don't believe it?

JA: I have never said that this is not a honey-trap. I'm not accusing anyone until I have proof.

Q: Do you believe it is possible?

JA: That's not how I operate as a journalist because almost everything is possible. I talk about what is probable.

Q: All right, what do you think is probable here?

JA: What is probable? It is less probable that there was that type of involvement at the very beginning. That kind of classic Russian-Moscow thing. That is not probable.

Davies implies in his criticism of Assange's supporters that we must not be "content to recycle falsehood and distortion no matter what damage they may do." I commend Nick Davies' sentiments in this direction, and also commend his injection of scant factual material into an environment of media misinformation.

I cannot, however, commend the partial and inflammatory manner in which he defends his actions, nor the misleading vividness with which he portrays the words and actions of Julian Assange. It is not for me to speculate on why he might have abandoned the emotional distance from his work that one would expect from so apparently conscientious a journalist. It will suffice merely to point out the extent to which he errs, or has misled, and I have tried to do that here.

<http://wlcenral.org/node/761>

Julian Assange & The Swedish Feminist Conspiracy

Rixstep.com

2 Jan. 2011

STOCKHOLM — The irony's thick. Julian Assange, frontman for an organisation dedicated to exposing conspiracies, arrives in Stockholm Sweden on 11 August and inadvertently exposes the biggest conspiracy in the country.

Following is an interview *[by whom?]* with noted Swedish jurist Per Samuelsson, perhaps best known for his skilled cross examination of John Kennedy of the IFPI in the district court trial of The Pirate Bay. Samuelson has authored a book on cross examination techniques and is noted for his concern for the rule of law.

Q: Will Assange be extradited to Sweden?

A: Yes, there is no doubt. That's why the British police have arrested him.

Q: In the very liberal Sweden, is it rape if a man breaks a condom by accident or on purpose during otherwise mutually desired intercourse?

A: People from other countries with different legal cultures just do not understand how extensive the Swedish legal system is regarding sexual crimes. The allegations made against Julian Assange in Sweden must seem to Assange as pure nonsense, as a joke. But he must understand that these are the kind of things for which men go to prison in Sweden.

Q: Will Assange have to expect a sentence?

A: Yes. The risk is great. If he is convicted, he must reckon with two years in prison.

Q: Do you think he should still come to Sweden? Some people fear that he may escape to a country which does not extradite.

A: I think he must face the charges in Sweden as soon as possible. The longer he refuses to face the interrogation, the worse the suspicion against him will become. One has to take into account that he is not convicted. So far, he is only suspected. Because journalists from all over the world look at this case, Assange has a better chance to get a fair trial than Swedish men who had to go to prison in the past even if there were serious doubts about their guilt.

Q: Back in 2007 you warned against a 'mob law' in cases of sexual crimes in Sweden-- even cases in which there was major doubt were decided against the accused. Has this changed?

A: There was a discussion, but it has not changed. Political pressure which has the equality of women in society as starting point-- which is in principle commendable-- has led to an unacceptable very high legal uncertainty for defendants in Sweden. This is what Assange is experiencing right now. The feminist movement in Sweden is particularly strong. It has long been criticised by women's rights activists that the judges would believe men more. It was said that it was impossible to get justice as a woman. Now the reverse is true in Sweden.

Q: Has it become easier for women to get men convicted for sexual misconduct?

A: Yes, today convictions are demanded due to a basic political tenor. The tenor: in rape cases, men have to be sentenced; otherwise it is unfair to women. This is unworthy of a constitutional state. In Sweden, the consensus is: you say the truth because you're a woman. That is the limit for me. I am for the equality of women in society. Of course. But it cannot go so far that people who are innocent are convicted. In Sweden, the so-called victim's perspective is so advanced that there are even people out there who believe in all seriousness that it is unacceptable that women in general are exposed to the rigours of an interrogation in court. People say we as trial lawyers would offend these women because we interrogate them on behalf of our clients. I think such a culture is unprecedented in Western Europe.

Q: What do you think of the actions of the prosecutor Marianne Ny? In Sweden, she is considered a feminist who demanded as early as 1999 that men should be held in pre-trial custody prior to any investigation to give the women a chance to be clear about what was done to them.

A: I cannot say anything about Mrs Ny's background, but based on her actions I can determine that she has acted unusually harshly against Julian Assange, even for the Swedish legal practice. It's all mainly about him to be interrogated. I do not understand that Marianne Ny has not just flown to London to interrogate him there. He had offered that. Instead, an international arrest warrant is issued against him and the whole world freaks out. The harsh treatment against Assange was totally unnecessary. Assange even remained in Sweden for several weeks to face interrogation upon receipt of the indictment. When nothing happened, he left with the approval of Ny, which she herself has acknowledged to be the case.

Q: How did it all go so wrong?

A: This is indeed difficult to understand. The prosecutor has now painted herself into a corner where the whole thing has become a legal world war around Julian Assange. This is hardly useful for the factual issue.

Q: Who do you think will emerge as winner in this case?

A: Honestly? Currently I believe that the dispute will benefit Julian Assange more than the prosecution side. A week ago I thought it was the other way around, I must admit. But because he is now free on bail in England and because in Britain a lot of the media are on his side, he has won the world public over (except Sweden). This is favourable for Assange. If it comes to a trial and the world learns of the details of the accusations against him from the currently kept secret investigation files, the world will find it ridiculous and meet it with a shake of the head.

Q: Have you read the investigation files?

A: No, I have not, but it will probably be about the broken condom. The prosecution claims he broke it on purpose. Even if this should be true, it is not in proportion to the

severity of the prosecution and the judges, which I criticise sharply. This cannot be allowed to happen in a state of law.

Q: Which advice would you give to Julian Assange as a lawyer?

A: I would go to London, immediately put him in a bag and bring him to Sweden. He has to turn himself in. Otherwise the perception that he is guilty will win here. I am also sorry that he as a defendant is abused like this by the Swedish legal system. I do not think that Germany would issue an international arrest warrant because of a broken condom. As it were Assange has revealed to the world how unjust it can be in Sweden. How much suffering waits to be unleashed behind Swedish prison walls.

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Julian Assange's sex-crime accusers deserve to be named

The shielding of sex-crime accusers is a Victorian relic. Women are moral adults and should be treated as such

Naomi Wolf
The Guardian
5 January 2011

As Swedish prosecutors' sex-crime allegations against Julian Assange play out, one aspect of the case merits serious scrutiny. We know Assange, the founder of WikiLeaks, by name. But his two accusers are consistently identified only as "Miss A" and "Miss W" in the media, and their images are blurred. In the UK it is against the law to name an accuser in a sex-crime case once a complaint has been made; elsewhere-- in the US, and much of Europe-- media convention demands that accusers get the same protection. This is bad law and bad policy. Motivated by good intentions, the outcome harms women.

The convention of shielding rape accusers is a relic of the Victorian era, when rape and other sex crimes were being codified in what descended to us as modern law. Rape was seen as "the fate worse than death", rendering women-- supposed to be virgins until marriage-- "damaged goods". The practice of not naming rape victims took hold for this reason.

Borrowing from a poem by Coventry Patmore, Virginia Woolf labelled the ideal of womanhood in this period "the Angel in the House": a retiring creature who could not withstand the rigours of the public arena. "Good" women's ostensible fragility and sexual purity was used to exclude them from influencing outcomes that affected their destinies. For example, women could not fully participate in legal proceedings. Indeed, suffragists fought for the right to be found guilty of one's own crimes.

Nonetheless, even after women gained legal rights-- and as other assumptions about women went the way of whalebone stays-- the convention of not naming women who make sex-crime allegations remains. Not only is this convention condescending, but it makes rape prosecutions more difficult.

Anonymity serves institutions that do not want to prosecute rapists. In the US military, for instance, the shielding of accusers' identities allows officials to evade responsibility for transparent reporting of assaults-- and thus not to prosecute sex crimes systematically. The same is true with universities. My alma mater, Yale, used

anonymity to sweep incidents under the carpet for two decades. Charges made anonymously are not taken as seriously as charges brought in public.

It is only when victims have waived their anonymity-- a difficult, often painful thing to do-- that institutions change. It was Anita Hill's decision in 1991 not to make anonymous accusations against Clarence Thomas, now a US supreme court justice, that spurred a wave of enforcement of equal opportunity law. Hill knew that her motives would be questioned. But as a lawyer she understood how unethical anonymous allegations are, and how unlikely to bring about change.

The convention of anonymity, conversely, lets rape myths flourish. When accusers are identified, it becomes clear that rape can happen to anyone. Stereotypes about how "real" rape victims look and act fall away, and myths about false reporting of rape relative to other crimes can be challenged.

Feminists have long argued that rape must be treated like any other crime. But in no other crime are accusers' identities hidden. Treating rape differently serves only to maintain its mischaracterisation as a "different" kind of crime, loaded with cultural baggage.

Finally, there is a profound moral issue here. Though children's identities should, of course, be shielded, women are not children. If one makes a serious criminal accusation, one must be treated as a moral adult. The importance of this is particularly clear in the Assange case, where public opinion matters far more than usual. Here, geopolitical state pressure, as well as the pressure of public attitudes about Assange, weigh unusually heavily. Can judicial decision-making be impartial when the accused is exposed to the glare of media scrutiny and attack by the US government, while his accusers remain hidden?

It is no one's business whom a victim of sex crime has had sex with previously, or what she was wearing when attacked. Laws exist to protect women from such inquiries. But some questions of motive and context, for both parties, are legitimate in any serious allegation.

The Oscar Wilde trial of 1895 is worth remembering. Wilde, like Assange, was held in solitary confinement. Like Assange, he faced a legal proceeding for alleged sex crimes in which there was state pressure on the outcome: the alleged behind-the-scenes involvement of the then prime minister, Lord Rosebery, ensured the likelihood of a "guilty" verdict. The roar of public opprobrium, in the wake of reports from accusers shielded in some cases by anonymity, also sealed Wilde's fate. His sentence-- two years' hard labour-- was atypically severe.

No one is proud of the outcome of that trial today. The lesson for us? Top-level political pressure and virulent public opprobrium-- inflamed and enabled by anonymous accusations-- can grossly distort legal process.

Jag bör också åtalas för våldtäkt

Assangeaffären visar att vi svenskar har dimmiga föreställningar om hur den svenska våldtäktslagstiftningen ser ut. Jag själv borde ha suttit i fängelse för länge sedan. Och en miljon svenskar till, skriver Olle Andersson, mångårig programledare på SVT.

Olle Andersson
Newsmill
2011-01-08

Härmed erkänner jag att jag gjort mig skyldig till sexuella övergrepp och våldtäkter av min hustru. Den senaste månaden har jag rannsakat mitt minne och kommit fram till 75 sexuella övergrepp under våra 38 år som gifta. I samtliga fall handlar det om att kondomen lossnat, utan att jag nämnt det för min partner. Oftast märkte jag det inte ens själv.

De senaste månaderna har jag kommit till insikt om att jag våldtagit min hustru kanske etthundra gånger genom fullbordade samlag, oftast utan kondom, då hon samtyckt men halvsovit.

Jag förstår nu, efter att ha borrarat i mina förträngda minnen, att jag är en simpel våldtäktsman och bör behandlas därefter. Detta är inget skämt, överåklagaren. Min hustru kan intyga allt när ni kallar henne till förhör.

För det är väl så, Marianne Ny, att rättsstaten fungerar likadant för alla, vare sig vi är megakändisar som Assange eller pensionärer som jag. Här får inte vara skillnad mellan hög och låg. Lagen ska gälla oberoende av ras och religion.

Därför ska jag förhöras om mina brott. Det är din självklara plikt som åklagare. Newsmill har mitt telefonnummer och mitt medgivande att vidarebefordra det till polis och åklagare. Om ni inte hör av er tolkar jag detta som att rättsstaten är ur balans. Då anmäler jag er.

Samtidigt passar jag på att anmäla min hustru för sexuella övergrepp och sexuellt tvång. Vi har tillsammans gått igenom tiotals fall där hon tagit ett bryskt grepp om mina armar och hållit fast mig. Även om jag inte sa nej kände jag flera gånger viss vanmakt. Jag kom inte ur järngreppet även om jag samtyckte till resten.

Fler gånger än jag orkar räkna har hon velat men inte jag. Oftast har det slutat med att jag fallit till föga därför att jag känt mig pressad och mer eller mindre tvingad. Ibland fick jag ångest. Med dessa rader uppmärksammar jag rättsapparaten på begångna brott som är grova och allvarliga till sin karaktär och förutsätter att en polisutredning vidtar per automatik. Vi lever i ett mycket lyckligt äktenskap, men rätt ska vara rätt, om än retroaktivt.

Händer ingenting från Din sida, överåklagaren, är jag benägen att ge Wendy Murphy rätt. I Daily Beast ställer den fd sexualbrottsåklagaren i Boston frågan vad som händer nästa gång en kvinna går till polis och anmäler mannen för att han pumpade på trots att kondomen var trasig: Blir det samma världsomspännande Interpoljakt då också? Eller när hustrun anmäler maken för att han trängde in i henne medan hon sov?

Murphy tror inte det. Hon talar istället om en opportunist och politisk undfallenhet från de svenska åklagarnas sida som i längden är till skada för våldtäktsoffer.

Hon jämför med när Bill Clinton ställdes inför riksrett för sexakten med Monica Lewinsky. Där vändes allmänhetens avsky till en våg av sympatier för Clinton i takt med att riksrettsförhandlingarna urartade i en skådeprocess iscensatt av politiska motståndare som utnyttjade brottsoffret för egna syften.

På trettio år har antalet våldtäktsanmälningar i Sverige ökat med 700 procent. Det är världsrekord. Vi har också en praxis när våldtäkter registreras som uppfattas som exotisk i resten av västvärlden. Ökningen beror framförallt på att våldtäktsbegreppet utvidgats. De allra flesta anmälningarna gäller kontaktvåldtäkter där parterna känner varandra, och har frivilligt sex som sedan övergår i övergrepp.

För rättsapparaten blir det svårt att navigera rätt i en gråzon där vittnen och tekniska bevis saknas och där det inte finns spår efter våld och tvång. I Sverige är det därför bara 20 procent av anmälningarna som leder till åtal och än färre till fällande dom.

Feminister har framgångsrikt lyckats politisera sexualbrottslagstiftningen genom att fokusera på det patriarkaliska klimatet i domstolarna, en maktstruktur som demoniserar (det kvinnliga) brottsoffret. Kampen har varit framgångsrik tack vare gott eldunderstöd från tongivande debattörer. Å andra sidan närmar vi oss en tilltagande rättsosäkerhet för de anklagade. Domstolarna sänker ribban i våldtäktsmål och enligt den norske författaren Preben Z Möller i Aftenposten är tendensen både i Norge och Sverige att bevisbördan alltmer läggs på den anklagade. Vi skulle alltså närma oss den omvända bevisbörda som under flera år ledde till tveksamma domar i narkotika-mål. En annan tydlig tendens i domstolarna är att våldtäktsoffren traumatiseras.

Möllers tes är att vare sig Assange frias eller förundersökningen läggs ned så kommer debatten att fokuseras på att framgångsrika män undkommer rättvisan tack vare en rådande patriarkalisk maktstruktur som känner större samhörighet med Assange än med våldtäktsoffer.

För den som varit med förr är det lätt att dra paralleller till styckmordsrättegången. Då hette det att de båda misstänkta skulle slippa undan därför att de var läkare och respektabla medlemmar av den etablerade patriarkaliska styrande klassen. Nu efteråt vet vi att det var just på grund av sina samhällspositioner som de blev åtalade. Hade det rört sig om två alkoholiserade A-lagare hade det aldrig blivit någon debatt och heller inget åtal.

Möller berör också det han menar är en öm punkt hos feministerna. Samtidigt som allt krut läggs på "de avskyvärda handlingar som Assange utsatt kvinnorna för" (Expressens Thomas Mattsson i P1:s medieprogram) så råder en påtaglig tystnad om alla de kvinnor som utsatts för utomhusvåldtäkter och gruppvåldtäkter. Här får Sverigedemokraterna härja fritt med uttjuter om "en muslimsk våldtäktsvåg" som drar fram över Sverige. Vem tar sig an dessa brottsoffer, vem kräver att även dessa gärningsmän ska offentliggöras med namn och bild och jagas fram ur sina hålor, tycks Möller mena. Istället lämnas walk over till SD.

Möller hänvisar till en omfattande dansk undersökning som visar att 7,5 procent av våldtäktsanmälningarna i Danmark är falska och att mörkertalet sannolikt är stort. Motivet hos falskanmälarna är framförallt att de vill känna sig sedda och bekräftade av

omgivningen men det handlar också om ren hämnd. I en del fall vill "brottsoffret" krångla sig ur en pinsam situation.

Falska våldtäktsanklagelser är ett litet problem i sammanhanget, säger Preben Z. Möller i Aftenposten. Tills det drabbar dig. Hur statistiken ser ut i Sverige vet vi inte eftersom det saknas forskning på området.

Assanges bundsförvanter har fått utstå spott och spe för att de kritiserat vår sexualbrottslagstiftning. Glåporden och de försmädliga leendena i våra inhemska medier har tagit sikte på Pilger, Moore och andra korkade utlänningar som ingenting vet om svenska krusbär.

Tyvärr måste jag sälla mig till denna sorgliga skara. 35 år som journalist, allmänreporter, polisreporter, bevakare av tjugtals med uppmärksammade rättsfall, allmänorienterad och normalbegåvad. Ändå hade jag ingen aning om att jag själv är en simpel våldtäktsman, precis som den där australiern.

Så, Marianne Ny, kör igång och åtala mig. Och skynda på. Det står en miljon svenskar till i kö.

Om författaren

Har jobbat som reporter på SVT och Sveriges Radio, bla på rapport. Jobbade länge på ABC som programledare och redaktör.

<http://www.newsmill.se/artikel/2011/01/08/jag-b-r-ocks-talas-f-r-v-ldt-kt>

Kommentarer

Optimalt debattinlägg. Kan inte bli mer välargumenterat än så. Nu väntar vi på att Marianne Ny antingen agerar eller att hon erkänner att det godtycke som hela rättsapparaten utformning är till för att undvika är regel snarare än undantag.

— *Martin A*

Hppas att journalisten Olle Andersson får spela samma roll som Urban Hjärne vid häxprocessernas avskaffande i slutet av 1600-talet

— *Sten Figaro*

Bra skrivet

— *Susanna svensson*

Så bra, Olle Andersson, att det äntligen gått upp ett ljus! Svante Weiler hade ett mycket bra inlägg i Godmorgon Världen! i dag, där han förklarade sammanhangen för en smula tröga karlar. Kan inte din hustru tala för sig själv?

— *Jeanna Gabrielsson*

Vilken lysande artikel. Tyvärr är det sannolikt så att siffran falska anmälningar är avsevärt högre. Dessutom finns det några försök att räkna på det. Här är ett.

<http://www.yakida.se/sexbrott.html>

Och ni kanske heller inte vet om, att idag kan någon annan person anmäla ett gift par till domstol, trots att de själva inte vill hamna där. Det gifta paret tvingas alltså in till domstolen. Så om nu någon annan anmäler dig nu, så kommer du att hamna inför

domstol. Vi har ett bra rättssystem, men det kan bli bättre och när det gäller mål där det handlar om relationer mellan man och kvinna, menar jag på att det i stora delar har sparat ut. Det märkliga är att så få engagerar sig åt förbättringsåtgärder.

— *John Yakida*

Det är så mycket här att det skulle ta hela kvällen att bena ut allt. Men två korta saker bara.

Olle A: "Ökningen beror framförallt på att våldtäktsbegreppet utvidgats."

Brå säger: "Under de senaste tio åren har antalet anmälda sexualbrott ökat konstant och polisanmälningarna för våldtäkt har mer än fördubblats. Detta beror troligtvis på en kombination av en ökning av den faktiska brottsligheten samtidigt som benägenheten att anmäla ökar. En stor del av ökningen har skett efter 2005, då den nya sexualbrottslagstiftningen trädde i kraft. Den innebär att en del gärningar, som tidigare klassades som sexuellt utnyttjande nu rubriceras som våldtäkt. Så lite som 10–20 procent av alla sexualbrott polisanmäls."

http://www.bra.se/extra/pod/?action=pod_show&id=8&module_instance=2

Olle A om falska anmälningar: "Hur statistiken ser ut i Sverige vet vi inte eftersom det saknas forskning på området." En svensk studie om falska respektive felaktiga anmälningar

http://www.advokatsamfundet.se/templates/CommonPage_Advokaten.aspx?id=8190

Amnesty om resultaten från en EU-studie.

"I den svenska studien var två procent av fallen falska anmälningar, vilket motsvarar cirka 100 anmälningar per år. I en annan studie av Christian Diesen och Eva Diesen har de också kommit fram till att ytterligare fem procent av anmälningarna var "felaktiga".

<http://www2.amnesty.se/andranyheter.nsf/0/0DD2879E96852926C12575A5005D62>

— *Niclas Kuoppa*

John Yakida har rätt i att Sverige har ett jämförelsevis bra rättssystem. vilket visas i denna studie. <http://worldjusticeproject.org/rule-of-law-index>

Artikel i DN om WJP och om att polisen och rättshjälpen är de två svaga länkarna

<http://www.dn.se/debatt/polisen-och-rattshjalpen-ar-sveriges-svaga-lankar>

— *Niclas Kuoppa*

Klockrent inlägg... krasst sett så är vi nog i läge för att åtalas för något sexualbrott allihopa, likväl som vi är offer för något övergrepp också. Har roat mig med att läsa utländska medier och intrycket man får är att feminismen har satt en dummerjösstrut på hela svenska rättsväsendet... jaga en man internationellt för en sprucken kondom och 2 försmådda kvinnors hämndbegär. Feminismen i Sverige har spåra ut, definitivt...

— *Stefan Weber*

Genialt! Svenskt rättsväsende kommer att få bråda dagar för när vi alla tänkt efter en stund så har vi väl lite till mans/kvinns slirat på övertygelsen om ett nej, egentligen var ett ja, eller vice versa. Det blir intressant det här. Det är ju att tänka efter som vi ska göra innan vi anmäler, så ock män naturligtvis och eftersom vi inte alla är jurister, som Borgström, så vet inte heller vi kvinnor längre om vi våldtog eller inte när vi greppade glädjepinnen mitt i vilopausen.

— *Christina Lundqvist*

Klockrent Olle! Jag ska prata med alla mina fd 4 (st) vi kan med säkerhet med den nya lagstiftningen polisanmäla varandra av motsvarande skäl. Sju åtta miljoner anmäl-

ningar om sexuellt utnyttjande och en och anna kränkning. Få se nu sexmiljoner vuxna tjugo misslyckade sexakter? Det blir ca 120 mijoner anmälningar.

Vänta jag glömde den där gången x tjatate till sig munsex på morgonen... gånger.... många miljoner blir det och världens mest våldtagna folk kommer tydligt fram. Kan man inte införa en tankeförbudslag om sex också? Så man måste fråga den man har sexfantasier om först? Får man fdörresten fråga vad som helst? Kan inte DO begära in en ansökan för varle enskilt fall först?... jamenar så att vi får en statlig norm för man bårpde får tänka fråga om och göra? Sexinspektörer kanske varför inte en kommunal i varje sovrum? Poppis jobb tror jag och kanske ett sätt att minska arbetslösheten?? Är det Scottenius som själv sitter vid censuren?

Varför mitt förra inlägg censurerades skulle vara väldigt intressant att få svar på. Det var både fyndigt relvant och sant. Tydligen var kompisen Borgströms koppling till Qvicks felaktiga domar och hans koppling till den militanta feministiska rörelsen som kanske fick åsiktspolisen att slå till? Borgström är ju den som mest aktivt spridit den rättsliga osäkerheten genom sina handlingar i kombination med avsaknad av de samma. vad karln än rör så blir det anskit som resultat.

— *Villiam Victorsson*

Detta var helt lysande skrivet, och visar hur vanvettigt det hela har blivit pga. tok-feministernas lobbyarbete. Marianne Ny utnyttjar helt enkelt gällande tok-lagstiftning till sista kommatecknet för att komma åt en förhatlig person = en MAN!

— Kai V.

Jättebra artikel . Skönt med klarspråk. Som vanligt skäms man för att man är Svensk.

— *Jörgen Ek*

Tack Olle Andersson. Din artikel är ett ljus i det annars så kompakta svenska mörkret. Nu hoppas jag att journalister som inte har gått i pension vågar sig in i diskussionen. Häromdagen läste jag kommentarerna till en artikel i tyska tidningen die Zeit. Rubrik var "Safer Sex in Schweden. Här några exempel:

Sexuell hysteri, absurt rättsväsende, rena diktaturfasonerna.

Gynokrati.

Totalitär feminism.

Sexuell frigörelse bombas tillbaka till medeltiden av svenska rättsväsendet.

Vart ska detta leda? Före-sex-kontrakt? Statliga övervakningskameror i våra sovrum?

Kommer notarien eller åklagaren att kontrollera sexakten?

Sverige verkar vara lite överspant politiskt korrekt.

Ett grandiosast haveri i det svenska rättsväsendet.

Sverige har de lagar svenska män förtjänar.

— *Peo Månestad*

Åsiktsfabrikörerna! Om man reser avståndet mellan folks genomsnittliga åsikter och politiskt korrekta journalismens så tror jag att vi möter på utomjordingar innan vi når fram till tyckarelisten MSM och public service.

— *Villiam Victorsson*

Tack för utmärkt inlägg! Tokfeministerna har fått hållas ostörda alldeles för länge. De har drivit igenom en vansinnig sexköpslag och de har urholkat våldtäktsbegreppet så till den milda grad att elitfeminister som Marianne Ny har lagligt stöd för att driva Assange-fallet på det farsartade sätt som nu sker. Det svenska rättsväsendet har hamnat i vanrykte utomlands. Dags att sätta ned foten!

— *Emily Jonsson*

Tack Olle A. Det var bra skrivet! Vi är nog rätt så många "gifta" karlar som kan skriva under på detta!!!

— *Walther Metzler*

Olle Andersson: det du säger om relationer, att vi gör många saker i "nöd och lust" gentemot varandra är ju sant. I den meningen behöver vi inte alls vara, och är inte förtryckta, utan det handlar kort och gott om givande och tagande. Ingen kan enbart tänka på sig själv och sin egen lust i ett förhållande. Ett stort plus för att du tar upp det mänskliga perspektivet på en relation.

Även omskrivningen av att täcka "någon med våld" har utvidgats till icke krav på våld/direkt tvång av övergrepp. Då faller ju redan begreppet våldtäkt! Däremot är jag tveksam till din konkreta långvariga relation jmf med "Julian Assanges ärende". Det handlade inte bara om 1 kvinna och problemet var väl att han vägrade att skydda sig själv och dessa 2? Som jag förstår var väl även någon form av droger inblandade, vilket ställer till än mer problem, verkar det som. Men att rubricera det som "våldtäkt" är inte helt rätt däremot, då kvinnorna trots allt gav sitt samtycke till själva sexet, vad jag förstår.

— *Inger Olsson*

Jag har inte reflekterat över det tidigare men om sanningen skall fram så har nog även jag både våldtagit och blivit våldtagen flertalet gånger. Skrämmande.

— *Ludvig Nyberg*

Klockrent Olle!!! Sitter här och funderar och inser till min stora fasa (ler) att även jag har blivit våldtagen många många gånger i äktenskap och utanför då jag blivit penetrerad när jag sov. Jag som Olle borde också bli utredd då jag många många gånger tjatat till mig sex fast min man inte velat. Hemska tanke JAG ÄR EN VÅLTÄKTSMAN OCH ÄVEN VÅLDTAGEN.

— *Marita Häggström*

Varför utgår artikelförfattaren ifrån att han varit i samma situation som Assange varit med de två respektive svenska kvinnorna som anmält honom för sexuella övergrepp? Fungerar allt likadant för alla i alla relationer i Sverige, äktenskap som tillfälliga förbindelser?

Med tanke på kommentatorsfältet härinne verkar det som att väldigt många har lite problem med definitioner och har ångest över sina egna handlingar eller tror att Assange har någon form av helgongloria. Bara för att man är känd och Wikileaks frontfigur så behöver man inte vara en ängel, även OM det såklart finns saker man kan ifrågasätta i både kvinnornas berättelser och i Assanges. Jag önskar folk förstod det istället för att utifrån sina egna EGON tro att allt som händer i andras sovrum ser likadant ut som i sitt eget. Verkligheten är lite mer komplicerad.

Sen undrar jag vad Andersson egentligen menar med följande mening: "De allra flesta anmälningarna gäller kontaktvåldtäkter där parterna känner varandra, och har frivilligt sex som sedan övergår i övergrepp."??

Flest våldtäkter sker i hemmen och bland personer som redan känner varandra/är bekanta. Att man fått sätta på en kvinna en gång innebär inte att man får göra det för evigt eller att man kan ta sig friheter direkt efteråt för att man fick första gången. Det trodde jag sa sig själv.

Att många kvinnor skulle få skuldkänslor och skam och anmäla de stackars männen därför eller på grund av svartsjuka är ett fånigt argument. Det finns falskanmälningar och det är beklagligt, men bara därför behöver inte alla anmälningar vara falska.

Varför inte reflektera kring huruvida en man faktiskt kan ta sig för stora friheter med en kvinna han faktiskt redan haft sex med istället? Att man skojbråkat med nån på

låtsas innebär inte att samma parter inte kan misshandla varandra i nästa skede. Det ena utesluter inte det andra.

Så nej Andersson, du är förmodligen ingen simpel våldtäktsman. Däremot ganska icke-reflekterande och otänkt i det här fallet. Kanske är sexlivet med frugan som skulle problematiseras istället, med tanke på att det låter som att det snarare är det som är problemet i det här fallet och i Assange-affären får Andersson utlopp för sina egna problem. Verkar verkligen jättekul att ha sex med nån som halvsover eller bli motvilligt tvingad av sin fru på grund av ren oförmåga/slöhet till att säga nej. Ett känt citat som passar i sammanhanget: "The ability to have thoughts and not act on them is what separates man from beast."

Men med 35 år som journalist, allmänreporter, polisreporter, bevakare av tjugtals med uppmärksammade rättsfall, allmänorienterad och normalbegåvad kan väl aldrig det vara fallet....

— *Malin Stenman*

Den här historien är mycket större än Assangefallet, det är bara ett litet uttryck för hur snett det gått med hela den svenska feministiska sexualbrottsprojektet. Vad jag tror Olle Andersson, plus många av oss kommentatorer försöker förmedla är vilken gråzon det hela hamnat i. Hur det sakta men säkert glidit över i en ohållbar situation där kvinnor bara genom att ångra att de hade sex med en man kan anmäla honom för våldtäkt och få rätt. Det strider mot normalfuntade människors rättsmedvetande och det är ingen i hela världen som håller med om denna ordning. Sweden has become the laughing stock of the world, för att citera en australiensisk tidning.

Assange har inte våldtagit någon, bara idkat vad som kan anses som normalt sex.

Att där skulle varit droger med betvivlar jag starkt. Efter att ha satt mig in i historien ganska noggrannt så var där även sparsamt med alkohol i bilden. I ett fall sprack kondomen men kvinna nr 1 fortsatte samlaget utan att ha några allvarligare synpunkter på det hela. Kvällen efter bjöd hon med honom till en kräftska.

Kvinna nr 2 hade varit ute och inhandlat grötfrukost på morgonen efter ett antal samlag varefter de gick och lade sig igen, hon halvsov och han påbörjade ett försök till samlag som hon inte motsatte sig utan t.o.m. skämtade om efteråt. Och betalade hans tågbiljett tillbaka till Stockholm.

Är det våldtäkt? Nej så banne mig heller. Den som anser det har fått helt fel uppfattning om verkligheten och i förlängningen är vi i så fall alla förövre med allt som kan inträffa mellan man och kvinna under sexakten. Det är vad jag tror vi kommentatorer försöker förmedla.

Sex blir till när två naturer går i närkmap med varandra, hjärta, hjärna, kön och man måste vänta sig att ett och annat kan ske som man inte var beredd på. Speciellt om man går hem med en helt obekant man.

Vill man undvika att hamna i en överraskande situation får man nog vackert ta och hålla på sig tills man känner partnern ifråga och känner sig bättre förberedd på vad som ska hända.

— *Christina Lundqvist*

<http://namninsamling.se/index.php?sida=2&nid=5186>

— *Marita Häggström*

Äntligen någon som tog bladet från munnen och dessutom i en mycket intelligent och underhållande artikel. Tack så mycket Olle. En trist sida av Jag-ångrar-sexet-och-anmäler syndromet är att dom tjejer, kvinnor som verkligen blir utsatta för sexuella övergrepp och våldtäkt vilket är många kommer att få allt svårare att bli trodda och därmed i förlängningen rättvisa. Det är tragiskt att den lagstiftningen vi har, och som jag

tycker vi skall ha när det gäller sexuella övergrepp i Sverige missbrukas, och dras i smutsen för politisk vinster och personliga förföljelse kampanjer.

— *Tomas Almgren*

En majoritet av dagens svenska kvinnor verkar lida av en vanföreställning som går ut på att livet inte får innehålla något som kan upplevas som otrevligt. Om minsta lille grej inträffar som skapar en känsla av olust så är den svenska kvinnan genast ett offer-- och som i detta fallet ett våldtäktsoffer. Denna offermentalitet har bankats in i svenska kvinnors hjärnor under årtionden av den statsfeministiska propaganda-apparaten. Och den har nått så långt att en ofrivillig kram numera betraktas som sexuellt ofredande i Sverige. Jag hade skrattat åt dårskapen om inte konsekvenserna hade varit så förbannat allvarliga. Och jag håller med Assange. Sverige är feminismens Saudiarabien. För feminister har mer gemensamt med religiösa fanatiker än man kan tro. Inte minst när det kommer till moralismen och fixeringen kring sexualiteten. Det hela är sjukligt och vedervärdigt.

— *Joakim Johansson*

Roy Greenslade
The Guardian

Mr. Greenslade:

When you composed your January 6th piece on the conflict between Julian Assange and your editorial colleagues at The Guardian ("The day Julian Assange threatened to sue The Guardian over the US embassy cables story"), did you imagine that no one would notice how utterly one-sided it was?

Some balance was provided by Ian Burrell in the Jan. 8 edition of The Independent ("From allies to enemies: how 'The Guardian' fell out with Assange"). It was especially enlightening to learn the following: "The article [in Vanity Fair] claims that Nick Davies, one of the Guardian journalists who forged the relationship with Assange, has not spoken to the Australian for more than five months after a bitter falling out. Assange reportedly angered Davies by involving Channel 4 in the WikiLeaks coverage."

This suggests a possible explanation for the grossly misleading report by Nick Davies on the Swedish sexual allegations against Assange which was published in The Guardian on 17 December last year ("10 days in Sweden: the full allegations against Julian Assange"). Perhaps it also helps to explain Richard Adams's enthusiasm for the complaints of Katha Pollitt and other commentators who feel that Mr. Assange's accusers have been unfairly treated (see my note to Mr. Adams, above).

Has it come to this-- that you and your colleagues are exploiting the power and prestige of The Guardian to conduct a petty, mean-spirited campaign of revenge against Mr. Assange (who, one would have thought, has quite enough other worries to contend with)?

It certainly seems so.

Please take a few moments to consider what you are doing and how it all will seem when, say, two or three years from now you look back upon your manner of handling the conflict with Mr. Assange.

Yours sincerely,

Al Burke
Sweden

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WikiLeaks: Julian Assange 'happy' after extradition hearing

Judge releases website founder on bail as he vows to keep publishing US diplomatic cables in tandem with newspapers

Mark Tran
The Guardian
11 January 2011

Julian Assange today expressed his satisfaction after a procedural hearing on his extradition to Sweden and vowed that WikiLeaks would continue its work. After the hearing at Belmarsh magistrates court, Assange said he was "happy about today's outcome" and said the skeleton argument he and his legal team hastily produced over Christmas would be made publicly available later.

This outlines "some important issues which will be gone into in detail on 6 and 7 February", he said. "I would also like to say that our work with WikiLeaks continues unabated and we are stepping up our publishing for matters relating to 'cablegate' and other materials. This will shortly be occurring through our newspaper partners around the world, big and small newspapers and some human rights organisations."

In today's 10-minute session, Assange's QC, Geoffrey Robertson, said all legal preparations were in place for a full two-day extradition hearing next month.

District judge Nicholas Evans released Assange, who spoke only to confirm his name, age and address, on conditional bail. Assange, who wore a dark suit and light-coloured shirt, listened intently as he sat behind a glass screen at the top-security court. His bail was modified, allowing him to stay at the Frontline Club for journalists in Paddington on 6 and 7 February, so he does not have so far to travel.

Robertson said Assange's legal team was collecting evidence from further witnesses in Sweden, but the judge said the authorities there were likely to take the view that the extradition warrant would stand nevertheless.

Media interest in Assange was maintained as journalists from around the world filled 100 seats in the court and an annexe connected by video link. High-profile supporters of Assange who turned up today included Bianca Jagger, Jemima Khan and Gavin MacFadyen, director of the Centre for Investigative Journalism.

A high court judge released Assange on £240,000 bail last month after the WikiLeaks founder had spent nine days in Wandsworth prison in London. Assange spent

Christmas at a manor house on the Norfolk-Suffolk border owned by Vaughan Smith, a former army captain and the founder of the Frontline Club.

Sweden is seeking extradition of the 39-year-old Australian over allegations of rape, molestation and unlawful coercion, made by two women over 10 days in August. One of the women alleges that Assange had sex with her without a condom when it was her "express wish" that one should be used. The second woman accuses him of having sex with her on 17 August without a condom while she was asleep at her Stockholm home. Assange admits having had consensual sex with both women, but denies any criminal wrongdoing.

In interviews with Swiss newspapers yesterday, Assange said he might move to Switzerland or Australia, and revealed that WikiLeaks has been losing more than £400,000 a week since releasing a collection of US diplomatic cables that severely embarrassed the US government. He said he had not made a request for political asylum in Switzerland, and declined to say whether he would.

Assange has signed a deal with Guardian Books, which will publish next month the first in-depth account of the WikiLeaks phenomenon. The book will be called WikiLeaks: Inside Julian Assange's War on Secrecy.

US officials have stepped up their pressure on WikiLeaks by seeking information from Twitter. A federal court approved a US department of justice subpoena demanding that the site hand over data about users with ties to WikiLeaks.

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WikiLeaks: Julian Assange 'Faces Execution or Guantánamo Detention'

Skeleton argument outlined by Australian's defence team claims he could face rendition to US if extradited to Sweden

*Esther Addley
The Guardian
January 11, 2011*

Julian Assange, the founder of WikiLeaks, could be at "real risk" of the death penalty or detention in Guantánamo Bay if he is extradited to Sweden on accusations of rape and sexual assault, his lawyers claim.

In a skeleton summary of their defence against attempts by the Swedish director of public prosecutions to extradite him, released today, Assange's legal team argue that there is a similar likelihood that the US would subsequently seek his extradition "and/or illegal rendition", "where there will be a real risk of him being detained at Guantánamo Bay or elsewhere".

"Indeed, if Mr Assange were rendered to the USA, without assurances that the death penalty would not be carried out, there is a real risk that he could be made subject to the death penalty. It is well known that prominent figures have implied, if not stated outright, that Mr Assange should be executed."

The 35-page skeleton argument was released by Mark Stephens, Assange's lawyer, following a brief review hearing this morning at Belmarsh magistrates court. The

WikiLeaks founder, who is on conditional bail while his extradition case is being considered, appeared for no more than 15 minutes in the dock, while supporters including Jemima Khan and Bianca Jagger looked on and waved support from the public gallery.

He later emerged to give a brief statement to a large number of reporters, saying: "Our work with WikiLeaks continues unabated. We are stepping up our publications for matters relating to Cablegate and other materials. These will shortly be available through our newspaper partners around the world-- big and small newspapers and human rights organisations."

The skeleton argument outlines seven points on which Assange's lawyers will contest his extradition, which was sought by the Swedish DPP, Marianne Ny, following accusations from two women that he had sexually assaulted them in separate incidents in August.

One accusation, that Assange had sex with one of the women while she was asleep, would amount to rape under Swedish law if proven. Both women had previously had consenting sex with Assange. The other points of argument include:

- That the European arrest warrant (EAW) is not valid, because Ny is not the authorised issuing authority, and it has been sought for an improper purpose-- i.e. "simply in order to question him and without having yet reached a decision on whether or not to prosecute him". This, they argue, would be in contravention of a well-established principle "that mere suspicion should not found a request for extradition".
- That there has been "abuse of process" as Assange has not had full disclosure of all documents relating to the case, in particular text messages sent by one of the women, in which she allegedly said she was "half asleep" (i.e. not fully asleep) at the time they had sex, and messages between the two women in which they allegedly spoke of "revenge".
- That the "conduct" of the Swedish prosecutor amounts to abuse of process. Assange's lawyers cite the fact that the rape allegations were initially dismissed and then reopened by a second prosecutor, that the prosecutor has refused Assange's offers of interview, and that it has not made documents available to Assange in English. They also cite the leak of part of the prosecution case to the Guardian as "a breach of Mr. Assange's fair trial and privacy rights".
- That the alleged offences would not be considered crimes in the UK, and therefore, they argue, an EAW between the two countries would not be valid.
- That the extradition attempt is politically motivated, and that his trial would be prejudiced because of his political opinions or because, they argue, of his gender.

Assange's team will make their case on 7 and 8 February, when Assange will return to court for the full extradition hearing. The case for his extradition is being argued by the Crown Prosecution Service on behalf of the Swedish prosecutor; the full prosecution case is not expected to be released before that date.

District Judge Nicholas Evans agreed at this morning's hearing to ease the terms of his bail conditions, which require Assange to wear an electronic tag and report daily to a police station close to the stately home on the Suffolk/Norfolk border where he is staying. For the nights of 6 and 7 February Assange will be permitted to stay in London.

Svälj stoltheten-- åk till England och förhör Assange nu!

Överåklagaren bör omedelbart skicka en förhørsledare till England för att en gång för alla reda ut vad världen mest kända "våldtäktsman" själv har att säga om anklagelserna. Prestige och halsstarrighet får inte styra åklagarna. Blotta misstanken om orent spel gynnar konspirationsteoretikerna. Sätt en polis på planet! Det skriver Olle Andersson, mångårig programledare på SVT.

*Newsmill
2011-01-12*

All världens medier var på plats när Julian Assange framträdde i domstolen i London idag. Sky News rapporterar att det aldrig tidigare varit så stort mediepådrag utanför Belmarsh Magistrates' Court, ändå är det där alla stora terroristrättegångar hålls.

Det pinsamma är att hela denna cirkus var onödig från början till slut och skadar Sveriges anseende utomlands. Överåklagare Marianne Ny bör omedelbart skicka en förhørsledare till England för att en gång för alla fastställa om anklagelserna mot Assange över huvud taget räcker till åtal. Om Ny bedömer hans illgärningar som så grova att Assange skulle jagas världen runt och spärras in på Englands mest ökända fängelse, då borde det sannerligen gå att köpa en tur-och-returbiljett till någon polisman som åker över och förhör honom. Adressen står i varenda tidning.

Det svenska åklagarväsendet måste svälja förtretet och tro på Assanges advokater när dom säger att ett svenskt häkte är en farlig plats att vara på för deras klient, med hotet hängande över sig om en vidareutlämning till USA. Alla erbjudanden om förhör från Assanges sida har avvisats av Ny. Advokat Björn Hurtig säger att han skickat mejl på mejl till överåklagaren utan svar. Telefonsamtal förblir obesvarade.

Misstanken uppstår att överåklagaren har en annan dagordning. Att hon satsat hela sitt ämbetes tyngd på att testa sexualbrottslagstiftningens utmarker. Då handlar det inte längre om svenska ämbetsmäns historiska oväld utan om en rättsaffär med kamikazeslagsida och möjligen också inslag av personliga drivkrafter. Det bör påpekas att Marianne Ny är en av experterna bakom ett liggande sexualbrottsbe-tänkande som är ännu mer långtgående i definitionerna av våldtäkt och som skulle placera Sverige i en särställning i västvärlden. Om det betänkandet klubbas blir våldtäktslagstiftningens gråzoner ett minfält.

Det finns ett enkelt sätt för åklagarväsendet att ta sig ur det internationella dilemma som Assange-affären skapat och det är att genomföra förhöret i England, på en ambassad eller annan lämplig plats. Sánt har gjorts åtskilliga gånger förr. Eventuellt högmod från svensk sida just i detta fall reser frågor om rättssamhällets vigör.

Vi behöver inte be om ursäkt för hur vår lagstiftning är förskaffad. Däremot måste vi visa omvärlden att även Sverige bekänner sig till proportionalitetsprincipen, som säger att det bör råda jämvikt mellan brottets art och statens våldssanktioner. Sakkunniga på justitiedepartementet borde kanske upplysa om att det inte går att kölhala en utpekad person som våldtäktsman i all evinnerlighet utan att höra den misstänkte. Så det är bara att gå till biljettkassan. Allmän sturighet får inte vägleda statsjänstemän.

I den svenska debatten görs boskillnad mellan personen Assange och organisationen Wikileaks. Delvis har detta använts till krypskytte mot "våldtäktsmannen" Assange.

De etablerade medierna har slutit upp kring den ena partsinlagen och därmed tagit ställning i skuldfrågan. Någon debatt om lagstiftningens inneboende svagheter och rättsosäkerheten för anklagade män har inte förekommit. Skilda debattörer har sett som sin uppgift att sluta den ena parten till sin famn "eftersom de båda kvinnorna förföljs på nätet". Så kan man naturligtvis tycka, men pratar vi då längre om journalistik?

Utomlands är bilden en annan. I takt med att de specifika anklagelserna mot Assange blivit kända råder en utbredd uppfattning i t ex Storbritannien och Tyskland att måltavlan för de svenska myndigheterna är Wikileaks-- inte Assange. Svensk sexualbrottslagstiftning uppfattas som en kautsjukparagraf som kan användas till litet vad som helst, i detta fall för att tysta en obekväm röst. Inläggen i brittiska tidningar pekar på att det allmänna rättsmedvetandet inte får det att gå ihop med Assanges påstådda gärningar och våldtäktsanklagelserna (Jag har själv pekat på absurditeterna i lagen i ett tidigare Newsmillinlägg).

