

ASSANGE & SWEDEN

# SUSPICIOUS BEHAVIOUR

*The strange case of the WikiLeaks  
editor and the Swedish prosecutor*

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# Sequence of Events

## *Important events and developments relating to the Swedish prosecutor's case against Julian Assange*

### **13 August 2010**

Anna Ardin returns a day early to her Stockholm flat, which she has lent to Julian Assange in connection with a seminar. He offers to find other lodgings, but she invites him to stay. That night they engage in a lengthy session of consensual sex, during which she utters not a word of objection or dissatisfaction.

### **14 August 2010**

Assange is the principal speaker at the seminar; Anna Ardin plays a key supporting role. Assange spends the afternoon with Sofia Wilén, during which they engage in heavy petting and agree to meet again. That evening, Anna Ardin arranges a crayfish party in Assange's honour and expresses great delight at the company she is keeping. Alternative lodgings are offered to Assange, but Ms. Ardin invites him to continue residing at her flat.

### **15 August 2010**

At a meeting on the future activities of WikiLeaks in Sweden, Anna Ardin serves as Assange's press secretary.

### **16 August 2010**

Assange accompanies Sofia Wilén to her flat in the town of Enköping. He wears a condom during several consensual acts of sexual intercourse. Then he penetrates her once without a condom. She warns that he'd "better not have HIV" but lets him continue without objection. They part on apparently friendly terms and agree to meet again.

### **17-18 August 2010**

Sofia Wilén becomes increasingly anxious about the risk of infection due to the one act of unprotected intercourse with Assange, but is unable to contact him.

### **19 August 2010**

Sofia Wilén phones Anna Ardin to seek assistance in contacting Assange. It is not clear what they discussed with each other or with Assange. Ms. Ardin asks Assange to move out of her flat, which he does the following morning.

### **20 August 2010**

Accompanied by Anna Ardin, Sofia Wilén visits a Stockholm police station — by their own account, for the limited purpose of obtaining assistance in compelling Assange to take an HIV test. Ms. Wilén is interviewed by a police officer who is a friend and political ally of Ms. Ardin.

On the basis of very little information, including what appears to be a decisive utterance by Ms. Ardin, prosecutor #1 decides to arrest Assange *in absentia* on suspicion of rape and other sex crimes. When Ms. Wilén is informed of that decision, she is unable

to continue the interview and leaves without approving the written account of it. News of the warrant is leaked to a Swedish tabloid and, within hours, global media are full of articles and headlines linking Assange's name to the word "rape".

### **21 August 2010**

Less than one full day after the arrest warrant is issued, it is revoked by prosecutor #2 who finds that there are no grounds for suspicion of rape or any other sex crime.

Anna Ardin is interviewed by the police via telephone, and gives an account of her sexual encounter with Assange on 13 August which differs from what she has previously told friends. Now, she says that she was the victim of a sexual assault, during which Assange is said to have destroyed a condom and duped her into having unprotected sex. But the "used" condom she subsequently provides as evidence turns out to be unused, and therefore could not have been destroyed in the manner that she claimed.

### **23 August 2010**

The police officer who interviewed Sofia Wilén on August 20<sup>th</sup> is ordered by a superior to alter the protocol (written summary), which has still not been approved by Ms. Wilén.

### **24 August 2010**

A politician-lawyer named Claes Borgström, who is in the midst of an election campaign and who is struggling to restore a tarnished legal reputation, becomes the publicly financed representative of Anna Ardin and Sofia Wilén. He immediately accuses Assange of sex crimes, cowardice, etc., in a "trial by media" that has continued for 17 months.

### **30 August 2010**

Julian Assange is finally interviewed for the first time, after a delay of ten days that violates police guidelines which call for rapid investigation. As specified by prosecutor #2, the interview is supposed to concern the one remaining suspected crime of non-sexual molestation. But the police interviewer chooses instead to focus on Assange's sexual relations with Anna Ardin, especially her story about the broken condom (see 21 August).

### **1 September 2010**

At the urging of Claes Borgström (see 24 August), the original case is reopened by prosecutor #3, Marianne Ny. Assange is now once again suspected of rape and other sex crimes, the precise details of which are not made known to him until mid-November. In the months to follow, Ms. Ny will violate her own guidelines on the proper investigation of such cases.

### **21 August – 27 September 2010**

Since first learning of the accusations against him from news media, Assange has voluntarily remained in Sweden and made himself available to the police and prosecutor. Through his attorney, he has made repeated attempts to be interviewed by prosecutor Ny or her agents, but she has rejected all proposals. Finally, after five weeks and having secured Ms. Ny's consent, Assange departs for Germany and then England. On the same day, Ms. Ny issues a secret warrant for Assange's arrest.

### **October 2010**

Assange continues to make himself available for an interview by prosecutor Ny, offering to return to Sweden for that purpose or to be interviewed in England, in person or via video link or other telecommunications. All such proposals are rejected by Ms. Ny.

Threats from leading figures in the United States against Assange's life and freedom escalate in response to the continuing disclosures of WikiLeaks.

**20 November 2010**

Prosecutor Ny issues a European Arrest Warrant for Assange and authorizes an Interpol Red Notice concerning him. In doing so, she ignores the less drastic alternative of arranging to interview him via Mutual Legal Assistance, an established mechanism for international co-operation. Ms. Ny states that it is not possible under Swedish law to interview him in England. That is an outright lie; there is no such law.

**7 December 2010**

Having announced his intention to resist extradition to Sweden, Assange turns himself into a London police station and for the first time gets to read a detailed description in his native tongue of the accusations against him. They turn out to be false and distorted accounts of his consensual sexual encounters with Anna Ardin and Sofia Wilén. The most serious accusation is that he raped Ms. Wilén by penetrating her while she “due to sleep, was in a helpless state”. In fact, she was sufficiently awake to converse with Assange and indicate her consent (see 16 August).

At prosecutor Ny’s request, Assange is jailed pending an extradition hearing. He is placed in solitary confinement with limited access to his lawyers, television, the library, telephones and the Internet.

**16 December 2010**

Assange wins an appeal to be released from confinement while waiting for the February hearing. But the conditions imposed are unusually restrictive: Assange must observe a 10:00 p.m. curfew, report to a local police station every day and constantly wear an electronic ankle bracelet.

**24 February 2011**

Howard Riddle, a hostile judge, rejects Assange’s appeal against the European Arrest Warrant and extradition to Sweden. It was Judge Riddle who had jailed Assange the previous December.

**2 November 2011**

The U.K. High Court rejects Assange’s appeal of Judge Riddle’s ruling, based on a hearing conducted on 12-13 July.

**16 December 2011**

The U.K. Supreme Court grants an appeal on one point of law concerning the European Arrest Warrant. The hearing is scheduled for 1-2 February 2012.

**11 January 2012**

Assange 400th day of house arrest under the conditions noted above (16 December).

**1–2 February 2012**

Supreme Court extradition hearing. The issue to be decided is whether or not a prosecutor may be regarded as an independent and impartial “judicial authority”, and thereby qualified to issue a European Arrest Warrant. Ruling expected within weeks.

\* \* \* \* \*

## CREATING A SCANDAL

*Swedish authorities transform a simple enquiry into a global media orgy*

On a Friday afternoon in August of 2010, two Swedish women visited a police station in Stockholm, ostensibly to seek advice on how to compel a mutual sexual partner to take a test for HIV infection.

When they emerged a few hours later, the police had transformed their health-related errand into serious accusations of rape and other sexual misconduct. The inevitable and almost immediate result was a global news sensation; for, the object of those accusations was Julian Assange, editor of WikiLeaks, the whistleblowing website that had become a major news force through its disclosures of unethical and criminal conduct by numerous governments, most particularly that of the United States.

Less than a day later, a senior prosecutor dismissed the most serious accusations as without foundation, leaving only a minor charge to be further investigated. But by then, the words “Assange” and “rape” had been linked in millions of headlines and articles. Over a year later, a web search with those two words yields some 35 million such linkages — and that is only in English. A search with the Swedish word for rape, *våldtäkt*, yields an additional 1.1 million couplings. With the French *viol*, the figure is over 1.5 million; Spanish *violación* yields over 2.3 million; with Italian *violenza* it is over 2.7 million; etc., etc.

It may therefore be assumed that, for millions and millions of people around the world, Julian Assange will be remembered as the famous man from Australia who went to Sweden and raped two women.

The dismissal of the original charges by an experienced Swedish prosecutor had little effect on the media frenzy, of course; and in any event, the interlude of declared innocence turned out to be short-lived. A politician-lawyer — in the midst of an election campaign, and having recently suffered a devastating blow to his legal reputation — persuaded another prosecutor to reinstate the charges, and managed to become the publicly financed advocate of the two women involved.

That set in motion a lengthy and convoluted process with many elements, including prosecutorial abuse, radical feminism, societal taboos, political opportunism, media stupidity and savagery, the looming threat of U.S. persecution, and more.

RonPaulB... **Resolved Question** [Show me another »](#)

**Should WikiLeaks founder Julian Assange stop raping people?**

I'm not asking you to debate the merits of his website. I'm just wondering if you think he should stop raping people? And yes, he's guilty. It's obvious.

14 hours ago [Report Abuse](#)

*Item published on website “Yahoo Answers”*

The following account is intended as a documentary supplement to a concise general overview of the case.<sup>1</sup> The primary sources are the interviews conducted by the Swedish police with the three principal parties and nine witnesses. Unless otherwise noted, all observations, facts and quotations are derived from the written protocols of those interviews. Other sources are referenced in the Endnotes.

