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Thank you for this opportunity to address the IPAN Conference, Annette.

Apologies from John Shipton, and I pass on his thanks for this opportunity to speak about the case of his son, Julian Assange.

I would like to pay my deepest respects to all First Nations Elders, past, present and emerging, to their culture and their unbroken ancestral connection to this land. Always Was and Always will be, Aboriginal land.

I would like to begin by connecting to the words spoken by young 17 y.o. Tom in yesterday's session, words that reminded me of myself.

"Don't sign up get killed," Tom said.

When I was 19 years old, I was horrified by the Vietnam war. The My Lai massacre and the brutality of so-called participating democracies angered me. When the US National Guard fired 67 bullets at peaceful protestors in Kent State University, killing four students and wounding nine others, I was radicalised. And here in Australia our government was imprisoning those who defied the Conscription act, as I was about to find out.

Three days after my 20<sup>th</sup> birthday, I was arrested for handing out leaflets at a Draft Resistor's Union demonstration outside the Melbourne GPO and charged with incitement. The leaflet had a dangerous message: "Don't Register for National Service." This was a lesson in the power of words.

In the days that followed as I awaited trial, I asked my father if he had ever killed anyone during WW2, as he had never spoken about it. Soberly, reluctantly, he told of being in a forest. He and an enemy soldier saw each other simultaneously, and both raised their rifles to shoot. My father fired first. He must have been a split second away from being shot himself. I sensed his trauma of reliving the moment, a shameful, regretful moment that he never spoke of again.

Wars have many victims. Those who are killed or maimed, and those who kill and maim. Their lives will never be the same. They pass on the trauma, and every victim has a mother or father or a brother or sister, a friend or a lover, a child or many, and they too are all victims.

And then there are more victims of war, those who try to stop it, resist it, end it, and expose war crimes to hold perpetrators to account. People like Julian Assange and David McBride. But it is Julian that I am speaking about at the moment, and I'd like to give you a brief update.

His defence has applied for permission to appeal the decision to extradite him to face charges in the US that could imprison him for 175 years. If allowed to appeal, it will be tied up in court for years, punishment by process. The grounds for appeal are largely centred around the political nature of the case.

Julian's lawyer Jennifer Robinson, and wife and lawyer Stella Assange have both recently expressed their belief that only a political solution will free Julian, after all this is a purely political case.

And so PEN has begun an initiative that I would like to tell you about.

On Thursday, we have organized a meeting with some MPs to put a proposal to them .

**Keep in mind:**

*The Extradition Treaty between the Government of the United States of America and the Government of the United Kingdom of Great Britain*

*ARTICLE 4*

*1. Extradition shall not be granted if the offense for which extradition is requested is a **political** offense.*

**This then is the Australian PEN proposal:**

We will be asking **a member of the Parliament to put a Motion to the Parliament and request a conscience vote**. This is the Motion:

*The treatment of Julian Assange has not been “normal”. It is extreme, illegal, denies his human rights and is threatening his life. The legal process is being used as punishment. The political nature of the charges and illegal activities by UK and US authorities are grounds for his immediate release and for dismissing the extradition request.*

*The Australian Parliament therefore calls for the immediate release of Julian Assange and the denial of the extradition request.*

I would like to invite, without notice if that's OK? ...for this conference to make a similar call. (A unanimous vote accepted the call to be made by the IPAN Conference.)

**The vote of each MP will be published on PEN websites**

**Prior to the parliamentary motion, a document will be sent to all MPs and Senators and circulated publicly.** It will contain fifteen points on “Why the case against Julian Assange is political.”

A few months ago, George Brandis, former Ambassador in London, expressed on Q&A that he had full confidence in the due process of the British legal proceedings and that the Consular assistance Assange was receiving was the same as for any other prisoner.

Really? Nothing could be further from the truth.

Doctors for Assange, representing 354 Doctors worldwide, and Nils Melzer, UN Special Rapporteur on Torture, condemn the torture, denial of healthcare and violations of Assange's right to doctor-patient confidentiality as “politics” and “state interference”.

Examples from Nils Melzer's book *Trial of Julian Assange*:

Immediately after his arrest in April 2019, Assange had requested the allocation of a laptop so that he could read the court files ...and draft notes and statements for his own defence. ..., the request was not granted until ten months later, after the extradition hearing had already begun. Even when Assange was finally given the laptop, the key-board had been blocked with glue to prevent him from typing.

At another hearing, when Julian's health had become quite critical, the judge turns to Assange, orders him to stand, and asks him whether he has understood the proceedings. He replies in the negative, says that he cannot think, and appears disoriented.

Then, he says: 'I do not understand how this process is equitable. This superpower had ten years to prepare for this case and I can't even access my writings. It is very difficult, where I am (Belmarsh Prison), to do anything. These people have unlimited resources.'

I feel ashamed how the Australian Government has allowed this mistreatment.

But there was worse to come.

In p 242 of *Trial of Julian Assange* it describes how during the extradition hearing at Westminster Magistrates' Court in September 2020, which lasted several weeks, three of the few available public seats in the courtroom had been reserved for diplomatic representatives from the Australian High Commission in London. Outside the court, ... independent observers waited in vain to be admitted to the courtroom – every single day. By contrast, the cushy Australian seats remained empty – every single day.

One might conclude that the Australian officials didn't attend deliberately so that they could say they have no knowledge of mistreatment.

But there is worse.

During the first extradition hearing this February 24, Assange was confined in a glass box that prevented him from directly conferring with his lawyers.

A glass box! Is he Osama Bin Laden? Assange has never been disruptive or violent.

Assange's confidentiality with his lawyers had already been compromised by spying and restricted by harsh Belmarsh limitations. This demeaning abuse and denial of confidential access to his defence lawyers is inexplicable other than by political persecution.

On a few occasions he had to get down on his knees and speak loudly between gaps in the glass to his lawyers, all within earshot of the nearby prosecution lawyers.

The admission by the UK government that its surveillance and information-sharing arrangements with the US violated Julian Assange's lawyer Jennifer Robinson's rights in relation to the protection of confidential material is evidence of a pattern of unlawful spying on Julian Assange and his legal team AND also raises serious questions about what information the UK and US governments have been sharing about Mr Assange's case.

There are media reports that the CIA and Trump had discussed explicit plans not just to kidnap and poison Julian, ... to rendition Julian and even to assassinate him while he was in the embassy.

It beggars belief that the prosecution is by the same agency that has plotted against the defendant.

It's also a politically motivated prosecution because depending on who sits in the White House Julian gets prosecuted or he doesn't. Under Obama there was a decision by the Department of Justice to not prosecute Julian for the Manning leaks. It was announced by the ADOJ spokesperson...Matthew Miller [who] said there is no way to prosecute Wikileaks in the Manning case without setting a precedent for the rest of the press and ...he also said Julian Assange is not a hacker, he is a publisher, and we can't go after him for that reason. This conclusion was reached after the Manning court martial, after going through all the existing evidence.

The Trump administration... reversed that decision with the 1917 Espionage Act, where offences are political offences by definition...even the UK US extradition treaty, explicitly in Article 4, explicitly prohibits extraditions for political offences.

Julian's arrest for breaking bail, his sentence of 11 months, and his continued imprisonment constitute political interference.

Julian's exercise of "his right to seek and to actually obtain asylum [is] enshrined in the Universal Declaration of human rights ...a long recognized right every person has."

Going into the embassy should have been a sufficient defense to not even have been convicted of the Violation of the bail Act". This violation is rarely punished. On occasions it's punished with a fine, but very rarely is it ever punished with prison time.