Därför spekuleras i bakomliggande motiv. Därför görs heller ingen boskillnad mellan personen Assange och Wikileaks. Och låt oss leka med tanken. Hade Mick Jagger blivit jagad på samma sätt? Hade civilklädda poliser trängt in på Nobelfesten och letat efter Harold Pinter med samma iver som då dom jagade Assange på Stureplans innekrogar?

Så går tankegångarna utomlands. Den svenska rättsapparaten håller på att bli den juridiska motsvarigheten till den svenska kocken i the Muppet Show. Förlöjligad och utskrattad. Assange har säkert goda grunder för sin motvilja mot att bli utlämnad hit. Wikileaksdokument som avslöjade regeringens häpnadsväckande undfallenhet för amerikanska krav ger syn för sägen.

Det får inte finnas minsta misstanke om att en överåklagare i Göteborg sitter med en egen agenda i Assange-fallet. Vi kan inte ha en åklagarapparat som lämnar minsta tvivel om rättssäkerheten. Blotta misstanken om att statstjänstemän utövar sitt ämbete med dunkla motiv är förödande.

Så därför: Svälj stoltheten och halsstarrigheten, överåklagaren. Skicka en polis som förhör Assange i England!

Kommentarer

Instämmer till fullo! Det bör också märkas att överåklagaren fick stöd av Svea hovrätt genom dess häktningsbeslut, som var en förutsättning för att en europeisk arresteringsorder utfärdades. Hovrättens president, tidigare riksåklagare, gick in och satte sig som ordförande. I beslutsprotokollet förklarade hovrätten uttryckligen att beslutet var förenligt med proportionalitetsprincipen. Man undrar hur resonemanget kan ha gått i den frågan.

— Brita Sundberg-Weitman

Det är helt rätt. Alla insatta vet att Julian Assange villigt väntat på att låta sig förhöras sedan affären började i augusti 2010, och fortfarande ber om att få bli förhörd. Han spenderade mer än en månad i Sverige i onödan under denna väntan. Åklagaren vill helt enkelt inte förhöra Julian Assange.

— Mats Forssblad

Marianne Ny har uppenbarligen agerat utifrån någon slags agenda där det står högt på dagordningen att chikanera och orsaka största möjliga skada för Assange. Assange är ju en man med makt som kvinnor dras till och som uppenbarligen inte tvekar att tömma pungen när tillfälle ges. Det måste ge en sann feminist stor tillfredsställelse att kunna nita en sådan representant för patriarkatet. Vare sig några lagrum kan åberopas eller ej. Tyvärr har Marianne Ny satt dumstrut på hela det svenska rättsväsendet. Man kan ju bara hoppas att det slår tillbaka, både på hennes karriär och på den svenska statsfeminismen i allmänhet.

— Ronny Balzac

<http://www.newsmill.se/trackback/31874>

Assange, FSI, Marianne Ny, & The Swedish Media

Rixstep.com
12 Jan. 2011

[Caution: The author of this article refuses to divulge his name or his sources.--A.B.]

The 'skeleton argument' released yesterday by FSI provides a devastating condemnation of Marianne Ny and Sweden. Yet the Swedish media refuse to even link to the document, much less intimate its contents or comment on it.

Before anything else-- and this concerns Swedes even more-- download it now:
http://www.fsilaw.com/~media/Files/Assange%20Skeleton%20Argument%2011_01_2011.ashx

The salient-- and most interesting points-- are:

- Marianne Ny isn't authorised to issue a European Arrest Warrant (EAW). Referring to the 2005 case *Enander v The Swedish National Police Board*, the Crown Prosecution Service (CPS) confirmed that the sole issuing authority in Sweden is the national police board. There's no evidence this position changed. Moreover, the British Serious Organised Crime Agency (SOCA) received a request for proof of Ny's authority on 24 December. Presumably SOCA have contacted Sweden; the Swedes have so far refused to reply.
- A prosecuting authority applying for an EAW must go through several channels. Amongst others, they have to take the matter up with the national prosecutor's office and the cabinet minister of foreign affairs. Evidently nothing such was done in this case.
- Extradition sought for improper purpose. EAWs can't be issued for 'questioning' which Ny has repeatedly said is all she's after. Conversely, Ny's afraid of formally declaring charges for then she'd be required to release all documentation, something she's made clear she doesn't want (and refused) to do.
- The purported offences aren't even extradition offences. Brits have no counterparts to what Ny's referring to.

The document goes on to clarify the basic positions and reveals even more sordid details about 'legal procedure' in Sweden.

✓ EAW for questioning only, not for purpose of prosecution. This constitutes an abuse of process.

Ny has repeatedly and publicly stated she sought the EAW simply in order to facilitate a questioning and without yet having reached a decision about prosecution. Further, Ny's claim that all the 'normal procedures for getting an interrogation' had been 'exhausted' is false. Both Hurtig and Assange made repeated attempts to coordinate an interrogation but all such attempts were rebuffed by Ny.

British justice Ouseley found that Assange 'has expressed, and I see no reason to doubt it, a willingness to answer questions, either over the telephone or some other suitable form of communication if the prosecutors in Sweden wish to put them to him'.

In answer to the above comments, Ny has repeatedly said only that she has 'no comments'.

Further, Ny stated she was not in touch with Hurtig. This is also false: Hurtig was in constant contact with Ny's office for all of September but Ny wouldn't return his calls.

✓ Communication with Australian embassy in Stockholm. Ny was in contact with the Australian embassy in Stockholm because they evidently interceded on Julian Assange's behalf.

Dear Mr Stephens

As previously advised our Ambassador in Stockholm made representations to Ms Marianne Ny, Director of the Public Prosecution Authority in Sweden, for access to the documents requested in your letter of 7 December. He has received the following response:

Your request to obtain copies of the investigation against Julian Assange has been denied. This is mostly due to the confidentiality of the bulk of the requested documents which are only available in Swedish. Assange's lawyer Björn Hurtig received a copy of the majority of the investigation documents during his detention hearing in the Stockholm District Court on November 18. The same documents were also filed in court. The Stockholm District Court and defendant [sic] were verbally given a detailed explanation of the contents of the small number of documents not included in the written material that was submitted. The defence has asked for copies of all materials. Under Chapter 23, paragraph 18 of the Code of Judicial Procedure, I have decided to reject the defence's request to obtain copies of the documents not surrendered before the detention hearing. I consider it would be detrimental to the ongoing investigation into the matter.

I want to emphasise that before a decision to prosecute the defendant has been made, he will be given the right to examine all documents relating to the case. If the prosecution goes ahead, the suspect will have the right to receive a copy of the investigation.

The right to access information about the case that Assange and his councillor Björn Hurtig have been privy to, does not include any third parties. As I have emphasised the defence has already received copies of the material that may be sent to Assange. If the Embassy so wishes, it is possible to get the file which has been released to the

media. All subsequent documents to be added in the investigation after 1 September 2010 are confidential and I can therefore not disclose them.

It is possible to appeal against the refusal to disclose documents. Should you wish to appeal, I would ask you to come back to me so that I can issue a formal decision which can be appealed.

On 16 December the Australian Ambassador spoke directly to Ms Ny and confirmed that the key points she wished to convey were:

- our request for access to the documents requested has been denied.
- the defence has already been granted access to the majority of the investigation documents (in Swedish) and has been briefed verbally on those documents not included in the written material already provided.
- if a decision is made to charge Mr Assange, he and his lawyers will be granted access to all documents related to the case (no such decision has been made at this stage).
- third parties (including the Australian Embassy) do not have the right to access information about the case.

Yours sincerely,

Paula Ganly
Minister Counsellor

✓ Hurtig was given access to the full case files but was not allowed to make copies or even take notes. And yet he's gone on record several times since then to say: "I have been asked about the likely outcome of the proceedings if Mr Assange is extradited to Sweden. In my opinion, it is highly unlikely Mr Assange will be prosecuted at all, if extradited."

Hurtig has gone even further, referring to the SMS transcripts he read. "If I am able to reveal what I know, everyone will realise this is all a charade. If I could tell the British courts, I suspect it would make extradition a moot point."

✓ European Arrest Warrants are only to be used for the purposes of prosecution. Yet Ny can't declare an intent to prosecute-- she'd have to turn over the full case files. Ny's whole idea-- the subject of her 'research'-- is to develop a new method of processing cases that not only violates several statutes of law but also brings things back full circle to the witch trials of the 1600s.

✓ Mere suspicion isn't enough for an EAW. This is enforced by the Extradition Act 2003. Lord Steyn of the House of Lords in the decision in *Re Ismail*: "It is common ground that mere suspicion that an individual has committed offences is insufficient to place him in the category of 'accused' persons. It is also common ground that it is not enough that he is in the traditional phase 'wanted by the police to help them with their inquiries'. Something more is required."

This is a principle that's been reaffirmed in several cases under the Extradition Act 2003.

✓ Abuse of process. The FSI document accuses Marianne Ny of 'abuse of process', citing that the law and procedure for deciding whether extradition proceedings should be stayed as an abuse of process is well established.

- Marianne Ny has not yet decided whether to prosecute Julian Assange;
- Marianne Ny is seeking extradition for the purposes merely of questioning Julian Assange in order to further her investigation;
- Arrest for the purposes of questioning would have been, and remains, unnecessary given that repeated offers have been made on Mr Assange's behalf for him to be questioned by her, which she has rebuffed; and
- The proper, proportionate, and legal means of requesting a person's questioning in the UK in these circumstances is through Mutual Legal Assistance (Wikipedia).

✓ Case law confirms it is improper to use an EAW merely for questioning, absent a clear decision to prosecute. The appropriate remedy is for the person to be discharged (released). And this all the more so when it is demonstrated that Ny's claims about exhausting procedures are false. Further: Ny never sought the services of 'MLA' as she should have.

Marianne Ny went from informal discussions about arranging an interview of Assange straight to the issuance of an EAW without taking the reasonable and proportionate intermediary step of formally summoning him for an interview or formally requesting his interrogation.

[It should also be noted the Swedish government were informed weeks in advance of the plans for the EAW on 18 November yet no one could get the procedure right or check through the proper governmental channels or check applicability in all that time. *Ed.*]

✓ Marianne Ny's 'witch trial' approach to prosecution. FSI are in the process of translating these documents into English.

✓ Marianne Ny's EAW is defective in respect of section 2 of the Act. After four revisions, NY's EAW reads as follows in the preamble.

'This warrant has been issued by a competent authority. I request that the person mentioned below be arrested and surrendered for the purposes of conducting a criminal prosecution or executing a custodial sentence or detention order.'

But section 2(3) of the Act specifies the following.

(3) The statement is one that--

(a) the person in respect of whom the Part 1 warrant is issued is accused in the category 1 territory of the commission of an offence specified in the warrant, and

(b) the Part 1 warrant is issued with a view to his arrest and extradition to the category 1 territory for the purpose of being prosecuted for the offence.

But Ny's preamble is ambiguous in that regard, leaving it entirely unclear whether the EAW is for conviction, accusation, or merely for an interrogation. And nowhere in the application is Assange referred to as an 'accused'. This might seem as a mere technicality but a previous ruling in the case of Aszataslos indicates it is not so.

The EAW does not 'indicate unequivocally that the purpose of the warrant is for the purpose of the requested person being prosecuted for the offences identified'. In Aszataslos the court considered the position made in box (e) of the warrant where the requested person was referred to as an 'accused'; Marianne Ny doesn't offer the same in her request.

✓ Marianne Ny's unequivocal public statements. These to the media of course-- but also to the Australian High Commission and to the effect that there'd not been a decision whether to prosecute Mr Assange and that the EAW had been requested solely for the purpose of questioning him further. FSI comment: "This is a highly unusual, if not unprecedented, state of affairs."

And that in turn gives the British court the right to examine 'external evidence'-- something Marianne Ny wants to avoid. FSI therefore submit that the EAW is not a correct warrant and that the British court has no jurisdiction over Julian Assange.

✓ Marianne Ny's adamant non-disclosure. "Ny's correspondence with the Australian embassy reveals she's on the horns of a dilemma," write FSI. "As is clear from that letter, if she had taken a decision to prosecute Mr Assange, then he would be entitled to examine all documents relating to the case and to receive a copy of the investigation."

Assange has not been provided with copies of the SMS messages sent by the complainants in which-- in contrast to what is alleged in the EAW-- Sofia Wilén says she was half asleep at the time of the intercourse. [Marianne Ny bumped the 'half asleep' to 'fully asleep' in the EAW. This in itself constitutes prosecutorial abuse. *Ed.*]

✓ The other SMS messages. Hurtig was allowed access to what he's been told are the complete SMS messages but he was not allowed to make copies or notes and was further embargoed from speaking specifically about them under threat of disbarment. The SMS messages speak of 'revenge' and the opportunity to make 'lots of money' and of going to Expressen (as actually was the case).

✓ Anna Ardin's 'Seven Steps to Revenge'.

7 Steps to Legal Revenge by Anna Ardin [*Apparently not by Anna Ardin, but reproduced by her on her website.--A.B.*]

Step 1: Consider very carefully if you really must take revenge. It is almost always better to forgive than to avenge.

Step 2: Think about why you want revenge. You need to be clear about who to take revenge on, as well as why. Revenge is never directed against only one person, but also the actions of the person.

Step 3: The principle of proportionality. Remember that revenge will not only match the deed in size but also in nature. A good revenge is linked to what has been done against you. For example if you want revenge on someone who cheated or who dumped you, you should use a punishment with dating/sex/fidelity involved.

Step 4: Do a brainstorm of appropriate measures for the category of revenge you're after. To continue the example above, you can sabotage your victim's current relationship, such as getting his new partner to be unfaithful or ensure that he gets a madman after him. Use your imagination!

Step 5: Figure out how you can systematically take revenge. Send your victim a series of letters and photographs that make your victim's new partner believe that you are still together which is better than to tell just one big lie on one single occasion.

Step 6: Rank your systematic revenge schemes from low to high in terms of likely success, required input from you, and degree of satisfaction when you succeed. The ideal, of course, is a revenge as strong as possible but this requires a lot of hard work and effort for it to turn out exactly as you want it to.

Step 7: Get to work. And remember what your goals are while you are operating, ensure that your victim will suffer the same way he made you suffer.

[Ardin's explained online why 'payback' is sometimes necessary for her-- and also that some of her friends as a result were 'casting spells' on her. *Ed.*]

FSI submit that the SMS messages and the 'seven steps' significantly undermine not only the prosecution's case but also the request for Assange's extradition.

✓ Clear violation of ECHR law. Assange has never been informed in a language he understands of the charges against him, if indeed there are any formal charges, until he was arrested on the EAW. Unless Marianne Ny is violating ECHR law, this indicates once more that Assange is not a formal suspect.

✓ The horns of the dilemma. Either extradition is sought for purposes of prosecution, whereby Assange is entitled under Swedish law to full disclosure of the case file including all the SMS messages and blog evidence; or extradition isn't sought for purposes of prosecution, whereby the EAW isn't valid. And that amounts to an abuse of process by Marianne Ny either way.

✓ Abuse of legal process in Sweden. This is a particularly devastating section of the document. "Further expert evidence from distinguished Swedish legal authorities will show that Mr Assange has been the victim of a pattern of illegal and or corrupt behaviour by the Swedish Prosecuting Authorities."

a) 'Contrary to Swedish law, an acting Prosecutor released his name to the press as the suspect in a rape inquiry, thus ensuring his vilification throughout the world;

b) After the Swedish authorities announced that Mr Assange had been cleared of rape by the Stockholm prosecutor, a secret process took place from which Mr Assange and his lawyers were excluded and by virtue of which, at the behest of a lawyer acting for the complainants, the rape allegation was revived by a new prosecutor, Marianne Ny. This secret process was a blatant breach of Article 6 of the ECHR;

c) The repeated refusal of the new prosecutor, Ms. Ny, either to interview Mr Assange on dates offered in Sweden or to interview him by telephone, Skype, interview or at the Swedish embassy in London was disproportionate or unreasonable behaviour under Article 5 of the ECHR;

d) The prosecutor's office has refused all requests-- and still refuses all requests-- to make the evidence against Mr Assange available in English, which is his right under Article 6 of the ECHR;

e) The prosecutor's office has given Mr Assange's Swedish lawyer a 98 page evidence file in the Swedish language. It has, illegally under Swedish law, made extracts of that file available to the English media, with the object that he should be further vilified in the UK and elsewhere. One newspaper has admitted that it was granted 'unauthorised' access to the prosecution file. This was a breach of Mr Assange's fair trial and privacy rights.

f) Swedish law apparently permits and even pays for the lawyer representing complainants to attack the credibility of suspects even before they are charged. In this case, the Swedish state has paid Mr Claes Borgström to give interviews to international journalists assassinating the character of Mr Assange and prejudicing his fair trial on these charges. Sweden has no law of contempt of court or of perverting the course of justice of the kind that is necessary to prevent media character assassination of a potential defendant prior to charge. This is a breach of Article 6 of the ECHR.

g) As noted above, the Swedish prosecution refuses to disclose Twitter and SMS messages to and from the complainants at relevant times, which messages destroy their credibility. This is a breach of UK law as well as European human rights law.

✓ The offences aren't extradition offences (section 10 of the Act). As the House of Lords ruled in *Norris v Government of the USA and others* in 2008, 'relevant conduct' corresponding to offences in the United Kingdom must be applied. None of the alleged offences as set out in box (e) of the EAW constitute offences in England and Wales. And Marianne Ny has so far refused to state in an opening note precisely what offences in the UK the EAW is issued for.

✓ Extraneous considerations. Most notably the eagerness of Sweden to work with the US on rendition operations, that the current prosecution's reopening of the case is politically motivated, and that the requisite *mens rea* is precluded when it comes to Sweden's strange legislation. Further: the outbursts of right-wingers in the US make it patently obvious Assange could never be safe there. Both Huckabee and Palin are quoted directly.

✓ Human rights. An extradition would be incompatible with articles 3, 6, 8, and 10 of the ECHR. This includes established cases of Swedish cooperation with the US in matters of rendition where the Committee Against Torture found Sweden failed to fully cooperate in their investigations after the fact. The United Nations Human Rights Committee also found Sweden committed multiple violations of the prohibition on torture.

FSI conclude: "Based on its record as condemned by the United Nations Committee Against Torture and the Human Rights Committee, Sweden would bow to US pressure and/or rely naively on diplomatic assurances from the USA that Mr Assange would not be mistreated, with the consequence that he would be deported/expelled to the USA, where he would suffer serious ill-treatment, in breach of Article 3 of the ECHR, as well as in breach of Articles 6, 8 and 10 of the ECHR."

Three Weeks

Marianne Ny and the Swedes have to come up with something in three weeks. Obviously they've already got access to the FSI document (that was the idea) but it's not certain they'll be able to do anything about it (or even be capable of dealing with it).

They have to deal with Marianne Ny not being authorised to issue an EAW; of her 'abuse of process' in requesting an EAW; the fact that EAWs cannot be used solely for questioning, otherwise she has to release the complete case files in a language Julian Assange understands; the likelihood the US will 'coerce' Sweden to go along with 'kidnapping' Julian Assange based on previous behaviour in violation of the United Nations; the fact the cited offences are not offences under British law; and so forth.

Seriously: did Marianne Ny and the Swedes do any due diligence at all? They of course have the assistance of the Crown Prosecution Service but even that isn't certain to be of any significant help. The best move for Ny and the Swedes may be to 'quietly' withdraw the EAW application.

The Swedish Media

The Swedish media have of course issued a complete blackout on the above document. There's a scant mention of some 'document' being released but-- as opposed to most other conscionable news sources-- there is no link. Swedes relying solely on their own news organisations for the truth won't know of it. *[But of course the people at Flashback do-- they've already gone through the document with more due diligence than the 'journalists'.]*

Here's part of a typical page at Expressen with the one of two reports written about the court date in Belmarsh. The article-- if you can call it that-- is of course in the middle. And they evidently needed two journalists to put it together. 150 words.

EXPRESSEN
Onsdag 12 januari 2011 Tipsa Expressen

Assange är kallad till förhandling

Wikileaks grundare Julian Assange är på tisdagen kallad till domstolsförhandling i London. Rätten ska behandla kraven på att han utlämnas till Sverige. Expressen.se är på plats vid förhandlingarna.

Förhandlingen, som ska börja klockan 11.00 svensk tid, ska hållas i Belmarsh Magistrates Court, en domstol i London som är känd för rigorösa säkerhetsarrangemang. Redan strax efter klockan nio hade närmare hundra personer samlats utanför domstolen. Alla stora medier är på plats. Dör väntar procedurfrågor, som att fastställa datum för en kommande utfrågning om utlämningskravet. Troligen kommer en sådan att kunna hållas någon gång i början av februari, enligt TT-Reuters.

Julian Assange, 39, är misstänkt för våldtäkt, sexuellt ofredande och slaga tvång. Brotten ska ha skett i augusti i Sverige. Assange nekar till anklagelserna.

Den 14 december släpptes han mot en borgenssumma på 200 000 pund. Sedan dess har han varit under övervakning. Vikören har varit att Julian Assange, som sedan han släpptes har bott på en herrgård i Norfolk, bär elektronisk fotboja och varje dag mellan vissa tider på eftermiddagen anmäler sin närvaro vid en lokal polisstation.

Av Josefine Elfström
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Av Therese Färsjö
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The article itself-- the only content on the page-- takes less than one quarter of the total web page. This may be common for all tabloids but it's even more so with the Swedish ones.

And this is still nothing compared to Aftonbladet. As might be detected by the armchair polyglot, the big headline today [in Aftonbladet] has nothing to do with the floods in Australia or the abuse of one of her native sons but whether they Aftonbladet have more page views than Expressen. There's no articles on this page anyway-- they're only links.

Tabloids are tabloids but they've had a special function in Sweden where most people live in flats and commute with public transportation-- they're contact shields. They protect people stuffed into subway trains, commuter trains, suburb trains every afternoon on their way home from work. Hold the rag up in front of you and shut out the world.

Swedes weren't always so interested in news anyway: back when they were the 'one true light' against the powers of darkness (from both east and west) in the Cold War, they were happily isolated and really didn't want to know too much about what was going on outside their borders.

Keep the articles scarce and brief, stick to a few minor facts, flip the page and move on. But entry into the EU changed all that. And then someone got the idea to actually bind the country with continental Europe.

People got sick-- physically sick-- because their immune systems took a while to adjust. Then they started thinking 'now we can live anywhere we want'. And some commuted out to Arlanda, bought one-way tickets to the continent's capitals, and got themselves jobs on the spot in exotic places.

But their reading habits never changed.

[Note: The final four paragraphs, starting with "Swedes weren't always so interested in news anyway", are complete and utter nonsense.--A.B.]

<http://rixstep.com/1//20110112,00.shtml>



The war on WikiLeaks: An investigation and interview with Julian Assange

*John Pilger
The New Statesman
13 January 2011*

The attacks on WikiLeaks and its founder, Julian Assange, are a response to an information revolution that threatens old power orders, in politics and 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 Julian 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 American justice. Judicial experts describe 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, he says the US is not WikiLeaks’ main “technological enemy”. “China is the worst offender. China has aggressive, 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 2006, but with a moral dimension. “The goal is justice,” wrote Assange on the homepage, “the method is transparency.” Contrary to a current media mantra, WikiLeaks material is not “dumped”. Less than one per cent of the 251,000 US embassy cables have been released. As Assange points out, the task of interpreting material and editing that which 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 Counterintelligence Assessments Branch”. US intelligence, it said, intended to destroy the feeling of “trust” which is WikiLeaks’ “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, also scorned, have lately played a supporting part, intentionally or not, in the hounding of Assange, some for reasons of petty jealousy. 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, subpoenas the Twitter and email accounts, 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, Julian, why won’t you go back to Sweden now?” demanded the headline over Catherine Bennett’s Observer column on 19 December, which questioned Assange’s response to allegations of sexual misconduct with two women in Stockholm last August. “To keep delaying the moment of truth, for this champion of fearless disclosure and total openness,” wrote Bennett, “could soon begin to look pretty dishonest, as well as inconsistent.” Not a word in Bennett’s vitriol considered the looming threats to Assange’s basic human rights and his physical safety, as described by Geoffrey Robertson QC, in the extradition hearing in London 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-- and that repeated

attempts by him and his Swedish lawyer to meet a second prosecutor, who re-opened the case following the intervention of a government politician, had failed. And yet, as Burke pointed out, this prosecutor had granted him permission to fly to London where “he also offered to be interviewed-- a normal practice in such cases”. So it seems odd, at the very least, that the prosecutor then issued a European Arrest Warrant. The Observer did not publish Burke’s letter.

This record-straightening is crucial because it describes the perfidious behaviour of the Swedish authorities-- a bizarre sequence confirmed to me by other journalists in Stockholm and by Assange’s Swedish lawyer, Bjorn 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 is all but absorbed into Washington’s matrix around NATO. In a 2007 cable, the US embassy in Stockholm lauds the Swedish government dominated by the conservative Moderate Party of prime minister Fredrik Reinfeldt as coming “from a new political generation and not bound by [anti-US] traditions [and] in practice a pragmatic and strong partner with NATO, having troops under NATO command in Kosovo and Afghanistan”.

The cable reveals how foreign policy is largely controlled by Carl Bildt, the current foreign minister, whose career has been based on a loyalty to the United States that goes back to the Vietnam war when he attacked 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,” notes Burke 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 Mohammed al-Zari. They were handed to a CIA kidnap squad at Stockholm airport and “rendered” to Egypt, where they were tortured. When 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 law and before their lawyers could file appeals 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 Sweden through mutual intelligence contacts of the potential consequences. In December, Prosecutor Marianne Ny, who re-

activated the Assange case, discussed the possibility of Assange's 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 a 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, the partner of Catherine Bennett, 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?'"

What is most striking about these "interviews" 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 interviewer 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 its "new" and "revealing" salacious morsels.

Assange's Swedish lawyer Bjorn Hurtig says that crucial evidence is missing from the file given to Davies, including "the fact that the women were re-interviewed and given an opportunity to change their stories" and the 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 on mostly small donations and can no longer receive funds through many banks and credit 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 best-seller, 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 people were, before the advent of control orders, consigned to Britain's own Guantanamo, Belmarsh prison. The change from ordinary Westminster magistrates' court was due to a lack of press facilities, according to the authorities. That they announced this on the day US Vice President Joe Biden declared Assange a "high tech terrorist" was no doubt coincidental, though the message was not.

For his part, Julian Assange is just as worried about what will happen to Bradley Manning, the alleged whistleblower, being held in horrific conditions which the US National Commission on Prisons calls "tortuous". At 23, Private 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, running for president in 2008, "are part of a healthy democracy and must be 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 told 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 that 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," he said. "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 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 Murdoch and Newscorp."

The 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, Secretary of Defence Robert Gates has admitted that no sensitive intelligence sources have been compromised. On 28 November, McClatchy Newspapers reported that "US officials conceded they have no evidence to date that the [prior] release of documents led to anyone's death." NATO in Kabul told CNN it could not find a single person who needed protecting.

The great American 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, and executed in our name; and how the United States has secretly and wantonly intervened in democratic governments from Latin America to its most loyal ally in Britain.

Javier Moreno, the editor of El Pais, 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 like 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 "threats". Such a badge of honour.

Julian Assange in conversation with John Pilger

Video at:

<http://johnpilger.com/videos/julian-assange-in-conversation-with-john-pilger>

Julian Assange & Mens Rea, Sweden & Doli Incapax: Extradition Part 4

Submitted by Peter Kemp
W.L. Central
2011-01-15

We are indebted to Julian Assange who apparently instructed his counsel to make available the "Skeleton Argument" for the extradition hearing proper.

It was expected, per my previous post Extradition Part 3 that the issue of extradition (and arrest) for the purposes of investigation only, would be a highly significant issue for the extradition arguments, and so it was.

One part of that document however that shocked me, that I have discussed with colleagues (likewise shocked) was paragraph 88, the legal implications of which I was unaware. It now seems that some (or indeed all?) of the prospective charges of a sexual nature in Sweden do not have as a required element that the prosecution must prove (for a conviction to be sustained) the element of *mens rea*, the "guilty mind" otherwise known as the fault element.

I have not found the relevant Swedish law and even if I did, the Google translator would not do it justice, so to speak. In the meantime I have no reason to doubt the lack of *mens rea* in Swedish sexual offences law per the Skeleton Argument.

Fault elements, while they can be inferred from the circumstances, range for example, from explicit clear knowledge of wrongdoing to recklessness, but as a general principle of criminal law, with exceptions and modifications of course, criminal justice systems require that not only the unlawful conduct be proven, but that the element of knowing that it was wrong needs also to be proven.

Paragraph 88 of the Skeleton Argument reads:

Mr. Assange reserves the right to argue that his extradition is barred by reason of extraneous considerations, namely that the EAW has been issued against him for the purposes of prosecuting or punishing him for his political opinions (limb (a)) and/or that he will be prejudiced at trial, etc., by reason of those opinions (limb (b)), or by reason of his gender as a result of the 2005 amendments to the sexual offences laws in Sweden which deny to men the protection of *mens rea*.

The latter point will also be made in respect of the "extradition offence" issue (see earlier), in that these gender amendments preclude any assumption that the Swedish offence contains the requisite element of *mens rea*.

Wikipedia gives a good account of *mens rea*: *actus non facit reum nisi mens sit rea*, meaning that the act alone is not sufficient, the mind also must be guilty, which is a questioning into the subjective mind of the accused.

At the opposite end, as opposed to the *mens rea* element, there are strict liability laws such as parking laws. Irrespective of state of the mind of the parking perpetrator, whether the coin meter is jammed; the power to the meter went off; you were having a baby in the car park and ran out of coins; even a life or death situation such as an

earthquake: the "brown bombers" we well know are without mercy and will go the last mile to get you.

Nothing will save us from liability of the Scourge of the Streets, the Mania of local authority Mafia for a quick dollar: the ubiquitous, universally hated parking meters and their attendants.

Swedish law thus moves in the direction of a strict liability regime, with a prosecutor not entirely unlike a parking meter attendant, recently convicted of speeding, lacking in the finer points of persuadeability, ticketing a British judge in a car park outside the Old Bailey.

Conduct: We can assume then that Swedish law has conduct alone as the necessary element which if proven establishes guilt, and that lack of consent is built into the conduct element.

Consent

Looking at consent issues for the moment. The NSW Crimes Act, for example, on knowledge of consent to sexual intercourse states:

61HA(3) Knowledge about consent. A person who has sexual intercourse with another person without the consent of the other person knows that the other person does not consent to the sexual intercourse if:

(a) the person knows that the other person does not consent to the sexual intercourse, or

(b) the person is reckless as to whether the other person consents to the sexual intercourse, or

(c) the person has no reasonable grounds for believing that the other person consents to the sexual intercourse.

This knowledge as it pertains to guilt or knowledge of wrongdoing, (or the opposite) is subjective, but can have external proofs, like a witness or a camera.

Juries are asked in the case of recklessness, in effect, not to apply an objective test but to focus on the mind of the accused. (R v O'Meager (1997) 101 A Crim R 196)

Apparently this is all of little to no account under Swedish law.

Instead of proving the guilty mind, a Swedish prosecution of sexual offences will ignore any reasonably held belief that the accused had as to consent, or even as to the belief and the "absolutely not guilty mind" of explicit consent: The State will instead impose an evidentiary test based on the accusation and evidence of conduct without a subjective element at all.

The state of mind of the accused, that he was innocent, along with the close corollary of belief of full consent, is no longer relevant.

(When one thinks of that at the "subjective" level, it's a corollary of sorts, perhaps it's more accurate to describe it as synonymous, but it's difficult to separate the two. In the case of sexual assault, the subjective mind knowing of consent has it it practically indistinguishable from innocence. Conversely lack of consent and guilt.)

Such a non subjective regime fits in rather well with Claes Borgstrom's statement not so long ago, "They are not jurists"

The only realistic interpretation of that is that Mr Borgstrom is saying (and I stress, not the alleged victims) that the women had difficulty in knowing, or don't know whether or not they consented. An odd circumstance to say the least, and counter intuitive.

The Swedish Prosecution, with guidance apparently from that same political figure, will decide when the alleged victims are not sure, to lay a charge, and so we see law becoming subverted by a new policy, a new politics of gender.

For sexual assault in Sweden, an indictment would read in effect something like this, ie NSW law without a mental element:

That the accused, Joe Bloggs on 3rd March 2010 at Euroville in the State of Sweden did have sexual intercourse with Heidi X without the consent of Heidi X.

The last bit, what we have in common law nations is the bit related to the mental element: "knowing she did not consent" is left out and irrelevant to the elements required in Sweden.

The Swedish elements required would therefore be:

- 1) The accused had sexual intercourse with the victim
- 2) The sexual intercourse occurred without the consent of the victim.

In such a regime there would be only one defence (that I can think of) and that would be for the accused to prove his innocence, and the only way to do that effectively would be to video record with audio, any and all acts of sexual intercourse.

Defence evidence otherwise by way of protestations of consent as a defence, and evidence of the subjective mind of an innocent accused, (not reckless, most reasonably believing there was consent), is of little to no account, or at best, having eliminated the subjective *mens rea*, an objective test is applied by the tribunal of fact, which asks, "Irrelevant to the mind of the accused, was consent given by our objective standards?"

That has to be the legal result of eliminating *mens rea*.

Imagine such an objective test in the hands of Mr Claes Borgstrom on the bench at trial, given the brand of gender politics that he espouses?

It's hard not to say that my advice to all men in Sweden (which I don't give incidently) is to video record all acts of sexual intercourse.

Proving one's innocence of course reverses the onus of proof contrary to the European Convention on Human Rights, Article 6, but that is the practical effect of eliminating *mens rea* as a required provable element of crime in Sweden.

That's what I would be arguing at Assange's extradition hearing, that if indeed the test for consent is objective and the subjective *mens rea* element is removed, the effect is to reverse the onus of proof, contrary to human rights law.

Most are familiar with the legal concept that a child under 10 cannot be held criminally liable-- Australia and the UK among others. The principle in Latin, *Doli Incapax* is a

rebuttable presumption of no liability (the situation in Australia, not the UK due to amendments) for children aged 10 to 14.

Sexual offences against children under 14 has lack of consent, and knowing of that, (a mental element on the part of the accused), a complete, irrelevant, non issue.

And that is so redolent of the Swedish regime, apparently: when it comes to consent as a defence, when the alleged victim is perhaps not sure of it, Sweden's legal regime may decide, as a matter of apparent gender policy, in effect, that the victim is not only innocent like a child, but is *doli incapax* incapable of giving that consent as a defence for the accused.

I don't think Swedish women should be treated as *doli incapax*, but I'm beginning to think the Swedish criminal justice system should be.

<http://wlcentral.org/node/937>



SvD: 17 januari 2011

Stjärnläckan får konkurrens

I spåren av Wikileaks läcker det som ett säll på nätet

Rena läckfetischismen har brutit ut på nätet. I Wikileaks kölvatten kommer nu Openleaks, Brusselsleaks, Balkanleaks, Tradileaks och Greenleaks. De nya sajterna tar över när Wikileaks sviker sina egna ideal. *[Vilka ideal är dessa och hur har de svikits?--A.B.]*

Wikileaks gloria hamnar alltmer på sniskan. Våldtäktsmålet mot förgrundsgestalten Julian Assange har följts av anklagelser om antisemitism mot organisationens svenska kontaktperson Johannes Wahlström *[som denne motbevisade redan för sex år sedan i bl.a. DN-Debatt.--A.B.]*.

Assanges senaste paranoida [???] uttalanden om att Sverige är "feminismens Saudiarabien" och att han riskerar att hamna på Guantánamobasen och avrättas om han utlämnas till Sverige, gör att även de mer entusiastiska supportrarna börjar skruva generat på sig. *[Några exempel, tack.--A.B.]*

Många [???] i de egna leden har också tröttnat på Assanges toppstyrning och framhävande av sin egen person. Likaså figurerar uppgifter om att sajten tar betalt för sina avslöjanden. Och så den största synden av alla för en organisation som kräver att världen ska vara öppen— den är det inte själv.

– Problemet med Wikileaks är att de inte är transparenta. Det är klart att de i varierande utsträckning tagit betalt för sina läckor. Syftet är inte att tjäna pengar, men det finns en risk att det blir ett styckpris på läckor när Wikileaks lokala kontakt-personer säljer dem bit för bit, säger Christopher Kullenberg, författare till den politisk-filosofiska boken *Det nätpolitiska manifestet* och doktorand i vetenskapsteori vid Göteborgs universitet.

Wikileaks har blivit en flaskhals för känslig information. Ingen utomstående vet vad som ligger och skräpar i deras arkiv. Utrymme finns för utmanare i läckbranschen, med andra ord.

– Att koncentrera allt till en aktör är väldigt dåligt. När det bara finns en läcksajt får den onödigt mycket makt och blir en grindvakt. Wikileaks gör ett urval, det är mycket om USA nu på bekostnad av annat som kanske behöver läcka ut. Låt säga läckor om korruptionen i Göteborg, det är inte prioriterat för Wikileaks, det bästa där hade varit en lokal läcksajt i Göteborg, säger Christopher Kullenberg.

Och en sådan decentralisering av fenomenet är just vad som sker nu. I det forna Jugoslavien har det startats ett Balkanleaks och nyligen lanserades Brusselsleaks för EU-relaterade läckor. En annan uppstickare, Tradeleaks, säger sig fokusera på närings-livsläckor medan ett Greenleaks för miljöfrågor lär vara på gång. Och avhoppare från Wikileaks har startat Openleaks. Det finns till och med ett Darwinleaks som "läcker" vetenskapsmannens utgivna dokument på nätet.

Men varför behövs egentligen alla dessa läcksajter? Så länge hemligheter och tryckpressar funnits har folk läckt information till tidningar. Deep Throat gick direkt till Washington Posts reportrar för att avslöja president Nixons inblandning i inbrottet i kontorskomplexet Watergate.

Blotta mängden läckta dokument som den nya teknologin möjliggör är en skillnad. Snabbheten en annan. Men kanske viktigast är säkerhetsaspekten för de "whistle-blowers" som riskerar sina karriärer och ibland sina liv genom att avslöja missförhållanden.

De datahackers som står bakom läcksajterna har betydligt bättre kunskaper i kryptering och anonymisering än journalister har. Christopher Kullenberg pratar om yttrandefrihetens kris— källorna litar helt enkelt inte längre på att journalisterna kan garantera deras anonymitet. Internet och telefoner är så hårt övervakade. Källskyddet har underminerats av en massa övervakningslagar, som FRA och datalagrings-direktivet i Sverige, säger han. *[Därför hemlighetsmakeriet som Kullenberg och skribenten kritiserar.--A.B.]*

SvD har numera liksom flera andra tidningar inget eget e-postsystem utan köper in tjänsten från en extern leverantör. Schibsted Sveriges IT-chef Oscar Edholm hävdar att e-post aldrig är en säker kommunikationsform oavsett leverantör.

– Jag likställer det med att skicka vykort med vanlig post. Vår policy är att inte skicka källskyddat material via e-post, säger han.

Vill man ge en reporter hemlig information i digitalt format ska man inte mejla det, med andra ord.

Tanken med Wikileaks var från början att journalistkåren inte skulle behövas alls. Allt material skulle göras tillgängligt på webben, och medborgare världen över skulle gräva i det i en sorts gigantiskt medborgarjournalistisk insats. Crowdsourcing, för att använda ett modeord. Men av det idealet finns inte mycket kvar. [*“Idealet” var en inledande ambition som inte funkade, varför man ändrade arbetsmetoden-- som Assasnge och WikiLeaks tydligt och helt öppet har förklarat.--A.B.*]

I somras gav Wikileaks i stället militära dokument från kriget i Afghanistan exklusivt till New York Times, Guardian och Der Spiegel en månad innan de publicerade dem på sin egen sajt. I höstas pytsade de ut hemliga telegram från USA:s ambassader till utvalda tidningar portionsvis, för maximal uppmärksamhet under lång tid.

Wikileaks har helt enkelt blivit en mäklare i läckor [*eller kanske en informationskälla?--A.B.*]. Alexander Hotz, som undervisar i digitala medier på Columbia University i New York, kallar samarbetet med tidningarna för ett taktiskt äktenskap.

– Wikileaks behöver pressen för att nå ut till allmänheten. Och pressen behöver Wikileaks för deras makalösa scoop. Nyheter, tro det eller ej, säljer fortfarande, säger han.

För Wikileaks vore det värsta tänkbara resultatet av en läcka inte att bli åtalad, utan ignorerad, konstaterar Steve Myers, redaktionschef på journalistikinstitutet Poynter i Florida. [*Är Myers den enda, obestridda “expert” som får uttala sig i denna fråga?--A.B.*] Wikileaks behöver också de traditionella mediernas kunskaper.

– Den genomsnittlige medborgaren kan inte avgöra om ett dokument är viktigare än ett annat. Journalistik handlar inte bara om att få tag på dokument, du måste få fram något vettigt av vad du har, stoppa in det i ett sammanhang och göra ytterligare faktainsamling, säger Steve Myres. [*Hur ofta och hur väl gör de traditionella medierna detta?--A.B.*]

Tidningar tar också ett helt annat publicistiskt ansvar för konsekvenserna av publiceringen, menar han. Så vad händer med Wikileaks i framtiden? Den lär knappast försvinna för att nya whistleblower-sajter tar över. Christopher Kullenberg vid Göteborgs universitet tror att Wikileaks kommer att finnas kvar som en symbol på samma sätt som The Pirate Bay blivit en symbol för fildelning, trots att den sajten inte längre spelar någon viktig roll för fildelningen i dag.

Marcin de Kaminski, knuten till forskningsprojektet Cybern timer och doktorand i rättssociologi vid Lunds universitet, ser samtidigt en fara i att det blir för många läckor.

– Det är på gott och ont. Det kan bli inflation i läckor, det ser vi redan nu. Det är inte så intressant längre när det läcker grejor hela tiden trots att det är viktiga saker. Det blir en mättnad, säger han.

En lösning skulle enligt honom kunna vara att allt inte behöver läckas offentligt, utan bara till dem som faktiskt behöver av informationen.

– Jag anser att läcksajterna måste baseras på någon form av värdegrund för att kunna rättfärdiga sin verksamhet. Det är den idealismen som gått förlorad **när Wikileaks blivit mer rockstjärnor eller kommersiella aktörer än öppenhets-verktyg.** [Så hävdar Kkullenberg. Finns det inte en enda annan synpunkt som är värd att återge?--A.B.]

• Tobias Brandel

Obs! Detta partsinlägg tjänar nästan helt som en kanal för Christopher Kullenbergs kritik mot WikiLeaks-- kritik som varken Assange eller någon annan hos WikiLeaks får besvara. Sedan på den 21:e "avslöjar" Svenskan det som faktiskt det "ideal-svikande" WikiLeaks har avslöjat, så här:

Ministrar ville stoppa våg av Irakflyktingar

› SvD AVSLÖJAR | Bildt och Billström beskrev ökad irakisk invandring som svårt problem.



Bildt och Billström KU-anmäls

› Efter SvD:s avslöjande: Bodil Ceballos (MP): "Helt fel att irakier är lågutbildade."

Svenska uttalanden väcker stark kritik

› Flera politiker hoppas ministrarna är felciterade. "Vill inte tro att de sagt något så avskyvärt".

› WIKILEAKS | Nato-samarbete, fängstransporter och Guantánamofångar. Läs tidigare SvD-avslöjanden.

SvD-webbplatsens första sida 2011-01-21: "SvD avslöjar... Läs tidigare SvD-avslöjanden"

On 2011-01-25 10.35, Tobias Brandel wrote:

Hej och tack för ditt mejl och synpunkter. Jag tycker att artikelns tes, att Wikileaks svikit sina ideal, förklaras ganska tydligt: att de inte själva är öppna med sin verksamhet, till exempel hur de gör urvalen av läckor eller bestämmer vem som ska få dem och på vilka villkor, och att de inte längre tillgängliggör allt material på webben utan pytsar ut det till några få utvalda tidningar i omgångar.

Som du själv noterat är SvD en av de svenska tidningar som publicerat flest Wikileaks-avslöjanden, och jag ser inget motsatsförhållande i att vi samtidigt publicerar kritiska artiklar om Wikileaks. Tvärtom, jag vill påstå att det är nödvändigt för vår trovärdighet.

Jag tror att läcksajter som Wikileaks blir bättre av att granskas och kritiseras, inte sämre. Företeelsen som sådan är ju till gagn för både demokratin och journalistiken. De flesta läsare verkar dela den uppfattningen. Jag har också fått några mejl från personer som är mycket upprörda och kallar mig allt från inkompetent till köpt av CIA,

och det tycker jag kanske är lite märkligt att få höra från anhängare av en sajt som förespråkar just öppenhet. Gäller den öppenheten och rätten att kritisera maktspelare (vilket Wikileaks själv blivit) inte Wikileaks självt?

*Med vänliga hälsningar
Tobias Brandel*

Subject: Tack, men...
Date: 26 Jan 2011
From: Al Burke <editor@nnn.se>
To: tobias.brandel@svd.se

Hej, Tobias!

Tack för svaret.

Visst får man granska WikiLeaks-- men knappast på det hårt vinklade sätt som du gjort, där föremålet inte får bemöta kritiken, beskylls för att svika "ideal" som det självt (mig veterligt) aldrig hävdad m.m.

Mina anmärkningar gäller fortfarande.

*Hälsningar,
Al Burke*

- - - - -

#PrataOmDet: The Smoking Gun

Anna Ardin & Co behind new hate campaign against Julian Assange. Seven steps indeed.

*Rixstep
2011-01-20*

She was scared when Eva Finné dismissed the charges against Julian Assange and so contacted the notorious Claes Borgström. She and Borgström together with Sofia Wilén sat down together and mapped out a media smear programme against the WikiLeaks founder. *[Evidence for this assertion?--A.B.]*

But things didn't go well and suddenly the case was in the British courts and being laughed at by the world at large. Time for Phase Two™-- a Twitter campaign that would reach the Swedish media.