The narrative includes numerous details which may seem trivial or salacious. But such details are essential to an understanding of the case, as it hinges on the interpretation of exactly what was said and done, by and to whom, where, when, with which body parts, etc. That may be illustrated with the following accusation by the Swedish prosecutor:

Rape: On 17 August 2010, in the home of the injured party Sofia Wilén, Assange deliberately consummated sexual intercourse with her by improperly exploiting that she, due to sleep, was in a helpless state.... The sexual act was designed to violate the injured party's sexual integrity.<sup>2</sup>

That description may be compared with Ms. Wilén's own account in her police interview:

[After several acts of copulation:] They dozed off and she awoke [from a half sleep]<sup>3</sup> to feel him entering her. She immediately asked, "Are you wearing anything?", to which he replied, "You". She said, "You better don't have HIV", and he replied, "Of course not". She felt that it was too late. He was already inside her and she let him continue.

The discrepancy raises obvious questions about the designation of "rape", the woman's supposedly "helpless state" and Assange's alleged intent "to violate the injured party's sexual integrity". A study of the available evidence raises many such questions.

## SELECTED INFORMATION SOURCES

### Police interview protocols

In addition to Julian Assange and his two alleged victims, the Swedish police interviewed nine of their friends and acquaintances who had witnessed or been informed of various events relating to the case. The protocols were intended to be kept secret, but were leaked to the Internet at the start of 2011.

The conduct of the interviews has been criticized on several grounds (see page 15). But they convey a picture of events that is internally consistent and to some extent corroborated by other sources. They are generally regarded as a reliable source of crucial information.<sup>4</sup>

### <http://justice4assange.com>

A website in English with a wide array of information relating to the case. Its credibility is limited by the refusal of those responsible to disclose their identities. But it includes numerous references to related sources whose authorship is clearly indicated.

### [www.samtycke.nu](http://www.samtycke.nu)

A website published by Göran Rudling, whose stated aim is to promote a change in Swedish law that will ensure the principle of consent in sexual relations, because "our current laws grossly discriminate against victims, for which read women".

Rudling's commitment to women's rights adds to the credibility of his analysis of the police protocols and other materials relating to the charges against Assange. That analysis is meticulous and logically coherent; but it does not always support Rudling's speculations and conclusions, which must therefore be interpreted with caution.

### Flashback

A web forum for open discussions of diverse and numerous subjects. Many, perhaps most, of the contributions are unedifying or worse — often petty, mean-spirited and/or twisted. But the principal "thread" devoted to the Assange case has yielded much useful information. Web address:

[www.flashback.org/t1275257](http://www.flashback.org/t1275257)

## CONSENTING ADULTS

### Seeking protection for WikiLeaks

*It is just weeks after WikiLeaks astounded the world and severely damaged the image of the United States by issuing "Collateral Murder".*

*WikiLeaks' plans were no doubt a matter of concern to all interests threatened by them.*

**April 2010.** Julian Assange visits Sweden to discuss an offer of protective co-operation from the Pirate Party, a political movement devoted to maximum freedom on the Internet. After only a brief existence, the upstart party had surprisingly won a place in the European Union Parliament, and had suggested that WikiLeaks would be safer from repressive measures if it were sponsored by a parliamentary party.

It is just weeks after WikiLeaks astounded the world and severely damaged the image of the United States by issuing "Collateral Murder", a military video documenting an appalling war crime by the seemingly inhuman crew of a U.S. helicopter gun ship in Iraq.

The April visit is the subject of widespread media coverage of Assange and WikiLeaks, including plans for a major expansion in Sweden: "We have had some of our primary servers here since 2007," explains Assange, "because of the protection offered by Sweden's laws and constitution, and also because of the Swedish culture of support for freedom of expression."<sup>5</sup>

It is likely that the plans announced by Assange are already known to the government and intelligence agencies of Sweden, which have become increasingly entwined with and subservient to their counterparts in the United States. But if that knowledge had somehow eluded surveillance, it had now become public and was no doubt a matter of concern to all interests threatened or inconvenienced by the activities of WikiLeaks.

For very different reasons, it was also a matter of concern to one Swedish observer who listened to an interview in which Assange explained WikiLeaks' particular interest in Sweden:



Two headlines from major news media on 30 April 2010. Left: "Swedish press freedom attracts controversial website. Julian Assange, founder of WikiLeaks, wants to move a significant portion of the much-discussed news organization to Sweden" in *Dagens Nyheter*, the most influential daily. Right: "The goal is justice" in *Aftonbladet*, a tabloid with the largest circulation of any newspaper in Sweden.

## Seeking protection for WikiLeaks (cont.)

“From that moment I have been worried for Julian Assange. Was this activist counting on protection from Swedish authorities and public opinion? He was so alone — the public face of WikiLeaks, which had taken on governments in Kenya and other countries and which had revealed the helicopter murders in Baghdad, causing the warring superpower to lose face. How would they strike back against this man?”<sup>6</sup>

\* \* \*

## Consensual sex with Anna Ardin

*Assange is offered the use of Ms. Ardin’s flat while she is out of town*



Anna Ardin

*“I was proud as a peacock — the world’s most awesome man in my bed and living in my flat.”*

**11 August 2010.** The primary purpose of Julian Assange’s current visit to Sweden is to formalize the co-operative agreement with the Pirate Party and to prepare for the expansion of WikiLeaks’ activities in Sweden. Among other things, that means applying for a work/residence permit and a publishing licence.

Just prior to his visit, Assange is warned by Australian intelligence officials that he is a likely target of efforts to discredit him, possibly by means of a “honey trap” (i.e. an orchestrated sexual encounter of a compromising nature).<sup>7</sup>

In addition to his errand with the Pirate Party, Assange has been invited to speak on August 14<sup>th</sup> at a seminar arranged by Broderskapet (“The Brotherhood”), an organization for adherents to Christianity and other faiths which is affiliated with the Social Democratic Party.

Upon arrival, Assange is offered lodging in the one-room flat of Anna Ardin, a member of the Broderskapet staff who is working on the preparations for the seminar. Ms. Ardin has said that she will be out of town for the next three days and that Assange may occupy the flat until her return on the 14<sup>th</sup>.

Anna Ardin returns to her residence on August 13<sup>th</sup>, a day earlier than announced. Assange offers to find other lodgings, but Ms. Ardin invites him to remain. She is 30 years old and single.

They go out for dinner and, upon returning to the flat, soon commence a session of sexual activity that continues for several hours. At Ms. Ardin’s insistence, Assange applies a condom; but at one point she suspects that Assange has removed it. He assures her that he has not; she reassures herself by exploring his penis with her hand and says no more about it. Otherwise, she expresses no objection to or dissatisfaction with the proceedings.

Some time afterwards, Assange leaves the bed to work with his computer in the bathroom of the tiny flat, closing the door behind him so as not to disturb his hostess.

A couple of days later Ms. Ardin will confide to a friend that, “I was proud as a peacock — the world’s most awesome man in my bed and living in my flat.” To commemorate her conquest, she takes a “trophy photo” of Assange as he lies naked on her bed.<sup>8</sup>

Shortly thereafter, however, she will claim to have been duped and coerced by Assange on the 14<sup>th</sup> in ways that are interpreted as grounds for arrest on suspicion of sexual assault (see page 18).

\* \* \*

## Young woman in shocking pink

*Seminar on August 14th,  
with Assange, Broderskapet  
chair Peter Weiderud and  
Anna Ardin (far right).*



**14 August.** The Broderskapet seminar takes place as planned, with Assange as the main attraction. Anna Ardin plays a prominent role, occupying the dais with Assange and Broderskapet's chairman.

Although the event was intended primarily for journalists, a 25-year-old museum staffer named Sofia Wilén had secured an invitation with a phone call to the contact person named on Broderskapet's website, Anna Ardin. Ms. Wilén had earlier seen Assange in a TV interview and "thought that he was interesting, courageous and admirable."

*Ms. Wilén had seen Assange  
on TV and "thought that he  
was interesting, courageous  
and admirable."*

The two women encounter each other at the entrance to the meeting place and Assange arrives as they speak. He "looked at Sofia with an amused expression. She sensed that he felt that she didn't fit in there, with her shocking-pink cashmere jumper [Am. sweater] amidst the grey-clad journalists."

In the meeting room, it is discovered that Assange lacks an essential power cord. As Ms. Wilén has offered to assist at the seminar, Ms. Ardin asks her to buy one at a local shop. This she does, after receiving specifications from the hand of Julian Assange.

\* \* \*

## Out of place at lunch

*Some lunch guests are  
perplexed by the presence of  
the young woman, who does  
not seem to fit in.*

During Assange's presentation, Ms. Wilén sits in the front row and takes photos of him. Afterwards, she asks to join a luncheon for Julian and four other seminar participants at a nearby restaurant, a request that is granted by Broderskapet chairman Weiderud.

Other lunch guests are perplexed by the presence of the young woman, who does not seem to fit in. One of them is Donald Boström, a journalist who has worked closely with Ms. Ardin on the seminar and will later tell the police that Ms. Wilén seemed like "one of those — you can call them groupies, or stalkers, or those who are attracted to [Assange's] star aura".

To Johannes Walhström, a journalist who had been covering WikiLeaks and Assange for some time, "She stuck out in a remarkable fashion in that gathering, one can say — all shocking pink....

## Out of place (cont.)

*Start of Broderskapet seminar. Sofia Wilén sitting at far right in pink jumper.*



*“This was a young woman who did everything to play on her sexuality.”*

“It set off very loud warning bells.... There we sit, four people discussing sensitive issues, and here is someone whom I know nothing about.... This was a young woman who did everything to play on her sexuality....

“There was one strange incident.... She sat next to Julian...[and she] had really nothing to say about the subjects we were discussing. And sure enough, she broke into the conversation and asked—she looked very intensely at Julian and asked, ‘Did you enjoy your cheese sandwich?’ or something like that.”