The result was the Twitter topic '#PrataOmDet' ('talk about it') and was immediately seen to be an open attempt to whip up a frenzy and a show trial against Julian Assange. Connections to PR firms in Sweden that in turn had connections to Karl Rove were quickly uncovered. *[Reference?--A.B.]*

Support for Julian Assange is almost universal outside Sweden; this was a new attempt to preempt legal proceedings and deliver a verdict before they began.

But what's been lacking up to now is a 'smoking gun'-- proof the media blitz was organised specifically to hurt Julian Assange and pervert the course of justice. Thanks to Flashback, the smoking gun's been found.

The tweet reads: 'Having said that, I think everyone writing on Monday should be explicit and keep it all to something close to the Assange situation'. [*Where is the "hurt"?--A.B.*]

@jocxy is Johanna Koljonen, a close friend of Anna Ardin who officially organised the '#PrataOmDet' campaign. Koljonen and others of Sweden's controversial 'cultural elite' exploited media contacts to effect a 'maximum impact' six days later when they officially launched. And it's all been done to maximise damage to someone not even charged with a crime. Seven steps indeed.

<http://rixstep.com/1/20110120,00.shtml>

Swedish PM denies political role in Assange extradition case

Submitted by skdadl

W.L. Central

2011-01-23

It is not clear from the UK Press Association report why Swedish Prime Minister Fredrik Reinfeldt responded to reporters' questions about Julian Assange in London two days ago by addressing the hypothetical question of Assange's extradition from Sweden to the US, but he didn't dismiss it as hypothetical:

Mr Reinfeldt said Sweden's policy was not to extradite people to countries with the death penalty. But he said Sweden's courts, not its government, would decide that. ...

"We should remember when we ask questions about this that these are legal systems talking to each other, not politicians."

We know from the cables and other sources (see the summary in section 7, 92-96, of the "skeleton" legal argument) that Swedish courts have in the past been complicit in the illegal kidnapping of refugee claimants by US agents. More broadly, the role of diplomacy as mediator between law and politics has arisen repeatedly in many of the cables released by its major media partners and WikiLeaks.

Since the role of the courts is usually to interpret legislation ("policy") or to strike it down if it is unconstitutional, Reinfeldt's apparent failure to affirm Swedish refusal to extradite to countries that retain capital punishment raises questions.

<http://wlcentral.org/node/1026>

My contribution to #prataomdet

Skandinav i Florida
10 Feb. 2011

The #assange case has opened my eyes to how tiny and stinky a duckpond media Sweden has become.

I was born on Gotland, a small, exotic island and a great place for sex, romantic extraordinaire and seductive, especially in the summer.... I left my wonderful homeisland to work abroad and later moved to Uppsala for studies at the university. Uppsala in the mid 80's was the place to be as a student I think, it was still innocent but yet exciting for a young woman to explore herself and others in a suggestive environment, Cinderella balls at the Uppsala Castle, "fika" at Alma Mater in the old university building, walking home from "gasques" at one of the many nations along the dark Fyrisån. And all the fantastic and beautiful people I met there, it was magic.

I do not at all recognise the bitter and hostile "gender equality" movement I have glimpsed through the Assange case via one of the alleged victim's activities at the university. I am thinking a lot about the fact that a young women like her, growing up at the same place as I did, our fathers being friends actually, and then studying at the Uppsala University made her such an insecure and revengeful person.

Most Gotlanders are actually quite self-confident and secure with themselves, I see few of us having to boost our self-esteem by playing with the penis of an intellectual superstar rather than actually picking his brain. Quite pathetic, in my mind, to brag about having sex with him instead of having talked about global issues all night long. But of course, I forgot, no sex-- no option for rape accusations, as far as I know we haven't (yet) any laws against brain rape in Sweden.

Sexuality is a big part of our personality and our lives and of course we #talkaboutit, I do not recognise myself in the #prataomdet statements that it is difficult to talk to others about both good and bad sexual experiences, it is, at least in Sweden until 2005 when I relocated to Florida, not more difficult to analyse a bad or good sexual experience than talking about a bad or good haircut.

I feel that #pratomet that appears to be a well orchestrated campaign to save one of the alleged victims from herself, has kidnapped the right for us Swedish women to enjoy sex and hides the fact that we actually always have #talkedaboutit. And we all know that sometimes, especially with new partners you find that you are not sexually compatible, what some find kinky others find disgusting, what can you do in those situations, I guess most of us move on and add yet another experience to our rucksack we carry through life.

What does #prataomdet want, except save face of one of the alleged victims, do they suggest that when you are in a situation with a new, noncompatible sex partner, applies Swedish law by smacking your partner with a surprise visit by the police the day after, barging into his, yes it is always a he, home and arrest him for rape? Is that how we should deal with the so called greyzone in Sweden, to try out sex partners and if they did not read your signals you should #talkaboutit with the police who will instigate an investigation involving legal expertise to evaluate whether a crime was committed, and in the meantime the guy is locked up in jail so that you have time to #thinkaboutit?

It is scary that Swedish mainstream media and political elite want us, and the ROW, to think that, we should go to the police and report sexually incompatible experiences and allow experts to decide whether a crime was committed or not. And all this just to protect a fellow Social Democrat, feminist and D-list media person?

Assange, together with numerous Swedish men have been treated in a way that make me ashamed of being a Swedesse, I love men and even if they sometimes fuck-up in bed, they deserve respect and protection from legal harassment. Gender equality-- maybe we should #talkmoreaboutit?

Time to #cleanupthestinkyduckpond I think, and make it clear to everyone, not only the legal professionals, where the sex ends and the crime begins.

Blogg and comments at:

<http://www.skandinaviflorida.com/web/sif.nsf/d6plinks/JEIE-8DXK2Y>

It's All About the Condoms

Keeping to the high road.

STOCKHOLM (Rixstep) — It's all about the condoms. And that blasted internalised sexual power structure. And stuff like that. That's what Anna Ardin's sister in arms calls the 'call to arms' she organised on 14 December to further smear a person who still isn't charged with a crime.

Following are the (**more or less**) intact tweets of @jocxy (Johanna Koljonen) and a few others who started a discussion in the morning hours of 14 December. They solidified their plans as the day wore on.

They're all members of the Swedish 'cultural elite' that still hasn't been able to write anything substantial on Collateral Murder, the Afghan War Diaries, the Iraq War Logs, Cablegate, or anything else.

They know each other well. And together they exert a decisive influence [???] on the media in Sweden-- the news organisations, the radio, the television. They have it all. A great number of them live in one room flats on Södermalm. Others who've 'slipped' live in Upplands-Väsby.

All this takes place on 14 December 2010. Click on a tweet to see the original.

* * *

She's not crazy. That could have been me. I put things in perspective. And I wouldn't have dared file a complaint.

The fact is I've been in similar situations but was too naive to understand I could have drawn the line...

And the positive thing is I've for the first time thought the thought:

'You media man who woke me with an unprotected penetration the morning after I told you it wasn't OK, you're an asshole.'

All of you who are speculating which media man it was: you're all wrong. It happened several years ago and no one knew we were together.

Interrupting all tweets about sex by surprise for an important announcement: I might be in love with Tim Riggins and now think coach Taylor is a asshole.

Tim Riggins is already taken!

OK I think he's a RUFFIAN! But when he plays with the child and tenderly takes care of the MILF, I get PREDICTABLY dizzy! #lame

I'm for real a bit shocked that I FIRST TODAY realised I've had a sex by surprise experience...

... We'd already slept together and like I wanted to and I didn't realise as I woke up that whoa the jerk changed the rules of the game...

So I didn't say anything, then or later. I just didn't see him again and forgot why, until today.

Say that a friend of mine had been held in a sexual situation against her will... and we saw a pattern...

... And suppose he was a real 'ruler' (he wasn't, not even in media Stockholm)... would we have filed a complaint? No...

For we wouldn't have understood we had the right to absolutely draw the line. Even I'm a bit embarrassed to reveal all of this.

And here I'm going to describe sexual acts that weren't 100% missionary vanilla, and that's a part of the reason that I wouldn't dare...

Draw a line on this guy because I've already been like happy and horny. But then I stopped myself because it was embarrassing even to tweet.

But jesus christ let's make this the year we don't hide the fact we fuck. This is how it was:

I didn't dare say anything because we'd already had anal sex. Unusual for me. And I felt that in someway I'd already...

Used up my chance to say 'no, you freak, I don't want to now and not like this' because I'd earlier wanted something else.

Shit, we're still so indoctrinated. And this is the most embarrassing thing I've tweeted, not precisely because I wrote anal sex...

... But because I am such a bad feminist who didn't have a clue or drew a line.

I'd like to write 'I am Anna Ardin' but I don't deserve it. Because I didn't dare say anything. Never again.

Sigh, now I'm thinking about all the times I've laid there and thought that the easiest way is to hope he's finished soon.

Yes, you don't know if you should laugh or cry. 'Hope (s)he is finished soon'-- yeah really!

But wait a minute. Not even if you've done acrobatics in a relationship for 50 years is it OK to wake someone with surprise penetration?

Of course it's not! But if you're woken with a few sweet caresses, wake up horny and everything is wonderful until you 'but the condom?'

Haha +1000 On the other hand I should have said something. I wasn't afraid but I didn't want to be difficult.

So many times you can and ba' 'I don't want to be difficult' ... Fucking internalised shit, SEX IS BETTER for EVERYONE if we communicate ;)

And I think the answer is the sexual power structure, for both parties.

But what are we going TO DO? To break it? Tweeting about it is a beginning, I guess.

Now you all understand this presumes my mother isn't on Twitter.

Followup: And by 'saying yes' I mean in an expanded sense, ie not just as an answer to a question but even when it comes to initiative :-)

@johannka That's almost the most difficult thing, the last part. What do you dare say?

The Assange case shows that the price for talking about this is extraordinarily high, but I wonder if it doesn't obligate those of us who have a platform.

I don't know if what Assange did was illegal or if the experiences of the women were just that he crossed the line of the law;

Laws that depend not on actions but on context are tricky. (Compare to assault on the hockey rink).

But the rape laws seem to assume that the parties can communicate about the parameters. The law PRESUMES it.

And if you CANNOT communicate because of an internalised sexual power structure and a lack of clear terminology and being branded antisexual...

... Not even under optimal conditions, eg a long lasting relationship, then these things will inevitably be about a gray zone.

And because people aren't mind readers even good guys can lack a frame of reference for how rules and wishes should be interpreted.

And god knows that in addition to all the good guys there are also bad guys. (No one named, no one forgotten).

What I mean by obligate is that we MUST talk about this, we who lie there and don't want to be difficult...

... And we who suddenly are in pain even though it also feels so good, and we who don't dare stop sex that already began. AND! Super-important! Maybe we don't really WANT to stop because AT THE SAME TIME it feels so good.

We MUST talk about it for otherwise we don't have a language to talk about what Assange is or isn't guilty of... #ThankYouAnna

... Or to protect ourselves. OK one last thing, then it's #FNL for me. :)

I wouldn't have filed a complaint against the media guy if I was braver. I'd have told him, and he'd have stopped. Begged, but stopped.

Because it wasn't an asshole. And he should have understood he was way out of fucking line-- and clearly over the legal boundary--

But because I believe the best in people, I choose to believe no one had ever said anything **and he JUST DIDN'T GET IT.**

Grownup 'ruler' who complains that I want a condom and shut up to avoid a confrontation-- I've been in that most recently this past summer. #boofuckinhoo

I threatened to go home and then he gave in. But bah, if that thing is usually out without protection then I don't want to touch it. Eww. Eww!

How could the guy be a 'freak' when you didn't make it clear you didn't want it? Should he have guessed it? Should Assange have guessed it?

Yo! @chmod007 We'd already during the night negotiated about a condom in every hole. He should have guessed I didn't change my mind in my sleep.

But why aren't we honest with our sex partners? Or-- why do we sleep with people we can't be honest with?

Yo! @edwyn_76 Because we're horny, grateful, flattered, horny, lonely, horny, feel guilty, compensating for something, in love! Eg.

Very true. Both people's responsibility. While THERE IS SYPHILIS IN SWEDEN. Google syphilis, then use a condom. Please. Everyone.

But it would also be good if all guys could take a no without us feeling like we're bitches who say no.

Yeah! @giselaj When I was younger, more overweight and shier, guys could punish us sometimes by implying a debt of gratitude because they even wanted to.

All of this enormously important, BUT I have to watch #FNL before my lover comes to visit for he's not caught up. I have a question for YOU!

What do you think will happen if I wrote about this eg in DN.se culture section-- or the op-ed page in a tabloid? Because I can if I want to.

I really think all of us who have such a place have to take that place. But is the price too high? What do you think?

Or: how many have to write until it's OK? How many can write before the newspapers stop because it's time for a new news cycle?

Yes but my mother could read that. My father maybe wouldn't read it. My brother-- lots of people who don't want to know about my sex life.

Most likely it's not a legal question if you want two things at once. Speaking of interpreting signals.

Precisely! Super-difficult! It can be relevant in the Assange case, is what I thought of.

OK now maybe I'm not going to be prime minister but it might not be possible to write like this in DN.se.

With the info available I think the Assange case is grosser than what I commented. But we still don't know everything.

@ivarpi I think so too. But the 'signals' will be brought up as a 'question of interpretation' in the court...

They talk about that in full-out straightforward brutal rape cases.

It's more effective if it's personal. And it's easier if there's a headline like that in every newspaper the same day.

Culture editors and eager writers can of course contact me. Just a thought.

NOTE: I know Twitter is completely open, more public than Facebook which I regard as a half open room.

I STAND by what I tweet. ;) And if you're wondering: you've answered the question with WRITE. I'm going to think about it!

You're thinking about lots of people writing about the same thing at the same time?

Yes @isobelsverkstad I'm thinking about 12 foremost female writers writing in each their own newspaper. And the blogosphere picking it up.

@philipteir Yes you'll have to publish an article by someone else. There's a risk mommy's bridge club will freak out otherwise.

@isobelsverkstad But that is really interesting/tragic! Anyone else?

Hi, here's an eager writer. Now beyond those years when most of all I didn't want to create awkwardness and a bad mood.

@nelsonsandra Word. Now we're three. There's no upper limit.

Not just newspapers and not just journalists. But everybody that's been in on this, at the radio, TV, Facebook, friends and family.

Now we're four, I missed one! @edgrenalden @isobelsverkstad

You're my role model when it comes to tweeting about sex so I should thank you! <3

@ivarpi Five!

OK, dear wise friends! Now I'm watching #FNL and then one of the best guys in the world is popping in. But keep volunteering, journalists!

@juliaskott Six!

We'll work into Xmas week but not too much into it if it gets too much press...

@danielbjork @isobelsverkstad We'll surely get it if it becomes a big thing.

The articles you're already writing, you winners and kings: write two versions. One which has everything you MUST write...

... And one that's 1800, 2300, or 3000 characters. Not more. Because of newspaper related reasons.

@elingrelsson Seven!

I was thinking a bit that Monday is good. Slow news day. You OK with that?

THIS IS TRULY HEARTBREAKING FOR THESE DILLON PLAYERS! #FNL
#prioriteringar #viktigheter

@lisamagnusson Eight!

Should we all try to get into our own newspapers? Do you know which ones you're writing for in such case? I'm writing for now.

I think that would be best! @edgrenalden But maybe it's dumb if everyone writes at the same time? Should we have an old media hash tag?

@barsk We each write our own articles with a common tag of some sort. Publish about the same time. Stand straight in the shit storm.

@linusfremin I think it's important that gender isn't decisive? Nine! Or have I lost count. Join us!

All of you who want to write or publish, DM me your mail addresses and I'll make a list. This has to be self-organised...

I've got no time to be admin. Everyone lobbies their own editors and we help each other with those who don't have one.

@dekaminski @oskcar I believe in synchronised otherwise it's short shots... And a bit too complex a subject. Not black and white.

I'll at least be blogging but I can't DM you with my address because you're not following me :-)

@johannka Fixed!

What's happening with @jocxy? Anyone? Please!

@johanna_linder If you go into twitter.com in a browser you can see really far back!

OK friends, holler if you want to write and need a follow to DM your address...

We're targeting Monday and then everyone must talk with their editor desks at the latest on Thursday. No matter what the newspapers say, we can blog on Monday.

I think #tackanna ('thank you Anna') is a nice little tag but sounds like we're taking sides. I like 'I Am Anna' but the same problem?

But a fat Spartacus if everyone uses that headline when she's the world's most hated woman because of her civil courage.

@johanna_linder Like we're going to talk about all the times we've not said anything in sexual situations or been subjected to something but not filed complaints.

@johanna_linder But the idea is to explain how it's actually complicated.

OK decided for reasons: merely because Anna's name is known doesn't mean we're going to keep on repeating it so of course we write without it!

I repeat: just because the whole Internet's gone cuckoo doesn't mean we don't take the high road. Don't mention her name! Of course not!

<http://rixstep.com/1/20110120,01.shtml>

Collateral Damage-- WikiLeaks In The Crosshairs

Media Lens

January 20, 2011

The horrific killing of six people in Arizona, and the wounding of a dozen more, including Congresswoman Gabrielle Giffords, generated a wave of discussion on the impact of violent political rhetoric. A leading article in *The Times* commented: "American politics has a strain of mean-spiritedness that, when it connects to disturbed individuals, can have terrible consequences."

True enough, although Britain certainly has its own "strain of mean-spiritedness". It is possible to disagree with others "in a reasonable way", *The Times* observed, without

giving "unintended succour to those on the fringes who harbour extreme views and even worse methods". (Leading article, 'A Mean Spirit,' The Times, January 10, 2011)

In August 2002, Times journalist Michael Gove-- variously, the paper's comment, news, Saturday and assistant editor-- wrote: "We have no alternative but to launch a pre-emptive war against Iraq to prevent Saddam completing his drive to acquire weapons of mass destruction. Massive military force must be deployed to remove Saddam's regime." (Gove, 'We need Bush and not Saddam calling the shots,' The Times, August 28, 2002)

Gove suffered no ill effects from this expression of "extreme views and even worse methods"-- he is now Secretary of State for Education.

In January 2003, also gunning for war, David Aaronovitch wrote in the Guardian: "If I were an Iraqi, living under probably the most violent and repressive regime in the world, I would desire Saddam's demise more than anything else. Or do we suppose that some nations and races cannot somehow cope with freedom?"

Again, extremism was given no "unintended succour"-- later that year, the judges of the 2003 What the Papers Say awards made Aaronovitch columnist of the year, commenting: "At a time when most left-leaning commentators were opposing the war in Iraq, he took a brave and consistent stand, presenting the case for action in the most coherent and persuasive manner."

Speech that incites violence against individuals at home is unacceptable. Speech that incites mass death and destruction against entire nations is met with indifference, and/or high office and awards!

In Mediaspeak, the word 'violence' actually refers to crimes committed by the 'bad guys' against the 'good guys', 'us'. 'We' do not commit violence, 'we' deploy 'assets' to 'neutralise' 'targets'. 'We' 'intervene' to bring 'security' and 'humanitarian relief'. Because 'we' don't commit violence, it is fine for 'us' to non-violently kill 'our' enemies.

Thus, columnist Jeffrey T Kuhner wrote in the Washington Times last month: "We should treat Mr Assange the same way as other high-value terrorist targets: Kill him."

William Kristol, former chief of staff to vice president Dan Quayle, pleaded: "Why can't we act forcefully against WikiLeaks? Why can't we use our various assets to harass, snatch or neutralize Julian Assange and his collaborators, wherever they are? Why can't we disrupt and destroy WikiLeaks in both cyberspace and physical space, to the extent possible?"

The net hosts numerous articles with titles like '5 Reasons The CIA Should Have Already Killed Julian Assange.'

On the BBC website, Matt Frei praised Barack Obama's mollifying response to the Arizona massacre: "The president kept it personal and poignant. He reined in the attack dogs on all sides and called for a more civil, gentle tone. The tragedy has allowed him to play the role of consoler-in-chief with conviction."

Perhaps not on all sides. The "consoler-in-chief" had nothing to say about the crosshairs hovering over Julian Assange.

Of Wikiblokesphere And Lying Feminist Slags

Responding to the killings in the Independent, Joan Smith lamented the state of political debate, recalling "a concept I'm very keen on but haven't heard much in recent years: civility". The abuse is rampant: "Among the online-abuse community, it's beyond question that Julian Assange's accusers are lying feminist slags."

There was precious little civility in this ugly distortion. If a minority of bigots do perceive Assange's accusers this way, they have not been contributing to the rational, awesomely well-informed discussions we have seen.

John Pilger has commented on the playing of what might be called 'the feminist card' in the WikiLeaks debate. The gambit has form. In December 2007, we found that, over the previous 12 years, the terms 'Taliban' and 'women's rights' had been mentioned in 56 Guardian articles. Of these, 36 had appeared after the September 11, 2001 attacks. As Pilger noted last month in the New Statesman:

"The invasion of Afghanistan in October 2001 was supported by leading feminists, especially in the US, where Hillary Clinton and other false tribunes of feminism made the Taliban's treatment of Afghan women the rationale for attacking a stricken country and causing the deaths of at least 20,000 people while giving the Taliban new life."

Something similar is happening now, Pilger writes, "as a group of media feminists joins the assault on Julian Assange and WikiLeaks... From the Times to the New Statesman, apparent feminist credence is given to the chaotic, incompetent and contradictory accusations against Assange in Sweden".

Some of the worst examples have appeared in the Guardian, one of WikiLeaks' "media partners". Libby Brooks identifies an "unlikely alliance between leftwingers and the misogynists of the Wikiblokesphere," which has seen them "indulge in the basest slut-shaming and misogyny".

Again, if this is true somewhere, it is not true of serious, left online debate, where words like "slut" are simply abhorred. In a similarly one-sided Guardian report, Amelia Gentleman quoted Swedish tabloid journalist Oisín Cantwell, who argued, quite outrageously, that the "celebrity support for Assange was similar to the support offered by Hollywood stars to Roman Polanski when he was arrested last year, accused of raping a 13-year-old..."

Nick Davies, the leading Guardian reporter who originally organised the Guardian-WikiLeaks partnership with Assange, before the two sides fell out, wrote a piece titled: '10 days in Sweden: the full allegations against Julian Assange.'

This included salacious tidbits such as: "Another friend told police that during the evening Miss A told her she had had 'the worst sex ever' with Assange: 'Not only had it been the world's worst screw, it had also been violent.'"

And: "Police spoke to Miss W's ex-boyfriend, who told them that in two and a half years they had never had sex without a condom because it was 'unthinkable' for her."

Bianca Jagger noted in Huffington Post that Davies had published "selective passages from the Swedish police report, whilst omitting exculpatory evidence contained in the document". Assange was, Jagger wrote, being "subjected to a 'trial by newspapers,' in an effort to discredit him".

Assange's former barrister James Catlin commented: "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."

With "media partners" like these, WikiLeaks hardly needs enemies.

Blood On The Guardian's Hands?

Worse was to come from the Guardian. On December 27, Africa correspondent David Smith reported: "Zimbabwe is to investigate bringing treason charges against the prime minister, Morgan Tsvangirai, and other individuals over confidential talks with US diplomats revealed by WikiLeaks."

Treason charges could mean the death penalty, which, one would guess from this article, could mean blood on WikiLeaks' hands. One week later, on January 3, James Richardson, an "account services director for Hynes Communications", wrote an opinion piece in the Guardian claiming: "now, with the recent release of sensitive diplomatic cables, WikiLeaks may have committed its own collateral murder, upending the precarious balance of power in a fragile African state and signing the death warrant of its pro-western premier..."

WikiLeaks, Richardson argued, should just shut up: "Before more political carnage is wrought and more blood spilled-- in Africa and elsewhere, with special concern for those US-sympathising Afghans fingered in its last war document dump-- WikiLeaks ought to leave international relations to those who understand it-- at least to those who understand the value of a life."

Political analyst Glenn Greenwald commented on Salon: "There was just one small problem with all of this: it was totally false. It wasn't WikiLeaks which chose that cable to be placed into the public domain, nor was it WikiLeaks which first published it. It was The Guardian that did that."

In fact the Guardian decided to publish the cable about Tsvangirai, not WikiLeaks, which only published the leak after the Guardian had done so.

The reaction in the US press was predictable enough. An article in the Wall Street Journal was titled, 'Julian Assange's reckless behavior could cost Zimbabwe's leading democrat his life.' Who was to blame? "Julian Assange of WikiLeaks." A piece in the Atlantic observed: "WikiLeaks released [this cable] to the world" and so "provided a tyrant with the ammunition to wound, and perhaps kill, any chance for multiparty democracy". (Ibid.)

Responding to criticism, the Guardian amended Richardson's opinion piece, noting: "This article was amended on 11 January 2011 to clarify the fact that the 2009 cable referred to in this article was placed in the public domain by the Guardian, and not as originally implied by WikiLeaks."

The Guardian's deputy editor, Ian Katz, worked hard to explain why David Smith had reported that WikiLeaks, rather than the Guardian, had published the Tsvangirai cable. Katz wrote: "it would be fair to describe us as joint publishers of any cables we have selected, with joint responsibility for any consequences of their release". Using the WikiLeaks name was "a piece of widely understood journalistic shorthand. The material was routinely referred to as a 'WikiLeaks revelation'".

If the term "WikiLeaks revelation" is "shorthand" that is "widely understood" to refer to the Guardian's status as joint publishers with WikiLeaks, why did David Smith not turn to his own editor for comment on the Guardian's shared responsibility in the news piece reporting that Morgan Tsvangirai faced a treason inquiry? Has any Guardian journalist ever turned to the Guardian editor for comment on allegations that the Guardian-WikiLeaks partnership had endangered life? We asked Ian Katz on Twitter but he failed to reply. It seems clear that the Guardian has not rushed to advertise its shared responsibility-- we suspect it will be news to many people.

The crucial point, in light of the Guardian's amendments, is that mainstream media outlets have shown flat zero interest in accusing the Guardian of having blood on its hands for publishing the Tsvangirai cable. But why? There is only one explanation: the earlier media outrage was motivated, not by a desire to protect life in Zimbabwe, but by a desire to demonise and destroy Julian Assange and WikiLeaks.

A related propaganda theme is that WikiLeaks has recklessly "dumped" a "flood" of diplomatic cables on the web, so endangering lives. Arch-war monger John Bolton wrote in the Guardian: "WikiLeaks has yet again flooded the internet with thousands of classified American documents, this time state department cables" which was the "third document dump."

The Daily Mail reported: "Then this week he [Assange] disclosed around 250,000 cables from U.S. embassies, many containing sensitive information."

This, also, is nonsense. In reality, WikiLeaks has, so far, slowly and carefully released only about 2,000 documents in close cooperation with its media partners.

Greenwald explains the rationale behind the selective outrage and false claims: "To justify this assault, the U.S. Government needs to claim that WikiLeaks is somehow distinct from what other press outlets do. So it invents outright falsehoods to do so: unlike newspapers, WikiLeaks indiscriminately dumps diplomatic cables without editorial judgment; unlike newspapers, they refuse to be transparent about their methods (nobody is less transparent about what they do than large newspapers); and now, WikiLeaks endangers people's lives by recklessly publishing a cable which leaves democratic leaders in Zimbabwe vulnerable to attack, even though it wasn't published by them at all, but by The Guardian."

Once again, the mainstream media has distorted and deceived to manufacture, isolate and target a 'threat' for destruction. Certainly WikiLeaks is embarrassing the powers that be much more effectively than mainstream journalism. But mainstream outlets also publish government leaks, including 'Top Secret' information, which the diplomatic cables are not. Assange is a journalist and he is engaging in journalistic activity. The "collateral damage" of his destruction might well involve the freedoms enjoyed by the very journalists currently seeking that outcome.

Suggested Action

The goal of Media Lens is to promote rationality, compassion and respect for others. If you do write to journalists, we strongly urge you to maintain a polite, non-aggressive and non-abusive tone.

Write to:

Ian Katz at the Guardian

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Assange and Posada in the Propaganda System

Edward S. Herman and David Peterson

This Can't Be Happening

January 24, 2011

By an historical coincidence, both Julian Assange and Luis Posada Carriles were brought before Western courts around the same time in late 2010 and early 2011—Assange in Britain and Posada in the United States. The contrast in their treatment by the U.S.-Anglo system of justice and in their handling by the Western establishment media is enlightening.

Posada, now 82, is a self-confessed terrorist, Bay of Pigs veteran, School of the Americas graduate, and CIA operative who has been credibly placed at two meetings where the plan was hatched for the October 1976 bombing of a Cuban airliner that killed all 73 civilians aboard. He also has been implicated in numerous other terrorist acts in which people were killed or injured and property destroyed, and he played a role in the United States' arms-smuggling network in Central America that eventually came to light in the Iran-Contra investigations.

"The CIA taught us everything," Posada told the New York Times in 1998. "They taught us explosives, how to kill, bomb, trained us in acts of sabotage." Posada was a star pupil. But as a longtime CIA asset and, until the past decade, the "most notorious commando in the anti-Castro underground," the U.S. justice system has never charged

Posada with a crime related to terrorism or the death of civilians, even though a former FBI counterterrorism expert who investigated the Cuban airliner bombing claims that Posada was "up to his eyeballs" in its planning. Surely this is because his killings and bombings were carried out against targets of U.S. policy, and because he almost certainly would have implicated the CIA.

In fact, the U.S. justice system never charged Posada with any kind of offense until early 2007, when a federal grand jury indicted him with the ludicrously lesser charges of making false statements during his naturalization interview two years earlier. After Posada had slipped into Miami's anti-Castro Cuban-exile community in March 2005, he filed for political asylum but then quickly withdrew his application when he recognized that in the aftermath of 9/11 and Bush's "War on Terror," his past activities made him a "hot potato."

But before he could disappear again, he held a news conference in Miami, and Department of Homeland Security agents grabbed him—and ever since he has faced a series of on-again-off-again perjury charges related to his original interview.

With his current trial now underway in a U.S. District Court in El Paso, things have not moved beyond this point, leading one observer, Jose Pertierra, a Washington D.C.-based attorney who represents the Venezuelan government, which since 2005 has sought Posada's extradition to stand trial for the Cuban airliner bombing, to conclude that "all parties are waiting for a biological solution to this case."

As U.S. prosecutor Timothy Reardon told the court at the start of this trial, Posada "can do anything he wants to the Cuban regime." But he lied during his naturalization interview, and one "must play by the rules and tell the truth to become a citizen."

Julian Assange, by contrast, has not killed anybody, or so far even broken any law, and key U.S. military officials have denied claims that information released into the public realm via WikiLeaks has resulted in anybody's death. In early August 2010, a Pentagon spokesman told the Washington Post that "We have yet to see any harm come to anyone in Afghanistan that we can directly tie to exposure in the documents," and as late as November 28, a different Pentagon official who "didn't want to be named because of the issue's sensitivity" told the McClatchy newspapers that the "military still has no evidence that the leaks have led to any deaths." Even Secretary of Defense Robert Gates admitted that though WikiLeaks has proven "embarrassing" and "awkward," its "consequences for U.S. foreign policy [are] fairly modest."

Assange is nominally under attack in Britain because of allegations against him in Sweden that led to a European arrest warrant being served on him in London for questioning in relation to "rape, sexual molestation and forceful coercion," and for which he now faces an extradition hearing on February 7. But these charges increasingly appear to be a cover for a political assault on WikiLeaks, helped along by the now-pliable right-wing Swedish political establishment, and they have been convincingly exposed as such. (See Al Burke, "Sweden, Assange and the USA," Nordic News Network, December 28, 2010.) Assange's real crime is the "exposure and embarrassment of the political class," as John Pilger put it. That and the threat that WikiLeaks will keep doing this.

Of course, classified information is leaked regularly by U.S. officials to engineer consent to policy. But WikiLeaks has provided the public and foreign ministries and news media with information that the U.S. government wants to keep out of sight that

might make policy management more difficult. This is what journalists and an independent media are supposed to do anyway, so WikiLeaks in its short four-year existence has been serving a major international public good and enhancing democracy. Also, as U.S. policy has involved aggressive warfare and illegal actions and has depended on institutionalized lies that almost nobody challenges, especially in the American media, WikiLeaks and Assange may well be contributing to the reduction of warfare and the saving of innocent lives.

One year ago, Secretary of State Hillary Clinton gushed about Internet freedom, about there being "more ways to spread more ideas to more people than at any moment in history," and that "even in authoritarian countries, information networks are helping people discover new facts and making governments more accountable."

Clinton at that time was advocating greater transparency in countries such as China and Iran. But after WikiLeaks began to release some of its holdings of more than 250,000 U.S. diplomatic documents in late November 2010, Clinton did an about-face saying, in words that could have come out of a Chinese official's mouth, saying, "It is an attack on the international community, the alliances and partnerships, the conversations and negotiations, that safeguard global security and advance economic prosperity."

So Assange quickly became, in the words of Vice President Joe Biden, a "high-tech terrorist" and the U.S. government was urged by political figures to terminate him. As one-time Republican vice presidential candidate Sarah Palin said, the government should pursue him "with the same urgency we pursue al-Qaida and Taliban leaders."

We must "strangle the viability of Assange's organization," Rep. Peter King, the new Republican chairman of the House Committee on Homeland Security, wrote to the Treasury Department on January 12, and "prohibit people and companies within U.S. jurisdiction from conducting business with WikiLeaks and Assange." King was behind the curve. By the time he spoke, pressed by the US government, Visa Inc. and PayPal Inc. had already agreed to freeze WikiLeaks' sources of funds, while Amazon.com had agreed to stop supplying its cloud-computing service for WikiLeaks' content. The result has been a concerted state and corporate attack on Assange and WikiLeaks—and, more broadly, on global Internet neutrality, freedom of speech, and democracy.

Among the notable features of the treatment of Assange have been the speed and urgency with which U.S., British and Swedish officials have moved against him, the difficulty he has had in securing his pre-trial freedom, and the rush to extradite him to Sweden, a country that is believed to be more likely than the UK to remand him to the United States.

The contrast with the treatment of Posada is dramatic. Admitted terrorist Posada's case has dragged on for upwards of six years, he has been free on bond for close to four years, and the United States still declines to charge him with any crime related to causing the death of civilians, only with giving false testimony, and it has long refused to extradite him to Venezuela, despite a longstanding treaty that obliges the United States to do so.

The contrast between the media's treatment of journalist Assange and the real terrorist, Posada, is also dramatic. One difference lies in attention levels. Reading U.S. newspapers and watching U.S. television, one would hardly know that Posada is on trial in El Paso. Thus during a ten-day period in the middle of January 2011 beginning

with the first day of jury selection in the Posada trial (January 10-19), Assange's name turned up in the English-language media almost 22 times more frequently than did Posada's.

The same contrast holds true when it comes to substance: Whereas coverage of the real terrorist is protective, lacking in indignation, and exculpatory, coverage of Assange features heavily the allegations of sexual misbehavior, often using the emotionally charged term "rape," which is not even one of the charges being investigated in Sweden, along with a sense of "how-dare-he".

Posada killed many people in his terrorist career, but the media do not focus on that. Nor do they search out the relatives of Posada's victims to call attention to their suffering. They do not dwell on the fact that he was a CIA asset. They do not feature the contradiction between the US government's allegedly fighting a "War on Terror" and its sponsoring and then protecting a genuine terrorist.

In short, Posada's case is a dramatic illustration of the fraudulence of the so-called "War on Terror" and highlights the U.S. refusal to abide by the rule of law. Assange's case shows well the U.S. establishment's fear of the free-flow of information that might interfere with foreign policy and reveal that there are many more Posadas whose service to the empire might be disclosed. And the media's cooperation in this protection of Posada and pursuit of Assange is clear.

<http://www.thiscantbehappening.net/node/410>

Internet forum uncovers media campaign to influence Assange sex case

*Ivan Johnson
January 25th, 2011*

Members at Scandinavia's largest online forum [Flashback](#) have uncovered the planning of a national media campaign to influence public opinion in the Julian Assange sex case. Their investigation reveals that, far from being a spontaneous grassroots campaign as previously described, [Prata om det](#) ("Talk About It") was highly organized and involved a considerable degree of co-ordination between major media outlets in Sweden.

The campaign, which started on Twitter under the hashtag #prataomdet, quickly spread to the mainstream media in December of 2010. It was presented as a grassroots movement for the discussion of "grey areas" in sexual situations.

Dozens of Swedish media outlets published hundreds of articles on the subject, in which they all made reference to the sex crime allegations against Julian Assange. Many articles were about specific and wholly unrelated cases of rape and sexual abuse, yet they were often illustrated with photographs of Assange.

Some observers questioned the portrayal of the campaign as a grassroots movement when it was revealed that its initiators are well known media personalities and journalists with ties to all major Swedish media outlets. Rumours of a connection

between initiator Johanna Koljonen and one of Assange's accusers quickly spread on the internet, and it has been suggested that the purpose of the campaign was to influence public opinion in the Assange case. Official spokespersons have denied that they have an agenda in the case.

However, an [online investigation](#) carried out by members of the Flashback forum has uncovered compromising facts about the planning and execution of the campaign. Twitter messages from the 14th of December reveal discussions about the framing of the campaign. Two of the hashtags considered for the campaign were #tackanna (#thankyouanna) and "Jag är Anna Ardin" (I am Anna Ardin), in reference to one of Assange's accusers.

The messages also reveal that the participants, who consisted mostly of journalists at Swedish national newspapers and magazines, eventually agreed to use the less-conspicuous #prataomdet hashtag. However, they were advised to write stories "close to the Assange situation". A date was set for the synchronized publication of the articles.

Between the 18th and 21st of December 2010, several dozens of articles were published across a wide range of Swedish newspapers and magazines. They were partly based on the same press release, and they all used the same wording on the allegations against Assange. A Google search reveals the scale of the campaign in a striking manner. None of the articles addressed the alleged connections between Koljonen and Assange's accuser.

Perhaps not surprisingly, Swedish mainstream media have not been keen to report on the uncovering of the campaign. An editor at "Medierna", an investigative current affairs and media show on national radio, had invited his colleague Koljonen to talk about her campaign on the show back in December. When asked about these new revelations, he declined to comment except to say that investigators at Flashback were involved in a "hate campaign" against Koljonen and her affiliates.

<http://ht.ly/3JVQs>

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AB: 2011-01-26

"13-åringen borde gjort mer motstånd"

16-åring tvingade 13-årig flicka till analsex — frias från våldtäkt

Den 13-åriga flickan ville ha sex med den 16-åriga pojken. Däremot ville hon inte ha analsex och "borde därför ha kunnat förhindra det", anser Helsingborgs tingsrätt.

– Jag utgår från att åklagaren kommer att överklaga, säger rättsexperten Sven-Erik Alhem till Metro.

Flickan var precis fyllda 13 när hon blev kontaktad av den 16-årige pojken, som gick på hennes skola, på MSN. Enligt Metro blev hon smickrad över uppmärksamheten och de båda inledde en sexuell relation.

Vid flera tillfällen sa och skrev flickan att hon dock inte ville ha analsex, något som utdrag ur de bådass nätkorrespondens bevisar. Ändå tvingade sig skolkamraten på henne och hade analt samlag med flickan mot hennes vilja. Även under övergreppet bad flickan pojken vid upprepade tillfällen om att sluta.

16-åringen åtalades vid Helsingborgs tingsrätt för våldtäkt mot barn, men tingsrätten skriver i sin dom att de bedömer omständigheterna som "mindre allvarliga". Flickan, anser de, "borde ha gjort mer motstånd" och de skriver att hon inte gjort tillräckligt för att få 16-åringen att förstå att hon inte ville".

Helsingborgs tingsrätt dömer därför inte pojken till våldtäkt mot barn utan för sexuellt utnyttjande av barn.

– Jag får en känsla av att man velat tona ned den här händelsen då ålderskillnaden mellan parterna är måttlig, säger rättsexperten Sven-Erik Alhem till Metro.

• *Carina Bergfeldt*

[Obs! Jämför med hetsen mot Assange.--A.B.]

SvD: 1 februari 2011

En dörröppnare för prat om sex

UPPLYSNING. Att förändra hur vi pratar om sex sker inte över en natt, men hashtagen #prataomdet på Twitter har satt en boll i rullning. Världens bästa sex i P1 och Ligga med P3 är bara två exempel.

Johanna Koljonen visste vad hon gjorde när hon, apropå de dömande och hotfulla kommentarer som riktades mot de kvinnor som anmält Julian Assange för våldtäkt, en decemberkväll började twittra om det som snart skulle komma att märkas med hashtagen #prataomdet.

Bloggar, forum, tidningar och inte minst Twitter fylldes snart av vittnesmål och berättelser om sexuella händelser höljda i olika nyanser av grått.

Från sådant som inte har känts helt okej till regelrätta våldtäkter. Att förändra hur vi pratar om sex i allmänhet och övergrepp i synnerhet, sker kanske inte över en natt på Twitter. Men något har hänt.

För några veckor sedan visade SVT sexualupplysningsfilmen Sex på kartan, som i sin mattek-på-mellanstadiet-på-70-talet-rara animation förstås producerats långt innan #prataomdet. Men trots en osunt frejdig lärare, och den emellanåt irriterande (men verklighetstroga) tonårsblasé tonen hos de tecknade ungdomarna, är den verkligen ett steg i rätt riktning. Bort från heteronormen, bort från sexbegreppet som gällande enbart penetrerande samlag, bort från det känslolösa, maskinella "mannen för sin penis in i kvinnans vagina". Sex på kartan erbjuder en bra utgångspunkt för fortsatt diskussion i klassrummen.

Den som är sugen på att höra den diskussionen kan se UR:s korridor-beige serie Sexualkunskap. Här har ambitionerna krockat. Sexualkunskap, elevernas rockband,

oändliga klassrumsscener och lärarens reflektioner kring olika känslor får serien att kapsejsa av övervikt. Säkert bekvämt för blyga lärare, dock, att låta klassen titta på en annan klass som får sexualundervisning istället för att bedriva en själv.

P3 har sexpratad håll i huvudet på lyssnaren i många år vid det här laget, men nystartade Ligga med P3 erbjuder en nivå bortom den klassiska och rätt tjatiga frågelådan. Nisse Edwall håller sin lilla panel i schack på ett trevligt sätt, och skapar ett lite äldre, lite smartare och lite mindre duktigt sexprogram. Och även om panelmedlemmarna stundtals blir väl upprymda över sin egen "expertis" är Ligga med P3 lustfyllt, ärligt och skoj.

I torsdags sände P1 Världens bästa sex-- UR pratar om det, med Sonja Schwarzenberger som effektiv samtalsledare och flera intressanta åsiktskonflikter. En saklig och klartänkt diskussion, konstruktiv och-- förutom problematiserande-- även visionär. Mera!

Problemet är inte att vi inte pratat om sex, problemet är att vi gjort det med vissa förljugna premisser och vedertagna osanningar. #prataomdet avslöjade att vi inte alls har kunnat prata om allt. Och det tycks i sin tur ha öppnat dörrar för ett öppnare sexsamtal på alla plan. Tack, Johanna Koljonen. Tack alla.

• *Rebecka Åhlund*

Key facts which the police files reveal

The Julian Assange Rape Case (blog)
February 1, 2011

With thanks to the people at flashback, as I don't have time to translate today. You know who you are. Keep up the good work.

Anna Ardin and SW did not go to the closest police station. They chose a distant one, the Klara police station where her friend, gay police, active social democrat Irmeli Krans was working that Friday afternoon. AA and IK have a long history of going to HBT-clubs together, and of work in the social democrat party.

The police station closes at 16:00, but Irmeli Krans stays after closing hours. All formal papers are time-stamped after 16:00.

Irma starts the interrogation, but before it is even finished, policewoman Linda Wassgren calls the prosecutor Maria Häljebo Kjellstrand and arranges the arrest ('anhållan', sweden has a silly terminology with several synonyms for arrest) of Julian Assange. Yes, the same prosecutor that confirmed the arrest to the press, and was replaced the next day by prosecutor Eva Finné who invalidated the arrest and even stated that the interrogation report showed that no crime had been committed. (note: not the weaker formulation, that no crime could be proved. No, she states that the original interrogation report of SW shows that there WAS no crime described).

Yes, the original report that still seems to be lost or deleted. And never signed by SW! (the interrogation was never finished, but discontinued because SW's distress on hearing about the arrest and rape charge towards JA made 'her unable to concentrate')

There were early rumors of an internal promemoria among the police protesting the rape charge. This protest was probably coming from Irma. Probably, and speculatively, the whole affair at this moment was grasped from the control of Anna Ardin and Irmeli Krans, and into the hands of policeman Mats Gehlin. Yes, the same Mats Gehlin that is leader of the investigations from now on, that continuously leaks material to the press, and makes public statements to the press where he criticizes prosecutor Eva Finné.

Yes, the same Mats Gehlin that orders Irma to write a new report of the above interrogation of SW. (precise references to the original report at: <https://www.flashback.org/sp28605042>)

Speculation: Anna Ardin had very specific purposes by going with Sophia Wilén to the police. They involved a mixture of revenge, blackmail on Julian Assange and putting pressure on him to get STD tested. They used a clever tactic involving friends among the police and using a specific police station at closing hours on a Friday. There was no intention of creating a huge public and international affair that would last months.

The whole affair exploded because other interests, with policeman Mattias Ghelin, at the center, almost immediately grasped control of the whole affair for their own purposes.

1. The police interview with Ms. W, the woman allegedly accusing Assange for rape, was not tape-recorded.
2. A narrative account of the interview was entered into the police computer system on the same day that it was made.
3. Days later, the police woman who had authored the account of the interview with Ms.W tried to access it again "to finish it", but "was denied access" for unclear reasons. She was then instructed by a superior to replace the original report with a new report of unclear origin, and did so. It is not known how the new account of the interview with Ms. W differed from the original account; only the new account is available now.
- 3b. The police woman did so (wrote a new report) under protest, which is proven by a dialog she has with her superior through a series of emails. She apparently thinks writing a new report is against procedure, and she gets detailed instructions on how to make (fake in my opinion) the new report. This policewoman was soon taken off the case.
4. According to the leaks, Ms. W had not heard or verified any one of the narrative accounts of the interview with her. The allegation in the EAW that Assange had sex with Ms. W while she was sleeping thus amounts to hearsay.
5. The police woman interviewing Ms. W is an acquaintance of the other accuser, Ms. A. They are both active social democrats and they are both [???] engaged in activities for homosexual, bisexual and transsexual persons.

<http://assangerape.tumblr.com/>

Assange Witness Raises Questions About Alleged Sex Victim

Dana Kennedy
AOL News
Feb 4, 2011

A Swedish journalist who knows WikiLeaks founder Julian Assange and the two Swedish women who have accused him of sexual assault is raising questions about the veracity of one of the women's claims. It is the first time any of the witnesses in the Swedish police investigation has spoken publicly about the case.

Donald Bostrom, 56, a veteran foreign correspondent for newspapers like Sweden's Aftonbladet, told AOL News this week that Anna Ardin, one of Assange's accusers, told him two very different versions of her relationship with Assange and then told police a third version. He said Ardin admitted "lying" to him *[about the fact that she had engaged in sexual relations with Assange--A.B.]*.

Bostrom's claims come as Assange's lawyers prepare for a hearing Monday in London on whether he will be extradited to Sweden for questioning on sexual misconduct allegations made by Ardin and another woman. One accusation is defined as third-degree rape under Swedish law.

Bostrom's account as explained to AOL News matches some statements made to police by another Swedish journalist who also knows Assange and the two women. The statements were part of a 100-page police report recently leaked online. Bostrom's statements to police were also similar to the other journalist's statements.

"It smelled really wrong, all of it from beginning to end," that journalist said, according to the police report. "Because there was something there that didn't add up."

Bostrom helped organize media coverage of the event when Assange visited Sweden for a lecture last August. Ardin volunteered her apartment to Assange, saying she was going to be away, but then returned almost immediately, and the two lived together for a week after their disputed sexual encounter.

Bostrom said Ardin deliberately lied to him about the nature of their relationship at the start of the week, before there was any hint of trouble or any police investigation. "First she voluntarily told me that Assange had wanted to go to bed with her but that she turned him down," Bostrom said during a lengthy telephone interview Thursday from Sweden.

Bostrom said Ardin made the remarks, unprompted, on Monday, Aug. 16, during an office meeting with two other people present. "Then, a few days later, she said that she had been lying to me and that she did have sex with Julian. She'd had sex with him right away. She said that she had the hottest man on the planet, and she was proud of it."

But just hours later, on Aug. 20, after Ardin compared notes on the phone with the other woman about their separate sexual encounters with Assange, the two went to the police, and allegations of rape were lodged against Assange.

"I was shocked when I heard," said Bostrom. The other journalist stated that he was "shocked" as well when he heard the news.

Bostrom said he had acted as a mediator between Assange and the two women in the hours before they went to police. The two women wanted Assange to take an HIV test, but by the time he agreed, the testing places had closed for the weekend.

Ardin told police that Assange had been rough with her during sex, had pinned her arms down at one point and had torn a condom, deliberately she believed. Pictures of a torn condom were included in the police report.

"I thought it was very strange that she saved a condom," Bostrom said, referring to Ardin's actions after her first sexual encounter with Assange. "That troubles me, and so do the three different versions of her story. What's key to me is that she continued letting him sleep in her bed."

Bostrom also said Ardin told him she went to the police only to support the other woman and did not consider that she had a strong case against Assange.

Swedish attorney Claes Borgstrom, who represents Ardin and the other woman, told AOL News today that he will not comment on the substance of the two journalists' accounts, but said he didn't think they will have much bearing on the Assange case. Borgstrom added that Swedish prosecutor Marianne Ny has told him that there are other witnesses in the case whose information is not included in the police report leaked online.

Bostrom had his own brush with controversy in 2009 when an article he wrote suggesting that Israeli troops harvested the organs of dead Palestinian fighters led to a brief diplomatic crisis between Israel and Sweden. Israel wanted the Swedish government to condemn the article because of some unsubstantiated claims; the Swedish Foreign Ministry refused. *[Rather important detail: The "unsubstantiated claims" have since been confirmed.--A.B.]*

Both Bostrom and the other journalist warned Assange on separate occasions that his frequent flings with women admirers posed a security risk to him. "Assange was like Mick Jagger," Bostrom said. "The overwhelming majority of women I saw fell head over heels for him. I think he hurt a lot of women who thought they were special to him. Nothing is black and white, but I think that may have happened in this case."

Bostrom said he does not believe Assange raped either woman, but noted he finds the second woman's accounts more credible. The second woman, who invited Assange to her home the night of Aug. 16, told police they had sex several times with a condom and then she had woken up to find Assange had penetrated her without a condom. "I think it's possible Julian might have abused her in some way," he said.

The allegations that eventually led to an Interpol red notice warrant for Assange's arrest in late November involve a 10-day period after Assange arrived in Sweden on Aug. 11, a Wednesday.

Ardin told police that she offered Assange her apartment because she was supposed to be away. However, she returned to her place on **Friday, Aug. 13**, and she and Assange stayed together there for another week.

During that time, Assange had sex with the second woman, who attended the lecture he gave on Saturday, Aug. 14. When the two went to the police on Friday, Aug. 20, they both gave information about their sexual encounters with him that led a prosecutor to decide there had been sexual assault. *[Actually, Ardin's testimony was given by telephone on the following day.--A.B.]*

Bostrom told AOL News that he had been in daily contact with Ardin during Assange's visit and that she never mentioned that he had been violent or inappropriate with her.

"It's a tricky situation," Bostrom said. "I like Anna. If a woman says she's been abused, you want to take it seriously. But in this case I have to wonder: It's as if she catches the hottest man on the planet, she thinks, and then she finds out he's dating another woman."

Bostrom was one of several witnesses interviewed by Swedish investigators in the aftermath of the allegations the two women made against Assange. Bostrom said that Ardin "happily" made plans to have a crayfish party at her home on Saturday, Aug. 14, just 24 hours after she would later tell police she was assaulted by Assange.

What most confused both Bostrom and the other journalist, after they found out about the sexual assault allegations, was that Ardin willingly let Assange remain in her apartment with her after the alleged attack took place.

Bostrom said he came to the crayfish party with two WikiLeaks supporters who planned to bring Assange back to their home to stay. "But Anna agreed to let Julian stay with her, so the two of them left with me," Bostrom said. "She seemed happy and relaxed around him, perfectly normal."

The other journalist, who was also at the crayfish party, told police that he had also offered Assange a place to stay. "I asked Anna if it was OK if he stayed at her place or if she wanted me to [take] him to my place," he told police. "She said, 'No problem, he can stay with me.'"

He told police that he continued to check with Ardin during the week about whether she was OK with Assange staying with her. "I actually asked her every day," he said in his statement. He said Ardin would tell him, "It's OK, it's no problem."

AOL News first identified Ardin in a story in December, after mainstream media outlets such as MSNBC and CBS News identified her. Ardin's name, along with that of the other accuser, have been widely available on the Internet since the scandal broke in August.

Police sex file on WikiLeaks founder is itself leaked

Jerome Taylor
The Independent
 5 February 2011

A confidential police report detailing sexual assault allegations against WikiLeaks founder Julian Assange has been leaked online, days before a hearing to decide whether he should be extradited to Sweden.

The file, which contains 100 pages of interview transcripts, investigatory notes and witness statements, was published anonymously on a file-sharing site.

Mr Assange, 39, is accused of sexually assaulting two women in Sweden last autumn. New revelations show forensic investigators have failed to find DNA on a condom which prosecutors allege Mr Assange deliberately broke during intercourse. A second alleged victim said she woke to find Mr Assange having sex with her, but let him continue although she knew he wasn't wearing a condom.

On Monday, Mr Assange will appear at Belmarsh magistrates' court for his hearing. His lawyers are expected to say Swedish prosecutors have improperly filed the case and it is a political prosecution.

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Rape case against the WikiLeaks chief 'weak'

Details in a police file of the rape case against Julian Assange, the founder of WikiLeaks, reveal a series of apparent contradictions and inconsistencies in the evidence against him.

Guy Rundle
Telegraph
5 Feb 2011

The report by police in Sweden contains interview summaries and transcripts from two women who claim that Mr Assange sexually assaulted them during a 10-day period in Stockholm in August last year. The report also contains interviews with nine witnesses as well as with Mr Assange.

According to the report, one of the women, who accused Mr Assange of rape, joked after having unprotected sex with him that he should pay the child support if she got pregnant, and that they should name their child "Afghanistan". This is thought to be a reference to leaks about the US's war effort in Afghanistan made public by WikiLeaks.

The report also shows apparent evidence that after Mr Assange had allegedly raped the other woman, she had been reluctant for him to leave her bedsit. Mr Assange continued to stay in her room for several more days. The extradition case against him will resume in London on Monday.

He faces four accusations of sexual criminal behaviour-- one of "sexual coercion" and two misconduct charges for unwanted advances by a woman, known as Miss A, and one of "minor rape" by Miss W. They arise from a trip to Stockholm where Mr Assange was giving a public lecture. The papers show he had separate sexual encounters with both women, who went to the police together a week later.

The case against Mr Assange was dropped by a first prosecutor due to a lack of evidence, but was later revived— evidence, say his supporters, of a wider conspiracy against him.

According to the Swedish prosecution, Miss A complained that Mr Assange prevented her applying a condom while they had intercourse. Other reports have suggested she

said she did not feel safe with him, and that he refused to move out of her flat. But the police report tells a more complex story, with Miss A apparently ordering Mr Assange to wear a condom, which he then did.

The next day, after giving his lecture, Mr Assange began a short affair with Miss W, a part-time curator and student, who had joined a lunch being held for Mr Assange by Miss A and friends from Stockholm's young Left political elite.

Miss W took Mr Assange to a film at the art cinema where she worked. Two days later, Mr Assange stayed overnight at Miss W's flat in Enköping, 35 miles from Stockholm, where they had sex with a condom.

The next morning, according to the police report, Mr Assange had unprotected sexual intercourse with her. After, they joked about pregnancy. That day Mr Assange returned to Miss A's flat in Sweden. Miss A says that after further sexual advances, she asked Mr Assange to leave.

However, one witness recalls earlier offering Mr Assange alternative accommodation, but that Miss A rejected the offer. The files suggest that Miss A had already told friends she did not feel threatened or unsafe with Mr Assange.

Mr Assange faces extradition to Sweden on a European Arrest Warrant. He has not been charged but is wanted for further questioning.

Mark Stephens, Mr Assange's lawyer, said yesterday: "This is the third time people have sought to prejudice the outcome of Julian Assange's case by leaking information."

Kirsty Brimelow, a barrister asked by Mr Stephens to independently review the evidence against Mr Assange, said: "I do not consider that the evidence would reach the charge threshold in this country; let alone sustain a prosecution."

The Skeleton Argument of Julian Assange's lawyers: Extradition part 5

Submitted by Peter Kemp
W.L. Central
 2011-02-06

Julian Assange appears tomorrow, 7 February, at Westminster Magistrates Court for what has been announced as a two-day hearing, but judging from past extradition hearings in the UK, it is likely (with appeals) to take much longer, even a year or more, with the second-last word being that of the Supreme Court (formerly House of Lords) and then, under certain circumstances, the last word from the Home Secretary.

Readers should note that the procedure is not to judge the actual case on its merits as a criminal procedure but to judge it according to relevant sections of the UK Extradition Act. Such evidence of the alleged offences that has surfaced is only relevant indirectly, such as to prosecutorial abuses, not to the arguable merits of that evidence and a future case in Sweden if extradition occurs.

The Skeleton Argument begins with a challenge to prosecutor Ms Ny's authority to issue an European Arrest Warrant (EAW). The case of Enander v. The Swedish

National Police Board [2005] EWHC 3036 (Admin) is cited; it states that only the Swedish National Police Board is the authorised authority.

Assange's legal team will put to the court that the onus is on the Crown Prosecution Service to show that Ms Ny's Department has the authority. They have already requested proof of the authority from the CPS so far without a reply.

Extradition for Improper purpose / Abuse of process:

A major issue is that Ms Ny Swedish prosecutor sought the EAW for the purposes of investigation and not for the purpose of prosecution, and as we know, the decision by Ms Ny has not yet made as to whether Assange will be charged. More detail on arrest for the purposes of investigation in adversarial systems here.

Arrest for the purposes of investigation is strictly curtailed in adversarial law nations and arises from the bitter historical legacy of abuses by authority that a person could be incarcerated for long periods "for investigation". A wonderful mechanism to lock up people that the authorities don't like, especially political dissidents. Others include people suspected of committing a crime but without sufficient proof, again, keeping such people in custody while authorities "permanently investigate" has the whiff of the jackboot all over it (and still does in various parts of the world.)

That is why defence lawyers in Australia, and in the UK etc look carefully at custody management records in the brief of evidence to ensure that legislative limits on time in custody for the purpose of investigation are adhered to. When they are not, the prosecution may be on a slippery slope to losing their case.

On this issue, (para 12) Ms Ny stated: "We have exhausted all the normal procedures for getting an interrogation (and) this investigation has gotten to a point where it is not possible to go further without interrogating Assange himself."

This does not sit well with former Swedish judge Sundberg-Weitman's question, well put by a colleague here at WLC:

The question Sundberg-Weitman raises is that of why Ny did not take the opportunity "to interview Assange whilst he was still in Sweden" and "why she did not accept Assange's proposal to be interrogated in England," which is a legitimate request, in accordance with "rules valid in both Sweden and Britain on Mutual Legal Assistance."

Indeed. And the following explanation by Sundberg-Weitman sheds some light: "Possibly we see here a reflection of her view that it is a good thing to have a "perpetrator" (!) locked up even in cases where he is subsequently acquitted in a court of law" ie bail refused as a question of policy. This is anathema to all defence lawyers in adversarial systems and most legal regimes that this writer is aware of.

(The right to bail applications ultimately is a human right, and a legal right in most jurisdictions, except Sweden it seems, where if the crime alleged is of a sexual nature, policy considerations based on gender appear to negate or seriously degrade the possibility of bail.)

It is clear that the Assange team's argument is that the EAW is sought purely for the purposes of interrogation i.e. investigation and is accordingly an abuse of the EAW system. This is buttressed by citing Swedish lawyer Mr Hurtig's statement, (para 21)

“...she is just seeking Mr. Assange’s extradition to Sweden in order to hear his side of the story.”

“Mere suspicion” is not enough to justify an extradition order. The Skeleton Argument cites the decision in *Re Ismail* [1999] 1 AC 320, 326-327, Lord Steyn: “...it is not enough that he is in the traditional phase 'wanted by the police to help them with their inquiries.' Something more is required.”

The *Re Ishmael* precedent will be thoroughly argued as precluding extradition, as will another precedent case from France *Vey v. The Office of the Public Prosecutor of the County Court of Montluçon, France*.

That case involved a lack of particulars contrary to section 2(4) of the Extradition Act 2003 which require details on the circumstances of the offences and not merely a “history of the accusation(s)” Extradition was denied in that case.

A further case of *Asztalos* [2010] EWHC 237 (Admin) reaffirmed the principle of disallowing extradition for that particular “accusation case” warrant.

Note that in the UK and Australia, in relation to interrogation, a suspect has the right to remain silent. In the UK part of the caution given on arrest is that a tribunal of fact may take an adverse inference from that silence. In Australia no such caution is given and no such inference can be made.

(Inquisitorial systems differ, as does Sweden’s but it is noted that Assange volunteered one interview session with Swedish police before he sought permission to leave Sweden, and clearly stated his account of events contrary to the victim’s account put to him by police.)

Particulars of the alleged offences.

Particulars of Assange’s case on the warrant are still (to this writers knowledge) shrouded in mystery, apart from the four allegations, so it will be of great interest to see whether s.2(4) lack of particulars are sufficient to deny extradition by itself. The particulars required are:

4(c) particulars of the circumstances in which the person is alleged to have committed the offence, including the conduct alleged to constitute the offence, the time and place at which he is alleged to have committed the offence and any provision of the law of the category 1 territory under which the conduct is alleged to constitute an offence;

Abuse of Process/particulars:

There is much legal precedent for denying extradition when abuse of process is demonstrated and Assange’s legal team have particularised it as follows, and submit it “is capable of amounting to an abuse of process”:

(I) She has not yet decided whether to prosecute him;

(II) She is seeking extradition for the purposes merely of questioning him in order to further her investigation;

(III) Arrest for the purposes of questioning would have been, and remains, unnecessary given that repeated offers have been made on Mr. Assange's behalf for him to be questioned by her, which she has rebuffed; and

(IV) The proper, proportionate and legal means of requesting a person's questioning in the UK in these circumstances is through Mutual Legal Assistance

Accordingly the argument is, among others, that Ms Ny's assertion that the Swedish procedures were exhausted to question Assange is false, that the method of questioning by the European regime of Mutual Legal Assistance (MLA-- meaning questioning in the UK) had never been formally requested (and if so please prove it): amounts to an abuse of process, and the presiding judge must make a ruling that abuse did not occur if the decision is for extradition.

The next issue in the Skeleton Argument relates to the extradition law, section 2 requiring a statement within the extradition warrant, that shows the person is accused of an offence "with a view to his arrest and extradition...for the purpose of being prosecuted..."

Apparently no such statement exists in the warrant apart from the standard Preamble requesting extradition "for the purposes of conducting a criminal prosecution or executing a custodial sentence or detention order."

Mr Assange is not referred to anywhere in the EAW as an "accused" and the upshot is that the court must decide whether he is an "accused" within the meaning of the Act. If there is ambivalence, secondary evidence, ie "extrinsic" can be examined in exceptional circumstances, and is admissible (as argued by the legal team) as it is "relevant to a potential abuse of process."

This extrinsic evidence relates of course to the various statements of Ms Ny to the media, a letter to the Australian High Commissioner and as documented in the statement of Mr Hurtig on what Ms Ny said to him (although that is hearsay one must say and might be inadmissible).

Even if those exceptional circumstances did not allow extrinsic evidence to be allowed in, (para 70) the argument is, in any event, that the warrant does not state it is unequivocally for the purposes of prosecution of Mr Assange and therefore it should be rejected anyway.

The argument of prosecutorial abuse in not disclosing all the evidence. The duty of prosecutors to make all evidence available to the defence is well known across all jurisdictions and enshrined in Article 6 of the European Convention of Human Rights "ECHR". Strictly speaking Ms Ny must disclose all the evidence (including the highly contentious SMS messages) if Assange is charged, the normal course of events.

The "horns" of Ms Ny's "dilemma" are that if she does disclose, the prosecution case might well be seen as utterly hopeless (and the legal team appear to be of that view— issue being abuse of prosecutorial powers) so that is the reason (I assume) that disclosure has not been made and why he has not been charged.

So, if the intention is to prosecute, then under Sweden's laws and the Convention, Assange is entitled to all the evidence— not giving it is a prosecutorial abuse (and an abuse of his human rights.)

If the intention of extradition is NOT to prosecute then this is also an abuse of the EAW warrant and the prosecution should never have been brought in the first place.

(It is no wonder, given the strange nature of the case, that many people have a suspicion that there is a third possible reason for extradition, that this is all a ploy, a holding charge so that the USA can unseal an indictment and apply to Sweden to have Assange extradited to the US on charges related to their Espionage Act or conspiracy thereof.)

Ms Ny is nonetheless caught between a rock and a hard place, and if extradition occurs, either of the three outcomes or combination: prosecution; no prosecution; extradition to the USA will likely not reflect well on the Swedish Prosecution Service.

Illegal and corrupt behaviour.

The Skeleton Argument reflects upon “illegal and/or corrupt behaviour” of the Prosecuting Authority in Sweden, namely the release of Assange's name initially to the media; the prosecutorial forum shopping (i.e. the political input of Claes Borgstrom); the refusal by Ms Ny to interview Assange in Sweden; the refusal to provide all the evidence of the case to Assange in English; leaking parts of the prosecutors case to the UK media (fair trial issues arising); allowing the lawyer for the complainants to besmirch the suspects's character before he is actually charged (prejudice, perverting the course of justice, contempt of court).

I don't necessarily agree that it could (in an adversarial system sense) be contempt of court as Assange has not been charged and therefore, technically, there is no ongoing court case in Sweden (i.e. no listing for trial.) If Borgstrom commented after Assange was charged, that would be *sub judice* in the UK and elsewhere and then subject to contempt of court.

That he has commented at all adversely to Assange's interests, is still reprehensible and risks prejudicing a fair trial. If this happened in Australia, he would be pilloried by the respective Law Society at least for professional misconduct, and it could likely result in a successful application by the defence for a permanent stay of proceedings.

Whether the alleged offences are extraditable s10 offences.

Sweden has not provided an “Opening Note” stating which offences per the warrant parallel offences in English law. There is much conjecture on this topic and I will not address it here except to say that this is a grey area of Swedish law which may well not translate well to UK law. We await the CPS to produce its Opening Note.

Mens Rea-Guilty Mind

The issue of Mens Rea, mental elements of crime absent apparently with sexual offences in Sweden I have covered in detail here.

Human Rights s21 of the Extradition Act.

It is sufficient to summarise that if this section is triggered, an extradition must be compatible with the EHRC as interpreted through the UK's Human Rights Act, and especially that the extradition is not for “gender specific” or “political” crimes.

Onward Extradition to the USA.

As Sweden has a recent poor record in allowing renditions to Egypt at the behest of the USA, (issue-breach of the Convention Against Torture "CAT") the argument is that there is a danger of Sweden allowing a further extradition to the US where he would (it is argued) be likely to be subjected to some form of torture. (Readers might contemplate the treatment of Bradley Manning, a US citizen in assessing that risk for a non citizen.)

There is also the risk of a death penalty in the USA, especially given the statements of various political figures/commentariat in the USA.

Final Analysis.

It is this writer's legal opinion that the Swedish case is weak and contains many issues, any of which could result in extradition being refused. Accordingly my view is it will be refused, but it might take an appeal or two before it is finally settled.

Peter H Kemp

Solicitor of the Supreme Court of NSW

Julian Assange extradition matrix

Submitted by knowledgeempire

W.L Central

2011-02-06

Julian Assange was placed in international proceedings based on a European Arrest Warrant issued by Swedish prosecutors. European Union (EU) countries have a treaty that facilitates the process of a speedy extradition from one EU country to another, and beginning on Monday, February 7, a two-day hearing at Belmarsh Woolwich Crown Court in south London will determine whether Assange will be extradited from the UK to Sweden to face sex-crime accusations. He has been accused but has not been charged.

If Assange should lose, he will be extradited to Sweden unless he appeals the decision and wins. If he appeals, the appeal would be made to the Administrative Court, but it could be several months before it is heard. If that appeal is lost, an appeal to the Supreme Court is possible but not guaranteed. If a second appeal to the Supreme Court were to be made and lost, there is a third possibility, an appeal to the European Court of Human Rights in Strasbourg. Again, the possibility of a third appeal is not guaranteed.

Extradition from Sweden to US

Whatever happens in Sweden once Assange is extradited (on the hypothetical assumption that he will be), the US may indict him and have him "temporarily transferred," with Sweden's consent, so that he may face prosecution in the US. This

can be done, legally, either before or after Assange undergoes trial in Sweden, according to the US/Sweden extradition treaty supplement (pdf) .

Once Assange is in the US, the US is under no obligation to return him to Sweden (if he is found guilty). According to the existing extradition treaty, if extradition to the US is granted, Sweden may choose to

(a) defer the surrender of the person sought until the conclusion of the proceedings against that person, or the full execution of any punishment that may be or may have been imposed; or

b) temporarily surrender the person sought to the requesting State for the purpose of prosecution. The person so surrendered shall be kept in custody while in the requesting State and shall be returned to the requested State after the conclusion of the proceedings against that person in accordance with conditions to be determined by mutual agreement of the Contracting States.

That Assange may be returned to Sweden after the "conclusion of the proceedings" does not necessarily entail, legally, that he must be returned after he has been prosecuted, as Douglas McNabb of McNabb and Ferrari points out. The US and Sweden may jointly agree that he remain in the US until his full sentence has been served. Of course, if Assange is found guilty of conspiracy to commit espionage or conspiracy to receive stolen property, he may face life imprisonment or even death. Whether capital punishment is a real possibility in the event of US extradition will not be considered here.

Extradition from UK to US less likely?

The Guardian published an entry on their legal blog in December in which it was said that if Assange is extradited to Sweden under European arrest warrant, he "will be vulnerable to other extradition requests from countries including the US."

In response to claims like these, Sara Myrdal of the Swedish Prosecution Authority's international unit has said that it is impossible to extradite a person from Sweden to any other country if the person is under investigation or on trial in Sweden. Of course, if there are no charges brought against Assange or if the charges are dropped, extradition is not out of the question.

But would it be easier to extradite Assange to the US from Sweden or from the UK? A first point worth noting is that in order for Assange to be extradited from Sweden, the UK's consent is required. For this reason and others, it has been argued that Assange is more likely to be extradited to the US from the UK than from Sweden.

It has been suggested that it would be easier for the United States to extradite Assange from Sweden than from the United Kingdom.

This does not appear to be the case as the United States would have to show that there were reasonable grounds for the extradition from Sweden. This is arguably a higher test than the test which applies when an extradition is sought from the United Kingdom. (Source)

Whereas Sweden requires "reasonable grounds," the UK/US extradition treaty has been strongly criticized for creating "a lop-sided relationship under which the United States no longer has to provide ... evidence ... that an offence has been committed." (Source) A 2003 revision to the treaty includes the removal of "the requirement on the US to provide prima facie evidence when requesting the extradition of people from the UK."

If, then, Assange and his attorney believe that extradition to Sweden must be avoided, the decision to fight this extradition must be based on considerations other than those covered here. It might be based on a sincere fear of persecution in Sweden from the feminist camp, which was also discussed by former Swedish judge Sundberg-Weitman in an article in which she expressed concerns regarding the fairness with which Assange has been treated in Sweden. The legitimacy of these concerns as they pertain to Monday's extradition hearing is not in the scope of this article. The only certainty here is that Assange would rather face the UK's extradition process than return to Sweden.

DN: 2011-02-06

Sverige förbereder sig för Assange

De närmaste dagarna väntas beslut om Julian Assange ska överlämnas till Sverige. Med Wikileaksgrundaren följer i så fall ett massivt medieuppbåd som tvingar det svenska rättsväsendet att ta till extraordinära åtgärder.

Julian Assange besökte Sverige i augusti och anklagades efter det av två svenska kvinnor för våldtäkt och sexuella övergrepp.

Han anhölls i sin frånvaro den 20 augusti, även om anhållan drogs tillbaka redan dagen därpå.

Den 25 augusti togs dock beslut om att inleda en förundersökning om ofredande, som den 1 september åter uppgraderades till att röra våldtäkt.

I slutet av november häktades han i sin frånvaro misstänkt för en våldtäkt, två fall av sexuellt ofredande och ett fall av olaga tvång.

Efter att han infunnit sig hos brittisk polis den 7 december hamnade han i häkte.

Den 16 december släpptes han mot borgen och har sedan dess suttit i husarrest på ett gods i Norfolk i Storbritannien.

Assange har upprepade gånger motsatt sig ett utlämnande till Sverige. (TT)

Julian Assange är på sannolika skäl misstänkt för våldtäkt, sexuellt ofredande och olaga tvång. Övergreppen, som rör två kvinnor, ska ha skett när Assange besökte Sverige i augusti. Han är häktad i sin frånvaro och befinner sig just nu i husarrest på ett gods i Norfolk i Storbritannien.

Frågan om överlämning till Sverige avgörs av brittisk domstol den 7-8 februari. Hittills har Assange motsatt sig ett överlämnande och hävdar att den svenska åklagaren Marianne Ny inte har befogenheter för sin begäran.

Annon:

Assanges brittiska advokatteam har till förhandlingen kallat förre överåklagaren Sven-Erik Alhem att vittna till Assanges fördel. Alhem har tidigare bland annat kritiserat att den första åklagaren i utredningen läckte till medier att Assange var anhållen i sin frånvaro för våldtäkt.

Processen i brittisk domstol kan komma att dra ut på tiden eftersom Assange har möjlighet att överklaga beslutet i flera instanser.

Uppståndelsen kring domstolsförhandlingarna i Storbritannien har varit enorm med hundratals journalister som trängts inne i och utanför domstolsbyggnaden. Det svenska rättsväsendet förbereder sig nu för en liknande anstormning.

– Jag kan inte gå in på detaljer kring hur vi förbereder oss. Men vi gör det. Man får ju förutsätta att det blir ett extremt medietryck, säger Karin Rosander, informationsdirektör vid Åklagarmyndigheten.

Mer vill hon inte berätta av säkerhetsskäl. Hon kan inte påminna sig något mål som rönt så stor internationell uppmärksamhet.

När ett slutgiltigt beslut om eventuell överlämning fattats ska Assange så snabbt som möjligt överföras till svenskt häkte.

– När han väl landar på svensk mark ska en häktningsförhandling hållas skyndsamt och senast inom fyra dagar. Domstolen avgör om det finns skäl för fortsatt häktning, säger Karin Rosander.

Advokat Claes Borgström företräder de två kvinnor som Assange misstänks ha förgripit sig på. Kvinnorna befinner sig fortfarande under mycket stark press, säger han.

– Framför allt på nätet pågår en klappjakt på dem som är fullkomligt otillständig. Det är klart att den enorma uppståndelsen kommer att innebära ytterligare en påfrestning för dem.

Anja Eriksson/TT

Assange extradition trial begins

WikiLeaks founder appears at London court that will decide whether to extradite him to Sweden over sex crime claims.

*Al Jazeera
7 Feb 2011*

Julian Assange, the founder of whistleblowing website WikiLeaks, has arrived at a London court to fight his extradition to Sweden, where he is wanted for questioning over allegations of sex crimes.

The two-day hearing at Belmarsh Magistrate's court, a high security building, began on Monday morning and will examine the Swedish arrest warrant issued for Assange in December last year. If the ruling goes against the Australian he will be able to appeal the decision at England's supreme court.

Geoffrey Robertson, a human rights lawyer representing Assange, said his client was fighting extradition because Swedish trials involving alleged sex crimes are often held in secret. He said such a trial would be "a flagrant denial of justice ... blatantly unfair, not only by British standards but by European standards and indeed by international standards".

Assange's defence team are also expected to argue that the extradition request is unacceptable, because he has not been charged with any crime.

In documents released online by his legal team on Monday, Assange's lawyers said they will raise concerns that once extradited to Sweden, their client runs the risk of extradition or even illegal rendition to the United States, where they say he could face the death penalty.

"There is a real risk that, if extradited to Sweden, the US will seek his extradition and/or illegal rendition to the USA, where there will be a real risk of him being detained at Guantanamo Bay or elsewhere," it said. However, Sweden has strongly denied pressure from the US in bringing the case against Assange.

The website founder is accused of sexual misconduct by two women he met in Stockholm, the Swedish capital, last year. He has denied the allegations.

Laurence Lee, Al Jazeera's correspondent at the court, said the defence have tried to attack the allegations made by the two women, saying that "far from being rape, the sex was entirely consensual".

"Lawyers for Assange have also attempted to undermine the reputation of the Swedish prosecutor who issued the arrest warrant, saying she didn't have the power to do so," he said, calling in a witness who said she was biased against men.

However the prosecution said they believe Assange did use violence against the two women. They also sought to allay fears highlighted by the defence, saying Assange would not be extradited to the US if sent to Sweden.

The ongoing case against the WikiLeaks founder has drawn widespread publicity and controversy, drawing an entourage of lawyers, supporters, protesters and journalists at his court hearings.

Celebrity backers are leading rallies in London on Monday to support claims by Assange that the claims against him are politically motivated. Rights campaigner Jemima Khan, British politician Tony Benn, Bianca Jagger, and founder of the Frontline journalists' club Vaughan Smith are reported to be in the public gallery watching the case.

Our correspondent said there's a "level of confidence" in Assange's defence team. "There's a really serious line-up of heavyweight human rights people, who've been going into the court building," he said. "There's a lot of people behind him he had a big grin on his face when he walked in [to court] this morning. In some ways they're actually hoping that they might get the whole thing thrown out by Tuesday."

Assange was released on bail conditions late last year after spending one week in custody, on the conditions that he live under curfew at a friend's mansion in England's east and wear an electronic tag.

However the conditions have still allowed him to conduct multiple media interviews, sign a reported \$1.5m deal for a memoir, and pose for a magazine Christmas photo shoot dressed as Santa Claus.

WikiLeaks has angered US officials and sparked controversy around the world after releasing secret information on the wars in Iraq and Afghanistan, as well as slowly releasing hundreds of thousands of embarrassing US diplomatic cables.

As the website's founder and leader, Assange faces a widening criminal probe in the United States and has made powerful enemies in Washington.

Assange has appealed to Julia Gillard, the Australian prime minister, to help him return to his homeland. "Julia Gillard should be taking active steps to bring me home and protect our people," he said in a video message.

A decision on Assange's extradition is not expected on Tuesday, when the hearing ends. The judge is expected to defer a ruling until later this month, under a term known as "reserving judgement".

Assange lawyers: Swedish courts 'unfair'

AFP/The Local (Stockholm)

7 Feb. 2011

WikiLeaks founder Julian Assange would be tried behind closed doors in a "flagrant denial of justice" if extradited to Sweden over sex crime allegations, his lawyer told a British court Monday. The 39-year-old Australian appeared at Belmarsh Magistrates' Court in southeast London at the start of a two-day hearing.

Swedish prosecutors want to question the whistleblowing website's chief over allegations of sexual assault and rape made by two women, but Assange claims the moves are politically motivated.

His lawyer Geoffrey Robertson said in his opening arguments that a rape trial in Sweden would violate Assange's human rights. "He would be tried behind closed doors in a flagrant denial of justice," he told a packed courtroom at Britain's highest-security court complex.

"The Swedish custom and practice of throwing the press and public out of court when rape trials begin is one that we say is blatantly unfair, not only by British standards but also by European standards," Robertson added.

Assange's lawyers were also expected to argue that the extradition request is unacceptable because he has not been charged with any crime. Wearing a dark blue suit and tie, the former computer hacker spoke only to confirm his name and date of birth as proceedings began.

A decision is not expected Tuesday, with the judge expected to defer until later this month. If the ruling goes against Assange he will be able to appeal all the way to England's supreme court.

At the end of the first day's evidence, Assange claimed that a "black box" of accusations against him was being opened to inspection. "On the outside of that black box has been written the word 'rape'. That box is now, thanks to an open court process, being opened," he told reporters. "I hope over the next day we will see that that box is in fact empty and has nothing to do with the words that are on the outside of it."

Swedish prosecutors want to question Assange over allegations of sexual assault and rape made by two women. Assange, who won worldwide notoriety for his website's release of thousands of secret US diplomatic cables, insists the attempts to extradite him are politically motivated.

His lawyers were to argue that if Assange were extradited to Sweden, he would risk extradition or could even be passed on to the United States where they say he could face the death penalty. Assange, who was arrested in London in December 7, now faces a widening criminal probe in the United States and has made powerful enemies in Washington.

Robertson claimed that any trial in Sweden would be held "in secret" and that he would be held "without bail in conditions that have been condemned by the European Commission". He also argued that the rape charge would not count as rape under European law.

"The court cannot accept the charge of rape is correctly identified, that that box has been ticked, because what is rape in Swedish law does not amount to rape in any other country," he said. "The prosecutor describes this charge as 'minor rape'. That is a contradiction in terms, rape is not a minor offence." The three molestation charges relating to Assange's other accuser were also "plainly wrong" because the woman had consented to sex, he told the court.

But Clare Montgomery, representing the Swedish authorities, said the arrest warrant alleges that Assange had sexual intercourse with one of the women "improperly

exploiting the fact that she was asleep; and that Assange was aware it was the express wish that a condom be used." *[She apparently said that she was "half asleep".--A.B.]* Talk of extradition to the United States "depends on a factual hypothesis that has not yet been established as being real", Montgomery said.

Called as a defence witness, a retired former Swedish appeals court judge said the case had been "from the beginning extremely peculiar". Brita Sundberg-Weitman said Swedish prosecutor Marianne Ny, who is handling the allegations, had a "rather biased view against men.... I honestly can't understand her attitude (towards the Assange case). It looks malicious," she said.

Sundberg-Weitman answered "yes" when asked by Robertson if it was her view that Ny wanted "to get (Assange) into her clutches and then arrest him no matter what?"

The former computer hacker's legal team were to take the rare step of publishing their defence argument in full online later Monday. One of his lawyers, Mark Stephens, told The Daily Telegraph newspaper: "You will see some fundamental challenges to the European arrest warrant scheme."

Assange was released on bail a week after his arrest and has since been staying at a supporter's country mansion, under strict conditions including that he obey a curfew, wear an electronic ankle tag and report to police daily.

Leaked details have cast new light on the rape and molestation accusations he faces after Swedish police reports filled with graphic details of the allegations reached the Internet last week. The police documents, viewed by AFP, contain a statement from the alleged rape victim alleging that Assange forced himself on her, without wearing a condom, while she was asleep.

The woman, identified only as Miss W, said she had had consensual sex with Assange earlier in the evening and had then fallen asleep with him, only "to wake up because he has forced himself inside of her," the report said.

"She asked immediately: are you wearing anything?' and he answered 'you'," it added. "She told him 'You better not have HIV,' and he answered 'Of course not'."

After that, Miss W allowed the intercourse to continue.

The documents also include a forensic report on the condom used during a sexual encounter with Assange's other alleged victim, Miss A, who accused him of having deliberately broken the prophylactic. The report says the condom had not been cut with scissors or a knife.

Celebrity backers including socialite Jemima Khan were planning to lead rallies in London for Assange during his extradition hearing. Khan, the wealthy former wife of Pakistan cricketer Imran Khan, was in court for the start of the hearing.

<http://www.thelocal.se/31886/20110207/>



Anhängare till Assange visar sitt stöd utanför rätten-- och fortsätter spä på de olika konspirationsteorierna

SvD: 7 februari 2011

Svenskt rättsväsende svartmålas på nätet

Våldtäktsanklagelserna mot Julian Assange har vänt världens ögon mot Sverige. På nätet och i utländsk media sprids bilden av ett land som är i klorna på feminister och CIA, där man kan dömas för överraskningssex. Sveriges anseende kan vara naggat i kanten för alltid, tror medieforskare.

Sedan svenskt rättsväsende i augusti förra året riktade våldtäktsanklagelser mot Wikileaksgrundaren Julian Assange har utredningen varit i världens blickfång. I dag är det dags igen, när domstolsförhandlingen som ska avgöra om Assange utlämnas från Storbritannien till Sverige drar igång. Men det är inte alltid lätt att känna igen bilden av Sverige i utländska medier och på bloggar. På många sajter förlöjligas och svartmålas Sveriges rättssystem.

Assange själv har sagt att han tror att en konspiration från CIA ligger bakom anklagelserna mot honom *[Nej, det har han inte. Men har nämnt det som en möjlighet --A.B.]* och att han inte tror att han får en rättvis rättegång i Sverige. Hans brittiske advokat Mark Stephens har flera gånger attackerat svenskt rättsväsende, och bland annat kallat det för kaotiskt. Han har sagt att Assange egentligen inte är misstänkt för våldtäkt, utan för brottet "sex by surprise" (överraskningssex).

Också flera utländska kändisar har uttalat sig om Sverige och rättsprocessen mot Assange. Den amerikanske dokumentärfilmaren Michael Moore skrev i december ett brev till Sveriges regering där han befarade att Sveriges taktik var att använda våldtäktsanklagelser för att jaga bråkmakare, och att de resten av tiden inte bry sig om "uppenbara våldtäktsbrott".

Att processen egentligen styrs av politiska krafter är en spridd uppfattning, som bland andra den kände australiske journalisten John Pilger gett uttryck för. Han och Moore är två av flera kända personer som i december förra året erbjöd sig att betala borgen för Assange.

– Sverige borde skämmas, sa Pilger till The Australian under decemberförhandlingarna.

Pilger hävdar också på sin blogg att Claes Borgström först och främst är politiker, och pekar på hans kopplingar till Socialdemokraterna.

Bloggen My FDL skriver om hur Sverige är känt för att vara ett litet neutralt land, men att deras icke namngivna källor beskriver en incestuös svensk elit, där regeringen,

rättsväsendet och media är tätt hoptrasslat. De pekar bland annat på att Claes Borgström är partner med Sveriges förre justitieminister Thomas Bodström och att Bonnierägda Expressen var den tidning som avslöjade sexanklagelserna, samtidigt som bland annat Bodströms deckare ges ut på Bonnier. De skriver också att ägarfamiljen bakom Bonnier är "nykonservativa judar", och antyder att de därför ska ha intresse av att fälla Assange. Bloggen påstår också att statsminister Fredrik Reinfeldt har täta band till förra USA-presidenten George W Bushs chefsrådgivare Karl Rove, som ska vara drivande i att få Assange utlämnad till USA.

I en artikel på nyhetssajten AOL News konstateras även att Borgström, liksom en av de kvinnor som anmält Assange, är feminist, och att Sverige är ett land där "feminism är en mäktig kraft" där domstolar ofta dömer till förmån för kvinnan i våldtäktsfall. Sajten har intervjuat svenska advokaten Per E. Samuelsson, som säger att Assange kommer att hamna i ett tufft klimat om han kommer till Sverige.

– Jag undrar om han förstår hur mycket fara han är i, säger Samuelson till AOL.

Claes Borgström berättar att han blivit uppringd av utländska medier som frågat om han står på CIA:s lönelista.

– Det sprids otroligt mycket felaktigheter om svenskt rättsväsende, om mig och framför allt om mina klienter. Det är de som är värst utsatta, och får löpa gatlopp på internet med namn och bilder publicerade, säger Borgström.

Han tror inte att det som skrivs påverkar rättsprocessen i varken Sverige eller Storbritannien.

I kritiken lyfts ofta fram hur Sverige vek sig för CIA i samband med avvisningen av två egyptier år 2001, som man ser som exempel på hur Sverige låter sig styras av USA, samt hur utredningen först lades ned för att sedan öppnas upp av en ny åklagare.

Medieforskaren Jan Strid menar att mycket av det som skrivs, även om det är överdrivet, lutar sig på motiverad kritik mot det svenska rättsväsendet.

– Det har blivit mer politiserat, med populistiska lagar som inte fungerar i praktiken. Till exempel barnporrlagen som fick Kungliga biblioteket att anmäla sig själva, säger Strid.

Han tror att både svenskarna och omvärlden hittills har sett Sverige som ett okorrumperat och rättvist land, men att det bilden är på väg att förändras för alltid.

– Det beror delvis på Assangefallet, men också på vad som framkommit till exempel om de utvisade egyptierna. I framtiden blir nog bilden av Sverige lite mer kritisk.

• *Karin Thurffjell*

Assange's lawyer: Sweden acted improperly in probe

*Jill Lawless
Associated Press
Feb. 8, 2011*

LONDON-- The man famous for leaking thousands of secret U.S. military and diplomatic documents just spent two days in court fighting extradition to Sweden and criticizing prosecutors there for allegedly leaking his name to the media in a sex crimes inquiry.

No one in court acknowledged any irony in Julian Assange's efforts to seek the protection of confidentiality. At a testy hearing in a London courtroom, both sides traded pointed remarks Tuesday about the quality of Sweden's justice system.

Lawyers for the WikiLeaks founder say he is the victim of a flawed investigation conducted in the media spotlight and will not get a fair trial in Sweden. He has not been charged in the case and denies all wrongdoing.

A lawyer for the Swedish government, however, said Swedish prosecutors had no choice but to issue an arrest warrant for Assange after repeatedly failing to pin down the elusive Australian for an interview about the allegations.

The argument spilled out onto the lawn outside Belmarsh Magistrates' Court, where Assange accused Marianne Ny, the Swedish prosecutor in charge of his case, of being too afraid to come to a British court to answer questions.

"What we've seen is process abuse after process abuse being revealed for hours and hours," Assange told reporters. "What we have not seen however is the chief prosecutor ... she has refused to come to the proceedings."

Sweden's prosecutor-general, Anders Perklev, issued a statement Tuesday defending both the Swedish justice system and Ny. While Perklev noted that Assange should be considered innocent until proven guilty, he stressed that Ny had a duty to complete the investigation.

"Marianne Ny has acted completely in accordance with her role as a public prosecutor and she obviously has the competence needed for the decisions that have been made in this case," Perklev said.

British Judge Howard Riddle, who has been weighing Assange's fate over two days at a London extradition hearing, told both sides to return Friday for closing arguments.

Assange is wanted for questioning over claims of rape and sexual molestation made by two Swedish women he met during a trip to Stockholm in August. He denies the allegations.

Clare Montgomery, a lawyer acting for Swedish authorities, read a statement from Ny describing how she had made repeated attempts to interview Assange about the allegations while he was in Sweden, to no avail.

In a court document read aloud by Montgomery, Ny said "it must have been crystal clear to Julian Assange... that we were extremely anxious to interview him."

Montgomery said that even Assange's own lawyer, Bjorn Hurtig, could not contact him for a week, leading prosecutors to conclude that he was a flight risk and should be arrested.

In turn, Assange's lawyers and a defense witness accused prosecutors in Sweden of irregularities and illegalities in the way they built their case. Hurtig said an initial prosecutor "acted against the laws of confidentiality, telling one of our tabloid newspapers that Julian was suspected of rape." He said prosecutors and police had leaked details of the case to the media.

Assange's lawyers argue that the global publicity around the case and the Swedish custom of hearing rape cases behind closed doors mean he would not get a fair trial. His attorney, Geoffrey Robertson, said closed-door hearings would be "a flagrant denial of justice."

Defense attorneys have sought to paint the behavior of Swedish prosecutors as unreasonable. Sven-Erik Alhem, a former chief prosecutor in Sweden appearing as a defense witness, said Ny "should have made sure Assange was able to give his version of events in detail" before issuing an arrest warrant.

Assange is accused of sexually assaulting one woman and raping another by having sex with her while she was asleep during a weeklong visit to Stockholm last August. In Swedish law, sex with a person who is asleep can constitute rape. The defense says Assange had consensual sex with his two accusers and has not committed any crime.