\* \* \*

## Heavy petting in the dark

*Ms. Wilén allows Assange to unfasten her bra, suck her breasts and caress her buttocks.*

After lunch, Assange accepts an invitation from Ms. Wilén to visit her workplace, the Swedish Museum of Natural History, where they attend a multimedia presentation at the Cosmonova panoramic theatre.

Sitting in the dark, they engage in a session of heavy petting. Ms. Wilén allows Assange to unfasten her bra, undo her pants, caress her buttocks and suck her breasts.

After the film they spend another hour or so together, then part with the intent of soon meeting again. Assange has been invited to a crayfish party arranged by Anna Ardin in Stockholm; Ms. Wilén returns home to the town of Enköping, some 80 kilometres distant.

\* \* \*

## Smiles of a summer night

*Assange and Ms. Ardin appear to have “a very warm friendship”.*

Inspired by a comment at lunch earlier that day, Anna Ardin has quickly organized a traditional Swedish crayfish party for the cultural edification of Assange. Among the other guests are Johannes Wahlström, Donald Boström and some woman friends of Ms. Ardin.

The party takes place in the courtyard of Ms. Ardin’s apartment building. The atmosphere is relaxed and friendly, with the exception of one woman who, according to Wahlström, “made it pretty clear that she was lesbian and that she had a great dislike of men in general. She said something like — she shouted across the table to Anna that ‘Next time, we’ll have a crayfish party without men!’ or something like that.”

In his subsequent interview with the police, Wahlström is asked whether he sensed anything in particular about the relationship

## Smiles of a summer night (cont.)

*“Sitting outside with the world’s coolest, smartest people. It is just amazing!”*

*The comment is a significant piece of evidence that will later be ignored when the prosecutor fabricates the European Arrest Warrant.*

between Assange and Ms. Ardin, to which he replies: “A strong friendship.... A very warm friendship.... I got the impression that Anna sort of wanted to look after Julian in some way.”

Ms. Ardin is clearly delighted with the proceedings, as indicated by a message she sends to her Twitter blog in the early hours of the morn: “Sitting outside at 2 a.m., a bit chilly, with the world’s coolest, smartest people. It is just amazing!”<sup>9</sup>



She will later try, unsuccessfully, to eradicate that message in an evident attempt to cover all traces of her exalted state. But at this stage, Ms. Ardin is clearly bursting with pleasure in the company of Julian Assange and her other friends.

As he has done several times before, Johannes Wahlström asks if Ms. Ardin would like him to arrange other lodging for Assange. She replies, as on every previous occasion, that Assange is welcome to continue living with her.

As pre-arranged, Assange speaks with Ms. Wilén via telephone and they agree to meet again soon. Ms. Ardin is aware of his interest in the young woman in the shocking-pink jumper, to whom she later refers as “the cashmere girl” and “a random girl”.

Donald Boström has been so consumed with the labour-intensive task of eating crayfish that he has not paid much attention to the interactions around him. But one passing comment by Ms. Ardin to Assange catches his ear: “I am sitting right next to them and she says, ‘I woke up and you were gone from the bed, and it felt like I had been dumped’.”

The word “dumped” strikes Boström as odd, since Ms. Ardin has previously told him that she and Assange were not involved in any sort of romantic or sexual relationship. Her comment is also a significant piece of evidence — provided by a friend and confidant of Ms. Ardin — that will later be ignored when the prosecutor fabricates the European Arrest Warrant (see page 33 ff.).

\* \* \*

## Anna Ardin, press secretary



*Julian Assange and Rick Falkvinge compose press release  
(Photo: Rickard Olsson)*

**15 August.** Formal signing of co-operative agreement between WikiLeaks and the Pirate Party. Present at the meeting are Julian Assange, chairman Rick Falkvinge, party leader Anna Troberg and an IT expert from the Pirate Party.

Also present is Anna Ardin, who has volunteered to act as Assange’s press secretary, and a friend of hers named Petra Ornstein who will subsequently be interviewed by the police about her conversations with Ms. Ardin concerning Assange.

Ms. Ardin will later ask the Pirate Party to remove her name and function from the press release, in another apparent attempt to eliminate evidence of her continued good relations with Assange.

\* \* \*

## Consensual sex with Sofia Wilén



Sofia Wilén

**16 August.** Assange is unavailable on Sunday. But on Monday the 16<sup>th</sup>, he and Ms. Wilén meet as planned in Stockholm. After another round of heavy petting by the harbourside, they board the train for Enköping. Assange spends most of the time working with his computer and mobile phone. Ms. Wilén will later tell the police that, “He paid more attention to his computer than to her.”

After arriving at Ms. Wilén’s flat, they get remove their clothes and begin a session of foreplay that continues for hours. “Suddenly, Julian said that he was going to get some sleep. She felt rejected and shocked. It was so abrupt: They had engaged in a very lengthy foreplay, and then — nothing.... She lay awake, wondering what had happened, and sent SMS messages to her friends. He lay beside her, snoring.”

Ms. Wilén also goes to sleep. They awake and engage in sexual intercourse more than once. “She does not really remember” how often. Throughout, she has made it very clear to Assange that she wants him to wear a condom during coitus.

It is now Tuesday morning and Ms. Wilén leaves the flat to buy some food at a local shop, where she encounters her younger brother. She tells him that Julian Assange is in her flat and that “it felt strange. Joakim sensed that Sofia was a bit shaken by the situation.” He declines Sofia’s offer to meet Assange.

After breakfast, Assange and Ms. Wilén return naked to bed and copulate once more. Afterward, lying on her side with Assange behind her in the spoon position, Ms. Wilén is half asleep<sup>10</sup> and

## “There is an astounding swarm of women”

The strong attraction of women to Julian Assange is noted in the police interviews with journalists Donald Boström and Johannes Wahlström, who have observed him in various settings outside of Sweden.

In response to a question about Boström’s general impression of Assange’s dealings with women, he replies: “He attracts a great many women. I mean, it is really quite remarkable. It is something of a rock-star phenomenon.... I can say that the overwhelming majority of women who have gotten near him have fallen completely..... There is an astounding swarm of women. It takes only a few seconds; it is very noticeable.”

Johannes Wahlström has observed the same phenomenon: “I discovered very quickly that Julian aroused some sort of celebrity interest among young women, and especially among women whom I expected to be, one might say, more professional.... They glued themselves to him, so to speak.... These were journalists from very prestigious publications who behaved rather like schoolgirls when they saw him. Giggled, tried to hug him. Tried to place their hands on his thigh.”

It was not only journalists from prestigious publications, relates Wahlström: “I noticed that there were too many — if I may say so without seeming scornful of anyone — too many female groupies circulating around him.... [Towards them] he lowered his guard in a way that he would not do in speaking with you or me.”

### **Consensual sex with Sofia Wilén (cont.)**

*“She felt that it was too late. He was already inside her and she let him continue.”*

*The policewoman who conducts the subsequent interview will apply the label “Assault” to this episode.*

therefore half awake when she “felt him penetrating her. She immediately asked, ‘Are you wearing anything?’, and he replied, ‘You’. She said to him, ‘You better don’t have HIV’, and he replied, ‘Of course not’.

“She felt that it was too late. He was already inside her and she let him continue. She didn’t have the energy to tell him one more time. She had gone on and on about condoms all night long.” She will later tell the police that it is the first time she has ever had intercourse without a condom. The policewoman who conducts the interview applies the label “Assault” to this episode.

After leaving the bed and getting dressed, Ms. Wilén says, “‘Suppose I’m pregnant?’ In reply he merely said that Sweden is a good country to have children in. She said jokingly that, if she is pregnant, he would have to pay off her student loan.... She made sarcastic comments to him in a jocular tone. She believes that she was trying to minimize, in her own mind, the significance of what had happened. He, on the other hand, didn’t seem to care. When he learned the size of her student loan he said that, if he were to pay so much money, she would have to give birth. They joked about naming the child ‘Afghanistan’.”

Assange returns to Stockholm around noon on Monday, promising to telephone Ms. Wilén later. Having purchased a morning-after pill against pregnancy, she returns to her flat which “she wanted to clean, and to wash away everything. There was sperm on the sheet, which she thought was disgusting.”

\* \* \*

### **Mounting anxiety for HIV infection**

*Having intercourse without a condom was “unthinkable for Sofia”.*

**17-18 August.** Ms. Wilén becomes increasingly anxious about the risk of HIV infection from the one act of unprotected coitus with Assange. According to a former cohabiting boyfriend, “the issue of [sexually transmitted] disease was of central importance for Sofia and that, before they had sex the first time, they tested themselves for STDs and showed each other the results. Not once during the two and one half years of their relationship did they have sex without a condom. It was unthinkable for Sofia.”

Ms. Wilén leaves several telephone messages for Assange to which he does not respond. She discusses her encounter with Assange and her mounting anxiety with several friends, whose recollections of those conversations vary somewhat.

Assange is busy with preparations for the planned expansion of WikiLeaks operations in Sweden, including the applications for a publishing licence and a work-residence permit. He continues to lodge with Anna Ardin at her flat.

\* \* \*

### **Two women and an ultimatum**

**19 August.** Ms. Wilén requests Anna Ardin’s help in contacting Assange. She explains her anxiety about the risk of infection due to unprotected sex, and Ms. Ardin says that she had experienced something similar with Assange.

They decide to give him an ultimatum: Either he agrees to take an HIV test, or they go to the police for advice and assistance — but *not* to accuse him of any crime.