In court, Hurtig cited tweets and text messages sent by the accusers, which he said talked of "revenge, gaining economic advantage, having contact with the media to give him a bad name in the press." In one, the woman who told police she was asleep during sex "said she was half asleep, which to my mind is the same thing as saying you are half awake," he said.

Assange's wide-ranging arguments against extradition also include claims that he could eventually be extradited from Sweden to the United States and even sent to the detention center at the U.S. Navy base in Guantanamo Bay, Cuba. However, Alhem appeared to undermine that argument when he said that it was not possible for Assange to be sent from Sweden to the U.S. on the current European Arrest Warrant.

Assange, wearing a blue suit, sat in the dock at London's high-security Belmarsh Magistrates' Court, watching attentively and taking notes throughout the hearing.

WikiLeaks touched off an international uproar when it released classified helicopter video showing a U.S. attack that killed two Reuters journalists in Iraq. It later began publishing tens of thousands of U.S. military documents on the wars in Afghanistan and Iraq, and classified U.S. diplomatic cables whose revelations angered and embarrassed the U.S. and its allies.

American officials are trying to build a criminal case against WikiLeaks. Assange's lawyers claim the Swedish prosecution is linked to the leaks and politically motivated — a claim Sweden strongly denies.

Assange was arrested in London in December after Sweden issued a warrant on rape and molestation accusations. He was released on bail on condition that he live — under curfew and electronically tagged — at a supporter's country mansion in eastern England. Since then, Assange has still conducted media interviews and signed a reported \$1.5 million deal for a memoir.

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Dagens Nyheter: 2011-02-08

Julian Assange: Falskskyltad apostel

Signerat Hanne Kjöllner

Turerna kring Julian Assange och anklagelserna om våldtäkt och sexuellt ofredande har varit många och märkliga. Sedan jag läst förundersökningen har bilden klarnat avsevärt.

Inte för att jag vet hur det kommer att gå. Men klart är att det styrkeförhållande som tidigare rådde-- där en rad kulturpersonligheter gick i god för Assanges oskuld och kvinnorna misstänkliggjordes-- vänds upp och ned. Det finns stödbevisning för kvinnornas version medan Assange står ensam med sin berättelse.

Eventuella hämndmotiv kommer på skam då kvinnorna faktiskt inte anmält Assange. De vände sig till polisen för att undersöka om det gick att tvinga Assange till hivtest, då han mot deras vilja fått utlösning i dem. Eftersom våldtäkt faller under allmänt åtal behövdes ingen polisanmälan från kvinnorna för att rättsprocessen skulle mala vidare.

Om tvånget i övrigt skiljer sig uppgifterna åt. Men besvärande för Assange är att han svarar att han faktiskt blivit avvisad. Men att det inte skedde "på något sätt som var betydelsefullt".

Om anklagelserna om våldtäkt handlar om Julian Assanges anseende som människa, finns en annan del i rättsprocessen som handlar om hans image som företrädare för Wikileaks.

Assange oroar sig över vad i hans vittnesmål som kan tänkas bli offentligt. Till sist griper hans advokat, Leif Silbersky, in och uppmanar honom att tala. "Och hur mycket av min version måste jag ge?" frågar Assange.

Förhöret med Johannes Wahlström, Wikileaks svenska kontakt, kretsar också ängsligt runt läckor. Han frågar om det han säger kommer att finnas tillgängligt för massmedier och ber om garantier för att ingenting ska komma ut till exempelvis Expressen.

Så ytterligt pinsamt. Att läcka konfidentiellt material är uppenbart i alla lägen bra. Men grundlagsskyddad offentlighet som säkrar svensk rättsskipning är mer än dessa öppenhetens apostlar mäktar med.

Julian Assange ska räddas – av banantaktik



PETER KADHAMMAR [Assanges försvar – utmåla Sverige som ett ociviliserat land](#) "Den som lyssnade fick bilden av ett land där domstolarna dömer efter nyckfull folkopinion". 38

AB: 2011-02-08

Ska räddas--- av banantaktik

Assanges försvar-- utmåla Sverige som ett ociviliserat land

LONDON. I de anklagades bås satt Julian Assange, för dagen pryddigt klädd i mörkblå kostym och slips. På läktaren satt Bianca Jagger och den legendariske Labourpolitikern Tony Benn.

I vittnesbåset stod Brita Sundberg-Weitman, tidigare lagman i Svea hovrätt och ordförande i Medborgarrättsrörelsen, en organisation som anser att myndigheterna hotar individens frihet i Sverige.

Dagen hade varit syrefattig i domstolen på Belmarsh Road i Woolwich, men när Sundberg-Weitman spann loss lutade sig både Assange och Jagger fram. Här stod en gammal kvinna, en erfaren lagman och framstående jurist, och förklarade att Sverige inte är en stat att lita på.

Den som lyssnade fick bilden av ett land där domstolarna dömer efter nyckfull folkopinion, att lagmännen är omedvetna och naiva och en åklagare som Marianne Ny direkt farlig. Det var också syftet med förhöret. Julian Assanges advokat Geoffrey Robertson hade kallat in Sundberg-Weitman sedan hon skrivit debattartiklar på nätet.

Hur är stämningen mot Julian Assange i Sverige? frågade advokaten.

– Fientlig. Folk tar för givet att han våldtagit två kvinnor.

Är fru Ny känd för vissa åsikter?

– Oh ja, hon är mot män. Hon tar för givet att de är skyldiga i sexualmål.

Hon vill ha Assange till Sverige så att hon kan gripa honom oavsett vad han säger?

– Jag tror det. Så att han får lida lite och bli mjukare.

Det kan förväntas också att han hålls i isolering?

– Det är normalt i Sverige.

Vårt land liknar alltså Egypten mer än Storbritannien i rättskipning. Skulle någon civiliserad stat utvisa en person dit?

Geoffrey Robertson kom också in på sina svenske kollega Claes Borgström, som är juridiskt ombud åt de båda kvinnor som anmält Assange för våldtäkt och sexuellt ofredande. Robertson nämnde flera gånger att Borgström förutom jurist är politiker, vilket för tankarna till en bananrepublik snarare än ett stillsamt land strax under Arktis.

Sundberg-Weitman hjälpte till med en retorisk stjärnsmäll genom att nämna Thomas Quick.

– Herr Borgström är mest känd för att han fick en oskyldig dömd för åtta mord. Och han var mannens försvarsadvokat.

Saken gäller alltså om Julian Assange ska utlämnas till Sverige för att förhöras om misstankarna om sexualbrott. Det finns inte ens ett beslut om åtal. Världens mest kända digitala rebell satt mest med armarna i kors och rörde inte en min. Han har åldrats sedan i somras, pojkaktigheten är borta och nu ser han ut som den 40-årige man han är.

Jag tror inte att Sundberg-Weitmans vittnesmål hjälpte honom. Hon hade en del poänger, men bilden hon gav var en karikatyr.

Jag tror heller inte att Julian Assange är särskilt hjälpt av de demonstranter som stod utanför domstolen med plakat som: "Sanningen har våldtagits". Och: "Att avslöja krigsförbrytelser är inget brott"

Jag är heller inte säker på att han är hjälpt av Bianca Jagger, tidigare gift med Mick, numera kämpe för mänskliga rättigheter. Efter förhandlingen sa hon att vi kommit närmare sanningen och vad hon menade med det begrep ingen, kanske inte heller hon själv.

Jag tror heller inte att Assange är hjälpt av att han stegade ut på gräsmattan framför domstolen och talade statsmannalikt i tolv mikrofoner.

Ett EU-land begär att ett annat EU-land ska utlämna en australier som är misstänkt för allvarliga brott. Det ska nog mycket till för att britererna ska vägra.

Förhandlingen fortsätter i dag.

• *Peter Kadhammar*

* * *

Subject: Källorna?
Date: Tue, 08 Feb 2011 15:38:18 +0100
From: Al Burke <editor@nnn.se>
To: peter.kadhammar@aftonbladet.se

Bäste Peter Kadhammar,

Underrubriken i din krönika i dag lyder: "Assanges försvar-- utmåla Sverige som ett ociviliserat land".

Dessutom står det i texten: "Vårt land liknar alltså Egypten mer än Storbritannien i rättskipning."

Jag har inte lyckats hitta något reportage där dessa åsikter citeras. Vore tacksam att få veta källan/källorna.

Trevlig bild av Brita Sundberg-Weitman ni har valt för resten.

Hälsningar,
Al Burke

* * *

Subject: Re: Källorna?
Date: Tue, 8 Feb 2011 19:33:07 +0100
From: Peter Kadhammar <peter.kadhammar@aftonbladet.se>
To: Al Burke <editor@nnn.se>

Det var alltså min sammanfattning av hur beskrivningen av Sverige-- den sammanföll väl med diskussionen av hur Egypten funkar. Ordet "alltså" tror jag för de flesta uppenbarar att orden är mina, och eftersom det inte var något citattecken var det förstås inget citat.

Peter Kadhammar
Reporter
Aftonbladet newspaper
Stockholm, Sweden
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Mobile: +46 70 52 52 198
Website: www.aftonbladet.se

* * *

Subject: Som väntat
Date: Tue, 08 Feb 2011 22:28:41 +0100
From: Al Burke <editor@nnn.se>
To: Peter Kadhammar <peter.kadhammar@aftonbladet.se>

Tack för det snabba svaret, som blev precis som väntat. Det är ju alltid lättare att angripa folk för vad de inte sagt än för vad de faktiskt sagt: Möjligheterna är obegränsade, och man får koka ihop en formulering som passar ens syfte.

Men kunde t.ex. referera din krönika så här: "Peter Kadhammar skriver att Assanges försvarare är ett flock motbjudande varelser som skyr inga medel i sitt kriminella försök att få den flinande våldtäktsmannen frikänd, och med detta uppsåt utmålas de två grovt kränkta tjejkarna som mentalt sjuka horor i ett land som alltså i frågan om anständighet mer liknar Sodom och Gomorra än Storbritannien."

Det har du inte skrivit förstås (inte än i alla fall). Men om du eller någon annan skulle ifrågasätta denna tolkning kunde man väl svara: "Det var alltså min sammanfattning av beskrivningen av Assanges försvarare-- den sammanföll väl med diskussionen av hur Sodom och Gomorra funkade. Ordet 'alltså' tror jag för de flesta uppenbarar att orden är mina, och eftersom det inte var något citattecken var det förstås inget citat."

Så skall det låta i journalistikens underbara värld-- där man får säga och skriva vad som helst utan att behöva belägga det, erkänna fel eller be om ursäkt för grovt missvisande yttranden. Jag känner inte på något annat yrket där avsaknaden av ansvar och ansvars känsla är så omfattande. Tvärtom, händer det påfallande ofta att gärningsmannen blir belönad och befördrad för sina missvisande insatser-- man tänker t.ex. på Maciej Zaremba och Lars Palmgren samt kanske i fortsättning på Peter Kadhammar.

Man bävar inför tanken om hur det kommer att i svenska medier låta om Assange nu överlämnas till Sverige och utsätts för den svenska rättskipning som tydligt av alla sanna patrioter skall och måste betraktas som över all kritik.

Hälsningar,
Al Burke

AB: 2011-02-08

Hurtig i vittnebåset för Julian Assange

Svenske advokaten vittnar andra dagen av utlämningsförhandlingarna

I dag är det andra dagen på förhandlingen där den våldtäktsmisstänkte Wikileaksgrundaren Julian Assanges öde kan avgöras. Kommer han utlämnas till Sverige eller inte? Domstolen kommer efter förhandlingen att tillkännage när beslut meddelas.

18.00 Fortsatta förhandlingar på fredag

Rätten konstaterar att förhandlingarna inte kommer kunna slutföras under dagen. Rätten ajourneras och fortsatta förhandlingar kommer ske nu på fredag.

17.45 Svenska riksåklagaren om kritiken

Så här skriver rikåklagaren Ander Perklev med anledning av de kritiska synpunkter mot det svenska rättssystemet och på hur överåklagare Marianne Ny har agerat under förhandlingarna i London om överlämnande av Julian Assange.

"Både möjligheten till en rättssäker prövning i Sverige och åklagarens behörighet har ifrågasatts" konstaterar riksåklagaren och skriver bland annat följande:

— Mot bakgrund av att vissa uttalanden riktar sig mot Marianne Ny personligen vill jag dock klargöra att enligt svensk rätt gäller, till skillnad från vissa andra rättssystem,

så kallad absolut åtalsplikt. Det innebär att en åklagare i princip är skyldig att så långt det är möjligt fullfölja en brottsutredning, och när det finns tillräcklig bevisning, fatta beslut om åtal. Marianne Ny har alltså agerat helt i enlighet med sin roll som allmän åklagare, och hon har självfallet den behörighet som krävs för de beslut som har fattats i ärendet.

17.30 Hurtig erkänner kontakt med åklagaren

Efter att ha letat igenom sin telefon får Björn Hurtig erkänna att han haft kontakt med åklagaren Marianne Ny i september angående förhör med Assange. Hurtig säger att han därefter försökte söka Assange för att meddela att åklagaren ville förhöra honom men att han inte fick tag i honom. Han är osäker på om han lämnade något meddelande.

– Men jag antar att du inte bara gav upp att försöka nå honom, säger åklagaren Clare Montgomery.

17.10 "Vad hände med bläck och papper?"

Rätten tar en kort paus för att advokaten ska kunna leta igenom sin telefon.

- Jag har ett flyg att passa, säger Björn Hurtig men börjar snabbt leta igenom sin utbox.

"Förhandlingen i rätten har blivit en komplex process av att leta fram gamla textmeddelanden mellan advokater och åklagare. Vad hände med bläck och papper?", twitterar en åhörare.

16.50 Advokaten letar febrilt i sin mobiltelefon

Björn Hurtig uppmanas att ta upp sin mobiltelefon för att leta fram bevis på att den svenska åklagaren Marianne Ny kontaktat honom om att få förhöra Julian Assange i september förra året.

Brittiska åklagaren Clare Montgomery:

– Get your phone out, please mr Hurtig.

16.30 Skickade sms om att hämnas på Assange

Assanges svenska advokat Björn Hurtig berättar om sms där kvinnorna som säger sig ha blivit våldtagna och ofredade skickat sms om att hämnas på Assange och tjäna pengar på anklagelserna. Det har Hurtig sett i förundersökningen som han fått läsa men ej kopiera, rapporterar Aftonbladets Peter Kadhammar på plats i rätten i London.

Han har konsulterat advokatsamfundet som sagt att han får använda alla uppgifter han har tillgång till oavsett om det är konfidentiella och även om han bara sett dem och inte har dem på papper.

Kvinnan som säger att hon våldtogs sms-ade om att hon halvsov.

– I min värld betyder det halvvaken, säger Hurtig i rätten i London.

16.00 Förhandlingarna är återupptagna

14.40 "Inte pratat med mat i munnen"

Hurtig berättade att polisen och åklagarmyndigheten redan från början informerade svenska tidningar att Assange var misstänkt för våldtäkt.

– Om man googlar "våldtäkt" och "Assange" får man tre miljoner träffar, berättade han och sa att det inte finns möjlighet för honom att skydda sin klient mot fördomsfulla uppgifter i svenska medier.

Rätten avbröt för lunch. Hurtig blev tillsagd att äta på egen hand och inte prata med någon.

– Det är okej. Min mamma lärde mig att inte prata med mat i munnen.

13.50 Assanges svenska advokat vittnar

Andra person att vittna under dagen för Julian Assanges räkning är hans svenske advokat Björn Hurtig. Strax före klockan 14.00 svensk tid fick han svära eden. Därefter inledde Assanges advokat Geoffrey Robertson förhöret och började gå igenom korrespondensen mellan Hurtig och överåklagare Marianne Ny.

13.30 "Alhem klarade sig bra"

Vid 13.30-tiden hade Alhem vittnat klart för försvarets räkning och tackades av domaren för att han hade rest ända dit för att avge sitt vittnesmål.

– Han klarade sig bra, pratade tydligt och klart om vad han visste och inte visste, säger Peter Kadhammar.

– Samtidigt fladdrade han ut lite, vilket ledde till att åklagarsidans ombud fick säga till honom.

Något beslut i fallet väntas dock inte komma från domare Howard Riddle förrän tidigast om några veckor. Ett beslut som kan överklagas av bägge parter.

13.05 Alhem uppläxad av åklagaren

Åklagaren fick till slut nog på Alhems långa svar och läxade upp honom:

– Din roll är att svara på frågor, inte hålla långa föredrag.

– Vi har en utländsk besökare. Han förstår förmodligen inte, inflikade domaren.

– Nej, det gör jag inte, sa Alhem som uppgav:

– Jag ska försöka svara dina frågor på det sätt du vill ha dem besvarade. Men på mitt sätt.

12.40 "Nu avbryter du mig"

Enligt Alhem var Marianne Ny behörig att utfärda den europeiska arresteringsordern. Han säger att det är föga sannolikt att Assange skulle utlämnas till USA från Sverige. Under förhöret utbrast han också till åklagaren Clare Montgomery:

– Nu avbryter du mig, jag gillar inte det alls.

Alhem berättade att han varit uppe sedan klockan fyra i morse men inte behöver någon paus.

– Jag gillar den här atmosfären.

12.25 "Jag hade åkt till Sverige direkt"

Överåklagare Marianne Ny har uppgett att hon vid flera tillfällen i september och oktober förra året försökte komma i kontakt med Assange. Hon avböjde att förhöra honom via videolänk utan ville träffa honom personligen.

Alhem uppgav att han inte vet hur överåklagare Marianne Ny försökte nå Julian Assange och säger att om det inte var möjligt att nå Assange, hade även han utfärdat en europeisk arresteringsorder, twittrar Guardian-reportern Esther Adley.

– Men jag hade försökt ordna med ett förhör, även om det var i Storbritannien. Om jag hade varit i Julian Assanges position hade jag genast åkt till Sverige för att rentvå mitt namn, sa han under förhöret med brittiska åklagaren Clare Montgomery.

11.35 Svenske f.d. överåklagaren i vittnesbåset

Förhandlingarna inleddes efter klockan 11.30 med att den svenske före detta överåklagaren, numera samhällsdebattören, Sven-Erik Alhem vittnade.

– Jag är inte här i dag i min roll som åklagare. Jag är här som kritiker och som samhällsdebattör, sa han.

Enligt Alhem borde Julian Assange ha fått chans att ge sin syn på saken när våldtäktsanklagelserna gjordes.

11.20 Assange vid gott humör

Julian Assange var vid gott humör när han anlände till domstolen Belmarsh Magistrates Court London tillsammans med sina advokater.

– Han kom in i rättsalen och såg glad ut, han skrattade, rapporterar Aftonbladets Peter Kadhammar.

*Peter Kadhammar
Susanna Vidlund
Erik Olsson*



[Note that the shot of Assange has been pasted into this video image in order to associate him with the unflattering image of his attorney.--A.B.]

Aftonbladet 2011-02-08

Assange till attack mot svensk rättssäkerhet

Den svenska rättssäkerheten hamnade återigen i fokus under tisdagens förhandlingar om Julian Assange.

Både Assange och hans advokat Mark Stefens gick till hård attack mot överåklagare Marianne Ny.

Förhandlingarna som ska avgöra om Storbritannien ska utlämna Julian Assange till Sverige eller inte fortsatte på tisdagen. Och precis som tidigare försökte Assange försvar påvisa hur det svenska rättsväsendet är ruttet.

Genom att kalla bland andra förre överåklagaren Sven-Erik Alhem och Assanges svenske försvarare Björn Hurtig till vittnesbåset försökte försvaret visa att utredningen sköts illa.

Utfrågningen av Hurtig kom bland annat att handla om hur den svenska åklagarmyndigheten ska ha försökt stämpla Assange som en våldtäktsman genom att tipsa svenska tidningar.

Julian Assange själv sammanfattade själv dagens förhandlingar på en presskonferens inför ett stort medieuppbåd.

– Vad vi fått se är rättsövergrepp på rättsövergrepp bevisats i timme efter timme, sa Assange.

Även Assanges adovokat Mark Stevens klagade över hur utredningen i Sverige bedrivits, och uppmanade den svenska överåklagaren Marianne Ny att åka till London på fredag när förhandlingarna ska fortsätta.

Stevens begärde att hon skulle ställa upp på korsförhör och bland annat få förklara varför uppgifter ur utredningen läckt ut till media.
Riksåklagare bemöter kritik

Den svenska riksåklagaren Anders Perklev skickade under tisdagen ut ett pressmeddelande för att bemöta försvarssidans porträtterande av den svenska rättssäkerheten.

”Mot bakgrund av att vissa uttalanden riktar sig mot Marianne Ny personligen vill jag dock klargöra att enligt svensk rätt gäller, till skillnad från vissa andra rättssystem, så kallad absolut åtalsplikt. Det innebär att en åklagare i princip är skyldig att så långt det är möjligt fullfölja en brottsutredning, och när det finns tillräcklig bevisning, fatta beslut om åtal”, skriver riksåklagaren.

Förhandlingarna skulle egentligen ha avslutats under tisdagen, men drog ut på tiden och kommer att fortsätta på fredag.

Först därefter kommer beslutet om Assange kommer att utlämnas till Sverige eller inte.

• *Victor Stenquist*

AB: 2011-02-08

”Beklagar att kvinnors rätt och ställning väger så lätt”

Statsminister Fredrik Reinfeldt (M) om Assange-fallet

Statsminister Fredrik Reinfeldt beklagar den bild av svenskt rättsväsende som nu sprids i samband med domstolsförhandlingarna om utlämningen av Julian Assange i London.

– Det är beklagligt. Vi har ett självständigt rättsväsende som i det här fallet dessutom agerat på svensk lagstiftning. Man har till allmänt åtal instämt Julian Assange för anklagelser om våldtäkt, sa Reinfeldt till journalister i riksdagen.

– Jag kan bara beklaga att kvinnors rätt och ställning väger så lätt när det gäller den här typen av frågor jämfört med andra typer av teorier som förs fram. Jag kan bara försvara det faktum som alla i Sverige känner till, nämligen att vi har ett självständigt, ickestyrt rättsväsende.

Han avvisar anklagelserna från Assanges advokat att det finns risk för rättsövergrepp om Assange skulle ställas inför rätta i Sverige.

– Det är ju tyvärr så här det blir när man, i syfte att försvara en klient, beskriver nedlåtande andra länders rättssystem. Men alla som lever i Sverige vet ju att det inte är med sanningen överensstämmande, sa Reinfeldt.

Enligt Fredrik Reinfeldt är det kvinnornas rättstrygghet som står på spel.

– Låt oss inte glömma bort vad som riskeras här. Det är ju rätten för kvinnor att få prövat huruvida det har varit ett övergrepp som de har varit utsatta för.

– Vi vet ju inte vad som är sant i detta eller vad det blir för domslut. Men att på det här sättet försöka kringgå det och få det att framstå som att deras rätt är mycket litet värd, det tycker jag är beklagligt. Det är viktigt att vi har kommit långt i Sverige när det gäller att vara tydliga med att vi inte accepterar sexuella övergrepp eller våldtäkter. Det ska kunna provas och klarläggas vad som har skett, sa Reinfeldt.

TT

Assange: Belmarsh Day 2

A new surprise witness?

Rixstep

8 Feb. 2011

Today is the second and final day of the Julian Assange extradition hearings, starting at 10:00 UTC. The case of the Swedes seems more shambolic than could have been predicted after yesterday's formidable 'butchering' by Swedish legal expert and civil rights champion Brita Sundberg-Weitman. But it's not over until the fat lady sings. And justice isn't the same as truth.

Sven-Erik Alhem was the first witness today. (Yesterday he worked for the defence.) Sven-Erik spoke of process and how it had been repeatedly abused by Marianne Ny. Clare Montgomery who represented the crown and the Swedes (and once represented Augustin Pinochet unsuccessfully) repeatedly tried to badger Sven-Erik but got told off. 'Don't interrupt me!' the retired chief prosecutor told her.

Björn Hurtig, Assange's counsel in Sweden, was also present. After being threatened with disbarment for revealing what he'd seen of the as yet undisclosed SMS messages, he consulted with his bar association which gave him the go-ahead and again with authorities in the UK. At time of writing he's rushing to get his flight home at 18:30 UTC from Heathrow.

Björn supplied the levity of the morning when his questioning session broke for lunch and the judge told him he's not allowed to speak to anyone whilst still being interrogated. 'That's OK', Björn told the judge. 'My mamma taught me to not talk with food in my mouth.'

Björn laid out the timetable for Marianne Ny's on again off again dance about further interrogating Julian Assange. Montgomery tried to light into him a few times; he not only held his own but came out way on top. She was trying to insinuate Assange had fled Sweden because he knew he'd be arrested but Björn made it perfectly clear this was not the case.

Montgomery also tried to 'over-interpret' Björn's SMS messages with Ny which were evidently translated on the spot by Björn, trying to insinuate Björn somewhere should have understood Assange would be arrested. One tack she used was the need for a possible DNA test. But surely he would have to return to Sweden for a DNA test, she suggested. Not at all, replied the prepared Björn calmly, citing recent Swedish precedents.

Björn also cited at least one occasion when Marianne Ny turned down an interrogation date on a Saturday with Assange because she would have to have had incurred the additional expense of paying a policeman 'overtime'. She also repeatedly refused to provide documentation to Assange according to European law but would not write down her reasons for Björn and would only reveal on the telephone: 'it's technical'.

Geoffrey Robertson then got to question his own witness and in a few fell swoops ended the discussion once and for all. Couldn't a DNA test be performed through Mutual Legal Assistance, asked Robertson. Of course it could.

But the *coup de grace* came when Robertson asked Björn: "Do you know why Marianne Ny could not attend court in Britain this week?"

<http://rixstep.com/1/20110208,00.shtml>

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Julian Assange's accusers sent texts discussing revenge, court hears

Björn Hurtig, the WikiLeaks founder's lawyer in Sweden, says the women's messages contradict their claims

*Esther Addley
The Guardian
8 February 2011*

Julian Assange's Swedish lawyer was shown scores of text messages sent by the two women who accuse him of rape and sexual assault, in which they speak of "revenge" and extracting money from him, an extradition hearing was told.

Björn Hurtig, who represents the WikiLeaks founder in Sweden, told Belmarsh magistrates court that he had been shown "about 100" messages sent between the women and their friends while supervised by a Swedish police officer, but had not been permitted to make notes or share the contents with his client.

"I consider this to be contrary to the rules of a fair trial," he said. A number of the messages "go against what the claimants have said", he told the court.

Sweden is seeking the WikiLeaks founder's extradition in relation to allegations of rape, sexual assault and sexual molestation. He denies the accusations.

One message referred to one of the women being "half asleep" while having sex with Assange, Hurtig said, as opposed to fully asleep. "That to my mind is the same as saying 'half awake'."

But the lawyer admitted that Swedish prosecutors had tried to interview his client before he left the country, contradicting earlier claims by Assange's legal team and his own witness statement.

Hurtig told the extradition hearing that he had been wrong to assert that the prosecutor Marianne Ny had made no active attempt to interview Assange between her appointment to the case, on 1 September last year, and 27 September, when Assange left the country with her permission.

Under cross-examination by Clare Montgomery QC for the Swedish government, Hurtig admitted the prosecutor's office had contacted him on 22 September requesting an interview. Montgomery asked him to take out his mobile and read two text messages received on that date. One, in Swedish, he translated as: "Hello, is it clear if it's going to be good to have interrogation on Tuesday, 1700h?"

Hurtig said he could not recall calling Assange after receiving the request, but was sure he would have done. "You should bear in mind that it was very difficult to get hold of him during this time," he said. The omission was "embarrassing and shouldn't have happened", he said. "It's true that that gave an impression that was to Julian's advantage."

But he insisted it was accidental: "I am myself a member of the Swedish bar association and it's important that what I say is right. It's also important for Julian that my statement is reliable and correct."

The hearing did not conclude in the allotted two days and will resume on Friday. Judge Howard Riddle is not expected to deliver his judgment immediately. He agreed to amend Assange's bail conditions until Friday, lifting the requirement that he attend a police station near his rural bail address each afternoon.

Earlier, the court heard from a retired prosecutor who said the conduct of the prosecutor had been "quite peculiar" in not seeking to interview Assange earlier. Sven-Erik Alhem said he would also have tried to have Assange interviewed in the UK before seeking his extradition. He added, however, that if he were Assange "I would have gone to Sweden immediately to give my version of events." *[But he did not provide any explanation for this seemingly contradictory opinion.--A.B.]*

Outside court, Assange tried to put the spotlight on the Swedish prosecutor: "She has refused to come to these hearings. Our witnesses were brought from Sweden, my lawyer was brought from Sweden and expensively cross-examined. Where is the equality in this case? There is not an equality. Rather, we see an unlimited budget of Sweden and the UK being spent on this matter and my rather limited budget being spent in response."

His lawyer, Mark Stephens, said: "We have seen Hamlet without the princess. We have seen a prosecutor who has been ready to feed the media with information but has been unprepared to come here and subject herself to the cross-examination she knows she cannot withstand."

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Prosecutor fighting to extradite Assange 'has biased view of men'

*Mark Hughes
The Independent
8 February 2011*

The prosecutor seeking to have Julian Assange extradited to Sweden on sexual assault allegations is a "well-known radical feminist" with a "biased view" of men, a court heard yesterday.

The accusation against Marianne Ny was made by a retired Swedish appeal court judge, Brita Sundberg-Weitman, who was giving evidence at Mr Assange's extradition hearing at Belmarsh magistrates' court in London.

Mr Assange, 39, who founded WikiLeaks, is wanted in Sweden on suspicion of rape and other sexual offences said to have taken place in August last year. Ms Sundberg-Weitman said Ms Ny was mounting a "malicious" and "hostile" prosecution of Mr

Yesterday lawyers representing the Swedish authorities told the court that he will be charged if he is sent back to Sweden. Mr Assange's defence team had argued that the Swedish authorities merely wanted to question the Australian and that the European Arrest Warrant issued against him could not be executed for someone simply wanted for questioning.

The hearing, which is expected to conclude today, also heard about Mr Assange's alleged victims. One, the court heard, had deleted Twitter messages saying that she was enjoying Mr Assange's company. The tweets were posted after the alleged sexual assault.

But it was Ms Sundberg-Weitman's colourful description of Ms Ny which stood out among the legal complexities of extradition law. The former judge, who has practiced law since 1958, told the court: "She [Ms Ny] has a rather biased view against men in her treatment of sex offences. [She] seems to take it for granted that everyone under prosecution is guilty. I think she is so preoccupied with the situation of battered women and raped women that she has lost her balance."

About Ms Ny's failure to interview Mr Assange before he left Sweden, five weeks after the allegations were made, she added: "It looks malicious. It would have been so simple to have him heard when he was in Sweden. And once he left Sweden it would have been so easy to have him questioned via telephone or video link."

Clare Montgomery, for the Swedish authorities, rejected the claims, saying that attempts to have Mr Assange questioned in Sweden had been thwarted by the WikiLeaks founder's lawyer, Bjorn Hurtig, who said he was unable to reach his client.

Ms Montgomery also sought to quash the defence's claim that Mr Assange was wanted merely for questioning. She said: "In our submission there is no room for any doubt as to the purpose of the warrant, namely that it is for the purpose of prosecution. Mr Assange will be interrogated because interrogation is the necessary next step in the Swedish process. But that does not undermine or deny the stated purpose, that his presence in Sweden is that he is sought for the purpose of prosecution.

"The procedure in Sweden requires interrogation before the formal process of indictment can take place." Ms Montgomery also responded to the defence's claim that Mr Assange risks being extradited to the United States, where his organisation's leaking of diplomatic cables has made him a political target, if he is first taken to Sweden. She said the UK, as the country which will decide whether Mr Assange should be sent back to Sweden, would also need to consent to his further extradition from Sweden. Ms Montgomery said there were no human rights issues to stop the UK surrendering Mr Assange to the Swedish authorities.

But Geoffrey Robertson, QC, defending, said that as a rape suspect, the WikiLeaks founder was likely to be tried behind closed doors, as is normal practice in Swedish rape cases. He said this would amount to a "flagrant denial of justice".

The court, upon which journalists from across the globe had descended en masse, finally heard from Goran Rudling, a blogger and campaigner for changes to Swedish rape law [*that would ensure stronger protection for victims of rape--A.B.*]. Mr Rudling explained how he had found tweets from one of the alleged victims, Miss A, posted on 15 August—less than 24 hours after the alleged sexual assault. The messages, said to have been deleted on 20 August last year, the day both women made their allegation to police, revealed how she was enjoying Mr Assange's company.

One, sent at 2am, read: "Sitting outside... with the coolest and smartest people, that's amazing." It was said to refer to a party which Mr Assange and the alleged victim attended.

The court heard that the same woman also posted a seven-point plan for revenge on the internet. It suggested that if the revenge sought was against someone who "cheated or dumped you" then the revenge should be of a sexual nature. That, too, was later deleted.

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Secret texts 'key to Julian Assange case'

PA/The Independent
8 February 2011

A hoard of secret text messages could hold the key to finally clearing the name of WikiLeaks founder Julian Assange, a court was told tonight. The whistleblower's Swedish lawyer said investigators have collected around 100 messages to and from his two alleged victims that undermine the case against him. Bjorn Hurtig, 45, said the texts indicate the women expected to be paid, intended to get "revenge" and wanted to contact newspapers to "blast" his client's reputation.

But he told Belmarsh Magistrates' Court that prosecutors in Stockholm have not let him have copies, making it impossible for Assange to receive a fair trial. He claimed Marianne Ny, who is behind the case against the former computer hacker, warned him not to disclose the contents of the texts as it may violate rules governing the conduct of lawyers.

Mr Hurtig said: "I have been briefly allowed to see other exculpatory evidence but I have not been permitted to make copies to show my client. I consider this to be contrary to the rules of a fair trial."

The claim was made at the end of the second day of a hearing to decide whether Assange should be extradited to Sweden to be prosecuted over claims of sexual assault. The Australian, 39, faces three charges of sexually assaulting one woman and one charge of raping another during a week-long visit to Stockholm last August.

District Judge Howard Riddle, who moved the case from Westminster because of overwhelming media interest, adjourned the over-running case until Friday at 10.30am for a final session.

Clare Montgomery QC, for the Swedish authorities, said there was no reason that Assange should not be sent overseas to answer the case against him. She outlined how prosecutors tried more than 10 times over one week last September to arrange an interview with Assange before he left the country.

Assange's legal team claimed putting him into the hands of the authorities in Stockholm would be a "flagrant denial of justice" and breach his human rights. They fear a move to Sweden could lead to him being taken against his will to the United States, detained at Guantanamo Bay and ultimately executed for spying.

Geoffrey Robertson QC, for Assange, said he was frustrated Ms Ny had not come to court. He called Mr Hurtig and a second witness, former Swedish prosecutor Sven-Erik Alhem, to give evidence today.

Mr Hurtig said it was "outrageous" for a prosecutor to publicly confirm Assange was under investigation for rape, an act which is illegal but carries no punishment. Mr Alhem said it was "quite peculiar" that Swedish investigators did not get Assange's side of the story before issuing a domestic arrest warrant.

In one statement, Mr Hurtig said Assange faced one of the "weakest" cases he has ever seen and claimed the alleged victims may have a "hidden agenda".

Further evidence emerged in more than 40 documents, including witness statements and court paperwork, published by Assange's lawyer Mark Stephens.

Fallet Assange: Läckta svenska förhör en juridisk bomb

Anders Carlgren
Newsmill
2011-02-09

Sedan kort tid tillbaka finns hela den svensk förundersökningen i fallet Julian Assange ute på nätet. Det inkluderar häktningspromemorian, förhör med de båda kvinnorna, plus förhör med hela nio vittnen. Flera av förhören är en juridisk-politisk bomb, eftersom det finns minst tre, fyra olika versioner av vad som hände. Det kommer att göra det mycket svårt för en svensk domstol att döma i fallet och åklagaren står därmed med mycket svaga kort. Det skriver journalisten Anders Carlgren som är journalist och fri skribent. Han har gått igenom hela det läckta materialet.

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Materialet som nu läckt ut omfattar hela 100 sidor innehåller även förhör med Assange själv, inklusive hans personalia. Det är faxat från advokat Björn Hurtigs advokatbyrå i Stockholm till en av de engelska advokaterna. På försättsbladet skriver Hurtig att han kräver strängt konfidentiell hantering.

Det mest intressanta är ett timslångt förhör med journalisten och debattören, Donald Boström. I utskriften omfattar det förhöret 21 sidor. Enligt Boström finns det minst tre olika versioner av vad som hände. Han var med under det aktuella seminariet i LO-borgen vid Norra Bantorget i Stockholm, den efterföljande lunchen på en restaurang på Drottninggatan, samt hade flera samtal med målsägare A. Det var hon som hade ansvar för presskontakterna vid seminariet.

När så den stora globala mediestormen bryter ut om anklagelserna mot Assange säger A först till Boström att hon inte haft sex med Assange.

Avsikten var nämligen att han skulle låna hennes lägenhet, då hon skulle resa bort några dagar under valrörelsen. Men hon återvänder hem till Stockholm tidigare än planerat.

Dagen efter medger A inför Boström att hon verkligen haft sex med Assange, men säger inte ett ord om våldtäkt eller något liknande. Tidigare hade hon skojat med vänner om att han bodde hos henne och att han försökt ha sex med henne, men att hon avvisat det. Därmed har vi version två av sexanklagelserna, men fortfarande utan tal om våld eller tvång.

Vid nästa samtal mellan Donald Boström och A, berättar hon att målsägare W, ringt upp henne och berättat att W frivilligt haft sex med Assange två gånger hemma hos henne i en stad norr om Stockholm. Och därmed är en tredje version fastställd i förhören.

Därefter heter det vidare i förhöret med Boström att W berättat för A att Assange vid ett andra tillfälle tvingat sig på henne och antagligen tagit av kondomen. Det är version fyra, eftersom W tidigare sagt att de haft frivilligt sex två gånger hemma hos henne.

Därefter går de båda kvinnorna till polisen, uttryckligen inte för att anmäla, utan bara för att berätta, som de säger till Boström. Han är medveten om risken för anmälan på polisens eget initiativ, men det framgår inte klart om kvinnorna är medvetna om den risken.

Däremot konfronterar Boström mellan de olika varven Julian Assange och säger "Ungefär, vad i helvete försiggår". Assange blir chockad och ställer sig helt oförstående och hävdar att han talat med W och att allt är överspelat. Enligt honom hade han och W "bara roligt". Det är version fem inom loppet av ett timplågt förhör med en enda person.

Av materialet framgår också tydligt att det är W som insisterar på besöket hos polisen och det är hon som framför allt berättar om tvingande sex. A bidrar bara med en enda mening "att hon tror att det W berättar är sant därför att hon själv upplevt något liknande".

Enligt förhöret med Boström finns nu ytterligare en version, eftersom A aldrig tidigare talat om tvingande sex.

Så följer en fråga om Donald Boström har någon kännedom om Assanges privatliv och hans förhållande till kvinnor i allmänhet.

"Så exakt vad han har gjort och med vilka, det vet jag inte, men det finns ett allmänt intryck såklart, och det är att han attraherar väldigt mycket kvinnor. Alltså, det är så anmärkningsvärt. Och det är på, ja det är väl lite rockstjärnefenomen så att säga. Världens kändaste man, så att säga i en dels ögon, alltså under en viss period så var han ju det. Oerhört intelligent och det utmanar, alltså Pentagon och så. Det där imponerar på många, så jag har ju sett väldigt många kvinnor, jag kan säga den övervägande majoriteten av kvinnorna som har kommit i närheten av honom har fallit pladask."

Det är ganska troligt, för att inte säga säkert, att det är just detta vittnesmål som är den springande punkten i hela affären Julian Assange. Grundaren av Wikileaks som far världen runt med status som rockstjärna. Och som dessutom har retat gallfeber på politiska ledare världen över.

Och det svenska beslutet om häktning ger dessutom rockstjärnan en martyrens gloria, som alldeles säkert gett honom än större dragningskraft. Att sedan Assange helt säkert är en womanizer av rang, spelar mindre roll i sammanhanget, därför att det brukar de flesta rockstjärnor vara.

Och det är just i den bilden de båda, i sammanhanget rent skvallriga kvinnorna A och W kommer in i bilden som groupies kring stjärnan. Kvinnan A ska vara pressansvarig vid seminariet, men välter över ansvaret på den mer erfarne Donald Boström. När helvetet brakar löst blir han inte bara talesman, utan också mellanhand mellan Assange och de båda kvinnorna.

Till Boström säger A till och med "Jag var ju skitstolt, får världens häftigaste man i säng och som bor i min lägenhet". Det uttalandet verkar ha kommit i samband med att A erkänner för Boström att hon haft sex med Assange, sannolikt efter att A bjudit på en kräftskiva hemma hos sig.

Kvinnan W, som arbetar på ett museum, har ingen som helst anknytning varken till Wikileaks eller Broderskapsrörelsen som arrangerar seminariet. Men hon anmäler ändå sitt intresse för evenemanget, håller sig i Assanges närhet och lyckas också komma med på lunchen efteråt. Paret åker därefter till kvinnans arbetsplats, där de enligt hennes uppgift hånglar tämligen grovt på en något så när offentlig plats.

Två dagar senare upprepas detsamma på kajen vid Munkbroleden i Stockholm, som vid den tiden på året brukar vara tätt befolkad. Senare åker de tillsammans hem till kvinnans bostad norr om Stockholm. Där har paret först något som kan kallas för ett misslyckat samlag. Morgonen därpå genomförs ett samlag som W något motvilligt gick med på. "Han var redan inne i henne och hon lät honom fortsätta. Hon orkade inte säga till honom en gång till". Det vill säga om att använda kondom.

Det andra riktigt intressanta förhöret i det omfattande materialet sker med Julian Assange, som envist förnekar alla anklagelser om våldtäkt eller sexuellt ofredande. Enligt honom handlade det aldrig om några övergrepp, utan helt frivilligt sex. Han förnekar också att skulle ha gjort sönder en kondom vid ett tillfälle.

Mellan Assange, förhørsledaren och Assanges dåvarande försvarare, Leif Silbersky, utbryter också en längre palaver om hur polisen ska kunna garantera att förhöret inte läcker ut till massmedia. Förhørsledaren, Mats Gehlin, försäkrar att förhöret absolut inte kommer att läcka ut och efter en paus fortsätter förhöret. Det enda intressanta är att Assange hävdade att han blev "inbjuden till A:s säng" och att de hade sex vid ett flertal tillfällen. I övrigt är det ganska triviala frågor och lika triviala svar. Förhöret avslutas med att Julian Assange erbjuder sig att fortsätta förhöret.

Men det är märkligt att i förhöret med Assange nämns inte ett ord om anklagelserna från kvinnan W. Antingen har något sådant förhör aldrig genomförts, eller så har det försvunnit i hanteringen då hela materialet faxades till London.

Sammanfattningen är egentligen ganska enkel. Wikileaks grundare, Julian Assange, med status som rockstjärna anländer till Stockholm för ett seminarium i LO-borgen. Två unga kvinnor som kommer i hans närhet attraheras på mer än ett sätt av stjärnan. Den ena kvinnan går i säng med honom ganska omgående. Den andra kvinnan gör detsamma några dagar senare. Det är ingen överdrift att påstå att de båda kvinnorna förvandlas till groupies kring stjärnan.

Den första kvinnan säger så småningom att hon känner sig "dumpad" av Assange till förmån för kvinna nummer två och det uppstår en outtalad rivalitet mellan de båda. De bestämmer sig senare för att tillsammans kräva att Assange ska låta HIV-testa sig, vilket han avvisar. I det läget går kvinnan W till polisen med A som stödtrupp.

Problemet är dock att det finns så många skilda versioner av vad som inträffat, att det rimligen kommer att bli ytterligt svårt, för att inte säga omöjligt, för en svensk domstol att döma i fallet. Det är just därför det läckta materialet är en juridisk-politisk bomb, som kommer att slå hårt mot framför allt det svenska åklagarväsendet.

Anders Carlgren: <http://www.stadsholmen.blogspot.com>

Assange lawyer admits he was wrong over interview

*Mark Hughes
The Independent
9 February 2011*

Julian Assange's lawyer told a court yesterday that prosecutors attempted to interview the WikiLeaks founder over sexual assault allegations while he was still in Sweden.

Bjorn Hurtig's admission contradicts his previous claim that the Swedish authorities had only asked to speak with Mr Assange after he had left the country. The lawyer admitted under cross-examination that he was mistaken to suggest that he had heard nothing from prosecutor Marianne Ny until after Mr Assange had left the country.

He accepted that he was in regular contact via text message and telephone with Ms Ny, but had forgotten to include the fact in his witness statement. In that document, he said that Ms Ny had not attempted to contact Mr Assange for five weeks-- when Mr Assange, 39, was no longer in Sweden.

But yesterday, questioned by Clare Montgomery, for the Swedish authorities, he accepted that the delay was just three weeks. He said: "I have actually said that and that was wrong. It is true that that gave an impression which was to the advantage of Julian." Mr Hurtig said he realised his error earlier this week when preparing for his appearance yesterday.

The Swedish lawyer said the mistake was "embarrassing" and "should not have happened" but added: "It is important for Julian Assange that my statement is correct."

Mr Hurtig denied that it was he who told Mr Assange to leave the country, warning that he risked being arrested. And he also denied that he had told Ms Ny that Mr Assange had no intention of returning to Sweden to be interrogated. Mr Assange is wanted in Sweden over allegations that he sexually assaulted two women in August. He denies the accusations. Yesterday's extradition hearing, sitting at Woolwich Crown Court in London, heard that Ms Ny had first spoken with Mr Hurtig on 15 September, when she agreed there was nothing to stop Mr Assange leaving Sweden. But six days later she contacted Mr Hurtig requesting an interview with Mr Assange. But despite Ms Ny and Mr Hurtig being in regular contact, the lawyer was not able to speak to his client to arrange for him to be interviewed before he left Sweden on 27 September-- the same day a Swedish arrest warrant was issued against him.

Mr Hurtig said he was unable to reach Mr Assange and did not realise that he had left the country until he received a telephone call on 29 September. By then the Australian was in Germany, and later flew to Britain.

There were subsequent attempts to arrange an interview with him in October, but the arrangements did not suit Mr Assange and a date he suggested did not meet with the approval of Ms Ny.

In November, the prosecutor informed Mr Hurtig that she planned to issue a European arrest warrant.

Yesterday, the court also heard that investigators have collected around 100 messages between Mr Assange and his two alleged victims which undermine the case against him. Mr Hurtig said the texts indicate the women expected to be paid, intended to get "revenge" and wanted to contact newspapers to "blast" his client's reputation. But Mr Hurtig said he had not been allowed to access the texts, making it impossible for Mr Assange to receive a fair trial.

AB: 2011-02-09

Reinfeldt kritisk till angreppen

"Kvinnorna har rätt att få sin sak prövad"

Julian Assange och hans försvarare attackerar det svenska rättssystemet-- inför hela världen.

Nu går statsministern och JK till angrepp mot utspelen.

– Det är häpnadsväckande, säger justitiekanslern Anna Skarhed.

I går fortsatte förhandlingarna i London om huruvida Julian Assange ska utlämnas till Sverige.

Assange och hans advokat Mark Stephens gick till hårt angrepp mot den svenska rättssäkerheten.

Efter förhandlingarna fortsatte utspelen mot överåklagare Marianne Ny. Framför tv-kamerorna uppmanade Stephens henne att bege sig till London för att förhöras om sin hantering av utredningen.

Justitiekansler Anna Skarhed är kritisk till den bild som Assange och hans försvarare målar upp om det svenska rättsväsendet:

– Jag förstår i ärligt talat inte riktigt vad den här prövningen i England går ut på. Att det svenska rättsväsendet skulle vara korrupt, är aningens häpnadsväckande.

Även statsministern Fredrik Reinfeldt är kritisk.

– Låt oss inte glömma bort vad som riskeras här. Det är ju rätten för kvinnor att få prövat huruvida det har varit ett övergrepp som de har varit utsatta för, säger Reinfeldt till TT.

*Kristoffer Törnmalm
Josefin Berglund*

SVT (Swedish Public TV)

T.o.m. 2011-02-09

Anne Ramberg: Sannolikheten hög att Assange utlämnas

8 februari 2011

Anne Ramberg: Sannolikheten hög att Assange utlämnas Sannolikheten för att den våldtäktsmisstänkte Julian Assange utlämnas till Sverige är hög, säger Anne Ramberg, generalsekreterare i Advokatsamfundet.

Gomorrön Sverige-- Kommer Assange utlämnas?

8 februari 2011

dag avgör en domstol i London om Julian Assange ska utlämnas till Sverige. Anne Ramberg, gen.sekr i Advokatsamfundet....

Nyhetstecken-- Besked väntas om utlämning

8 februari 2011

Wikileaks-grundaren Julian Assange ska utlämnas till Sverige eller inte. Assange är misstänkt för bland annat våldtäkt under ett besök i Sverige i höstas....

Rapport-- Anne Ramberg: Assange kommer troligen utlämnas

8 februari 2011

Anne Ramberg: Assange kommer troligen utlämnas Sannolikheten för att våldtäktsmisstänkte Julian Assange utlämnas till Sverige är hög, säger Anne Ramberg, generalsekreterare i Advokatsamfundet.

Obs! Det verkar som om Anne Ramberg är den enda expert som SVT har anlitat i denna fråga, och hon tycks inte beröra de problem som bl.a. Brita Sundberg-Weitman har gjort.--A.B.

Se t.ex. video på:

http://svtplay.se/v/2319895/anne_ramberg_assange_kommer_troligen_utlamnas

SR (Swedish Public Radio)

As of 2011-02-09

A reliable source who listens to SR's news programmes every day reports that he has heard not a word about the extradition hearing or related matters since it began on Monday.

— A.B.

Analysis: Assange's lawyer's error shouldn't determine the case

Marcello Ferrada-Noli
February 9, 2011

As we know, Assange's lawyer in Sweden Björn Hurtig admitted yesterday at the London Court proceedings that he had involuntarily missed a message from Prosecutor Ny in regard to a possible date for Assange's interrogation while still in Sweden. The information was never passed over to Assange because of several reasons explained by Hurtig.

Unsurprisingly, the manipulated/manipulative anti-Assange media (see for instance The Independent today's article on Assange in section "Crimes") wishes to exploit this event by arguing that Hurtig's admission in the Court would negate one of Assange's defence key-arguments, namely, the assertion that Marianne Ny could have very well-- if she really wanted-- interrogated Julian Assange in Sweden without the necessity of issuing an international extradition warrant.

This Sweden-issued warrant in reality wished, and obtained, the arresting of Assange without the need of even charging him-- as Swedish prosecutors ostensibly had no substantial evidence against Assange.

In fact, Sweden expected that Assange would remain in the high security cell where he was held practically incommunicado in London ensuing the arresting demanded by Sweden. That was the design. As it can be recalled, an especial request in that regard was put forward by the prosecutor on behalf of Sweden during the proceedings of January 11, 2011. Sweden opposed bail and favoured continuation of incommunicado-like circumstances for Assange. But things turn different and Assange was granted bail.

These are instead the determinant facts in the context (and about that one miss amid numerous skilful assertions on the part of Björn Hurtig at the London Court).

1. The paramount fact is that the Swedish prosecutors DID ALLOW ASSANGE TO LEAVE SWEDEN without making the interrogation a compulsory or conditional item for his leave! This fact in the strongest meaning confirm the artificial-- also called "malicious"-- manoeuvre of try the arresting of Assange abroad, a *sine qua non* condition for having him extradited to Sweden and therefore held him incommunicado in waiting for-- in a worst, yet highly credible scenario-- the extradition, alternative illegal rendition to the USA. Sweden does have a proven experience and routine as to how implement such illegal rendition. In fact, is the disclosure by Wikileaks of such "operative intelligence" cooperation between the Swedish government and the USA one of the most potent explanations of Swedish official vendetta against Assange and Wikileaks.

2. Hurtig did also declare in the London proceedings of Feb 8-- fact which was not rebutted by the Crown prosecutor acting in Sweden's behalf-- in good time prior to Assange's departure from Sweden (to Germany, and then the UK) he had contacted prosecutor Marianne Ny suggesting a new date for the prosecutor's questioning of Assange but she adduced unavailability from her part.

3. That a new questioning of Assange never took place (The Independent journalists seem to forget that Assange had indeed been interrogated extensively by the police on

the issue. See the leaked police report) is then hardly solely accountable to a sms-message missed by Hurtig.

Ergo, the argument of Assange's defence in disclosing the truly nature of the extradition warrant do remain in its full power. The vicissitudes around **one sms message-- received surely amid hundred others by that time by Hurtig--** have no bearing at all in the solidity of Assange's position with regard to the "peculiar" position of de Swedish Judiciary and its outmost artificially constructed proceeding in the Assange case.

These proceedings fit instead one hundred percent in the perspective-analysis of an active involvement of some Swedish officials, or institutions, as instruments in the geopolitical design of the foreign power they apparently obey.

I am aware how horrible and highly conspiratorial the above might sound, but I could myself hardly believe it was true-- when I read an article Expressen yesterday-- that the very Prime Minister of Sweden Mr. Fredrik Reinfeldt, whom this column have elsewhere referred as a politician with honourable marks-- made public statements involving officially and openly the Swedish government in the London Court deliberations referring exclusively to protecting the rights of the accusers (the two women) involved in the Assange extradition process.

Let me first to recall that in my article published in Newsmill Jan 11 I clearly advanced the hypothesis on whether behind the Sweden case against Assange it truly exists the intention of making a pilot case of the event. Meaning, to use Assange's celebrity to reassure or move forwards positions in the Swedish legislative process towards a radicalization in the penalty of sex-offences, or the enhancing of criminal conceptualization in that regard.

In declarations published in Aftonbladet ("i samband med domstolsförhandlingarna om utlämningen av Julian Assange i London") PM Reinfeldt reveals what is in fact the issue at stake. Reinfelt said concretely: "Let us not forget what is here at risk. It is the right for women to have their case tested in court as to whether what they have been subjected of is a criminal abuse (offence)"

I put in serious doubt that Reinfeldt would really consider the content of his statement above as THE reason for the Swedish offensive against Assange and Wikileaks. For there is evidence that the "pilot-case factor" is only a part in the constellation of causes behind the Swedish political crusade against Assange and Wikileaks.

Nevertheless, Reinfeldt did try also to defend the integrity of the kingdom's judiciary-- which would be totally understandable for his position as surrogate head of state (Sweden is still a monarchy and Prime Ministers receive formally the assignment from the king). However, he just made things worst. What Reinfeldt in the main ended in pointing out-- in the name of the Swedish government-- was the publicly taking side on behalf of the two accusers-ladies, for which he demanded respect very much exclusively. This is what he stated in Expressen: "... that in this way attempt to circumvent it and make it appear that their rights are worth very little, I think that's regrettable."

On the other hand Fredrik Reinfeldt has tried a few times to give the notion that his government is "neutral" in the matter. He had to lie to assert such statement. Everybody in Sweden knows however that Sweden is not only not-neutral any longer

but also a proven and active subservient collaborator of the USA judiciary, their international political police (CIA), the USA military (including USA/Sweden joint-occupation forces in Afghanistan), not to mention the USA-controlled multinational corporations whose commercial and financial ventures in and by Sweden-- for Sweden's own detrimental as independent trademark-- are the everyday's national disgrace.

And what about shameful collaboration in the illegal rendition of political prisoners in Sweden to CIA? Was that the monopoly of Person/Bodström social democratic government? The same right-wing liberal newspaper Expressen ran recently a main article headed "Reinfeldt thanked by Bush for secret collaboration on terror", inserting this picture

How then, how could ever the same Reinfeldt, in the very same Expressen (article of Feb 8, 2011, headed "Reinfeldt disappointed with the picture that spread on the Swedish Judiciary") pretend being so surprised about the world-wide spread characterization of Sweden as having nowadays its official authorities and institutions at the service of the USA?

Sweden killed Palme to sell her soul. *[Say what?!--A.B.]* Some opportunists wish now to sell her body. We will stop that with the help of Wikileaks, and this is a primary reason why we have to help in FREE ASSANGE NOW in a fair proceeding!

Let us retain Sweden dignified, neutral, democratic, republican, and sovereign!
[By all means, but let's not get carried away with the rhetoric.--A.B.]

Marcello Ferrada de Noli
In Genoa, Italy, 9/2 2011

AB: 2011-02-09

Bilden av en rättslös lydstat tillägnas fansen

Om Wikileaksgrundaren Julian Assange och hans advokater velat göra bort sig ännu mer hade de fått bära clownnäsor. Sverige är nämligen, om man får tro dem, en rättslös lydstat till USA, där allt kan kallas våldtäkt, manshatande åklagare löper amok och hemliga domstolar dömer. Det var budskapet under de två första dagarna av den förhandling om utlämning till Sverige, som avslutas på fredag.

Jag skulle tro att de flinar i Washington nu. Ju hårdare de mediala strålkastarna riktar mot Assange själv, desto mer läggs de krigsbrott Wikileaks avslöjat i skugga.

Visst, det begås misstag dagligen i det svenska rättsväsendet, inga domstolar verkar i ett politiskt tomrum och man kan till exempel undra varför Assange inte kunde förhöras per videolänk. Men försvarets tes om det rättslösa landet *[det handlar om en rättslös behandling av Assange, inte av samtliga misstänkta i hela Sverige--A.B.]* är så verklighetsfrämmande att man kan misstänka att argumenten mer riktar sig till Assanges fanclub än till det brittiska rättsväsendet vars sexbrottslagar för övrigt är strängare än de svenska.

USA vill såklart lägga vantarna på Assange och man ska inte underskatta svenska myndigheters vilja att vara supermakten behjälpliga. Men Storbritannien kan villkora överlämnandet med att Assange inte får lämnas vidare och Sverige kan inte utlämna till ett möjligt dödsstraff. Och det är en sak att skeppa i väg maktlösa egyptier i hemlighet, att utlämna en populär yttrandefrihetskämpe inför ögonen på världspressen skulle däremot fälla vilken regering som helst.

• *Petter Larsson*

Karl Rove, Sweden, and the Eight Major Aberrations in the Police Sex Crime Reporting Process in the Assange Case

Professors blogg proudly welcome Naomi Wolf as guest author in this column. Naomi Wolf is a political activist and social critic whose most recent book is "Give Me Liberty: A Handbook for American Revolutionaries". Professors blogg publishes here as guest-blog her newest article on the Assange case.

*Naomi Wolf
Professor's Blog
February 10, 2011*

Now that excellent reporting from Andrew Kreig of the Justice Integrity Project has confirmed Karl Rove's role as an advisor to the government of Sweden which is pursuing Julian Assange on sexual misconduct charges, it is important to see the many aberrations in the processing of the sexual misconduct complaints against Assange. Dr. Brian Palmer of Uppsala University in Sweden explained on Kreig's radio show Jan 13 that Karl Rove has been working directly as an advisor to the governing Moderate Party. Kreig also reported in Connecticut Watchdog that the Assange's accusers' lawyer is a partner in a law firm, Borgström and Bodström, whose other name partner, Thomas Bodström, is a former Swedish Minister of Justice. In that office, Bodström helped the US break international and Swedish law by approving a 2001 CIA rendition request that Sweden let the CIA fly two asylum-seekers from Sweden to Egypt, where they were tortured-- which is against Sweden's position of neutrality.

This background makes it necessary to publicize the weird aberrations in the police's and prosecutors' handling of these complaints, which are obvious to anyone who has worked supporting women who have been raped or sexually assaulted and gone through the police process.

Based on my 23 years of reporting on global rape law and my five years of supporting women at rape crisis centers and battered women's shelters through the legal system in the US and in Europe, this case is not being treated as a normal rape or sexual assault case, and the new details of the police transcript confirm my position further. Assange's lawyers, and the UK court hearing the extradition issue today, is unlikely to be familiar with the normal standards for rape and sexual assault complaints. The Assange transcript is not a transcript of reports of sexual assault like the transcripts of assaults of the dozens of victims whom I have supported in my years working with victims of sex crimes. Here is why.

1) POLICE NEVER PURSUE COMPLAINTS IN WHICH
THERE IS NO INDICATION OF LACK OF CONSENT.

In police reports of sex crimes, there is ordinarily some indication of lack of consent or else compliance because there is a perceived or real threat of force. Don't take my word for it: look at any other police reports in ANY country in the West, including Sweden. Ask Sweden to produce ANY other police report in which any action was taken in a situation in which there is no stated lack of consent or threat of force. Police simply won't take action on a complaint if there is no indication at all of a lack of consent or else of consent in the face of fear of violence.

The Assange transcripts, in contrast to any typical sex crime report, is a set of transcripts in which neither of the women have indicated a lack of consent. There is one case of in which Miss W asserts that she was asleep-- in which case it is indeed illegal to have sex with her-- but her deleted tweets show that she was not asleep, and subsequent discussion indicates consent. This transcript, with no stated indication of a lack of consent, is an utter aberration in normal police processing of sex crime complaints.

There are other major aberrations in the processing of this case, which any rape victim advocate will recognize.

2) POLICE DO NOT ALLOW TWO WOMEN TO REPORT AN ACCUSATION
ABOUT ONE MAN TOGETHER.

The transcripts indicate that the police processed the two accusers' complaints together. All leaks to the media present the two women's narratives together. The two women themselves reported that they went to the police and gave their testimonies together. This is completely unheard-of in sex crime reporting procedures, it violates law and process, and the burden should be on Clare Montgomery, QC or Marianne Ny to produce a single other example of this being permitted, EVER. Never, never, never will two alleged victims be allowed by police to come in to a precinct and tell their stories together, even or especially if the stories are about one man.

This indeed is a great frustration to those who advocate for rape victims. You can have seven alleged victims all reporting about the same man-- even confirming methods and tactics— and none will be permitted to tell their stories together. It doesn't matter if they coordinated in advance with one another as the Assange accusers did or if they are close friends and came in together for moral support— the police simply will not take their complaints together or even in the same room.

Their wishes won't matter: the women will be separated, given separate interview times and even locations, separate case officers, and their cases will be processed completely separately in separate confidential paperwork. The prosecutor, rather than being able to draw on both women's testimony at the same time, as Marianne Ny is doing, will actually have to struggle to get the judge to even allow a second or additional accusation or evidence into one case from another case. Usually other such evidence will NOT be allowed.

Under normal procedures, if the prosecutor were even willing to take a case in which there was no stated lack of consent in the reports, Miss A would still have her case processed by itself, and then Miss W's case would proceed by itself— with absolutely

no easy ability for the prosecutor to draw from one set of testimony to the next. The reason for this is sound— it is to keep testimony from contaminating separate trials— but it is a source of great frustration to prosecutors and rape advocates, let alone victims. The dual testimonies taken in this case are utterly atypical and against all Western and especially Swedish rape law practice and policy.

3) PROSECUTORS NEVER LET TWO ALLEGED VICTIMS HAVE THE SAME LAWYER.

Both women are being advised, as we saw above, by the same high-powered, politically connected lawyer. That would never happen under normal circumstances because the prosecutor would not permit the risk of losing the case because of contamination of evidence and the risk of the judge objecting to possible coaching or shared testimony in the context of a shared attorney.

Why would the Swedish prosecutor, Marianne Ny, allow such a thing in this case? Perhaps-- bearing in mind the threat that Assange will be extradited by the US government to the US once he is in Sweden— because she does not expect ever to have a real trial in Sweden, let alone have to have to try to win one.

4) POLICE NEVER EVER TAKE TESTIMONY FROM FORMER BOYFRIENDS.

In the Miss. A. transcript is a truly bizarre aberration, the report of a former boyfriend of "Miss A." who testified to police that she always used a condom in her relationship with him. Anyone who supports rape victims through the reporting process is feeling the top of her head lift off from this wildly atypical and actually illegal inclusion of an alleged victim's former sex partner's in the complaint.

There is rape shield law in Sweden as throughout Europe that PREVENTS anyone not involved in the case to say anything, positive or negative, to police about the previous sexual habits of the complainant. No matter how much a former or current boyfriend would want to testify to police about his girlfriends' sex practices— even if the woman complaining at the police precinct about an alleged assault strongly wished her former boyfriend or current boyfriend or even her husband to testify in support of her with this information—the police will, properly, refuse to hear it; not allow it to be said or entered into the record; not record it.

The only reason for Police to include the unprecedented and illegal testimony of a former boyfriend about Miss. A's assiduous use of condoms with him would conceivably be to generate a context in media coverage in which Miss A's dispute with Assange about the condom would gain traction in a context in which characteristically it would be completely disregarded by police.

This inclusion would necessitate the okay from much higher in the criminal justice food chain because-- after two decades of successful feminist agitation on this issue— it now is so contrary to law and policy for sex crime reports to include any information at all from former lovers about the sex life of the alleged victim.

5) A LAWYER NEVER TYPICALLY TAKES ON TWO ALLEGED RAPE VICTIMS OF THE SAME MAN AS CLIENTS.

A high-powered attorney— or any attorney would never allow him or herself to represent two women claiming to have been victimized by the same man, for the reasons above: the second woman's testimony could be weaker than the first's, thus weakening his or her chances of success in court and also risking that a judge will object to cross-contamination of the women's stories. Why would a lawyer weaken his chances thus of his clients' victories in court? Again, keeping in mind the threat of extradition to the US in this case, he might do so because he does not expect them actually ever to go to trial.

6) A RAPE VICTIM NEVER USES A CORPORATE ATTORNEY.

Typically, if a woman needs a lawyer in addition to the prosecutor who is pursuing her case (as in the Swedish system) she will be advised by rape advocates, the prosecutor and the police to use a criminal attorney— someone who handles rape cases or other kinds of assault, who is familiar with the judges and the courts in these cases. She will never hire a high-powered corporate attorney who does not specialize in these cases or work with the local court that would be hearing her sex crime case if it ever got to trial. Given that a law firm such as this one charges about four hundred euros an hour, and a typical rape case takes eight months to a year to get through the courts-- given that legal advice will cost tens of thousands of euros, which young women victims usually do not have access to-- it is reasonable to ask: who is paying the legal bills?

7) A RAPE VICTIM IS NEVER ENCOURAGED TO MAKE ANY KIND OF CONTACT WITH HER ASSAILANT AND SHE MAY NEVER USE POLICE TO COMPEL HER ALLEGED ASSAILANT TO TAKE MEDICAL TESTS.

The two women went to police to ask if they could get Assange to take an HIV test. Sources close to the investigation confirm that indeed Assange was asked by police to take an HIV test, which came back negative. This is utterly unheard of and against law and standard sex crime policy.

Under ordinary procedures, the women's wishes for the alleged assailant to take medical tests would be completely discouraged by rape advocates and completely deterred and disregarded by police.

First, the State normally has no power to compel a man who has not been convicted, let alone formally charged, to take any medical tests whatsoever. Rape victims usually fear STD's or AIDS infection, naturally enough, and the normal police and prosecutorial guidance is for them to take their own battery of tests-- you don't need the man's test results to know if you have contracted a disease-- and victims are advised to stay well away from him and not to contact him. Indeed normal rape kit processing, including in Sweden, includes such tests for the alleged victim as a matter of course, partly to help avoid any contact between the victim and the assailant outside legal channels.

The inclusion in rape kits of HIV and STD tests by police makes the narrative that the women need the police in order to 'get Assange tested' implausible and unnecessary, as well as a violation of normal law and procedure, unless the actual goal is to find some way to get him back to Sweden for extradition. The police never act as a medical go-between in this question.

There is one case in the US in which a man has been convicted AFTER giving AID to another partner (in this case another man) and the women in a case such as this could have that option to have Assange tested, under normal circumstances, only after they had been infected with AIDS and only if they then charged Assange then with infecting them— but not, again frustratingly to rape victims and advocates, before there is any medical consequence to them that they can prove. Plus, that— the hypothetical HIV infection— under normal police processing would have to be their charge, not sex assault, in order to achieve that outcome of an HIV test, which in this case it is not.

The Police do not act as medical mediators for STD testing,, since rapists are dangerous and vindictive. Victims are NEVER advised to manage, even with police guidance, any further communication with them that is not through formal judicial channels.

8) POLICE AND PROSECUTORS PRETTY MUCH NEVER LEAK POLICE TRANSCRIPTS DURING AN ACTIVE INVESTIGATION BECAUSE THEY FACE PUNISHMENT FOR DOING SO.

The full transcripts of the women's police complaints have been leaked to the US media. The only people who have access to these are police, prosecutors and the attorneys. Often, frustratingly, rape victims themselves cannot get their own full set of records related to their cases. In normal circumstances, there would be an investigation of the police who had access to the documents, and the prosecutors, for the same reasons described above— the risk of contamination of evidence and derailing of a trial.

Police and prosecutors who leak these confidential documents face serious penalties and lawyers who do so can be disbarred. In this case, no one is being investigated or facing any professional consequences. The only way such a leak could have happened from police or prosecutors is if there was a signal from above that they could and should do so with impunity.

Major aberrations in normal sex crime reporting and investigating procedures, all possible only if directed from much much higher up the political chain. Highest up the political food chain is a leadership being advised by Karl Rove— who was party to crimes such as rendition and torture that Wikileaks addresses, and that further Wikileaks revelations may well reveal.

These eight bizarre aberrations, which led me from the first, as an advocate for rape victims with many years of experience helping victims who are going through a similar process as Miss W and Miss A, to raise an alarm about the falsified and entirely unusual nature of these procedures, are even more dramatically obvious with the release of the police records. Prosecutors, intelligence services and perhaps even Karl Rove are counting on general ignorance of normal rape reporting procedures to conceal the strange nature of this record.

The political background-- and the fact that Assange was under surveillance by Swedish and US intelligence services in Sweden even before he ever went home with Miss W or Miss A, is all important to consider in light of the serious consequences of the hearings taking place in Britain now.

<http://ferrada-noli.blogspot.com/2011/02/karl-rove-sweden-and-eight-major.html>

Aftonbladet: 2011-02-10

VÅLDTÄKTSMISSSTANKARNA MOT ASSANGE




FOTO: SCANPIX/AP

Assanges attack mot Ny

Här går Assange till hårt angrepp mot svenska åklagaren. "Hon vägrar komma hit. Var är rättvisan?"



Dagarna som förföljer honom

> Ord stor mot ord. SvD har läst häktningpromemorian.



Så svartmålas Sverige på nätet

> Svartmålas. Beskrivs som land i klorna på feminister och CIA.

Video with Swedish subtexts: http://www.svd.se/nyheter/webbtv/har-gar-julian-assange-till-attack-mot-marianne-ny_5927979.svd

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Ms. Robinson:

You have asked me to describe the current media climate in Sweden regarding the suspicions of criminal conduct that have been raised against Julian Assange and the related extradition hearing now taking place in London.

I am quite willing to do so, as the issues involved are of great importance and they have long been of special interest to me. Among other things, I have designed and led courses in media studies as a university lecturer in sociology in the United States, my former homeland.

In 1988 I immigrated to Sweden, where I am now a citizen. For the past eighteen years, I have been editor and publisher of Nordic News Network, an Internet-based service that has published numerous analyses of Swedish media, arranged seminars and public meetings on that and related subjects, etc., often in co-operation with media researchers and other social scientists. In that capacity, it has been essential to monitor a wide variety of Swedish media, and the Assange case is an issue to which I have paid particular attention.

Due to time constraints, I am not at this moment able to offer a thorough analysis of the manner in which Swedish media have reported on that and related issues. But I can convey some general impressions, having closely followed the case via the media since it became a major international news item in August last year.

In my view, what is most striking about coverage of the Assange case by mainstream Swedish media is how little effort they have made to report on its development. That applies especially to the accumulating evidence that the accusations against Mr. Assange may be false or misleading, and that the behaviour of the Swedish prosecutor in charge of the case may have been highly improper.

For example, I have yet to see or hear any substantial attempt by leading Swedish media to report on the original police interviews, the transcripts of which were made available on the Internet last week. Thus, the many news consumers who rely on those media have not, for example, been informed that:

- One of the two female accusers has provided contradictory accounts of the events in question, continued to associate with Mr. Assange in an openly friendly manner, and rejected repeated opportunities for him to be quartered elsewhere than at her flat-- even *after* the alleged assault of which she later accused him.
- The other female accuser confided to interviewed witnesses that: she never intended for Mr. Assange to be charged with rape; she felt "run over" by the police and others who became involved; she became so distraught upon learning that a warrant had been issued for Mr. Assange's arrest that she was unable to complete the interview; that she has never endorsed the written summary of the interview (it was not recorded *verbatim*); that the policewoman who conducted the interview was subsequently denied access to her notes and instructed by a superior to sign an altered account; etc., etc.

Little of this or any of the other evidence tending to exculpate Mr. Assange has been reported in the mainstream Swedish press. In some instances, it has been grossly distorted, as with a signed leader in *Dagens Nyheter* which asserted that, "There is evidence which supports the women's version of events, while Assange is left all alone with his story." (Hanne Kjöllér, "Julian Assange: Falskskyltad apostel". *Dagens Nyheter*, 8 Feb. 2011.)

What the interview transcripts and other evidence reveal is just the opposite. But this bizarre interpretation can be expected to have a significant impact on public opinion, as *Dagens Nyheter* is Sweden's most influential daily newspaper and is often used as a source and reference by other media. Its editorial profile is centre-liberal, in British terms perhaps somewhere between *The Times* and *The Telegraph*. It may also be noted that, in Sweden, leaders tend to be taken quite seriously and are often referred to as respected sources of analysis and opinion.

In short, Swedish media have largely ignored the mounting evidence tending to discredit both the accusations against Mr. Assange and the behaviour of the Swedish prosecutor. Instead, the main theme has been that two young Swedish women have made serious charges which must be taken seriously, and that Swedish officials can be trusted to pursue the matter in a completely fair and unbiased manner. It is therefore unnecessary, apparently, to report in detail why doubts have been raised about the prosecutor's behaviour.

The clear bias against Mr. Assange in favour of his two accusers has become increasingly blatant in response to the extradition hearing in London. There have been a number of outraged media reactions to what has been portrayed as a vile and dishonest attack on the honour and reputation of Sweden by Mr. Assange's attorneys and friendly witnesses.

Among the latter have been some highly qualified Swedish experts whose testimony has presented an impediment to indignant outrage. That problem has been dealt with by dismissive and disparaging commentary, and even with the use of unflattering photographs as in the following example:



*Brita Sundberg-Weitman
Aftonbladet 2011-02-08*



*Brita Sundberg-Weitman
Google Images, readily available*

The photo on the left was used by *Aftonbladet* on February 8th with the fairly obvious intent to portray retired judge Brita Sundberg-Weitman and her testimony in a negative light. The photo on the right, readily available from Google Images, is a far more accurate representation of her appearance — but would not have served the obvious editorial purpose.

Aftonbladet is a tabloid with the largest readership in Sweden and is historically associated with the Social Democratic Party (corresponding roughly to Labour in the U.K.). It is the most left-leaning of the major Swedish news media, *somewhat* similar in outlook to *The Guardian*, and more inclined than the rest to criticize U.S. foreign policy, for example. As an indicator of the general media tendency, it is therefore especially significant that *Aftonbladet* has adopted an increasingly negative attitude toward Mr. Assange and the arguments presented on his behalf.

An ominous related development has been the intervention of Swedish Prime Minister Fredrik Reinfeldt in the case. Quite recently, Mr. Reinfeldt *volunteered* the assurance that there would be no political interference in the extradition proceedings. But he has in recent days issued strong and widely publicized condemnations of the negative impression of the Swedish judicial system which has emerged from the hearing, intimating that it is part of a devious effort to deny justice to Mr. Assange's two accusers.

Such comments are clearly intended to influence Swedish public opinion against Mr. Assange, and it may be assumed that there will be more of the same in the months ahead. This suggests that (a) Prime Minister Reinfeldt fully intends to politicize the case in collaboration with the Swedish media, and (b) his word is not to be trusted in matters of extradition. Hostile or indifferent public opinion toward Mr. Assange will be a valuable political asset for Mr. Reinfeldt in the likely event that the United States requests the extradition of Mr. Assange from Sweden.

The potential consequences for Mr. Assange, should he be extradited to Sweden, are fairly obvious. Among other things, there is already a clearly negative bias against him in the mainstream media, and it can be expected to intensify if the matter proceeds to trial. The ground has been prepared for a media witch hunt, and past experience strongly indicates that it will not be deterred by mere facts and indisputable evidence.

That may come as a surprise to observers in the United Kingdom where, it is my understanding, Sweden is widely regarded as a paragon of rationality. As an immigrant and observer, I am inclined to agree with that view in most regards—especially in comparison with my country of origin. But “rationality” is definitely not a term that I would apply to mainstream Swedish news media. In my view and that of many others, they often adopt a wolf-pack mentality that can be very disturbing to witness, and can have devastating consequences for “the hunted”. There are some appalling examples of “trial by media” in recent Swedish history and, as noted above, a clear tendency in that direction seems to be developing with regard to Mr. Assange.

It has been especially odd to read and hear all the patriotic defences of Sweden’s honour in response to the criticisms made during the U.K. extradition hearing. Normally, Swedish journalists are the first and loudest to criticize their country’s imperfections, real or imagined. That they have chosen to be outraged by well-documented criticisms of the way in which this case has been handled by Swedish officials—that is most strange in my experience, and suggests a special animosity toward Mr. Assange.

It all bodes ill for the fate of Mr. Assange if he is extradited to Sweden and prosecuted for the increasingly dubious offences of which he has been accused.

That, in brief, is my impression of the current media climate in Sweden. Given sufficient time, I will gladly attempt to provide a more thorough assessment at some future date.

Yours sincerely,

Al Burke
Lidingö
Sweden

10 February 2011

SvD: 11 februari 2011

Assanges advokater till attack mot Reinfeldt

Förhandlingarna i London som ska avgöra om Julian Assange ska överlämnas till Sverige återupptogs i dag, och sannolikt kommer ett besked senare under fredagen. Assanges försvarare går till attack mot Reinfeldt och svenska medier, som han menar gjort Assange till "samhällets fiende".

Assanges advokat Geoffrey Robertson inleder med att ifrågasätta om Assange kan få en rättvis rättegång i Sverige, på grund av uttalanden som statsminister Fredrik Reinfeldt gjort om fallet.

– Efter talet har Assange förvandlats till samhällets fiende nummer ett. Jag kan inte påminna mig om något liknande, säger Robertson.

– Det är en utveckling som inte kan tolereras.

Robertson hänvisar till att Reinfeldt under ett besök i London i januari sa att det inte var hans sak att uttala sig om hur rättvisa skipas i Sverige, samt att Reinfeldt tidigare i veckan sa bland annat så här till journalister i riksdagen:

– Jag kan bara beklaga att kvinnors rätt och ställning väger så lätt när det gäller den här typen av frågor jämfört med andra typer av teorier som förs fram. Jag kan bara försvara det faktum som alla i Sverige känner till, nämligen att vi har ett självständigt, ickestyrt rättsväsende.

Reinfeldts uttalande och de svenska mediernas bevakning anförts som främsta skälet till att Assange inte skulle kunna få en rättvis rättegång. Robertson ber att fallet skjuts upp till första veckan i mars, bland annat eftersom han vill kalla vittne som kan tala om konsekvenserna av uttalandena. Domaren avslår Robertsons begäran.

Robertsons nästa strategi för att skjuta upp förhandlingarna är att kräva att svenska åklagaren Marianne Ny kallas som vittne i London. Skriftligt vittnesmål räcker inte enligt honom. Han vill ha korsförhör.

Robertson menar att den europeiska arresteringsorder som Marianne Ny utfördat var oprortionerlig och att DNA-test kunde gjorts den 30 augusti när Assange frivilligt infann sig för förhör, eller senare i London tack vare juridiskt samarbete mellan länderna.

Han menar också att Ny vägrade att höra Assange den 15 september och inte kallade honom för förhör förrän 22 september, ett förhör som skulle hållas den 29 september. Då befann sig Assange, som lämnat Sverige den 27 september, i Berlin för ett planerat möte. Under flygresan dit ska han också av okänd anledning förlorat sitt bagage.

Robertson avslutade sin plädering med en attack mot att svenska våldtäktsrättegångar vanligen hålls bakom lycta dörrar. Därefter konstaterar han att en svensk rättsprocess riskerar att politiseras eftersom nämndemän ofta är politiker och att domaren inte ensam fattar yttersta beslutet.

Åklagare Clare Montgomery går till mottattack mot Assanges advokat och hävdar att svenskt åklagarväsende inte begått något fel i hur de formulerat arresteringsordern. Hon säger också att det inte funnit någon skyldighet för Marianne Ny att personligen vittna.

Minst 60 journalister från hela världen bevakar förhandlingarna, merparten av dem från en barack dit samtalen sänds med videolänk. I duggregnat utanför domstolen på Belmarsh road i sydöstra London avvaktar kamerateamen.

• *Jon Pelling o. Karin Thurfjell*

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Julian Assange 'public enemy number one'

PA/The Independent
11 February 2011

"Inflammatory" criticism of Julian Assange by the Swedish prime minister has turned the WikiLeaks founder into public enemy number one, a court heard today. Swedish authorities want to extradite the whistleblower for alleged sex offences but his lawyer argued the comments made this week could damage his chance of a fair trial.

Speaking on the final day of his extradition hearing, Geoffrey Robertson QC, told Belmarsh Magistrates' Court in south east London that Sweden's prime minister had made an attack on Assange and his defence counsel. He said: "He has effectively been denounced as an enemy of the people."

Prime minister Fredrik Reinfeldt's remarks were said to include claims that Assange and his lawyers had been "condescending and damaging to Sweden" and to have implied that they thought women's rights were worthless.

Mr Robertson said: "In a small country...it has created a toxic atmosphere, media are reporting it and it is a basis for comment. Mr Assange is public enemy number one as a result of the prime minister's statement. People will believe... that Mr Assange has been damaging Sweden." He described it as an "intolerant development" in the case and accused the head of state of showing "complete contempt for the presumption of innocence".

But Clare Montgomery QC, for the Swedish authorities, dismissed the notion that the prime minister had vilified Assange, suggesting that the comments were a reaction to media briefings given by the defence outside court. She said: "You might think those who seek to fan the flames of a media firestorm can't be surprised when they get burnt."

Assange faces three charges of sexually assaulting one woman and one charge of raping another during a week-long visit to Stockholm in August. He denies committing any offences and his supporters claim the criminal inquiry and extradition request are unfair and politically motivated.

Mr Reinfeldt's remarks followed two days of evidence presented by the defence earlier this week, which included implicit criticism of the country's justice system. But the

prime minister's intervention was "extraordinary", Mr Robertson said, since he had previously indicated he thought it would be inappropriate for him to comment on the case. "Why then, only...days later, does he launch a full-blooded assault on Mr Assange and his defence in these proceedings?" he said. "Was it political motives?"

Nor was the prime minister the only Swedish politician to have weighed in, he told the court. "It doesn't stop there," he said. "I've seen a report about the chancellor jumping in to endorse the prime minister's remarks."

But District Judge Howard Riddle refused to grant Assange's lawyers more time to prepare evidence on the potentially damaging impact of the prime minister's comments. He said: "In a case such as this there are always likely to be further developments." An "element of finality" was needed in the proceedings, he went on, adding that he expected any decision made on extradition to be appealed against.

Summing up, Mr Robertson told the court:

- If Swedish prosecutor Marianne Ny's statements were to be given "evidential weight", she should have come to testify herself;
- Assange volunteered to be questioned in Sweden on August 30 but the prosecutor refused to interview him then;
- The 39-year-old Australian had also offered to be interviewed from abroad by phone, video link and Skype, but had been turned down;
- Rape trials in Sweden were "secret" and heard behind closed doors and that what Assange was accused of would not amount to rape anywhere other than in Sweden anyway.

On top of this, the prime minister's statement had served as an "extraordinary own-goal because it shows beyond doubt that he won't get a fair trial in Sweden", he added.

Ms Montgomery countered that the warrant had been issued for prosecution; that one of the alleged offences would amount to rape in English law as well as in Swedish law; and that there would be no "secret trial", but rather one in which the evidence is heard in private but the arguments about it are made in public.

The matter was adjourned to February 24, when Judge Riddle is expected to announce his decision on whether Assange should be extradited.

Speaking outside court afterwards, Assange pointed out that Ms Montgomery had represented Chile's former military ruler General Augusto Pinochet in his extradition hearing at the House of Lords. He went on: "In this case ... we have not been able to present my side of the story. I have never been able to present my side of the story."

But he hoped his plight would serve to highlight abuses suffered by others in similar positions who did not benefit from the same media spotlight, he said. "What gives me hope is that we can prove this particular case and not simply draw attention to the difficulties and pressures that we and other people have been under but perhaps we will have an opportunity to set a new precedent about the abuses of the European Arrest Warrant," he said.

"We have an opportunity perhaps to draw attention to all those people who do not have the luxury of this press to scrutinise what's happening to them." Among such people, he said, were the thousands of Poles being extradited to Poland.

His case also provided an opportunity to draw attention to "some of the problems that people in Sweden are demanding the world's attention on", he added. These, he claimed, included abuses of process, secret trials and the lack of effective remedy for abuse.

His lawyer, Mark Stephens, added that the Swedish prime minister's intervention was "wholly inappropriate". He said: "In any decent country the rule of law is separate from the political process. In Sweden it is not." He described this as "one more example of the quite exceptional behaviour in the Julian Assange case".

ASSANGE-AFFÄREN

Försvaret hånade kvinnorna i rätten

▶ [Assanges advokat om påstådda våldtäkten](#) "Detta brukar kallas missionärsställningen".



[Obs! Det finns ingenting i själva texten som motiverar denna rubrik.--A.B.]

AB: 2011-02-11

Åklagaren till attack mot Assange

Wikileaks grundare Julian Assange är tillbaka i domstolen Belmarsh Magistrates Court i London. Rätten ska ta ställning till om Assange ska överlämnas till Sverige där han är misstänkt för våldtäkt.

Åklagare Clare Montgomery säger att Assange har begått en våldtäkt-- både enligt svensk och engelsk lag-- och ska därför flygas till Sverige.

– Det "kvinna B" beskriver som våldtäkt, det är även våldtäkt här i England, säger åklagaren.

Klockan 11.30 svensk tid inleddes förhandlingen och idag var det slutpläderingar. Domare Howard Riddle har nu sagt att Julian Assange ska sitta i husarrest till 24 februari. Det är oklart om han då kommer att tillkännage sitt beslut i överlämningsfrågan, skriver TT. Domen kan överklagas av bägge parter.

Enligt Assanges försvarsadvokat Geoffrey Robertson finns det inga bevis på att ett åtal mot Assange skulle vara nära förestående i Sverige, bortsett från den europeiska arresteringsordern. Han ifrågasätter också om den svenska överåklagaren Marianne

Ny verkligen har rätt att utfärda en sådan. Robertson tycker att den svenska åklagaren Marianne Ny borde ha kallats till domstolen för att stå till svars om hur hon agerat i den pågående förundersökningen.

– Det är inte rättvist att försvaret måste kalla vittnen, medan den svenska åklagaren Marianne Ny inte behöver komma hit och vittna, säger han.

Robertson ifrågasätter motivet bakom den europeiska arresteringsordern.

– Är det här en arresteringsorder för att kunna åtala? Svaret är nej. Det är en del av en förundersökning, säger han.

Enligt Robertson borde den svenska åklagaren kunna åka till Storbritannien och förhöra Assange där. Han tog också upp ett förhör med en kvinna som anklagat Assange för våldtäkt och gick in på detaljer kring hur situationen har beskrivits av kvinnan, att hon ville att Assange skulle använda kondom. Robertson menar att kvinnan inte uttalat sagt att hon inte ville ha sex, utan att det beskrivits i förhöret hur hon kände sig.

– Hon kände... hon kände... hon kände... hon sa aldrig att hon inte ville ha sex, säger Robertson.

Han anser att det som beskrivits som våldtäkt, att Assange har särat på kvinnans ben och hållt fast henne med sin kroppsvikt är vanligt sex.

– Detta brukar kallas missionärsställningen.

Domaren tappade dock tålamodet efter ett tag och utbrast att det snart fick räcka och att Robertson fått fram sin poäng.

– Det är helt upp till dig att bestämma hur du vill använda den tid som avsatts för dig, sa domaren vilket fick vissa i rättssalen att skratta.

Geoffrey Robertson anser att Sveriges statsminister Fredrik Reinfeldt förstör Assanges möjlighet till en rättvis rättegång.

– Han har snabbt blivit samhällets fiende nummer ett i Sverige. Vi anser att det här är en oacceptabel utveckling.

Reinfeldt kommenterade tidigare i veckan Assange-fallet då han var kritisk till hur det svenska rättssystemet hade blivit angripet:

– Låt oss inte glömma bort vad som riskeras här. Det är ju rätten för kvinnor att få prövat huruvida det har varit ett övergrepp som de har varit utsatta för, sa Reinfeldt då till TT.

Robertson kallar Reinfeldt för "statsöverhuvud" och vill nu kalla in vittnen som kan berätta vad Reinfeldts uttalande egentligen betyder.

– Folk i allmänhet måste tro att Reinfeldts anmärkningar är sanna. Det är ett litet land, säger Robertson och fortsätter:

– Reinfeldt skapar medvetet en giftig stämning.

Brittiska åklagaren Clare Montgomery svarar att det varit en giftig atmosfär kring andra rättsfall, men att det inte behöver påverka rätten.

– Reinfeldt uttalade sig kalkylerat för att piska upp en stämning, säger Robertson som envist hävdar att statsminister Fredrik Reinfeldts uttalande har påverkat Assanges möjligheter att få en rättvis möjlighet, överklaga och kunna släppas mot borgen. Reinfeldt kommenterar inte

Robertsons begäran om att få kalla in ytterligare vittnen avvisas av domaren.

– Det blir alltid vidareutveckling i den här typen av fall, säger domare Howard Riddle och hänvisar till att rätten måste hålla sig till ett uppgjort tidsschema men dock ska ta hänsyn till vad Robertson anför idag.

Fredrik Reinfeldt har inga kommentarer, uppger hans pressekreterare Sebastian Carlsson till Aftonbladet.

– Han kommenterar inte pågående rättsfall.

Ler och skämtar

Julian Assange, 39, anlände till rätten i sällskap med sina jurister och medhjälpare från Wikileaks.

– Assange skyddade sig mot regnet med ett paraply. Han är klädd i mörk kostym och i skepnad av en gentleman, snarare än en internetrevolutionär, rapporterar Aftonbladets Peter Kadhammar som är på plats. Väl inne i rättssalen verkade Assange avspänd, gjorde tummen upp och vinkade till bekanta i rättssalen.

– Han ler och skämtar med sitt följe.

Advokat Mark Stephens som i tisdags utmanade överåklagare Marianne Ny att komma till London, har bytt sin skraddarsydd kritstrecksrandiga kostym till en ljusgrå, som om det är en avspänd avslutning i dag.

Utanför domstolsbyggnaden har Wikileaks-anhängare och supportrar till Assange samlats för att visa sitt stöd. Till brittiska Channel 4 säger de att de stannar där "så länge som det krävs".

Parterna pläderar denna grå förmiddag i domstolen på Belmarsh Road i London, Storbritannien för sina ståndpunkter-- utlämning eller inte.

Assange har hävdat att han inte kommer få en rättvis rättegång i Sverige och menar att det finns risk att han utlämnas till USA. Han säger sig frukta för sitt liv.

• *Peter Kadhammar o. Susanna Vidlund*

Julian Assange extradition hearing-- final day live updates

*Simon Jeffery
The Guardian
11 February 2011*

3pm: Assange's outside-the-court statement said he hoped his European arrest warrant case would help highlight others in the same position, including, he said, Poles being extradited to Poland.

"What gives me hope is that we can prove this particular case and not simply draw attention to the difficulties and pressures that we and other people have been under but perhaps we will have an opportunity to set a new precedent about the abuses of the European arrest warrant.

"We have an opportunity perhaps to draw attention to all those people who do not have the luxury of this press to scrutinise what's happening to them."