*Two women and an ultimatum (cont.)*

Eventually they are able to contact Assange, who says that he is too busy at the moment to arrange a test, will gladly do so when time permits — but resents being presented with an ultimatum, especially since he is certain that he is not infected with HIV.

That night, Ms. Ardin sleeps at the home of a friend. She asks Assange to move out of her flat, which he does the following day.

\* \* \* \* \*

## POLICE INTERVENTION

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### Interview by HBT, SDP and Facebook friend of Anna Ardin

*“She did not want to make any charges against Julian, but only wanted him to get tested for STDs.”*

*The interview and subsequent investigation violate established guidelines for proper procedure.*

**20 August.** Early on Friday, Assange and Sofia Wilén have a lengthy telephone conversation, from which he concludes that she has decided to withdraw the ultimatum.

Apparently not, however. Ms. Wilén visits a sex crimes clinic at Söder Hospital, where she is tested with a rape kit and receives preventive medicine against HIV. Around four o’clock in the afternoon, Anna Ardin and Sofia Wilén go to Klara Police Station in central Stockholm. It is not a self-evident choice, as there is another police station much closer to both Söder Hospital and Ms. Ardin’s flat in the Södermalm district.

Both have told friends that the sole purpose of their visit is for Ms. Wilén to seek assistance in compelling Assange to be tested. Ms. Wilén’s brother will later tell the police that his sister told him “that she did not want to make any charges against Julian, but only wanted him to get tested for [sexually transmitted] disease.”

Ms. Ardin has explained to friends that she merely wishes to provide moral support to Ms. Wilén.

The interview and subsequent investigation violate guidelines for proper procedure that have been established in Sweden and other advanced countries (see “Complete disregard for objectivity” on page 15).

The policewoman who interviews Ms. Wilén is Irmeli Krans, an old friend and associate of Ms. Ardin. They are both active in the Swedish HBT (homo-, bi- and transsexual) movement and the Social Democratic Party. Both are SDP candidates for the Stockholm City Council in an election for which the campaign is currently in progress. They are linked friends on Facebook, in which forum officer Krans will later refer to Julian Assange as a “grossly over-rated bubble that is ready to burst”.

*Irmeli Krans (far right) enjoying herself at HBT nightclub operated by Anna Ardin and woman friends.*



## **Making the case stronger**

To officer Krans, Sofia Wilén relates her entire experience of Julian Assange during the past few weeks, beginning with the TV appearance that had impressed her.\*

In considerable detail, she describes the Broderskapet seminar, the luncheon afterward, the heavy petting sessions at the Museum of Natural History and by the harbourside, the various sexual activities at her flat in Enköping, and the following chain of events that has led her to the police station.

*“All of a sudden we were two women with the same testimony against the same man.... The case became stronger.”*

Ms. Wilén’s account of the final, unprotected act of coitus with Assange is linked by the police to a comment volunteered by Ms. Ardin earlier in the evening. As she soon thereafter recounts to Donald Boström:

“She said, ‘Now we have been to the police and Sofia told her story. And since I was sitting there, I filled in with one sentence.... That sentence was that I believe that Sofia is telling the truth because I experienced something similar.... Because all of a sudden we were two women with the same testimony against the same man, it became [a matter for investigation], even though we had not made any charges’.... Because she had reinforced Sofia’s story with that sentence, ‘the case became stronger’, as she put it. That was the exact phrase she used.”

\* \* \*

## **Arrest warrant based on very little**

*Neither woman has been consulted; the decision is made on their behalf by the prosecutor.*

The interview begins at 16:21 and ends at 18:40. Long before it is completed, however, two colleagues of officer Krans — Mats Gehlin and Linda Wassgren — telephone the on-call prosecutor with details which they have somehow acquired. Based on that limited information, prosecutor Maria Häljebo Kjellstrand issues a warrant for the arrest of Julian Assange on suspicion of raping Sofia Wilén and molesting Anna Ardin. Neither woman has been consulted; the decision is made on their behalf by the prosecutor.

The warrant is issued at 17:00, with the interview only half complete. When Ms. Wilén is informed at 18:40 that Assange is to be arrested on suspicion of raping her, she is unable to continue.

“After being told about the arrest warrant, Sofia had difficulty concentrating on the interview. I therefore made the judgement

**Arrest warrant based on very little (cont.)**

*“She felt that she had been run over by the police and by others around her.”*

that it would be best to break off the interview.... It has not been read to or by her for approval.” The fact that Ms. Wilén does not even wait to hear the notes of her testimony read back to her indicates that the phrase “difficulty concentrating” is something of an understatement.

As far as is known, Ms. Wilén has never approved officer Krans’s account of the interview, which is the principal basis of the most serious accusation against Julian Assange.

She has also disappeared from sight. Her last appearances in the public record are in police interviews of witnesses some two months later. Her brother related that she “was upset that the business had got into the newspapers and by all the fuss there had been.”

Her friend Marie Thorn told the police that “what happened after Sofia went to the hospital and the police was not what she wanted. The only thing she wanted was for Julian to be tested. She felt that she had been run over by the police and by others around her.”

\* \* \*

## “Complete disregard for objectivity”

The investigation of Julian Assange has been criticized on a variety of grounds, starting with the original interview. That it was conducted by an officer who was a long-time friend and associate of one of the two women involved presents an obvious risk of bias.

That would be true even if the officer in question made every effort to remain impartial. But Irmeli Krans has demonstrated no such effort — on the contrary.

Another serious error was the failure to interview Anna Ardin upon her visit to Klara Police Station — especially since Ms. Ardin’s comment appears to have been decisive for the decision to order the arrest of Assange. The telephone interview the following day was cursory, unrecorded, and conducted after the accusation of “rape” had become a global news sensation. It is more than slightly possible that Ms. Ardin’s testimony was influenced by that development.

Further, it is essential that such an interview be recorded in order to facilitate comparison with other evidence and to capture nuances of expression. The latter is especially important with native speakers of Swedish, whose verbal communication is often subtle and indirect.

Guidelines issued by Swedish police and prosecution authorities in 2005 stipulate that

interviews should be held in person, not by telephone (as in the case of Anna Ardin), and should be video-recorded.

These and other precautions are especially important in cases of suspected sex crimes, since the words of the individuals involved often comprise the main or only source of information.

At the very least, the interview protocol should be an exact word-for-word account of what was said by both the witness and the interviewer.

Those guidelines have been largely ignored in the Assange case. The protocols of the interviews conducted with Anna Ardin, Sofia Wilén and their six supporting witnesses are mere summaries of what was said. There was no video- or audio-recording. Of these eight interviews, only two were in person: those with Ms. Wilén and one of her friends. The others were conducted via telephone.

By contrast, the interviews with Julian Assange and the two male journalists were

*(continued...)*

## “Complete disregard for objectivity” (cont.)

conducted in person and audio-recorded. The protocols of those interviews appear to be verbatim accounts.

Another discrepancy is that the interviews with the two journalists were conducted jointly by two police officers, those with the two women and their supporting witnesses by only one.

As if all that were not enough, the protocol of the crucial but unendorsed interview with Sofia Wilén was altered after the fact (see “Necessary changes”, on page 23).

### Rules and regulations ignored

These and other deficiencies have been documented in a detailed analysis by Göran Rudling who notes that:

“It is not permissible for police and prosecutors to operate any which way when investigating serious crimes. There are rules and recommendations. An important rule is the principle of objectivity, which requires that prosecution and the preliminary investigation leaders to take note and make use of anything that speaks for the innocence of the suspect.... It is highly improbable that [the investigation has been conducted as it has] by chance.... It appears as though the prosecution and the investigation leaders have completely disregarded the principle of objectivity.”<sup>11</sup>

Nevertheless, the police interview protocols do provide useful information which may be regarded as reliable.

That is because much of the testimony is internally consistent, and to some extent corroborated by other sources. Several witnesses, for example, describe the relationship between Julian Assange and Anna Ardin as friendly and collaborative even after the date on which he is alleged to have sexually assaulted her.

On the other hand, some of the inconsistencies are also relevant, especially those in Ms. Ardin’s accounts of Assange’s behaviour.<sup>12</sup>

Another indication of the protocols’ validity is that the notes on which they are based were read back to and approved by all the witnesses, with the exception of Ms. Wilén.

### Key question

The key question is whether any incriminating evidence has been omitted. That seems unlikely, considering the large amount of relatively trivial information included in the protocols, for example: that a certain shop was closed when Ms. Wilén went there to buy a computer cable; that Assange petted a dog outside a museum; etc., etc.,

Although it is theoretically possible, it is highly implausible that the interviewers dutifully noted such details, while omitting evidence that one or more serious crimes had been committed.

As Göran Rudling suggests, it appears rather that the prosecution and the police have done everything in their power to prove the guilt of Julian Assange, while ignoring evidence of his innocence.

## Leaked to a right-wing tabloid

*The news is leaked to Expressen, the more brutish of Sweden’s two main evening tabloids.*

**Evening of 20 August.** Very soon after the warrant for Assange’s arrest is issued, the news is somehow leaked to journalist Niklas Svensson who is attending the government’s crayfish party at its country retreat south of Stockholm.

Svensson is employed at the right-wing *Expressen*, the more brutish of Sweden’s two main evening tabloids. Its competitor, the larger-circulation *Aftonbladet*, has recently announced plans for extensive co-operation with Julian Assange and WikiLeaks.

The most likely sources of the leak to Svensson are the three police officers involved in the interview, prosecutor Häljebo Kjellstrand, or Anna Ardin who had once worked as a journalist at a sister publication of *Expressen*.