The statement also raised "some of the problems" in Sweden and pointed out that Clare Montgomery, QC for the Swedish prosecutor, had represented former Chilean dictator Augusto Pinochet in his extradition case (which is legally irrelevant since barristers are forbidden to reject clients they are qualified to represent.)

1.30pm: A summary of today's events:

- Assange's QC, Geoffrey Robertson, said comments from the Swedish prime minister had made Assange "public enemy number one" in Sweden. He asked for an adjournment to call for evidence on the effect this had on Assange's chance of a fair trial, which the judge rejected.
- His closing argument dealt with the lack of an active prosecution in Sweden, the authority of the Swedish prosecutor to issue a European arrest warrant and the lack of "double criminality" -- that the allegations made against Assange are offences under both Swedish and English law.
- The QC for the Swedish prosecutor, Clare Montgomery, said the Swedish prosecutor had the authority to issue a European arrest warrant, that she intended to prosecute Assange and, of the "double criminality" issue, said: "If Sweden says it's rape, it's rape."
- Issue of consent were raised by both sides. Robertson, for Assange, said there was no allegation that the acts took place without consent. Montgomery, for the Swedish prosecutor, said consent cannot be presumed when a woman is sleeping. She also told the court: "It's plain Mr Assange is alleged to have used violence."

Robertson's final submission suggested consent was complicated. He said: "Sexual encounters have their ebbs and flows. What may be unwanted one minute can with further empathy become desired."

1.22pm: Assange is to remain on bail. His reporting time has however been moved from 2-5pm daily to the mornings so he is able to attend meetings.

1.20pm: Roberston has now finished and the hearing concluded. A ruling is scheduled for 24 February.

1.15pm: Robertson (GR) responds to Montgomery's "If Sweden says it's rape, it's rape" line:

GR: 'If sweden says that sucking toes without washing them first is rape, then that would make it an extradition offence?'

He also delves into what calls the "complex human interactions" in sexual relationships and offers the following: "Sexual enounters have their ebbs and flows. What may be unwanted one minute can with further empathy become desired."

1pm: Montgomery closes with a rejection of key defence arguments. She says it is "a parody" to claim Swedish rape trial are held in secret since while evidence is heard in private, arguments, debate and the ruling are all public and has this to offer on claims Assange could end up in Guantánamo (Alhem is the retired Swedish prosecutor called as a defence witness).

Montgomery also tells the court it is for a Swedish court to hear evidence of rape, that today is an extradition hearing.

12.55pm: As Montgomery wraps up her argument, she moves onto consent. She says if a woman says she only wishes to have sex with a condom the other person will know she doesn't consent to unprotected sex, that there is a presumption a sleeping woman cannot consent and that one of the complainant's accounts 'in popular language does mean violence'.

Esther Addley tweets the following from court (CM is Montgomery, JA is Assange):

CM: re: both women, JA alleged either to have used violence or penetrated while sleeping, both qualify as offences less than a minute ago via txt esther addley
estheraddley

Montgomery moves on to says that it is not reasonable to expect the prosecutor to interview Assange via Skype since he needs to be in Sweden if he is to be compelled to give DNA.

12.45pm: "If Sweden says it's rape, it's rape," is how Montgomery addresses the the "double criminality" issue raised by Robertson at 12.10pm.

12.40pm: Montgomery is giving the court detailed legal arguments on what she says is the validity of the European arrest warrant in this case.

12.25pm: Montgomery says it is "quite clear" that the purpose of the European arrest warrant is for prosecution.

12.20pm: Clare Montgomery QC, representing the Swedish prosecutor, begins her closing argument. She says the retired Swedish prosecutor the defence called as a witness conceded that Ny issuing a European arrest warrant for Assange was proper and lawful if her version of events was true and refers to Robertson's questioning of her issuing authority as "mischevious".

12.10pm: Robertson moves through the following points in his closing argument: that Assange did not leave Sweden for Germany to avoid arrest; the Swedish prosecutor not taking up offers of interviews via Skype; "double criminality" (whether the allegations are offences in both Swedish and English law and therefore extraditable); and issues of consent.

On the allegation that Assange used his bodyweight to hold one of the women down, we have the following from Robertson (GR):

GR 'It is quite clear that [miss a's account] described what is usually termed the missionary position' #assangeless than a minute ago via ttexther addley estheraddley

He says that there's no allegation that it was without consent. (Some considered Robertson's detailed description of the act untweetable.)

Robertson then says that if Assange is extradited he will be held in prison for months as Sweden has no bail and will then be tried in secret, contrary to the principles of open justice. The hearing then breaks for five minutes.

11.45am: More from Robertson (GR) on the validity of the European arrest warrant in this case:

GR: 'Is this a warrant for prosecution? The answer is no. It is issued as part of the preliminary investigation.' #assangeless than a minute ago via ttexther addley estheraddley

He says Ny has herself said the warrant is for questioning and possible prosecution.

11.35am: Robertson's closing argument has moved onto if Ny has the authority to issue an European arrest warrant (he says not) and what he calls the "vexed question" of whether it is valid for prosecution or questioning. He says one of the defence witnesses, retired Swedish prosecutor Sven-Erik Alhem, said there was a specific Swedish word for prosecution that has not been used.

11.20am: Robertson is now into his closing argument, which he says will last an hour. He begins by questioning Swedish prosecutor Marianne Ny's statement, which he says can't be "smuggled in" as definitive. He says if it is to be given "evidential weight" then she should be cross-examined as a witness (as did Assange lawyer Mark Stephens outside the court on Tuesday evening).

Robertson continues saying he accepts the European arrest warrant should make extradition easier but that it "should always be with careful attention to the human rights of person sought." He adds that "you can't say" that the European court of human rights would safeguard Assange's rights in Sweden because the court has a backlog of three to five years.

11.05am: The judge rules out an adjournment, saying the case already contains evidence on whether Assange can get a fair trial in Sweden and, also, that there is a need for finality (though he accepts the possibility "perhaps inevitability" of appeal).

11am: Montgomery is now throwing Reinfeldt's comments back at Assange's legal team:

CM: swedish PM responding in part to defence media statements. 'If u fan media firestorm don't be surprised if u get burnt' #assangeless than a minute ago via txtether addley

The judge is now running through the arguments.

10.55am: Robertson is asking to adjourn the hearing so he can call evidence to show the effect of Reinfeldt's comment is that there is no chance of a fair trial in Sweden. He proposes another day or half-day in March. Clare Montgomery QC, representing the Swedish prosecutor, objects and says that the statement Robertson says villifies Assange does nothing of the sort. She adds that even if you accept what she calls Robertson's "hyperbole" courts often operate "in this kind of atmosphere".

10.45am: Geoffrey Robertson QC, representing Assange, begins the session with an attack on the Swedish prime minister, Fredrik Reinfeldt. Robertson says Reinfeldt made critical comments on Assange in parliament to the end that the WikiLeaks founder "has in effect become public enemy number 1 in Sweden. We say this is an intolerable development." He continues:

'The real evil of this outburst is that in a small country people will believe it.'

Robertson says he does not have an idiomatic translation of what Reinfeldt said but reports show it is an "inflammatory statement".

10.35am: Assange is back in the dock. Esther Addley tweets he gave "good-natured waves and thumbs up to friends in public gallery."

10am: Julian Assange, his legal team, the QC for the Swedish prosecutor and-- no doubt-- supporters return to Belmarsh magistrates' court today for the final day of the WikiLeaks founder's extradition hearing in relation to allegations of rape, sexual assault and sexual molestation.

Assange denies all the allegations and has not been charged.

The hearing was scheduled to last two days but overran. When it resumes today at 10.30am, it is expected to be taken up largely with closing arguments.

The case up to now has heard from Assange's Swedish lawyer, a Swedish blogger and, also from Sweden, a retired prosecutor and a retired judge (translation issues have in part made the hearing overrun).

Arguments have centred around whether Assange can get a fair trial in Sweden, the conduct of the prosecutor (especially over her confirmation of Assange's name to the media) and whether the alleged offences are offences at all. Assange's Swedish lawyer, Björn Hurtig, introduced new evidence in the final session on Tuesday: that he had seen text messages from the two women making the allegations that speak of revenge; also that Swedish prosecutors had tried to interview Assange before he left the country, contradicting his legal team's earlier claims.

Obama's handling of Hosni Mubarak situation critiqued

Meegan Holland
Grand Rapids Press
February 11, 2011

GRAND RAPIDS-- Former presidential press secretaries Michael McCurry and Dana Perino talked about President Barack Obama's odd handling of his announcement yesterday that Egyptian President Hosni Mubarak would step down later that day....

In a wide-ranging question and answer session, Perino and McCurry agreed vehemently that the Wikileaks of classified information severely damaged the United States' fight against terrorism. **That led to one of the best quotes of the morning session: "I've come around on one thing: I don't believe in capital punishment but I might make an exception," McCurry said, referring to Julian Assange, founder of Wikileaks. "We've paid a grievous price."**

Wikileaks published thousands of secret U.S. documents on subjects ranging from the war in Afghanistan to insider information on U.S. diplomacy. Perino criticized Assange, saying he's harmed U.S. diplomats and the U.S. intelligence force's ability to function. "The only way to prevent terrorism is for our allies to give us information, and if they don't believe it's secure, they won't give it to us."

McCurry noted that U.S. diplomacy is already difficult enough, with fewer diplomats than members of U.S. military bands. *[And the conclusion is...?--A.B.]*

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Feministerna i Assange-härvan gör våld på feminismen

Helene Bergman
Newsmill
2011-02-11

Förundersökningsprotokollet om Julian Assanges kvinnoaffärer i Stockholm är chockerande läsning för en urfeminist från 70-talet. Jag som under många år ledde Sveriges Radios legendariska kvinnoprogram Radio Ellen och slogs för kvinnors rättigheter och lika värde genom att i oräkneliga reportage skildra kvinnors verklighet. Jag som levt mitt liv som feminist i heterosexuella förhållanden med mycket lust och sex.

Vi finns faktiskt. Vi som älskar män och våra söner. Men efter att ha läst förundersökningsprotokollet känner jag ett behov av att varna sönerna för att hoppa i säng med okända svenska kvinnor i Sverige. Herrgud det kan ju sluta i ett våldtäktsmål. Aldrig kunde jag drömma om att en berättigad kamp för jämställdhet skulle slå över i en statsfeminism som fullständigt tappat vett och sans. En statsfeminism som reglerar sexet i sängkammaren. Där målsägaren A kan säga i ett förhör om förhållandet med Assange: "Jag var ju skitstolt, får världens häftigaste man i säng och som bor i min lägenhet". Sedan går hon till polisen.

Det verkar som om kvinnor/feminister i produktiv ålder har slutat ta ansvar för de sexuella förhållanden de ger sig in i. Istället förlitar de sig på rättsväsendet, sjukvården och dagen efterpiller.

På 70-talet slogs vi feminister för vår rätt till lust och sexualitet, inte för att göra männen till gärningsmän utan för att kunna njuta tillsammans med dem. Dessutom lärde vi oss att lita på vår egen självbevarelsedrift och instinkt. Vår egen förmåga att kunna hävda ett nej, att stå på sig. Feminismen går ut på att stärka kvinnors självkänsla inte att göra dem till statens offer.

Låt mig nu sticka ut min feministiska haka och påstå efter att ha läst förundersökningsprotokollet i Assangeaffären att åtminstone de två kvinnor som polisanmält Assange inte har någon kunskap om mäns sexualitet och/eller blev förblindade av Assanges rockstjärnestatus och hjältegloria. När det sedan visade sig att han var en vanlig man i sängen, blev besvikelsen för tung att bära och då kom hämnden in i stället och kvinnorna gick till polisen.

De två kvinnornas lek med elden kommer troligtvis att sluta i ett stort elände, inte minst för dem själva. Därför borde de ta tillbaka sin anmälan medan tid är. Men i fallet med kvinnan W. är det omöjligt då våldtäkt faller under anmält åtal. Det vill säga den opersonliga statsfeminismen har tagit över och W. får nu stå sitt eget kast.

- *Helene Bergman är journalist och ledde under många år det legendariska kvinnoprogrammet Radio Ellen i Sveriges Radio.*

Kommentarer

Äntligen! Klocka ord av en SANN feminist. Själv lämnade jag feminismen då jag började ana vartåt det barkade. Statsfeminism, rena rama galenskapen. Fler av din kaliber Helene Bergman bör höja sin röst och sätta stopp för dessa tokerier. Det är idag faktiskt högst relevant att du ger dina söner detta råd på vägen. Det är nämligen fullt möjligt att de helt ovetandes hamnar i ett våldtäktsmål. Assange må vara en skitstövel men ngn våldtäktsman har han inte varit i någon av dessa fall.

– *Christina Lundqvist*

Bra rutet. Jag brukade faktiskt ibland lyssna på programmet Radio Ellen på den tiden, rätt så trevligt faktiskt när det var som bäst. Ja-- "statsfeminism"-- ett mycket bra ord. Reinfelt känner ett behov av att gå ut i media och lägga sig i den brittiska dom-stolens arbete. Han gråter krokodiltårar över de stackars "våldtagna" kvinnorna, och är byxis över att man ifrågasätter den svenska rättvisans integritet. Ynkligt är det. Och stackarn tycks inte förstå hur han gör bort sig genom att försöka lägga sig i en pågående brittisk domstolsprocess. Om domstolen finner att Assange INTE ska lämnas ut-- vilken gigantisk prestigeförlust för både Reinfelt & statsfeminismen!

— *Kai V.*

När till och med gotiska klubben ber om ursäkt för hårda ord mot de två kvinnorna och köper deras berättelse (för att GK läst protokollen), ja då ser sig en av de gamla hårda feministerna som skapat denna situation sig manad att ägna sig åt skadebe-gränsning och låtsas att hon står på vett och sans sida. Kan du skava till egennytta? Kan du stava till drev?

Assange betedde sig som en gris, åtalbart eller ej, och de två kvinnorna ville kolla om det gick att tvinga fram ett test för könssjukdomar. Varken mer eller mindre och det känner till och med jag sympati för. Att det hela sedan togs över av inkompetenta och ideologiska åklagare, tja, det är ju knappast deras fel. Och missförstå mig inte, jag avskyr framför allt broderskaperskan rent ideologiskt och skulle gärna se henne hängd i närmaste lyktstolpe. Men repet bör vara slaget i sanning, ej i lögn.

Sen en fråga till Helene Bergman, du har ju rätt ålder och rätt ideologi, är du en stasiagent? Lär ju vara övervägande journalistiska namn på de listorna? Skulle snarast vara förvånande om du inte var stasiagent.

— *Martin A*

Väl skrivet, Kul att höra en feministisk åsikt som inte får en att rygga tillbaka och säga "Vad i helvete?"

— *Erik Bergman*

Bra rutet! Läs gärna själv åklagare Nys beskrivning av "brottet" i hennes begäran om utlämning. Finns under rubriken SOCA correspondence på denna länk. Dvs JA begärs utlämnad via en brittisk myndighet som heter Serious Organised Crime Agency. Så då förstår man vad det hela handlar om ;-)

<http://www.fsilaw.com/sitecore/content/Global/content/Julian%20Assange%20...>

— *Sandhamn*

Bra skrivet! Kunde inte ha gjort det bättre själv... damerna i det här fallet verkar drivna av en gemensam lust att ge igen. Jag har också läst det hela och fattar noll. Vilken tur att min äldste son är gift och att de andra båda har flickvänner.... Det är precis som du säger att då på 70-talet så tog kvinnor ansvar för sin sexualitet.

Det som har hänt är att kvinnorna har gått tillbaka till 1800-talets borgerliga feminism, som jag uppfattar det och spelar drottning Victoria och hennes moralism (som hon var tvungen att upprätthålla). Och betraktar sig själva som offer. Förskräckligt! Jag som alltid har uppfattat mig som en vuxen med ansvar när jag väl blev myndig vid 21 års ålder. Tyvärr har statsministern trillat i samma idiotfälla:

<http://annhelenarudberg1.blogspot.com/2011/02/dumt-av-reinfeldt-uttala-s...>

— *Ann Helena Rudberg*

Gudskelov verkar det finnas somliga vettiga människor kvar i det offentliga Sverige. I bland misströstar man.

— *Fredrik Berggren*

Om vi för en kort stund bortser från feminism och flyttar samma sexuella händelseförlopp till en manlig sfär... alltså till bi&homosexuella mäns erotiska verklighet-- fylld av krav på kondom för smittprevention vid one night stands. Är det någon som tror att bögar anser att det ska vara lagligt att lura/tvinga sig till oskyddat sex-- trots att man tydligt visat i ord och handling att man vill ha kondom (hållit eget inköpta kondomer i handen, givit till partnern). Att oskyddat sex ska vara OK om partnern sover? Nä Helene Bergman! Jag köper inte din "statsfeministiska" förklaringmodell!

— *Gunnel Gomer*

Bättre än så kan det inte gärna sägas!

— *Cuben*

Jag kan endast instämma i en del andra debattörer här på Newsmill att det knappast går att säga det hela sakligare och tydligare än vad Helene Bergman gör! Själv anser jag

att det är en liten minoritet även bland män som skulle anse att könen är olika värda ekonomiskt, kulturellt, socialt och/eller politiskt. Och vi har faktiskt fått den sexuella frihet som tidigare feminister kämpade för men personlig/sexuell frihet kommer inte heller utan biverkningar varav den allvarligaste biverkningen heter just "personligt ansvar" som man nu vill överlåta till staten.

Problemet är endast att staten INTE har sex med män! Staten är sexuellt sett helt och hållet oskuld, könlös och frigid. Staten slår inte vakt om den sexuella njutningen och definitivt inte ens kvinnors rätt till lust och sexualitet! Staten är helt och hållet utlämnad till expertis tyckanden och har tendensen orientera efter den som orkar älta mest med att skapa en sanning på sina helt egna meriter som ideologisk process av en ständig upprepning.

Det är svårt att formulera större visdom som slutkläm i detta ämne än: "...att åtminstone de två kvinnor som polisanmält Assange inte har någon kunskap om mäns sexualitet och/eller blev förblindade av Assanges rockstjärnestatus och hjältegloria." Japp, det är både så bisarrt och så tragikomiskt hur lite många kvinnor vet om mäns sexualitet!

— *Christofer Catilan*

Hmm alltid något. Men vi män och (möjligen några kvinnor) som redan på 70-talet insåg vart det skulle barka (som någon gång lyssnade på radio Ellen också, ett tag). Vi nöjer oss inte med detta, vi vill ha HELA sanningen. Så varför inte inse och erkänna vad som ledde till statsfeminismen Helene Bergman? Nämligen en aldrig så "oskyldig" 70-talsfeminism. Detta insåg jag-- 77, efter att ha varit försiktigt positiv. Och varför inte säga vad som slutligen lett hitåt, nämligen den sinnesförvirrade sexköpslagen som skuldbelägger mannen ensidigt, samt tar hela ansvaret ifrån kvinnan, samtidigt som staten bara låtsas ta över det. Svara gärna på detta!

— *Joakim Steneberg*

Huvudet på spiken Helene Bergman! Det är dags att vi kvinnor som gillar sex och tar ansvar för vår sexualitet tar tillbaka bollen från de högljudda statsfeministerna som kapat den svenska kvinnans sexualitet och den svenske mannens rättigheter.

Här är mina 5 cents på engelska:

<http://www.skandinaviflorida.com/web/sif.nsf/d6plinks/JEIE-8DXK2Y>

— *Jessica Keith*

Hejhej stopp! Åklagaren har ännu inte tagit ställning till åtal eller ej, det stämmer. Men det beror på att förundersökningen inte kan avslutas förrän Julian Assange blivit förhörd. Han är t ex ännu inte förhörd om sin version kring inträngande i sovande W utan kondom. Utan komplett förundersökning kan inget åklagarbeslut tas.

Det är inget skumt med att man vill förhöra här i Sverige eller att man inte godkänt förslag om telefon/video-förhör. Som läget är får åklagaren inte begå ett enda formellt eller utredningstekniskt fel. Allt måste skötas perfekt i enlighet med reglerna. Annars underkänns ALLT som skötts halvdant...får inte tas upp i rättegången. Domstolen avkrävs då att bortse från de delarna av utredningen.

Vi skådar ett juridiskt räv & rackarspel på internationell nivå. Många försök att få rättssystemet att klanta sig. Jag är tacksam att åklagaren nu håller sig lugn, inte bryter mot sekretessen och kräver att få jobba enligt regelboken :-)

— *Gunnel Gomer*

Till Jessica Keith, ovan ("Här är mina 5 cents på engelska")

Du är värd ett stort tack för ett så träffsäkert begrepp som "sexually incompatible experiences"! Det är precis vad det handlar om och jag som säkerligen många andra män delar precis dina upplevelser att det händer ibland att inkompatibilitet efteråt

känns även större än vad man vill vara med om någonsin. Man blir klokare genom att bita i det sura äpplet med andra ord.

Efter att ha läst ditt inlägg så inser jag att vi män och kvinnor trots allt är tämligen lika både erfarenhetsmässigt på det sociala planet och upplevelsemässigt på det personliga planet... precis som det var förr! :-)

Däremot verkar den formen sexualitet som dagens statsfeminism tolkar kollektivt för alla kvinnors vidkommande surrealistiskt främmande som det handlade om en "alien" livsform och som i konspirationsteorins sanna anda :-)) skulle invadera oss genom mänsklighetens enda sårbarhet som inte kan identifieras och haneras under offerstatus, nämligen mannen.

— *Christofer Catilan*

Till Gunnel Gomér: Du skriver att åklagaren kräver att jobba enligt regelboken.

Denna åklagare och de inblandade poliserna har gjort allt annat än följt regelboken.

Det gick bra att förhöra en av kvinnorna per telefon och inte ens videofilma förhören, men Assange måste hit för att utfrågas, vilket åklagaren hade god tid att göra medan han fanns i Sverige.

Men då skulle hon ju inte få utfärda en internationell efterlysning för en våldtäkt, vilket måste vara första gången i världshistorien. Inget av det här verkar så klart konstigt för dig. Att kvinnorna först efter att de får reda på att båda haft sex med Assange och där med inser Assanges brist på långvarig intresse plötslig ser honom som en våldtäktsman?

Varför har ni ultrafemenister så svårt att acceptera det onda som finns i vissa kvinnor? (eller ni ser det och bejakar och uppmuntrar det) Att en del av er kan ruinera en mans liv på det här sättet. Jag ser bara skadeglädje i dina post.

— *Dan Gannati*

Så befriande att från en kvinnas läppar höra detta. Utan att föregripa utredningen så blir jag lycklig av de enkla faktum att en kvinna talar till en man, inte om en man. Om det du definierar som feminism är just det, har jag varit feminist i många år utan att veta om det.

Vad jag har svårt att ta till mig är den nationalfeminism som genomsyrar debatten och samhället på snart alla plan. En rörelse som gladeligen lämpar över bördorna på männen. Män som idag har problem nog med att hävda sin självklara rätt till familj, barn och sexualitet på lika villkor.

Att männen utmålas som lågt stående djur av sexuellt frustrerade kvinnor med diffusa sexuella preferenser är illa nog. Att det sker i en kamp där uppenbart alla medel är tillåtna är värre. Detta sker mot män som dom slutändan ändå inte vill ha.

Vi ser flagranti övergrepp i domstolarna varje dag och mycket lite skrivs. En liten grupp inom main stream media styr den Politiskt korrekta agendan, och en svans av feminiserade män sitter på läktaren och applåderar när kamraterna görs ner. De flesta män är trots allt hyggliga killar som tycker om kvinnor och respekterar ett nej. Så vart tog moral och etik debatten vägen.

— *Peter Specht Andersen*

Dessutom Stannade Assange kvar i Stockholm för att kunna förhöras utan att åklagaren genomförde ngt förhör. Anledningen till det var att en polisman var sjuk och av övriga 20.000(?) poliser i Sverige fanns ingen annan som kunde genomföra förhöret. Låter det som man gått efter regelboken?

— *Christina Lundqvist*

Uppvuxen som jag är med sekelskiftets talibantal och "män är djur"-debatt så trodde jag aldrig jag skulle säga detta, men: Om Helene Bergman är feminist så är jag det också. Riktigt skönt är det att äntligen se någon från "fiendeläget" skriva något som faktiskt låter vettigt.

— *Gustav S*

Helene Bergman berättar om en historisk feminism som jag inte bara respekterar, utan även hade stöttat. Feminism idag är något annat och har knappast något med jämlikhet att göra. Det är en samhällsfarlig rörelse av extremister som vars pseudo-vetenskapliga akademiska gren som döpts till "genusvetenskap" förnekar vetenskapligt bevisade skillnader mellan flickor och pojkar, män och kvinnor. Det är en rörelse som begränsar istället för stödjer kvinnors valfrihet. Det är en rörelse som vill tuta i små flickor att allt ont och alla motgångar de kommer att möta i livet beror på ondskefulla, kvinnoförtryckande, makthungriga män i "partiarkala strukturer", när sanningen är att livet är hårt, svårt och ofta orättvist också för män.

http://www.youtube.com/watch?v=zUBZWF_ZYdU&feature=related

<http://www.alltomvetenskap.se/konsskillnader-uppstar-redan-under-fosters...>

<http://www.adlibris.com/se/product.aspx?isbn=9197603309>

Dagens feminism blundar för orättvisor mot män, plockar fakta ur sitt sammanhang och förnekar rationella orsaker som förklaringar. Vidare tror dagens feminister att män medvetet diskriminerar kvinnor i nämnda ondskefulla "patriarkala strukturer".

Feminister driver tesen att män som betalar för sexuella tjänster huvudsakligen gör det för att utöva makt över kvinnor, som om det vore någon slags sanning, när det istället handlar om män som söker sex och kvinnlig fysisk närhet, precis som majoriteten av alla andra män, oavsett hur, var och med vem de har sex.

Man låtsas vilja föra en politik där kön inte ska spela någon roll, men i själva verket är man som besatt av kön. Istället för att helt enkelt kämpa för minskat våld inom hemmen, oavsett könet på den som utför det, så är det just "mäns våld mot kvinnor" man kämpar mot. Att männen står för den skadligaste typen av våld är sant, men är något olagligt så är det olagligt och det borde inte behövas speciella könsstämplar på olika typer av våld. (Män står förmodligen för de flesta fortkörningsböter och skattebrott också-- ja de flesta brott generellt faktiskt, bl.a. beroende på en biologiskt och bevisad högre riskbenägenhet.)

För att försöka nå vissa könskvoteringsmål har dagens feminism lyckats få de fysiska kraven för att bli brandman sänkta, trots protester från brandmännen själva om att de då riskerar att inte orkar bära ut en mebvetslös kollega ur ett rökfyllt rum. Ironiskt nog har det missgynnat fysiskt starka kvinnor som konkurrerar om samma platser.

<http://www.dn.se/nyheter/sverige/brandman-kraver-starkare--brandman>
Den akademiska pseudo-vetenskapliga grenen av dagens feminism (genusvetenskapen) har på bred front lyckats nästla sig in i skolväsendet och orsakat försämrade svenska studieresultat, när svenska elever och lärare, på bekostnad av matematik och svenska, ska drillas i mer eller mindre vansinniga genusteorier. Finland har i större utsträckning förkastat genustramset och har därefter uppnått allt bättre studieresultat jämfört med i Sverige.

http://www.svd.se/opinion/brannpunkt/vetenskap-eller-galenskap_2531501.svd

<http://tanjabergkvist.wordpress.com/2011/01/22/metaforen-om-aktiva-sperm...>

Dagens feminism har lyckats omprioritera polisresurser från vanlig brottsbekämpning till att jaga män som köper sex av vuxna kvinnor, trots att den marknadsföring, det lockande och den manipulation och brottsprovokation som dessa kvinnor utför på nätsajter, i egen person på fester, i massagesalonger där de erbjuder "happy ending" osv. är fullt laglig (som att hålla bensin på en eld). Sexköpslagens konstruktion bidrar

till organiserad brottslighet och kvinnliga tragedier, när man istället borde använt de lagar som förbjuder övergrepp, slaveri, mänslikohandel, människorov, sex med minderåriga etc.

<http://missbesserwisser.blogspot.com/2010/04/sexkopslagen-maste-skrotas....>

Dagens feminism har genomdrivit 40%-kvotering till norska bolagsstyrelser, vilket orsakat fallande börsvärden i Norge.

<http://www.pellebilling.se/2010/02/effekterna-av-norsk-kvotering/>

— Peter Andersson

Hej Mats Eriksson! Jovisst har vi fri bevisprövning... i rättegångar. Men vi har ännu inget åtal. Än så länge pågår bara en förundersökning. Den är sekretessbelagd! Vare sig åklagare, anmälare eller advokater har rätt att uttala sig offentligt innan åklagaren slutfört förundersökningen.

Varför har vi så lätta att döma, så svårt att vänta på faktaunderlag? Assange är ännu inte förhörd om morgonen med W. Ö h t har han bara deltagit i ett kort förhör på ett tidigt stadium. Jag begriper inte varför hans ord-- den detaljerade berättelsen från honom-- skulle vara utan värde?

— Gunnel Gomer

Om man lämnar skuldfrågan, vilken med allt tillgängligt material, knappast räcker till någon fällande dom, precis som i fallen Billy Butt, Magnus Hedman eller Tito Beltran så tonar ju det riktigt obehagliga fram.

Kvinnornas advokat, lätt på dekis efter att förvandlats till riksnarr på grund av sin sällsynt dåliga insats i Tomas Qvick fallet har naturligtvis nosat upp detta, övertygat kvinnorna att gå vidare, och på något sätt lyckats få detta att landa på skrivbordet hos en åklagare som uttryckt synpunkter, helt i strid med ett rättsäkert samhälle.

Namnet på Julian läcks omedelbart till pressen redan första vid första anmälan. Därefter underlåter åklagaren att hålla förhöret under den tid Julian vistas i landet, bara för att kunna utfärda en internationell arresteringsorder omedelbart därpå.

Naturligtvis försöker advokaten utnyttja Julians stjärnstatus för att få chansen att figurera i ett internationellt uppmärksammat ärende. Kvinnorna har på ett ganska uppenbart sätt, bjudit ut sig, och på tvärs med deras eventuella drömmar om romantik, råkat ut för en man som bara såg dem som ett ligg, inget mer. Tråkigt för dem, men det övergrepp som advokaten utsätter dem för är ju något helt annat. Hela deras integritet, anonymitet och rykte sätter herr advokat sprätt på helt i eget vinstsyfte. Jag tycker det är fruktansvärt och skäms att vara man. Inte på grund av Julian, men på grund av herr advokat!

— Bocken Bruse

När Bill Clinton hade sin "I had no sexual.." med Monica Lewinsky var det många feminister som ifrågasatte.... Monica. Hon utpekades som någon som "blev förblindad av Clintons rockstjärnstatus och hjältegloria", antingen som ett oskyldigt offer eller som en gold digger. Jag tycker mig känna igen vissa tongångar från denna debatt,

Naturligtvis är det oerhört tramsigt, dessa kvinnor är myndiga människor, fullt ansvariga för vad de gör. Ingen ideologi eller lag kan friskriva oss från personligt ansvar. Men, de5t var Clinton som var skyldig att hålla sig på mattan. Monica handlade kanske moraliskt tvetydigt, men det var inte hennes ansvar att hålla på presidentskapets värdighet, det var Clintons ansvar hur frestande än Monica var,

Detsamma gäller förstås här. Om din motpart kräver kondom så ska du tugga i dig det eller avstå, oberoende av om din motpart "blev förblindad av din rockstjärnstatus och hjältegloria",

Alla intima situationer bygger på ett underförstått samförstånd att den ena parten inte hänsynslöst ska strunta i vad motparten tycker. Om det ska rubriceras som våldtäkt är en annan fråga, men ett övergrepp är det förvisso.

— *Torgny Carlsson*

Nu när förundersökningen läckts finns det ingen anledning att låtsas som om något av det Assange anklagas för skulle kunna leda till åtal.... Pär Bergstedt tycks ha missat att Domscheit-Berg idag lanserar en skvallerbok om Assange samtidigt som han med stulet material från sin förra arbetsgivare försöker starta en konkurrerande firma. I en bransch där förtroende och konfidentialitet är A och O kan man ju lätt gissa hur många som kommer att välja att skicka sitt läckta material till just denne tydligen mycket pålitlige herre...

— *Anton Bergquist*

Detta är sann och respektingivande feminism och inte den stadsterror vi förhoppningsvis kan skämmas över om ett antal år De raggade upp mannen själva och är inga offer-- patetiskt

— *klas engström*

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Julian Assange's lawyer makes graphic defence during extradition hearing

WikiLeaks founder's QC said Swedish woman's accusation of sexual assault described the 'missionary position'

*Esther Addley
The Guardian
11 February 2011*

The accusation of sexual assault made against Julian Assange by one of his two alleged Swedish victims describes "the missionary position", his lawyer said in court, as he denied such an attack took place.

Geoffrey Robertson QC told the extradition hearing, at Belmarsh magistrate's court in south London, that any resistance had been "unarticulated" on the part of Miss A, who has accused the WikiLeaks founder of ripping off her clothes, snapping a necklace, pinning her down and trying to force himself on her without wearing a condom.

"In so far as Mr Assange held her arms and there was a forceful spreading of her legs, there's no allegation that this was without her consent," he said. "Sexual encounters have their ups and downs, their ebbs and flows. What may be unwanted one moment can with further empathy become desired. These complex human interactions are not criminal in this country." The argument that Assange used the weight of his body to pin her down "describes what is usually termed the missionary position," he said.

Sweden is seeking Assange's extradition in relation to the allegations of rape, sexual assault and sexual molestation by the two women. The second woman, Miss B, accuses Assange of having sex with her while she was sleeping, which amounts to an allegation of rape. *[She apparently said she was "half asleep"--A.B.]*

Assange denies all the allegations, and is fighting the extradition request. He has not been charged. The defence argues that the sexual behaviour would not amount to rape and sexual assault in English law, and that the European arrest warrant against him was invalid.

But Clare Montgomery QC, for the Swedish prosecutor, said of Miss A's account: "In popular language, that's violence." The account given by Miss B, meanwhile, "would undoubtedly be rape here. If you penetrate a sleeping woman there's an evidential assumption that she did not consent."

The defence had unsuccessfully sought an adjournment following remarks this week by the Swedish prime minister, Fredrik Reinfeldt, in which, Robertson said, he had vilified Assange as "public enemy number one" in Sweden and created a "toxic atmosphere" against him.

Reinfeldt is reported to have said that Assange's defence team had patronised Swedes by criticising its legal system. "What worries me is that [Assange's lawyers] are trying to shy away from the fact that there exist allegations that are very serious," he told Swedish channel TV4.

Montgomery said the prime minister was responding in part to media briefings given by Assange and his lawyers outside court. "You may think that those who seek to fan the flames of a media firestorm can't be too surprised when they get burnt."

Robertson, summing up, restated the defence argument that the Swedish prosecutor, Marianne Ny, was not authorised to issue the warrant for his extradition, and that the warrant sought Assange for interrogation rather than prosecution, which the defence says is illegal.

The Swedish practice of hearing rape trials in secret, he said, was "antipathetic to the British rule of law that justice must be seen to be done".

Montgomery said the use of the word "secret" was "a parody", arguing that while evidence at rape trials was heard in private, legal arguments and judgment were public.

Outside court, Assange, who said that Montgomery had represented the former Chilean president Augusto Pinochet at an extradition hearing told reporters: "We have not been able to present my side of the story. I have never been able to present my side of the story."

He hoped his case would highlight "abuses" suffered by others who did not benefit from the same media spotlight. The parties will return to court on 24 February, when the district judge, Howard Riddle, will deliver his judgment.

SvD: 11 februari 2011

Förhören i Assangeutredningen kritiseras

Det finns brister i sexbrottsutredningen mot Julian Assange. Det menar erfarna poliser som pekar på att de två kvinnorna som anmält Wikileaksgrundaren inte förhördes på rätt sätt.

På fredagen fortsatte förhandlingen i Storbritannien om Julian Assange ska överlämnas till Sverige, men inget beslut fattades. I Sverige vill åklagare Marianne Ny ställa honom till svars för misstankar om våldtäkt av en kvinna och sexuellt tvång och sexuellt ofredande mot en annan, brott han misstänks ha gjort sig skyldig till när han besökte Sverige i augusti förra året.

Men nu riktas skarp kritik mot utredningen mot Assange. SvD har tagit del av de inledande förhören med målsägandena, som inte är utskrivna ord för ord men återges i form av sammanfattningar. Enligt Irmeli Krans, som höll i förhöret med kvinnan som ska ha våldtagits, spelades förhöret inte in eftersom det saknades utrustning. Förhöret med den andra kvinnan hölls på telefon, och det är oklart om det spelades in.

I en gemensam inspektion som Åklagarmyndigheten och Rikspolisstyrelsen gjort av våldtäktsutredningar i Sverige slås fast att det är "av särskilt stor betydelse" att dokumentera målsägandes egna ord istället för att skriva en sammanfattning. Det beror på att målsägandeförhören ofta blir åklagarens huvudsakliga bevisning i våldtäktsmål.

– Det här är ofta mål där ord står mot ord, och har man förhören ordagrant blir det sedan lättare att avgöra fallet i domstol, säger Seppo Wuori, före detta överdirektör för Rikspolisstyrelsen, som var med och gjorde granskningen.

Enligt kvinnornas företrädare Claes Borgström har fler förhör hållits med hans klienter efter de inledande. Om de har spelats in är oklart. Men enligt Seppo Wuori har de första förhören alltid störst betydelse, bland annat eftersom de ligger till grund för den fortsatta utredningen.

Också Bertil Sahlin, kriminalkommissarie som i många år jobbat med grova brott som våldtäkt och mord och nu är med i Stockholmspolisens cold case-grupp, betonar vikten av att spela in förhör, och speciellt de första.

– Det är ofta den första berättelsen som ligger närmast sanningen, så det ska man göra när det är så grova brott som våldtäkt, säger Sahlin.

Han är också kritisk till att förhöret med den kvinna som ska ha utsatts för sexuellt tvång och sexuellt ofredande skedde på telefon.

– När det gäller så grova brott skulle jag rekommendera att man möts på riktigt. Det handlar både om att man ska kunna försäkra sig om att man förhör rätt person, men också om att det är viktigt att kunna se hur personen reagerar på frågorna, säger Sahlin.

Borgström fäster inte speciellt stor vikt vid att åtminstone en av hans klienter inte spelades in under det första förhöret.

– Det är ganska vanligt. I en rättegång är det klart att det inte går att säga lika säkert att någon sagt en viss sak, men jag tror inte att det kommer att få stor betydelse för rättsprocessen. I det här skedet är det inte av intresse alls.

Vilken sida som gynnas och missgynnas av att förhören inte är inspelade är omöjligt att säga, enligt Magnus Bolin, chefsåklagare i Göteborg.

– Det varierar från fall till fall och beror på hur den övriga bevisningen ser ut, säger han.

Förhöret med Assange är återgett ord för ord, liksom vissa av vittnesförhören. Åklagare Marianne Ny har avböjt att kommentera förhören, och SvD.se har sökt Julian Assanges svenske advokat Björn Hurtig, utan resultat.

• *Karin Thurffjell*

AB: 2011-02-11

Politik i veckan med Lena Mellin

Regeringen vill skapa speciella vargkorridorer genom Norrland. Eller flytta renhjordar som står i vägen för invandrarvargar....

5 smarta saker att säga vid middagsbordet i kväll...

”Uppträder man så med rent mjöl i påsen?”

Wikileaks grundare Julian Assange går till ytterligheter för att slippa bli förhörd av svensk polis om bland annat en misstänkt våldtäkt i somras. Sverige utmålas bland annat som en bananrepublik. Ett obegripligt beteende om han är helt oskyldig....

Till konstitutionsutskottets ledamöter

Jan Myrdal
nyhetsbanken.se
February 11, 2011

Under den pågående rättsprocessen i Storbritannien i det så kallade Assangefallet har statsminister Fredrik Reinfeldt till svensk och internationell press den 8 februari uttalat sig och sagt: "Vi har ett självständigt rättsväsende som i det här fallet dessutom agerat på svensk lagstiftning."

Men den fråga kring vilken det nu rättsligt förhandlas i London är just huruvida den svenska rättsapparaten "i det här fallet dessutom agerat på svensk lagstiftning". Något som i hög grad ifrågasatts, inte bara i pressdebatt utan av juridiskt sakkunniga.

Jag nöjer mig med att hänvisa till "Expert report of Brita Sundberg-Wretman":

"4. I am of the opinion that proper procedures, according to Swedish law and stated policy in the National Persecution Manual and other official guidance, have not been followed and that the use of the EAW in this case is disproportionate under European law. The handling of this case has been, in my view, improper in a number of respects."

Liksom till "Expert opinion by Sven-Erik Alhem":

"16 /.../ To use the European Arrest Warrant without first having tried to arrange an interrogation in England at the earliest possible time via a request for Mutual Legal Assistance from England seems to me to be against the principle of proportionality. /.../ In my view, only when it was first shown that it would be impossible to get Assange interrogated in England by using Mutual Legal Assistance from England should an application for an EAW have been submitted. /.../ 18. I understand that Ms Ny has said that Swedish law prevents her from taking this course. There is, however, nothing in Swedish law that I know of to prevent a prosecutor from seeking mutual legal assistance to have a subject interviewed."

["4. Jag är av den åsikten att korrekta förfaranden, enligt den svenska lagen och den uttalade policyn i handboken för åtal och andra officiella riktlinjer, inte följts och att användningen av det europeiska arresteringsordern i detta fall är disproportionerligt enligt europeisk lag. Hanteringen av detta ärende har, enligt min mening, varit felaktig i ett antal såväl avseenden"]

Sven-Erik Alhem. " 16 /.../ För att använda den europeiska arresteringsordern utan att först ha försökt att ordna en förhör i England vid tidigast möjliga tidpunkt via en begäran om ömsesidig rättslig hjälp från England förefaller mig vara mot proportionalitetsprincipen. /.../ Enligt min mening skulle endast om det först visade sig vara omöjligt att få Assange förhörd i England med hjälp av ömsesidig rättslig hjälp från England en ansökan om en europeisk arresteringsorder ha skickats in. /.../ 18. Jag har uppfattat att Marianne Ny har sagt att den svenska lagstiftningen förhindrar henne från ta denna väg. Det finns dock, Ingenting i svensk lag som jag känner till som hindra en åklagare från att söka rättslig hjälp för att få en person förhörd.". NB:s översättning]

Detta innebär att statsminister Fredrik Reinfeldts uttalande inför pressen den 8 februari 2011 inte bara utgör ett grovt försök att vilseleda allmänna opinionen utan därtill är ett flagrant exempel på det ministerstyre som regeringsformens 12 kap. 2 § skall förhindra.

Jag förutsätter att någon riksdagsman tar sitt uppdrag på sådant allvar att de reser denna fråga till Konstitutionsutskottet

<http://www.nyhetsbanken.se/news/view.asp?ID=599>

AB: 2011-02-12

Snart minns ingen vad Assange anklagas för

LONDON. Saken gäller om Julian Assange kan utlämnas till Sverige för att förhöras av polisen, misstänkt för våldtäkt. Under förhandlingarna har Assanges advokater-- han har tre-- sagt att Sverige inte är ett rättsäkert land.

Statsminister Fredrik Reinfeldt tillfrågades i tisdags om han ville kommentera den saken. Han sa: "Vi har ett självständigt rättsväsende som i det här fallet dessutom agerat på svensk lagstiftning."

Han sa också: "Låt oss inte glömma vad som riskeras här. Det är ju rätten för kvinnor att få prövat huruvida det har varit ett övergrepp som de varit utsatta för. Vi vet inte vad som är sant i detta eller vad det blir för domslut. Men att på det här sättet försöka kringgå det och få det att framstå som att deras rätt är mycket litet värd, det tycker jag är beklagligt. Det är viktigt att vi har kommit långt i Sverige när det gäller att vara tydliga med att vi inte accepterar sexuella övergrepp eller våldtäkter. Det ska kunna prövas och klarläggas vad som skett."

I går var det slutplädering i domstolen på Belmarsh Road i södra London. Advokat Geoffrey Robertson sa då att Sveriges statsminister (som han också kallade "statsöverhuvud") "attackerat" Julian Assange.

– Julian Assange är nu folkets fiende (i Sverige), sa Robertson. Hur det påverkar hans möjlighet till en opartisk rättegång vet vi inte. Den svenske statsministern har också sagt att Assange är åtalad, inte bara misstänkt.

Geoffrey Roberts fortsatte:

– I ett litet land som Sverige har det skapat en giftig atmosfär. Assange har blivit samhällets fiende nummer ett. Människor i Sverige måste tro att statsministerns uttalande är sant.

Så där fortsatte advokaten. Han sa att Reinfeldt "medvetet" förgiftat atmosfären. Robertson begärde mer tid av rätten för att "analysera detta, att ett statsöverhuvud visar sådant förakt för juridiska värden".

Ett fall som Julian Assanges, världsnyhet och samtalsämne på alla kontinenter, är emotionellt och potentiellt storpolitiskt— ett sådant fall börjar snabbt leva sitt eget liv om det inte sköts korrekt in i minsta till synes oväsentliga detalj.

Den svenska åklagarmyndigheten har varit lika smidig som en flodhäst med danssjuka. Det har lett till att framstående jurister i London i går diskuterade advokat Geoffrey Robertsons fantasier.

Assange satt bakom glasväggen i de anklagades bås och gäspade. Det har varit långa dagar med mycket teknikaliteter och det enda som livade upp i går var Robertsons analys av Reinfeldt.

Som var och en kan se har fallet växt till att bli något annat än eventuell våldtäkt och eventuellt sexuellt ofredande. Det har blivit så stort att det gått in i den politiska mytologins värld.

– Om statsministern är beredd att ta dessa steg, vilka fler är han beredd att ta— i förhållande till USA?