*Leaked to a right-wing tabloid (cont.)*

In any event, Svensson somehow knows to phone Ms. Häljebo Kjellstrand to request confirmation of the sensational story. She confirms it, thereby violating Swedish laws intended to ensure the integrity of criminal investigations and to protect suspects from adverse, prejudicial media coverage. A complaint will subsequently be made against her unlawful behaviour, but no action is taken.<sup>13</sup>

\* \* \*

**Expressen scoops its larger rival**

**Wikileaks  
Julian Assange  
HUNTED  
suspected of  
RAPE  
IN SWEDEN**  
*is the typically  
screaming headline  
of Expressen's special  
edition on the morning  
of 21 August 2010*



**Anna Ardin changes her story**

*The blogosphere was  
already throbbing with  
lurid speculation.*

**21 August.** Anna Ardin woke on Saturday morning to find herself at the centre of a global news sensation. Within hours of the leak to *Expressen*, millions of headlines and articles around the world had linked the name of Assange with the word “rape”.

The names of Anna Ardin and Sofia Wilén had not yet been divulged; but it was only a matter of time before their identities would be uncovered, with unpleasant consequences for both women. The blogosphere was already throbbing with lurid speculation; inevitably and quite logically, a major theme was the possibility of a “honey trap” plot involving the CIA and/or similar agencies.

**Anna Ardin changes her story (cont.)**

*What she tells the police differs significantly from what she had told friends*

*Ms. Ardin had already begun to alter her story after leaving the police station the night before.*

*“It is completely untrue that we were afraid of Assange. He is not violent and I do not feel threatened by him.”*

**Tale of a broken condom**

It is more than likely that Ms. Ardin was aware of all this, and possibly more, when a policewoman telephones her at 11:30 to investigate suspicions that she had been sexually assaulted by Julian Assange. What she then tells the police differs in significant ways from what she had related to friends prior to her “supporting” visit to the police.

Ms. Ardin had already begun to alter her story after leaving the police station the night before. Petra Ornstein would later recall that Ms. Ardin had said in a post-interview telephone conversation that Sofia “had been raped by Julian”.

Some time later, she met Kajsa Borgnäs at a party and reportedly said that the reason for the visit to the police was for “the other young woman to report Julian for rape.... Anna had been sad and thoughtful, because she wondered how she could explain, in a future trial for example, why she had let him remain in her flat after everything that had happened.”

Thus, the purpose of Sofia Wilén’s visit was no longer to obtain advice and assistance, but to accuse Assange of rape, according to Ms. Ardin — but not according to Ms. Wilén and her friends at any time, nor indeed to Ms. Ardin and *her* friends prior to the visit.

The revised account is repeated in an interview published by *Aftonbladet* on Saturday, in which the anonymous Ardin is quoted as saying: “The other woman wanted to report a rape. I told my story as a witness to her story, and to support her’.... The 30-year-old woman states that, for her part, she considers herself to have been subjected to a sexual assault or molestation, but not rape....

“The 30-year-old woman emphatically rejects the conspiracy theories that are currently flooding the Internet. ‘The charges against Assange are, or course, not orchestrated by the Pentagon or anyone else. The responsibility for what happened to me and the other woman rests with a man with a distorted view of women who has difficulty accepting a no’.”

This is the same day on which Ms. Ardin testifies to the police that, in response to repeated sexual advances, “Anna rejected Assange on every such occasion, which Assange accepted” (see below).

Ms. Ardin also tells *Aftonbladet* that, “It is completely untrue that we were afraid of Assange and therefore did not want to report him. He is not violent and I do not feel threatened by him’.”<sup>14</sup>

\* \* \*

On the basis of the single sentence uttered by Anna Ardin during the discontinued and unendorsed interview with Sofia Wilén the previous evening, the police have decided to charge Julian Assange with suspected “rape alt. sexual molestation” against Ms. Ardin on the night of 13 August (see “Consensual sex with Anna Ardin” on page 7).

In the telephone interview on the 21<sup>st</sup>, Ms. Ardin tells the police that “at first she welcomed Assange’s advances, but that ‘it felt unpleasant from the start’ because Assange was rough and impatient. ‘Everything went so fast”, according to Anna.

### ***Tale of a broken condom (cont.)***

*She felt that 'she had only herself to blame' and therefore allowed Assange to remove all of her clothes.*

*Assange applies a condom directly upon being asked to do so.*

*Ms Ardin had not looked closely at the condom to see if it was broken.*

She says that she actually did not want to continue, but that it was too late to tell Assange to stop, 'as she had gone along this far'. She felt that 'she had only herself to blame'. She therefore allowed Assange to remove all of her clothes."

They lie down on the bed in the missionary position and Assange attempts to penetrate her, but she resists by squeezing her legs together because he is not wearing a condom. She tells the police that she tried several times to reach for a condom, but could not because Assange was holding her arms.

"Anna says that eventually she was on the verge of tears because she was held fast and could not get a condom, and felt that 'this can end badly'. To my question Anna replies that Assange must have known that Anna was trying to reach for a condom, and that he therefore held her arms to prevent her from doing so.

"After a moment, Assange asked Anna what she was doing and why she was squeezing her legs together. Anna then told him that she wanted him to wear a condom before he came in her. At that, Assange released Anna's arms and put on a condom that Anna fetched for him. Anna sensed a strong unspoken reluctance by Assange to use a condom, as a result of which she had a feeling that he had not put on the condom that he had been given." She therefore explores his penis with her hand and feels that the condom is in place. This she does twice.

After Assange ejaculates and withdraws, Ms. Ardin noticed that "something" ran out of her vagina. Anna understood rather quickly that it must be Assange's semen. She pointed this out to Assange, but he denied it and replied that it was only her own wetness. Anna is convinced that when he withdrew from her the first time, Assange deliberately broke the condom at its tip and then continued copulating to ejaculation. To my question Anna replies she did not look closely at the condom in order to see if it was broken in the way that she suspected; but she believes that she still has the condom at home and will check to see. She also states that the bed sheets used on this occasion are still lying unwashed in her hamper."

Ms. Ardin testifies that Assange made sexual advances every day after that first encounter. "Anna had rejected Assange on every such occasion, which Assange had accepted."

\* \* \*

### **Troubling inconsistencies**

*Three times during the brief interview, Ms. Ornstein volunteers that Ms. Ardin did not seem to have feared Assange.*

It is apparent from Ms. Ardin's own account that she at no time felt threatened or intimidated by Assange. That was confirmed by two of her friends who were interviewed over two weeks later.

Petra Ornstein's impression, as related to the police, was that "Anna was never afraid of Julian; rather, she felt that she had been subjected to a difficult situation. He wasn't sensitive to what she wanted." Three times during the brief interview, Ms. Ornstein volunteers that Ms. Ardin did not seem to have feared Assange.

The recollection of Kajsa Borgnäs is much the same: "She sensed that Anna felt that [her experience of Assange] had been unpleasant, but not scary or threatening."

### **Troubling inconsistencies (cont.)**

*“I have seen three different versions of the same event.”*

Another witness was troubled by the inconsistencies between Ms. Ardin’s various accounts of her sexual relations with Assange. Donald Boström had developed a friendship with Ms. Ardin during their collaboration on the Broderskapet seminar (see “Out of place at lunch” on p. 8); and in their frequent communications afterward, she had confided intimate details of her relationship with Assange.

Boström told the police that he was inclined to believe Ms. Ardin, but was puzzled by her accusations against Assange. “I had the sense that she is a trustworthy person, but at the same time there was something about her story that didn’t add up.... First, there was no sex. Then there was sex, but nothing had happened that Anna was not willing to deal with. And now, third, it is a matter of rape, even. So from my viewpoint, I have seen three different versions of the same event.”

\* \* \*

### **Odd behaviour for a sex-crime victim**

*“Would you say to someone who had assaulted you that you felt ‘dumped’ afterwards?”*

Göran Rudling notes that there are discrepancies between what Anna Ardin tells the police about her sexual encounter with Assange, and what she tells her friends. Referring to the remark overheard by Boström at Ms. Ardin’s crayfish party, Rudling poses the question: “Would you say to someone who had assaulted you that you felt ‘dumped’ afterwards?”<sup>14</sup>

There are many similar questions raised by Ms. Ardin’s behaviour, which included the following:

- The day after the “assault”, Ms. Ardin co-operated in seeming harmony with Assange at the Broderskapet seminar.
- After the seminar, she volunteered to arrange a crayfish party for Assange.
- At that party, she said that it was quite all right for him to continue living with her.
- She also Twittered to a friend that it was “just amazing” to be sitting with “the world’s coolest, smartest people”.
- The next day, she volunteered to serve as Assange’s press secretary at a meeting with the Pirate Party.
- It is not until the following Thursday, after she had spoken with Sofia Wilén, that she chose to stop sleeping in the same room with Assange.
- The next day, Friday, she told friends that Sofia Wilén had been raped by Assange; but there is no mention of any such crime in the interviews with Ms. Wilén and *her* friends.
- Shortly before or after the police interview, Mrs. Ardin attempted to erase three Twitter messages which indicated that she remained on friendly terms with Assange.
- She also asked the Pirate Party to remove her name from a press release about the meeting at which she had volunteered to serve as Assange’s press secretary.
- In the telephone interview with the police on August 21<sup>st</sup>, she omitted all information tending to establish Assange’s innocence. She said nothing about the crayfish party she arranged on his behalf, nor about the Twitter messages, her voluntary role as press secretary, her conversations with Donald Boström, etc.

\* \* \*

*When interviewed by the police, she omitted all information tending to establish Assange’s innocence.*

## Unused unusable condom

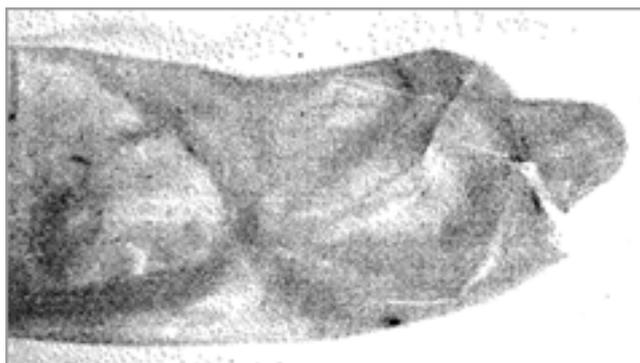
*The damaged condom would have bunched up at the base of the penis during intercourse.*

Anna Ardin's credibility is further damaged by the results of a technical investigation of the condom she supplies to the police, stating that it is the one used by Assange. There is a large slit at the tip; but the national crime lab was unable to detect any traces of DNA from anyone, clearly indicating that it had not been used.<sup>16</sup>

It is also evident that, with such a large break in the material, the condom would almost immediately have bunched up at the base of the penis during intercourse. Yet, according to Ms. Ardin's testimony, it was otherwise intact and still in place when Assange withdrew from her afterward.

It is therefore difficult to avoid the suspicion that Ms. Ardin supplied the police with an unused condom which she or an accomplice damaged in an attempt to incriminate Assange — not realizing that it would be tested for DNA.

*The national crime lab could find no trace of DNA on the condom. The size of the break rendered it unusable.*



## BRIEF INNOCENCE

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### Arrest order revoked

*"I do not believe there is any reason to suspect that he has committed rape."*

**21 August.** On the same day that Anna Ardin is interviewed, the dossier assembled by the police is reviewed by prosecutor Eva Finné, to whom the case has been transferred at the direction of Prosecutor-General Anders Perklev. Ms. Finné is the first prosecutor to read the documentation, and she quickly decides to rescind the order for Assange's arrest. The announcement is made at 16:48 on Saturday, just short of one full day after the arrest order was issued by her colleague.

"I do not believe there is any reason to suspect that [Assange] has committed rape," is the terse message of Eva Finné who will continue the investigation and announce her final decision within the next few days. In the meantime, the only remaining suspicion is that Assange may have physically — but not sexually — molested Anna Ardin.<sup>17</sup>

\* \* \*

### Justifying the unjustifiable

The rapid withdrawal of the arrest order and declaration of innocence naturally arouse much bewilderment and further speculation. The thankless task of trying to explain the sudden turn of events falls to Karin Rosander, director of communications for the Swedish Prosecution Authority, whose understandably unconvincing efforts are met with understandable incredulity and suspicion.<sup>18</sup>

## Justifying the unjustifiable (cont.)

*Efforts to explain the sudden turn of events are met with suspicion.*

*An attempt to save face and/or cover up gross impropriety.*

The pressure to justify the treatment of Julian Assange, who by now is indelibly stigmatized as a rapist, becomes so strong and insistent that the Prosecution Authority feels compelled to issue a set of questions and answers relating to the case. "Is it normal for prosecutors to arrive at different decisions?" is the first and, given the context, rather understated question that the Authority poses to itself.

The answer is: "The information on which to base a decision which Eva Finné had on Saturday was more extensive than that to which the on-call prosecutor had access on Friday evening."<sup>19</sup>

It is an explanation that is greeted with widespread scepticism at the time. Later, when the interview protocols and other related information become available, it will be revealed as an attempt to save face and/or cover up gross impropriety. For, it is clear that there was little or no legitimate basis for the decision to issue an arrest warrant in the first place, and that it was made in unseemly haste.

Rumours circulate that prosecutor Eva Finné is sharply critical of the manner in which the case has been handled. But if so, she is unable to express her dissatisfaction publicly, as the proceedings are quickly concealed in a cloak of official secrecy.

\* \* \*

## Goodbye to all that



*More welcoming times. "Chief editor Jan Helin welcomes Julian Assange" is the caption to this photo in Aftonbladet on 14 August.*

"This is among the worst cases of judicial corruption I have ever seen," states Assange's Swedish attorney, Leif Silbersky. "To first order the arrest of someone on the basis of almost no information whatsoever, for something that most of us regard as a disgusting crime, and then publicly confirm it. It has damaged my client, his organization and, above all, confidence in Sweden's system of justice... Never have so many foreign media called me, and they do not understand how this could happen. They question our system of justice."<sup>20</sup>

Far less inclined to question the Swedish justice system is the chief editor of *Aftonbladet*, who immediately distances himself and the newspaper from Julian Assange. The previous Saturday, August 14<sup>th</sup>, *Aftonbladet* had proudly announced that Assange was to publish a bi-monthly column in the tabloid newspaper whose circulation is the largest in Sweden.

It is part of an extensive collaboration that is being planned with WikiLeaks, explains Helin. "*Aftonbladet* is now helping WikiLeaks to get a Swedish publishing licence, with Julian Assange as the legally responsible publisher in Sweden.... We have much to learn of a collaboration with WikiLeaks, and in time we hope to present journalism which is the result of that collaboration."<sup>21</sup>

A week later, however, those plans are abruptly put on hold. "I regard this information as very serious," says Helin, referring to the accusations against Assange. "We are holding off on all further co-operation until it becomes clear what has happened."<sup>22</sup>

Apparently, what happened never becomes sufficiently clear for editor Helin and/or his superiors; the planned co-operation never takes place.

*Goodbye to all that (cont.)*

To begin with, *Aftonbladet's* reporting on the case is fairly neutral. But it becomes increasingly hostile towards Assange in the months ahead. By early 2011 Helin is publishing baseless attacks under headlines such as: "Julian Assange — a little creep with no principles".<sup>23</sup>

\* \* \*

**"Necessary changes" to the official record**

**23 August.** Police officer Irmeli Krans returns to work on Monday morning, intending to proofread the protocol of her interview with Sofia Wilén and correct any errors it might contain. But she discovers that she is denied access to the text file in the police computer system. "After an exchange of e-mails, I was ordered by lead investigator Mats Gehlin to instead write and sign a new protocol in the computer system, which was done on Thursday, August 26<sup>th</sup>, with necessary changes."

The process of revision included the following curious exchange of e-mails:

*"What was said is not known to me, as Wassgren does not wish to communicate with me."*

**Irmeli Krans to Mats Gehlin**

I hope that I have done it correctly now, and that the document reaches you properly. Please acknowledge. As regards the verbal report to the prosecutor [Maria H. Kjellstrand], I have no information other than that it was done via telephone by Linda Wassgren at some point during the interview (see "Arrest warrant based on very little" on p. 14). What was said is not known to me, as Wassgren does not wish to communicate with me. I had no opportunity to discuss the crime classification with the prosecutor; rather, I was informed that it would be classified as rape per the prosecutor's directive.

**Mats Gehlin to Irmeli Krans**

Do this: Add [the changes] to your interview protocol and then sign it. It would look odd if I were to sign it.

**Irmeli Krans to Mats Gehlin**

*"Then there will be two interview protocols. But only one formal interview has been conducted."*

Yes, of course. But then there will be two interview protocols. But only one formal interview has been conducted, at least by me. Where will the other interview go to? If it is to be done properly, I assume that I have to make the changes in the original protocol and sign that. At the risk of appearing troublesome, I do not want an unsigned document with my name on it circulating in the computer system — especially now that the case has developed as it has.

**Mats Gehlin to Irmeli Krans**

Write a new protocol. Add the changes and assign the protocol to the case. And sign the protocol.

**Irmeli Krans to Mats Gehlin**

Perhaps I am a bit thick, but I don't really understand what you mean. [Our colleague] Anders Ringkvist is trying to help me and, although we have rung you up, we have not been able to resolve the problem.<sup>24</sup>

Exactly what changes were made to the original version is potentially significant information that has yet to become publicly available. Another intriguing question is why Linda Wassgren

*“Necessary changes” to the official record (cont.)*

## Political-lawyer enters the scene



*Claes Borgström*

*Borgström has asserted that men bear a collective guilt for violence against women has supported the idea of a “violence tax” on all men.*

*Borgström’s legal reputation has recently suffered an embarrassing setback.*

refused to communicate with Irmeli Krans. It was officer Wassgren who, together with Mats Gehlin, conveyed the few bits of information that led to the original arrest order (see “Arrest warrant based on very little” on p. 14).

\* \* \*

**24 August.** Attorney Claes Borgström announces that he has been asked by the two alleged victims to represent them as their publicly financed advocate. He and Anna Ardin have common political interests and are well-acquainted with each other.

“In my judgement, what [the two women] have been subjected to is in any event sexual molestation, and possibly a more serious sex crime,” Borgström tells the press. “I do not think that it is the least bit odd that the on-call prosecutor issued an arrest warrant.”<sup>25</sup>

Borgström is a prominent Social Democratic politician and the party’s spokesperson on gender equality issues, having previously served as Sweden’s Equal Opportunity Ombudsman. He has asserted that men bear a collective guilt for violence against women, and in that spirit has supported the idea of a “violence tax” on all men.<sup>26</sup>

Currently, Borgström is in the midst of a national election campaign which he hopes will result in his gaining a ministerial post.<sup>27</sup> But opinion polls indicate that his party’s chances of winning are slender.

Also, Borgström’s legal reputation has recently suffered an embarrassing setback. As a well-paid public defender, he had been negligent to the point of collusion with the prosecutor, helping to secure the conviction of his client — a mentally ill man who had confessed to eight murders which, it now appears, he did not commit. The first of the eight convictions to be appealed was annulled by a decision of prosecutor Eva Finné due to lack of evidence.<sup>28</sup>

His new assignment in the high-profile Assange case, also well-paid from the public treasury, will provide him with numerous opportunities to appear in both Swedish and international media as a devoted protector of women’s rights.