Med de orden ville Robertson säga att Assange är dubbelt rökt om han utlämnas till Sverige. Först kommer han oskyldig att dömas för våldtäkt, sedan utlämnas han till USA för något ännu värre. Till mysterierna hör nu också att Reinfeldt inte begrep att en statsminister ska hålla tyst i känsliga rättsfrågor. *[Han sade själv att han inte skulle blanda sig in.--A.B.]*

Men, som advokat Robertson sa, Sverige är ett litet land. Myndigheter och politiker kollapsar regelbundet när en rättsfråga är större än ett fyllo som slagit ihjäl sin fru. Och Robertson har ju en poäng när han varnar för politisk inblandning: Det var politisk klåfingrighet kombinerad med polisiär inkompetens som förstörde Palmeutredningen.

Julian Assange skulle i och för sig kunna resa till Sverige och svara på åklagarens frågor. *[Eller så kunde åklagaren eller hennes representant resa till London för att ta emot Assanges svar.--A.B.]* Det vore väl det enklaste sättet att reda ut alla oklarheter. Men Assange vägrar. Efter förhandlingen i går uttalade han förhoppningen att fallet ska handla om vidare saker än honom.

Snart minns ingen att det rör två kvinnor som säger att de blivit utsatta för sexuella övergrepp av Julian Assange. *[Knappast.--A.B.]*

Domstolen meddelar beslut 24 februari.

• *Peter Kadhammar*

Assange Speaks

Video journalist Mark Davis's unprecedented access to WikiLeaks founder Julian Assange continues, with an exclusive interview for Dateline with the Australian whistleblower.

He tells Mark he believes the Gillard Government is secretly providing the United States with information about Australians working with the whistleblowing group.

WikiLeaks' role in sparking the turmoil in Egypt and Tunisia and his soured relations with The New York Times and The Guardian also come under scrutiny.



And he speaks about this week's extradition hearing in London, over Sweden's request to question him over sexual assault allegations, which he strenuously denies.

So what's next for the man who's become the face of WikiLeaks?

Watch Mark's interview with Julian Assange in full:

<http://www.sbs.com.au/dateline/story/webextra/id/600911/n/Assange-Speaks>

AB: 2011-02-13

Assange har blivit en av dem han ville bekämpa

Det är fascinerande att se hur kaviarvänsterns omhuldade älskling Julian Assange slår och sparkar åt alla håll för att slingra sig ur sexbrottsanklagelserna.

Sverige utmålas som en bananrepublik styrd av feminister och CIA-agenter som bara väntar på att utlämna Assange till USA. Nu senast är det Reinfeldt och medierna som anklagas för att ha gjort honom till "samhällets fiende nummer ett".

Ironiskt eftersom det är uppenbart att den enda som försatt Assange i den situation han befinner sig i är han själv.

Daniel Domscheit-Berg, som var hans kollega och vän, har kommit ut med en bok om Wikileaks där Assange beskrivs som genial men urspårad ledare som gör massor av misstag och struntar både i sina källor och att människor kan bli dödade av läckt material.

Knappast den typ av kille som borde ha något som helst ansvar för någonting.

Assange, mannen som ville avslöja alla hemligheter utom sina egna, har inte heller direkt varit öppen när det gällt det släppta materialet.

Den berömda Irakfilmen där soldater skjuter ner några till synes civila är kraftigt redigerad. Läckt material har sålts och han har pytsat ut läckt material till vissa tidningar som förbjudits publicera utan Assanges tillstånd. Därmed har han ju själv styrt informationen, det som han själv sagt sig vilja förhindra eftersom den ska vara fri.

Däremot har Assange varit duktig på att bygga upp en rockstjärnemyt där han framställer sig själv som en man jagad av horder med lönnmördare. En paranoid fåne

som vägrar komma till Sverige och ställas inför rätta men som gladeligen ser till att de två kvinnorna han misstänks ha utsatt för sexövergrepp smutskastats över hela världen.

Allt medan fansen tar på sig foliehattarna och skriker att allt är en sammansvärjning.

Men det är uppenbart att Assange spårat ur och förvandlats till en sådan person som han i början avskydde och vill störta genom läckt material.

Till och med vänstern, som vacklar runt i sitt ideologiska mörker, måste väl inse att deras dyrkade internet-jesus tappat greppet.

Wikileaks var en viktig och bra organisation och det är bra att den fått efterföljare, al-Jazeeras version, till exempel, verkar betydligt mer ansvarsfull och mån om dem som bidrar med material.

Sanningen finns fortfarande där ute, även om Assange numera verkar strunta i den.

• *Johanne Hildebrandt*

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LO-Tidningen: 14 februari 2011

Sexbrott är inte hemliga dokument

Under den engelska prövningen av vad som ska hända med Julian Assange ställer demonstrerande Wikileaksanhängare svensk sexualbrottslagstiftning mot spridningen av hemliga dokument.

Det svenska rättsväsendets intentioner ifrågasätts och en allt starkare opinion fruktar en kommande utvisning från Sverige till USA, något som skulle vara ett katastrofalt nederlag för offentlighetens fanbärare i Sverige.

Men har dessa två saker verkligen med varandra att göra? [*Har "demonstrerande Wikileaksanhängare" med den egentliga saken att göra?--A.B.*]

Om vi för ett ögonblick höjer blicken från att det just är Wikileaks frontfigur om står anklagad, är det då så underligt att åklagaren vill få målet prövat? I korta drag gäller åtalet enligt förundersökningen att kvinnorna ska ha sagt ja till sex med Assange men nej till omständigheterna runt samlagen. På olika sätt ska Assange ha drivit igenom sin vilja ändå.

Förundersökningen visar tydligt att det även i detta mål handlar om frågan om fullt medgivande. [*Den visar tydligt att detta inte alls är tydligt.--A.B.*]

Att detta i stora delar av övrig europeisk press beskrivs som en arrangerad anklagelse för att skada Wikileaks, är tyvärr inte så underligt. [*Nej. Huvudtemat, som är välbelagt, är att åklagarens förehavande har varit ytterst tvivelaktigt.--A.B.*]

Den rådande uppfattningen om manligt/kvinnligt beteende runt samlag är ofta väsensskild från den i Sverige, och den allmänt spridda förundersökningen får nog

många européer att rycka på axlarna och börja prata om en "underliggande konspiration".

I mitt andra hemland Nederländerna skulle kvinnorna troligen blivit utskrattade redan på polisstationen.

Ändå är det lätt att ur ett svenskt perspektiv förstå att målet tas upp. *[Inte om man ta hänsyn till vad Helene Bergström-- se ovan-- och många andra svenska kvinnor har sagt.--A.B.]*

I ett jämställt samhälle är det av synnerlig vikt att sexualiteten sker på lika villkor och att ett samlag sker med bådars fulla medgivande, vilka personer som än är inblandade.

• *Martin Klepke*

<http://lotidningen.se/2011/02/14/sexbrott-ar-inte-hemliga-dokument/>

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Kommer Julian Assange utlämnas till Sverige?

STUDIO ETT (Swedish Public Radio)

Fredag 11 februari kl 12:06

I London avgörs det troligen idag om Wikileaksgrundaren Julian Assange ska utlämnas till Sverige för att höras i två fall av misstänkt våldtäkt och sexuellt ofredande. Vi har läst förundersökningen och med hjälp av Per Ole Träskman, professor i straffrätt, ska vi försöka utvärdera det juridiska läget. 16-timmen:

Reinfeldts utsaga: "Jag kan bara beklaga att kvinnors rätt och ställning väger så lätt när det gäller den här typen av frågor jämfört med andra typer av teorier som förs fram. Och...har bara att försvara det faktum som alla i Sverige redan känner till nämligen att vi har ett självständigt, icke politiskt styrt svenskt rättsväsende."

Assanges utsaga: "A black box has been applied to my life. On the outside of that black box has been written the word rape. That box has now thanks to an open court process been opened. And I hope over the next days we will see that that box is in fact empty." [...]

Är det ett brott att riva sönder en kondom?

Per Ole Träskman, professor i straffrätt, Lunds universitet [talar finlandssvensk dialekt]:

— Nu handlar det om bevisfrågor och den bedömning som vi gör den kan va bara göra med en FU som inte är slutförd. Och det viktiga är ju att, det som alltid blir det mest avgörande, det är ju om kvinnan är frivillig, frivilligt går med på samlag. Med andra ord erkänner hon ju att hon i och för sig frivilligt gick med på samlag men under förutsättning att man använde ett kondom. Och det slutade också med att man använde ett kondom. Och det betyder att det inte kan bli våldtäkt. Jag menar det är mycket ifrågasatt om det kan bli sexuellt tvång. Det är väldigt svårt att placera in det att en person möjligen med vett och vilja har söndrat ett kondom under någon särskild brottsrubricering.

Finns det några tidigare exempel på några sådana här sexualmål där någon har gjort sönder en kondom?

— Det kan jag inte påminna mig över huvud taget. Och jag har svårt att tänka mig att det kunde bli relevant i andra fall än sådana där det möjligen handlar om en HIV-smittad person, där det ju förutsätts att personen använder preventionsmedel som ett kondom vid sexuella kontakter. Jag vill inte utesluta att man kunde, möjligen placera in den här händelsen under det som kallas sexuellt ofredande men som jag sa ..

Vad ÄR det i lagens mening?

— Alltså sexuellt ofredande det handlar i vanliga fall om att någon blottar sig. Men det finns också en annan beskrivning och det är det att om någon genom ord eller handling ofredar någon på något sätt som är ägnat att kränka den personens sexuella integritet. Och då blir ju frågan den om man kränker en persons sexuella integritet genom att under ett frivilligt samlag söndra ett kondom. Det är inte väldigt närliggande.

Men jag måste fråga-- om en man med berätt mod har sönder kondomen därför att han tycker att det är bättre att ha sex utan kondom-- är det inte brottsligt om avtalet mellan de här två personerna att samlaget ska ske med kondom?

— Alltså där kan man ju säga att det är fullständigt möjligt att man från första början har sagt att jag samtycker till samlag men villkoret är att vi använder kondom. Nu uppfylldes ju det här villkoret och sedan kan man ju säga ... Är det är brott mot de här villkoren om den här personen sedan medvetet och med berätt mod sedan söndrar kondomen? Det kräver väl också att man lyckas bevisa att det är Assange som med berätt mod

— Det är ju väldigt klart att vi har en bevisfråga där. Och i det här fallet står ju ord mot ord. Det finns en teknisk undersökning. Den tekniska undersökningen säger att det inte är uteslutet och att det till och med finns en viss sannolikhet för att det här kondomet har söndrats med flit. Men den undersökningen kan ju inte säga när det här har skett. Och den kan inte heller säga vem det är som har rivit det i stycken.

Om vi då går över till Kvinna B så är anklagelserna ännu allvarligare, då gäller det våldtäkt...

— Ja, efter den lagändring som gjordes för ett antal år sedan-- våldtäkt *ad non*(?) som genomförs mot en person i hjälplöst tillstånd, och som hjälplöst tillstånd nämns uttryckligen i själva lagtexten att den här personen sover. Det som ytterligare krävs då är att den här personen genomför det här samlaget genom att utnyttja på ett otillbörligt sätt det att den här personen är i ett hjälplöst tillstånd.

Så det du säger är att inte alla samlag där ...

— Man kan inte säga att alla samlag som genomförs med en sovande person är våldtäkt. Utan det är andra omständigheter som kommer in. Framför allt handlar det

om den här otillbörlighetsbedömningen. När är det otillbörligt? När är det inte otillbörligt? Vilken betydelse har det att de här personerna har haft flera samlag kort innan? Inser den här personen som genomför ett samlag med den här personen som kanske sover att det kanske inte finns samtycke från den här personen att då påbörja ett nytt samlag medan den här personen sover? Det är väldigt många faktorer som kommer in.

Sammanfattningsvis då till slut vad gör du för bedömning av bevisläget efter att ha läst de här delarna av FU?

— Man kan ju säga att bevisläget ännu inte är sådant att det finns tillräckligt bevis för att väcka åtal. Och det har ju inte heller åklagaren gjort. Med andra ord, åklagaren har inte bedömt att det finns tillräckliga skäl för att väcka åtal utan krävt att det finns ytterligare bevisning innan ett sådant beslut kan tas.

Du ... äuhm... i alla fall på det här stadiet ... äuhm... ställer dig lite ... äuhm... tvekan till att det på det här stadiet är ... äuhm... liksom bevisat...?

— Om det skulle vara bevisat med sådan styrka att åklagaren skulle göra bedömningen att det finns tillräckliga skäl, ja då kan jag inte se något annat än att åklagaren skulle ha väckt åtal.

Då sätter vi punkt tack

<http://sverigesradio.se/sida/artikel.aspx?programid=1637&artikel=4343513>

Reinfeldt borde inse fakta

Metro

2011-02-11

Så hamnade då till slut den svenska rättstatens neurotiska inställning till sexualbrott i världspressens blickfång. Den hagelskur av anklagelser som Julian Assange avlossade mot det svenska rättsväsendet lyckades till och med få Fredrik Reinfeldt ur balans.

Att statsministern uttalade sig om en pågående brottsutredning är illa nog. Att han ensidigt tog ställning för åklagarsidan är ännu allvarligare och ger dessutom näring åt Assanges påstående om att det svenska rättsväsendet skulle vara politiskt styrt. I det perspektivet kan man möjligtvis ha ett visst överseende med att statsministern dessutom felaktigt påstod att Assange redan skulle vara åtalad för våldtäkt. *[Inte konstigt att t.o.m. Sveriges statsminister trodde att Assange redan var åtalad, med tanke på hur medierna har behandlat fallet.--A.B.]*

Så långt är dock hela denna cirkus bara ett spel för galleriet och lite tuppande inför världspressen. Om man skalar bort de övertoner och felaktigheter som Assanges anklagelser till stor del består av så återstår dock en kärna av oro som förtjänar både respekt och förståelse.

Hans anklagelser kan nämligen kokas ner till tre punkter; att Sverige har satt ribban för vad som betraktas som våldtäkt väldigt lågt, att vi har låga beviskrav i sexual-brottmål och att det saknas insyn i svenska våldtäktsrättegångar. *[Dessa är snarare Wahlgrens formuleringar, men all right. Sedan finns det minst en till-- att åklagare Ny har förföljt honom med oproportionella och kanske t.o.m. olagliga metoder.--A.B.]*

Vi tar punkterna i tur och ordning.

Nyligen fick Beatrice Ask förklara Sveriges, internationellt sett, höga våldtäktstal med att vi har utvidgat våldtäktsbegreppet till att omfatta en hel del sexuella gärningar som man utomlands inte ser lika allvarligt på.

Den svenska regeringens högsta juridiska företrädare, dåvarande justitiekanslern Göran Lambertz, har i sitt jättelika rättssäkerhetsprojekt konstaterat att låga beviskrav i svenska sexualbrottmål utgör ett systemfel som har lett till att åtskilliga män bevisligen har dömts felaktigt.

Idag är det mer regel än undantag att väsentliga delar av svenska våldtäktsrättegångar hålls bakom stängda dörrar och att bevisen, och till och med stora delar av själva domen, är hemligstämplade.

Detta är kalla fakta som Sveriges statsminister borde visa ödmjukhet inför i stället för att sänka sig till den väderkvarnsnivå som Julian Assange i stora delar av sitt utspel visar prov på. *[Vad då "väderkvarnsnivå"? Det som han sagt är ungefär samma saker som Wahlberg skriver här.--A.B.]*

- *Stefan Wahlberg, TV-producent & frilansjournalist*

<http://www.metro.se/2011/02/10/48384/ask-borde-inse-fakta/>

Flashback stoppade häxprocessen mot Julian Assange

*Olle Andersson
Newsmill
2011-02-12*

Det kanske mest egendomliga i hela bevakningen av Wikileaks och den våldtäktsanklagade Julian Assange är de återkommande ropen på öppenhet. Vad döljer Wikileaks? Varför våldtog han kvinnan? Ledarsida upp och kultursida ned begär att Wikileaks fläker upp sitt inre och att Assange sitter still i studion när BBC:s programledare för femtioelfte gången kräver besked om hur många älskarinnor han haft. Lite jävla öppenhet får man väl tåla!

Kraven verkar rimliga, vem är emot mer öppenhet, vem pläderar för det stängda samhället? På Publicistklubbens debatt i Stockholm senast satt ledande kultur-redaktörer och krävde att Wikileaks skulle klä av sig spritt naken, hur jobbar man, vilka pratar man med, hur görs urvalen och vem bestämmer. Fullständig öppenhet. Det lät bra, en doft av civilkurage.

Men, Karin Olsson på Expressen, du som i en ledare ville att Wikileaks skulle avslöja källorna så att dessa kunde hyllas som de verkliga hjältarna (sic): hur är det med din egen öppenhet. Hur resonerade du när ni hängde ut Wikileaks ryske representant som antisemit och sen refuserade hans replik? Vilka redaktionella avgöranden låg bakom? På PK-debatten blev du svaret skyldig. Stämmer de allt envisare ryktena att Expressen konsekvent ställer inlägg som vill ha en nyanserad debatt om svensk sexualbrottslagstiftning? Hur väljer du ut det material som publiceras? Vem avgör vad som skickas i papperskorgen, du eller någon annan. Om jag kommer till dig på kulturen och vill veta hur det kommer sig att vissa saker står i tidningen och andra inte, lovar du då att slå på 100-wattarna på nyhetsdesken? Vem tipsade om Tobleroneaffären? Låt oss få "hylla den verkliga hjälten" istället för den reporter som stal applåderna.

Detta, Karin Olsson, är de svar som läsarna vill ha. Fullständig öppenhet. Klara besked. Finns dolda dagordningar så fram med dem! Det man kräver av andra ska man också kräva av sig själv. Något annat duger inte-- då är man en hycklare.

Åsa Linderborg sa i samma PK-debatt att Assange begått inte bara en våldtäkt, han våldtog den andra kvinnan också. Det hade jag ingen aning om, sannolikt inte heller överåklagare Marianne Ny. Så nu undrar jag och alla andra AB-läsare: hur kan en kulturchef på vår största tidning påstå en sådan sak, vad är det ni vet på kultur-redaktionen som ni undanhåller läsarna? Hur går det dagliga snacket på morgonmötena, bör trosvisshet triumfera över kända fakta? Läsarna vill veta, Åsa. Kör med öppna kort. Har du en linje som säger att vissa polisförhör är absolut sanna och andra definitiva lögnar så stå för den med öppet visir. Du har läst förhören, det vet jag, eftersom jag mejlat häktningsspromemorian till dig. Annars finns den ute på hela nätet. Vi läsare vill veta varför din tidning gör som den gör, precis som krävs av Wikileaks. Lägga ut redaktionsmötena live på nätet. Det borde alla nyhetsredaktioner göra som kräver öppenhet från Wikileaks sida.

Nu tror jag inte att direktsända möten och offentliggjort prat på redaktionen skulle intressera nyhetskonsumenter. Det är den råa demagogin jag är ute efter och skenheligheten. För det är ju naturligtvis så att inte en enda nyhetsredaktion skulle öppna sina dörrar för läsarna, och definitivt inte för konkurrenterna. Varför kräver man detta av Wikileaks?

Själv tror jag att ett öppnare Wikileaks innebär ett akut hot mot uppgiftslämnare och slutet för en unik avslöjarcentral som i varje enskilt dokument betytt mer för allmänhetens fromma än en livstids gärningar från gamla mediebekanta på Söders höjder och i Vasastan.

Sen har vi frågan om Julian Assange själv och hans aversion mot svensk pressfrihet-- vad bråkar karl'n om? Det måste gå att ställa direkta frågor till en utpekad våldtäktsman utan att han tappar humöret. Självklart.

Dilemmat är att inte en enda svensk nyhetsredaktion bemödat sig om att redogöra för händelseförloppet, d.v.s. vad de två kvinnorna och Assange faktiskt sa i förhör med polisen. Det vi vanliga nyhetskonsumenter haft att gå på är redigerade utsnitt ur dessa förhör, oftast knäckta rakt upp och ned ur brittiska tidningar. Med facit i hand, and the cat out of the bag, går det att utläsa att redigeringen skett med målsägandenas bästa för ögonen.

Berömvärt och ömhudad, men tveksamt som journalistisk metod. Förtjänsten, eller offerpriset, beroende på hur man positionerat sig, ligger i medierna kunnat nita dit Assange som skyldig till ett av de värsta brott vi känner. Kvar på näthinna ligger fysiska övergrepp, sönderslitna kondomer, hot och tvång. Borta är överenskommet sex, parternas samtycke och frågan om en lossnad kondom i det ena fallet och en halv-eller helsovande kvinna i det andra. Skillnaden är naturligtvis milsvid, inte i hur kvinnorna upplever vad de varit med om, utan i mediernas rapportering om arten hos de påstådda övergreppen, d.v.s. vad som hände enligt de inblandade själva. Så vad är det exakt för frågor som Assange skulle besvara, att han använt våld, hot och tvång mot två svenska kvinnor? Eller handlar det om helt andra saker, det som kvinnorna berättar om i de förhör som tidningar i Stockholm vägrat publicera?

I Sverige har Assange avkrävt besked om vad han gjort. Ingen har frågat kvinnorna om samma sak. När de redigerade delarna av förhören publicerades var det inte en enda tongivande journalist som talade om brott mot förundersökningssekretessen eller kränkning av en enskild individ. Istället ställdes Assange till svars. Det blir intressant att följa hur denna numerärt begränsade men röststarka skara nu ska hantera den frisläppta promemorian. Kanske finner de att allt inte är svart eller vitt utan att det finns gråzoner. Och att de skändligheter Assange påstås ha begått också ägt rum i egna sängen med nära och kära.

Den 20 augusti förra året skvallrade jourhavande åklagare för Expressen att Assange var anhållen i sin frånvaro för våldtäkt. Tre dagar senare publicerades kvinnornas namn i brittiska medier. Flashback fick skulden och blev den orm som förgiftade allt vad vi förknippar med "sociala medier".

Simpla människor, skrumpna sidor, plumpt språk, antisemiter, samhällsparanoiker och folk med öppet kvinnohat. Här var en spya, en reminiscens från klottret på pissoarväggarna. Så knäsattes bilden av Flashback. *[Nidbilden är tyvärr delvis korrekt. — A.B.]*

Inläggen på Flashback fick en betydelse långt över dess egen ambition. En handfull kommentarer, där kvinnorna namngavs långt efter publiceringen utomlands, blev det fundament som angreppen mot Assange och Wikileaks senare kom att vila på. *[Verkligen? — A.B.]* En skitsajt på nätet fick de etablerade medierna att träda in som brottsoffrens språkrör. Vi fick en medial samförståndsgrund. Ju mer skit som skrevs om kvinnorna på FB, ju hårdare blev angreppen på Assange i de fem största dagstidningarna. Övergrepp på den ena sidan fick motivera karaktärsdåd på den andra. *[Det var nog Assanges brittiska advokatens med fleras uttalanden om den tvivelaktiga svenska rättsvisan som utlöste den starkaste motreaktion. — A.B.]*

Debattsidor, kändisbloggar, ring-in-program, #prataomdet-kampanjen, SVT Kulturnytts reportage om Kvinnolobbyn, Reinfeldt. Mobiliseringen blev enorm, jag har inte sett något liknande sedan styckmordsfallet på 80-talet. Flashback, som folk i gemen inte hade en susning om vad det var, blev ett alibi för grupperingar med specifika målsättningar. Intelligentian valde sida, och så här efteråt kan man ju undra varför ingen lyfte nosen när alla opinionsskapare sjöng i samma durart istället för att förfäktas en egen åsikt, det som dom har betalt för att göra.

För min del är saken enkel och komplikationsfri. Jag deltar i Flashback för att sprida information om Assange och Wikileaks. Jag är partisk på så sätt att jag har dubier om vår våldtäktslagstiftning. Jag tror att få svenskar känner till lagens implikationer när det gäller vår vardagliga samvaro. Jag tror att mina synpunkter är ovälkomna på andra

håll. Jag anser att Assange ska dömas om domstolen finner att brott har begåtts. Jag tror att misstag begåtts under förundersökningen.

Flashback är den enda alternativa rösten i Assangefallet. Somligt är pissoarklotter, annat är information jag inte hittar någon annan stans. Hundratals länkar till all världens tidningar, tidskrifter och inflytelserika bloggar som det skulle ta mig månader att hitta själv, jurister, samhällsvetare, journalister (som säger här vad dom inte får skriva om på den egna tidningen) och politiker som lärt mig allt jag behöver veta om EAW, åklagarhandboken, sexualbrottsbetänkandet, utlämningsavtal mm. Lagtexer, domstolspraxis, våra grundlagsfästa rättigheter, allt in extenso och med källanvisningar. För att inte tala om alla nya Wikileaksavslöjanden som svenska medier slutat rapportera om. Ingen läser the Telegraph eller der Spiegel på redaktionerna.

Direkt dystert är att jag ska behöva vända mig till FB för att få veta vad journalistorganisationer i andra delar av världen, inte minst USA, har för ståndpunkter i Assange- och Wikileaksfrågan. Det borde mitt förbund och tidningen Journalisten opåkallat se som en självklar informationsplikt. I senaste numret upprepas journalistkårens mantra att det mesta av avslöjandena redan var känt.

Okej, jag förstår att Wikileaks trampat på en öm tå när massmedierna reducerats till passiva redigerare, men ärligt talat, om ni alla visste, varför skrev ni inte?

Tjugofemtusen inlägg har hittills publicerats på FB om Assange och sexbrottsanmälningarna. Nästan 80 procent stöder Assange oavsett om han är skyldig eller inte. Varför gör dom det?

De har ingenstans att gå, det finns inga etablerade medier att lita på när ständigt ny information möts av ännu kompaktare tystnad. Vad är alternativet?

Kultursidorna skickar upp tomtebloss, precis som nyhetsredaktionerna. Journalistisk gråvardag. Sagt idag, borta imorgon. Vem repriserar det nyss sagda? Vem bryr sig om pisstävlingen om Egypten häromdan mellan våra tyngsta kulturchefer; om de hade träffats på Kvarnen istället på tre man hand, hade det hämmat läsarna?

Det som Flashback åstadkommit är precis motsatsen. Tusentals deltagare har samlat ihop information på ett gemensamt utrymme utan lön eller klappar på axeln i snart sex månaders tid därför att de menar att det saknas väsentlig information i samhällsdebatten. Vi andra kan plocka godbitarna, helt gratis, ett berg av ackumulerad kunskap. Varje tokenlägg korrigeras i nästa, detaljer erättsas, länkar klistras in. För varje vecka som går blir inläggen mer stringenta och expertbetonade. Flashback-tråden om våldtäkten är en formidabel kraftansträngning från folk som våra journalister inte skulle ta i hand men som gör jobbet åt dem. Röster från undervåningen.

Flashback har lagt ut häktningSPromemorian. Inte särskilt snyggt. Men de som förespråkar öppenhet i alla lägen får slipa om argumenten. Hade FB funnits för 25 år sedan hade chefsåklagare Anders Helin aldrig åtalat styckläkarna.

Nu sitter alla redaktioner på häktningSPromemorian med de avgörande vittnesmålen. Tack vare FB går det inte att hålla igen längre. Rapportjobbet tidigare i veckan är bevis nog. Engagerade flashbackare har bombarderat beslutsfattarna i mediebranschen med faktaunderlaget. Det kan leda till en öppnare debatt, men lika gärna fortsatt skyttegravskrig från kultursidorna och ännu mer hat mot denna fräcka asociala sajt som dragit ned "sociala medier" i smutsen. Vi får se. Har ni tänkt på att ingen från de

stora redaktionerna tar ordet Flashback i sin mun, utan mumlar lite vagt om näthatare i störsa allmänhet, som om själva namnet smittar? Snart är elefanten i rummet för stor.

<http://www.newsmill.se/artikel/2011/02/12/flashback-stoppade-h-xprocessen-mot-julian-assange>

Thomas Ahlstrand: Alhems partsinlaga är skev och felaktig

Sven-Erik Alhems expertutlåtande i Assange-processen avslöjar att han inte är något annat än en inhyrd megafon, skriver Thomas Ahlstrand.

*Expressen
15 feb. 2011*

Man kan ju tro att när en, låt vara pensionerad, överåklagare uttalar sig så är i alla fall påstående om juridiken någorlunda korrekta. Men den pågående processen som rör överföring av Julian Assange avslöjar att Sven-Erik Alhem denna gång inte är något annat än en inhyrd megafon för ena parten.

Bakgrunden är att en svensk åklagare, efter att en brottsmisstanke bedömts av en [???] [jävig--A.B.] domstol, utfärdat en Europeisk arresteringsorder, en EAW. Det är en vanlig procedur när det gäller misstänkta personer som inte finns i det egna landet [*och har åtalats för ett brott; att utlysa en EAW bara för att förhöra någon är uttryckligen otillåtet.--A.B.*]. Efter att den eftersökte anträffats och gripits i ett annat land blir det en rättegång där rörande frågan om denne skall överlämnas till det land som utfärdat EAW:n.

Nu har jag i min hand det skriftliga expertutlåtande som Alhem lämnat till Julian Assanges försvarsadvokat i England med anledning av rättegången där om Assanges överlämnande till Sverige. Alhem uttalar sig som expert på svenskt rättsväsende. Hans uppdrag är att upplysa den engelska domstolen om rättsprocessen i Sverige, skriver han.

Utlåtandet är fullt av fel-- hade han varit studerande hade han knappt fått godkänt. Det hade inte gjort något i ett svenskt sammanhang. Men här är risken att den engelska domstolen inte förstår att hans uttalande är skevt och präglad av syftet att förhindra ett överlämnande av Assange till Sverige.

Alhem slår först ner på att efterlysningen av Assange gick ut till media efter att ha bekräftats av åklagaren. Offentliggörandet av efterlysningen var, skriver han, ett "helt emot riktig procedur och ett brott mot (violation against) svenska regler gällande förundersökning". Det är inte riktigt sant. Det var olämpligt, olyckligt och borde aldrig ha skett, men det var inte i strikt mening olagligt.

Han fortsätter i samma anda: "Åklagaren får inte bekräfta misstänkts identiteter förrän de har åtalats "charged with a crime". Så är det inte. Han menar sannolikt att deras identiteter inte får avslöjas förrän de delgivits misstanke. Men även det är fel. Till exempel är det nödvändigt att misstänkts identiteter avslöjas i samband med internationella efterlysningar.

Vidare upplyser han att i Sverige hålls "rättegångar avseende våldtäkt och sexuella övergrepp undantagslöst i hemlighet (invariably held in secret)". Det är inte heller sant. Hemliga rättegångar förekommer inte i Sverige. Delar av rättegångar kan hållas inför stängda dörrar, av hänsyn till målsägandes och ibland den tilltalades personliga integritet. *[Det har förekommit motstridande påståenden i denna fråga.--A.B.]*

Han ifrågasätter vidare om Assange kan få en rättvis rättegång (fair trial) med tanke på hur lång tid som gått sedan anklagelserna om våldtäkt först framställdes. Sedan nämner han HD-avgöranden där åtalerna avseende våldtäkt ogillats eftersom det inte fanns tillräcklig bevisning. Hur han får ihop HD:s stränga beviskrav med risken för en orättvis rättegång framgår inte.

Efter att ha kritiserat den svenska åklagaren för att inte ha förhört Assange i England fortsätter Alhem med att antyda att åklagaren utfärdar efterlysningen enbart i syfte att få till stånd ett förhör med Assange i Sverige.

Här går Alhem i ledband efter Assanges engelske försvarare, som har just ett sådant argument för att domstolen ska vägra överlämnande. Alhem avstår dock att nämna att i svensk process föregår förhör ("questioning") åtalsbeslut och stämning ("charges" och "indictment") och att det i Sverige, till skillnad från i England, är omöjligt att väcka åtal utan att först hålla förhör. *[Ja, och därmed bekräftas Alhems tolkning; dessutom har Marianne Ny flera gånger offentligt sagt att hon bara vill förhöra honom.--A.B.]*

Han nämner inte heller att syftet med en EAW utfärdad i Sverige är och skall vara "lagföring", det vill säga hela proceduren från undersökning till rättegång. Han avstår också noggrant att nämna att svenska domstolar funnit att det föreligger sannolika skäl för Assanges skuld. [???

Man kan ha kritik mot, allvarlig sådan, inslag i rättsprocessen mot Assange. Men det är allvarligt när en insatt och kunnig person till stöd för sin inställning medvetet lämnar missvisande upplysningar inför en domstol.

- *Thomas Ahlstrand är vice chefs åklagare vid Internationella åklagarkammaren i Göteborg.*

Sven-Erik Alhem: Jag är varken köpt eller megafon

Expressen
17 feb. 2011

Rättssäkerhetsfrågor måste alltid diskuteras. Ibland har kritiken mot mig varit klok och sund. Någon gång har-- om än inte fysiskt-- rallarsvingar utdelats. Vid ett tillfälle har en högt uppsatt åklagare sagt: "Dig är jag så j-a förbannad på att jag inte ens vill ta dig i hand!"

Och så nu från Thomas Ahlstrand: "En köpt megafon". Det är vad jag påstås vara. För det vet Thomas Ahlstrand. Och mycket, mycket mer. Jag tål kritik och ska inte alls gå till något motanfall mot Thomas Ahlstrand men vill bara förtydliga mig på några punkter.

Förhöret med mig i London var långt. Där hade jag tillgång till ett delvis annat underlag än det som fanns inför min skriftliga inlägga. Jag sade bland annat att om jag vore åklagare skulle jag ha anhållit Assange omgående och begärt honom häktad om jag funnit honom vara skäligen misstänkt för våldtäkt. En person som är hemma-hörande i Australien och saknar hemvist här i landet kan vid misstanke om ett så allvarligt brott rimligen inte tillåtas befinna sig på fri fot och få lämna landet.

Hade Assange frihetsberövats i Sverige på ett tidigt stadium, hade all denna turbulens aldrig uppkommit. Utredningen hade då bedrivits skyndsamt och sannolikt kunnat vara avklarad inom rimlig tid. Jag sade också i mitt vittnesmål inför den engelska domstolen att om jag vore i Assanges kläder skulle jag omgående ha begett mig till Sverige och låtit mig förhöras för att snarast möjligt klara ut skuldfrågan.

Jag tror inte att en köpt megafon skulle uttrycka sig så. *[Och det var nog just för att förmedla detta intryck-- och därmed skydda hans goda namn som redan före resan till London hade ifrågasatts av svensk medier-- som Alhem på detta vis undergrävde Assanges ställning, utan någon rimlig förklaring.--A.B.]*

• *Sven-Erik Alhem är kritiskt granskande samhällsdebattör och före detta chefsåklagare i Malmö.*

www.expressen.se/debatt/1.2333064/sven-erik-alhem-jag-ar-varken-kopt-eller-megafon

Tysk avhoppare var Bank of Americas mullvad i Wikileaks?

Olle Andersson
Newsmill
2011-02-15

Det är en häpnadsväckande spionaffär som de senaste dagarna avslöjats i USA. Tre amerikanska underrättelsebolag skulle skjuta Wikileaks och framförallt Assange i sank med smutskastningskampanjer, falska dokument och ryktesspridning om att Wikileaks inte kan garantera säkerheten för uppgiftslämnare. Medierna skulle bearbetas med falska påståenden om personliga motsättningar, Interna chatloggar skulle kapas för att komma åt Assanges svagheter och missnöjda medarbetare skulle enrolleras som mullvadar. Cyberattacker för att komma åt namnen på Wikileaks tipsare.

Historien rullades upp av USA Today och The Tech Herald och bevisen mot dataspionerna är förintande, 50.000 mejl och de detaljerade sabotageplanerna mot Assange hackades av Anonymous och lades ut på nätet 6 februari.

Det är här Domscheit-Berg kommer in i bilden. I stort uppslagna intervjuer i DN, SvD och Rapport ger wikileaksavhopparen målande beskrivningar av den omnipotente lortgris som styr medarbetarna med diktatorsfasoner. Det intressanta är när han kritiserar det bristande källskyddet, en förintande salva för en organisation som bygger hela sin existens på att garantera tipsare anonymitet. Och det kusliga är att DDB:s påståenden är en direkt blåkopia på spionfirmornas strategi. In i minsta detalj.

Betyder detta att DBB gick främmande inressens ärenden? Var han en mullvad? Inte nödvändigtvis, men när intervjuerna gjordes var spionhärvan känd genom USA

Today. Att bereda avhopparen generöst med utrymme utan att ens nämna sabotageupplägget mot Wikileaks är att lämna läsarna i sticket.

Historien börjar när Julian Assange i november förra året avslöjar att nästa avslöjande gäller en amerikansk storbank. 2/1-11 skriver New York Times om ett hemligt krismöte på Bank of America(BofA). Sen går det fort. Tre underrättelsefirmor, HBGary, Palantir Technologies och Berico Technologies, kontaktas av BofA:s juristfirma Hunton&Williams. Bank of America misstänker på goda grunder att banken blir nästa mål för Wikileaks. Uppdraget till spionfirmorna blir att med alla medel stoppa Assange

Följande sabotageplan läggs fram:

Missnöjda wikileaksanställda ska kartläggas och värvas som agenter,

- Översvämna Wikileaks med falska dokument. Om ett enda slinker igenom ska det äkta dokumentet presenteras för journalister som bevis på att Wikileaks är otillförlitligt. Ett misstag, sen är det färdigt, som Palantir Tech uttrycker det.
- Sprid uppgifter om att Wikileaks saknar betryggande säkerhetsarrangemang för att skydda sina källor. Den mest förintande och enklaste metoden. Det räcker med ryktesspridning. Fanatikerna bryr sig inte, men vanligt folk drar öronen åt sig. Om säkerheten frågasätts är Wikileaks färdigt, skriver Palantir i ett av de hackade mejlen.
- Smutskastningskampanj mot Glenn Greenwald å Salon.com en av USA:s mest inflyelserika bloggare och den som avslöjade behandlingen av Bradley Manning i fängelset. Men hot och påtryckningar skulle Greenwald förmås att byta fot och angripa Wikileaks. Spionerna får 200 000 dollar i förskott på totalarvodet 2 milj USD.

Sen följer rena deckarintrigen. In en intervju i Financial Times 4/2sger HBGarys VD, Aaron Barr, att ledarna för den mytomspunna hackerrörelsen Anonymous i Europa ska avslöjas. Ett ödesdigert misstag 24 timmar senare är hans spionfirma sönder-hackad. En 16-årig flicka lurar en systemadministratör på HBGary på det tillfälliga lösenordet, "changeme123". På natten vittjas bolaget på 77 000 mejl och hela konspira-tionsplanen av fem av Anonymous stjärnhackare. Back up-systemen förstörs.

6 februari läggs 50 000 mejl ut på nätet. 27 000 hålls kvar i beredskap. Planen att ödelägga Wikileaks och krossa Assange spricker. Palantir ber Greenwald om ursäkt, Bank of America säger "no comments" och HBGarys VD ropar på polis. Sen kommer Domscheit-Bergs bok och där är vi nu.

Vad är det då DBB säger, vad är hans budskap i alla intervjuer? Jo, att Assange är en paranoiker, sjukligt misstänksam, som ständigt känner sig övervakad. att organisationen driver vind för våg och är sårbar för desinformation och att Wikileaks är ett farligt ställe att lämna hemligheter till eftersom anonymiteten inte kan garanteras för uppgiftslämnare. Känns resonemanget igen?

Men kan det ligga nånting i vad DDB säger om den bristande säkerheten hos Wikileaks? I Der Spiegel erkänner Domscheit-Berg att han inte bara tog med sig hårdvara och hemliga dokument som whistleblowers skickat, han tog också med sig hela mjukvaran när han fick sparken. Om inte Wikileaks var sårbart förr så är det det nu, men det beror i så fall inte på Assange utan på hans före detta närmaste medarbetare.

DBB motiverar tilltaget med att det är han som är "arkitekten" bakom mjukvaran, därför äger han också "upphovsrätten". Tysklands mest inflytelserika hacker-organisation, Chaos Computer Club, har förklarat den tidigare hackare DBB personen grata för att ha brutit mot den gyllene regeln att all information ska vara fri. I de kretsarna är "upphovsrätt" ett fullt ord.

Der Spiegel hade förväntningar på riktiga avslöjanden om Wikileaks politiska betydelse, inte sida upp och sida ned om en man som går i smutsiga kläder, äter med fingrarna och torkar händerna på byxorna. Det visse vi förut, skriver der Spiegel och avfärdar boken som en trivial dagbok från en försmådd älskare.

I Sverige har recensionerna varit nådigare. Det kan ju å andra sidan bero på att avhopparen Domscheit-Berg, nu lika hemtam i strålkastarljuset som sin detroniserade idol, inte satts in i ett vidare sammanhang.

<http://www.newsmill.se/print/33053>

SvD: 17 februari 2011

Måste man väcka någon för att ha sex?

Nästa vecka återupptas förhandlingarna om huruvida Wikileaksgrundaren Julian Assange ska överlämnas till Sverige eller inte. Han är internationellt efterlyst eftersom han inte har kunnat höras i en förundersökning som på domstolsspråk gör gällande att han på sannolika skäl är misstänkt för olaga tvång, två fall av sexuellt utnyttjande samt våldtäkt, mindre grovt brott.

Anklagelserna har, framför allt i de sociala medierna, gett upphov till ett regelrätt drev mot de två kvinnor som uppger sig vara drabbade. Men de har också fått stöd. Inte minst i alla berättelser från den sexuella gråzonen i det twitter-, facebook- och bloggbaserade nätverket #prataomdet.

Alla tycker någonting. Och intressant att se är hur många det är som nästan automatiskt frikänner. Assange har med sina avslöjanden antagit något av en frälsargestalt och sådana har vi en lång och något skrämmande tradition av att ha svårt att se som personer av kött och blod kapabla till människors fel och brister.

I Assanges fall tar det sig närmast komiska uttryck. Som att kvinnorna skulle vara köpta av CIA. För varför skulle en snygg och framgångsrik man som andra kvinnor står i kö till behöva tvinga till sig sex? Som Italiens premiärminister Berlusconi sa om anklagelsen att han köpt sex av en minderårig flicka: "Det är en absurd tanke att jag skulle behöva betala för att ha sex med en kvinna". Men tänk om det inte är sexet det handlar om, utan makt? Om det är att sätta sig över gällande regler och någon annans vilja som är själva kicken?

Inte vet jag vad som egentligen hände, men jag har läst vad de två kvinnorna har sagt till polisen. För precis som Assange publicerar hemliga dokument på Wikileaks har någon snappat upp häktningspromemorian på vägen mellan Assanges svenska och engelska advokater och lagt ut den på nätet så att alla kan bilda sig en egen uppfattning.

Och det är intressant läsning som väcker många tankar kring de, som #prataomdet uttrycker det, gränsdragningar, gråzoner och övertramp som förekommer i sexuella situationer. Båda kvinnorna ville ha sex med Assange, men de var rädda för att få hiv och ville att han skulle använda kondom. Det ville helst inte han och hittade enligt kvinnorna på olika sätt att lura dem. I ena fallet hade han medvetet sönder kondomen för att kunna få utlösning i kvinnan. I det andra vaknade kvinnan av att Assange trängde in i henne utan kondom. Det är det som, vad jag förstår, rubriceras som "våldtäkt, mindre grovt brott".

Vi vet inte vad Assange själv menar har hänt och vi vet inte om det håller i domstol eller ens till ett åtal. De flesta anmälningar om våldtäkt läggs ner innan det går så långt. Men det väcker frågan om vad som egentligen är våldtäkt. För det är ju faktiskt vi som tillsammans genom våra lagar bestämmer det. Och just nu överväger regeringen en samtyckesparagraf som bland annat ställer följande fråga på sin spets: Är det alla människors rätt att penetrera någon man tidigare har haft sex med när andan faller på? Eller bör man bemöda sig om att till exempel väcka sin partner först för att försäkra sig om att hon eller han är med på det? *[En viktig fråga; men får Marianne Ny m.fl. utnyttjar Assanges kändskap, förknipa hans namn med "våldtäkt" i hela världen, hota honom med fängelse m.m. för att gynna sin ståndpunkt i denna fråga?--A.B.]*

- Anna Laestadius Larsson är frilansjournalist.

Kan DNA bara tas i Sverige?

Göran Rudling
www.samtycke.nu
 17 februari 2011

Ett angivet skäl till varför Julian Assange ska förhöras i Sverige är att polisen vill ta ett DNA prov. Det framkom vid förhandlingarna i London. Det ser inte ut som om svensk media skrivit om det speciellt. Det var en lång diskussion om detta vid förhören av Sven Erik Alhem och Björn Hurtig. Något som jag tyckte var konstigt. DNA prov kan ju tas på i stort sätt alla ställen i världen.

Varför vill svensk polis ha DNA från Julian Assange och varför kräver man att topsningen ska göras i Sverige?

Den stora fördelen med DNA är att man kan samla in DNA på brottsplatser var än brottsplatserna befinner sig. Man kan ta DNA prov överallt. Jag kan topsas av en svensk polis i mitt hem, i min bil, på restaurang, på centralstationen osv. Det behöver inte göras på en polisstation. Mitt DNA kan tas av brittisk polis, tysk polis, amerikansk, dansk polis och det kommer fortfarande att vara mitt DNA. Det behöver inte göras i Sverige. Vad är det som är så speciellt med Julian Assanges DNA som gör att det måste tas i Sverige?

När Julian Assange blev arresterad i London den 7 december så fick han instruktionen av sina advokater att inte frivilligt lämna ett DNA prov. Det skrev media om. Polisen i London tog ändå Julian Assanges DNA. Så den engelska polisen har redan Julian

Assanges DNA. Det gör det än nu mer konstigt att ett av skälen till att man vill att Julian Assange ska utlämnas är att man vill ta ett DNA prov på Julian Assange.

<http://www.samtycke.nu>

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Links to other parts of the series

Documents in PDF format

Require Adobe Reader or similar program

Part 1: 14 August 2010 – 16 December 2010

www.nnn.se/nordic/assange/docs/case1.pdf

Part 3: 20 February 2011 - 17 July 2011

www.nnn.se/nordic/assange/docs/case3.pdf

Part 4: 8 August 2011...

www.nnn.se/nordic/assange/docs/case4.pdf

For more and better-organized information:

www.nnn.se/nordic/assange.htm

Other resources

<http://wlcentral.org>

<http://justice4assange.com>

<http://rixstep.com/1>

<http://www.samtycke.nu>

<https://www.flashback.org/sok/assange>