Claes Borgström’s law partner is Thomas Bodström who, as Minister of Justice in the most recent Social Democratic government, shared responsibility for allowing CIA agents to enter Sweden and brutally remove two political refugees to their homeland of Egypt, where they were tortured and convicted in judicial farces. Sweden, previously regarded as an exemplary guardian of human rights, thus became the first country to submit to U.S. demands for the arbitrary “extraordinary rendition” of alleged terrorists.<sup>29</sup>

As Minister of Justice, Bodström aggressively promoted a number of measures to increase governmental surveillance and data-storage powers at the expense of personal integrity. For such policies, he was sharply criticized by the Pirate Party and other advocates of civil liberties, including many in his own party.<sup>30</sup>

## Political-lawyer enters the scene (cont.)

*Bodström shared responsibility for allowing CIA agents to “extraordinarily render” two political refugees to Egypt, where they were tortured and convicted in judicial farces.*



*Borgström & Bodström*

## All serious charges dismissed



*Eva Finné*

It may therefore be assumed that, in such matters, Bodström is less sympathetic to Julian Assange and WikiLeaks than to the government of the United States where he has been living for the past three years.

Bodström was also instrumental in securing the rape conviction of Chilean opera singer Tito Beltrán, even though the event in question had taken place over eight years before, had not been reported as a crime of any sort during the intervening years, and *no coitus had occurred*. Like most such proceedings in Sweden, the trial was conducted behind closed doors and most of the “evidence” has remained secret.

At the time that Bodström was representing the alleged victim — in the same capacity that his partner Borgström has now been assigned to represent Anna Ardin and Sofia Wilén — he was chairman of the Swedish parliament’s Committee on Justice, an apparent conflict of interest for which he was criticized but not sanctioned.<sup>31</sup>

Among Thomas Bodström’s admiring party comrades is police officer Irmeli Krans, who in early 2011 expresses the wish that he return from the United States and “put an end” to Flashback, the web forum that has yielded useful — and for the prosecution, uncomfortable — information about the Assange case (see “Selected Information Sources” on p. 5). When confronted with the objection that she is calling for censorship, officer Krans replies: “We shall have freedom of expression AND shut down Flashback!”<sup>32</sup>

\* \* \*

**25 August.** Having reviewed the evidence in the Assange case, prosecutor Eva Finné makes a final decision to dismiss all sex-related charges. “I have discontinued the preliminary investigation of the charge originally designated as rape,” she announces. “There is no suspicion of any crime whatsoever. I have gone through the interview with the complainant [Sofia Wilén].

“As previously noted, the information which has emerged from the interview with the complainant is such that there is no longer any suspicion of rape. This does not mean that I do not find her testimony reliable. I have studied the interview to determine if there are grounds for suspicion of some other crime, primarily molestation or sexual molestation, but find that such is not the case according to my analysis.”<sup>33</sup>

What remains is possible suspicion of molesting (not sexually) Anna Ardin, to be further investigated. It is a near-total rejection of the decision made in haste by on-call prosecutor Maria Häljebo Kjellstrand after consulting police officers Wassgren and Gehlin on the evening of August 20<sup>th</sup>.

The interviewing officer on that occasion, Irmeli Krans, is not pleased with Eva Finné’s decision. “SCANDAAAAAAAAL!!!!!!”, she ejaculates on her Facebook page. “My god!!! Scandal in every newspaper and broadcast news report. But our dear, eminent and exceedingly competent Claes Borgström will hopefully establish a little order!”<sup>34</sup>

*“Our dear, eminent and exceedingly competent Claes Borgström will hopefully establish a little order!”*

Attorney Borgström, who undeniably exceeds at something, begins to establish order by questioning the judgement of Eva Finné. “I am critical and disappointed that the preliminary investigation of this case has been discontinued,” he complains. “My assessment is that it is a matter of sexual molestation. I am also going to request a reconsideration of the decision to close the investigation.”<sup>35</sup>

\* \* \*

## Law degree needed to recognize rape

*“You need a law degree to know whether you have been raped or not in Sweden.”*

**26 August.** It appears that Borgström is already collaborating with Mats Gehlin on some sort of investigation, possibly relating to one of the condoms involved.<sup>36</sup> On August 27<sup>th</sup> he submits a formal request for a reconsideration of Eva Finné’s decision to dismiss the sex-related charges.

By the 29<sup>th</sup>, he has abandoned his earlier talk of “molestation”, now asserting that Assange is guilty of two rapes. Commenting on a preliminary draft of an article to be published in *Aftonbladet*, Borgström says: “I wish to emphasize that crucial information is missing from this reportage, information upon which my statement about rape is based. But I am prevented from saying what is missing.”

Asked why, then, Anna Ardin at first did not believe that she had been raped, Borgström explains: “She is not a lawyer.”<sup>37</sup>

It is a short answer that speaks volumes about the credibility of Borgström and the accusations against Assange. Not surprisingly, it is greeted with disbelief and derision in Sweden and elsewhere. An Australian lawyer will later observe sardonically that, “You need a law degree to know whether you have been raped or not in Sweden.”<sup>38</sup>

\* \* \*

## Interviewed at long last

*The long delay in arranging the interview tends to undermine the rationale for the arrest warrant.*

**30 August.** Julian Assange is finally interviewed for the first time, having hired a lawyer and made himself available immediately after learning about the accusations against him via news media ten days ago.

The long delay in arranging the interview contrasts sharply with the eagerness of prosecutor Kjellstrand to issue a warrant for Assange’s arrest. It also tends to undermine the rationale for the warrant, i.e. to prevent his leaving the country, interfering with witnesses or otherwise impairing the preliminary investigation.

The subject of the interview is the one remaining potential charge, that of “molesting” Anna Ardin in some way — but not sexually according to prosecutor Eva Finné. The interview is conducted by Mats Gehlin, witnessed by police officer Ewa Olofsson, and audio-recorded. (The last two precautions are not taken for the interviews with Anna Ardin, Sofia Wilén and their supporting witnesses.)

Mats Gehlin begins by informing Assange that he is suspected of having “molested Anna Ardin during an act of copulation — which was begun and conducted under the express condition that a condom would be used — by purposely damaging the condom and continuing the copulation until [you] ejaculated in her vagina”.

*Interviewed at long last (cont.)*

It is difficult to understand that language as a description of anything “non-sexual”, suggesting the possibility that Mats Gehlin may have chosen to ignore prosecutor Finné’s interpretation of the available facts.

But that is the description on which the interview is based. Upon hearing it, Assange’s lawyer asks in puzzlement: “Is that all?”

“Is that all?”

It is.

In answer to a question from officer Gehlin, Assange replies that on the same day that the two women contacted the police [August 20th], “I spoke with Anna and she accused me of several things. And there were a number of false statements, as well. During that conversation she made a similar accusation; she said that I had removed a condom during sex. That was the first time I heard that accusation.....

“On one occasion after that, Anna had two orgasms. We slept in the same bed.”

“On one occasion Anna pointed to the bed, which had a wet spot, and said, ‘Look at that. Is that you?’ I said, ‘No, it must be you’. And there was no more discussion about that, not a word — until the accusation last Friday, a week afterward.”

Officer Gehlin asks, “What was the sexual relation like after that night?”

“It was still quite warm,” replies Assange. “On one occasion after that, Anna had two orgasms. We slept in the same bed.”

“I am not going to release anything,” says Mats Gehlin. The next day, a facsimile of the protocol is published in *Expressen*.

At the beginning of the interview, Assange asks Mats Gehlin if the protocol will be leaked to the tabloid *Expressen*, as occurred on August 20<sup>th</sup> after the two women’s visit to Klara Police Station.

Gehlin replies: “By us? I am not going to release anything. And the only ones who are here, that’s we three at this interview plus a stenographer who will write it out afterwards. And I am the only who has access to the case file. So if it comes out in *Expressen*, you can quarrel with me.”

The next morning, *Expressen* publishes an article headlined “Here is the interview with Assange — word for word”. The article contains a facsimile of the protocol and is characteristic of *Expressen* — utterly dishonest and deliberately slanted to injure the reputation of someone, in this case Julian Assange.<sup>39</sup>

\* \* \* \* \*

## RENEWED SUSPICIONS

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### “Rape”, again

*“Ms. Ny has, by virtue of this procedure, become a judge in her own cause.”*

*“First my client is stigmatized as a rapist. Then an attempt is made to wash away the stigma, only to once again stigmatize him.”*

**1 September.** At the request of Claes Borgström, prosecutor Marianne Ny reactivates the case; she is the third prosecutor to become involved. Ms. Ny announces that Assange is once again suspected of rape, and that Eva Finné’s sole remaining suspicion of non-sexual molestation is to be “expanded” to include several instances of sexual coercion and sexual molestation. Exactly what that is supposed to mean does not become apparent until she issues a European Arrest Warrant for Assange in mid-November.

“The process by which this appeal was decided excluded Mr. Assange and his lawyer entirely,” explains the reinstated suspect’s attorney at a subsequent extradition hearing in England. “They had no right to intervene or argue against it, and no one could appear to uphold Ms. Finné’s decision. This, of course, is a breach of the rule that everyone should be entitled to be heard in relation to matters that affect their liberty or their civil rights. As the prosecutor to decide that Ms. Finné was wrong and that she should reinstitute the investigation, Ms. Ny has, by virtue of this procedure, become a judge in her own cause.”<sup>40</sup>

But Claes Borgström is very pleased with this latest reversal and tries to explain how it can be possible: “It is in the nature of the law to make different assessments on the basis of the same information. Now it turns out that the on-call prosecutor [Kjellstrand] the senior prosecutor [Ny] and I have the same opinion. It is only the opinion of the chief public prosecutor [Finné] which differs.”

Assange’s attorney is of a much harsher opinion: “I am very surprised and dismayed by this turn of events. I don’t know how many calls I’ve received from international media, wondering how it could be like this.

“My assumption is that we have a system that ensures justice in Sweden. But first [my client] is stigmatized as a rapist. Then an attempt is made to wash away the stigma, only to once again stigmatize him.”<sup>41</sup>

The Swedish Prosecution Authority, which had sent its communications director into the lions’ den of global media to justify the original decision of Häljebo Kjellstrand, does not even attempt to provide an explanation this time.

\* \* \*

### Jail until proven innocent

Marianne Ny is deputy director of a special unit based in the city of Göteborg, which specializes in sexual offences and crimes of violence. She has long propagated for stricter measures against men suspected of sexual offences, including incarceration on the basis of mere accusation:

“Only when the man is locked up, and the woman is able to gain a little perspective on her situation in peace and quiet, does she have a chance to discover how she has actually been treated,” says Marianne Ny.... According to Marianne Ny, the legal process is effective at protecting the woman, even in cases where the perpetrator is charged but not found guilty.”<sup>42</sup>

## *Jail until proven innocent (cont.)*



*Marianne Ny*

It appears from this excerpt that prosecutor Ny and/or the author of the report regard accused men as “perpetrators”, whether they are found guilty or not.

Claes Borgström and Ms. Ny have recently worked together on a proposed new law that would require more clear and explicit consent for participation in sexual acts. The proposal has been widely criticized on a number of grounds, including what appears to be the need for something very like a formal agreement before engaging in sexual activity.

The well-known feminist Helene Bergman observes that the proposed law “will mean that, when we become sexually aroused by each other, we must first TALK with each other in order to reach consensus, after which both parties shall sign a contract.... then, finally, we can make love — if we are still in the mood.... State feminism has gone too far when it penetrates all the way into the bedroom!”<sup>43</sup>

\* \* \*

## **Second interview of Sofia Wilén**

**3 September.** Sofia Wilén is interviewed a second time by the police. As of the present date (31 January 2012), no details have been made publicly available. However, there is nothing in the European Arrest Warrant issued in mid-November which differs substantially from Ms. Wilén’s testimony in the original interview on 20 August.

\* \* \*

## **Violating her own principles**

*“The important thing is to be quick and correct from the beginning. Investigations are ‘fresh products’.”*

Although no arrest warrant is issued by the third prosecutor, Assange remains voluntarily in Sweden for all but a few days of the next five weeks in order to make himself available for questioning. But Ms. Ny is in no hurry to interrogate him. Three more weeks pass before she suggests a date for an interview; it is then over a month since Sofia Wilén and Anna Ardin visited Klara Police Station.

The long delay in interviewing the suspect is a violation of investigatory principles formulated by prosecutor Ny, herself. Just nine months previously she has stated in a newspaper interview that, “The important thing is to be quick and correct from the beginning.... Investigations are ‘fresh products’, and it is much more difficult to succeed if mistakes are made at the beginning.”

Not so incidentally, she explains that, “In a small number of cases, investigations are shut down because the suspicions turned out to be wrong. In such cases, the accusations are often made by someone other than the crime victim.”<sup>44</sup>

*Ms. Ny seems reluctant to accept the innocence of someone wrongfully accused.*

In the Assange case, the original accusations were made by an on-call prosecutor after hearing a few telephoned details somehow gleaned from an interview that was not even half-complete. It is also potentially relevant that Ms. Ny’s language seems to indicate, once again, a reluctance to accept the innocence of someone wrongfully accused: Even though “the suspicions turned out to be wrong”, there is still a “crime victim”.

### ***Violating her own principles (cont.)***

*“That those responsible for the reactivated investigation wait 21 days to interview the suspect looks like a clear violation of the principle of objectivity.”*

*“It appears to be undeniable that prosecutor Ny has decided in advance that he is guilty.”*

On another occasion, prosecutor Ny emphasized the value of video-recorded testimony: “Video documentation of the initial police interview provides a total impression of what has happened. How well does the woman feel? Is she afraid?... The video presents the interview in dialogue form and with the woman’s own words, instead of a summary protocol written by the police.”<sup>45</sup>

For Göran Rudling, a strong advocate of women’s rights who is well-versed in methods of investigating sex crimes, these and other aspects of the Assange case indicate an evident bias:

“What do the police and the prosecutor do during those 21 days? They spend time interviewing four witnesses who might be able to support the complainants’ stories. They also interview two neutral witnesses.... And they do so in a remarkable fashion. Of the four who are interviewed to support the complainants’ stories, three are interviewed by telephone. Only one is interviewed in person. The protocols of all the interviews in support of the complainants are written summaries. The interviews with the two neutral witnesses are audio-recorded and transcribed in dialogue form; also, two police officers participate in those interviews.

“That those responsible for the reactivated investigation wait 21 days to interview the suspect looks, to me, like a clear violation of the principle of objectivity. They completely neglect to take into account [the evidence] which indicates the suspect’s innocence....

“It appears to be undeniable that prosecutor Marianne Ny has tried to gather evidence of Julian’s guilt before interviewing him — as though she had already decided in advance that he is guilty.”<sup>46</sup>

\* \* \*

### **Unanswered SMS messages**

**21 September.** Marianne Ny sends three SMS messages to Assange’s lawyer, Björn Hurtig, suggesting a time for an interview. Hurtig, who is juggling 200 cases at the time, does not respond and will later testify that he failed to notice the messages. Ms. Ny does not follow up with a telephone call. (See author’s note to “Abuse of Office by Swedish Prosecutor” on page 31.)

\* \* \*

### **Free to go — and be arrested**

*Ms. Ny repeatedly denies requests to provide the evidence in the case, including much that is exculpatory.*

**27 September.** After lingering in Sweden for five weeks, Julian Assange departs for Germany and then England, with Ms. Ny’s consent. On the same day, she issues a secret warrant for his arrest (see “Abuse of Office by Prosecutor Ny” on page 31).

When Julian Assange departs from Sweden:

- He has still not been interviewed by prosecutor Ny, despite repeated attempts to arrange a mutually agreeable time.
- He has not been provided with a precise description of the alleged behaviour which Ms. Ny regards as criminal.
- He has not been provided with any information about the case in his own language, as required by a European treaty to which Sweden is a party.

*Free to go — and  
be arrested (cont.)*

- Ms. Ny has denied repeated requests from Assange's lawyer to provide him with the evidence in the case, including much that is exculpatory.
- Supported by public funds, Claes Borgström is conducting a largely uncontested "trial by media" against Assange with the eager complicity of influential print and broadcast media.
- Prosecutor Ny issues a secret warrant for his arrest.

\* \* \*

## ABUSE OF OFFICE BY SWEDISH PROSECUTOR

*Affidavit of Björn Hurtig, Julian Assange's Swedish attorney,  
submitted to extradition hearing in London on 7-8 February 2011*

It is my considered opinion, based on both my trial experience in Sweden and my experience as Mr. Assange's defence attorney, that the manner in which Ms. Ny has handled the case thus far is not in compliance with the concept of a fair trial....

Mr. Assange's vulnerability to an unfair trial has come about because of a series of unfair [actions] by police and prosecutors, which have seriously damaged him in public opinion in Sweden....

Marianne Ny took over this investigation on 1 September. It is well known, and is in fact stated in the Prosecution Manual... that rape cases must be investigated quickly, among other things because the defendant is almost always put into custody in this kind of case. Sensibly, a new statement was taken from the rape complainant at Ms. Ny's direction on 2 September. However, astonishingly, she made no effort to interview [Julian Assange] on the rape charge or to get his side of the story. Eva Finné, pursuing her investigation on the lesser charge, had arranged for Mr. Assange to be interviewed on 30 August; he attended voluntarily and answered all questions put to him by the police. It was therefore obvious to Ms. Ny that he was available and willing to be interviewed about the rape allegations after they had been repeated on 2 September. However, she made absolutely no effort to contact him....

I telephoned Ms. Ny on 8 September after I was appointed to represent Mr. Assange and... I asked her to hear his story. She replied with words to the effect of "not right now". I heard nothing more from

her and on 14 September I e-mailed, asking her at least to disclose any documents relevant to his case....

On 15 September, Ms. Ny phoned me in relation to my request and I asked her if she could question Mr. Assange as soon as possible because he was ready and willing to speak. She refused point blank. I asked why, and she said that the police officer was sick. I pointed out that there were many police officers in Sweden.... She replied that there was only one officer that she was prepared to use. Finally, I asked whether Mr. Assange could leave Sweden and she said she had no objection. In the following days I telephoned her a number of times to ask whether we could arrange a time for Mr. Assange's interview but was never given an answer, leaving me with the impression that they may close the rape case without even bothering to interview him. On 27 September 2010, Mr. Assange left Sweden.

Finally on 30 September, I was able to speak to Ms. Erika Lejnefors, Ms. Ny's assistant prosecutor. I passed on to her Mr. Assange's offer to return to Sweden at his own expense to be interviewed.... She said it would be good to have a hearing on the week of the 11<sup>th</sup>. [She consulted Ms. Ny who] vetoed the suggestion because "it was far too distant". I found it astonishing that Ms. Ny, having allowed five weeks to pass before

*(continued...)*

## Abuse of Office by Swedish Prosecutor (*cont.*)

she sought an interview with Mr. Assange, should now decide that it would be “too distant” to hear his side of the story if a further week elapsed. I have subsequently seen... that she had decided on 27 September to arrest him *in absentia*....

I have [since] been in fairly continuous dialogue with the prosecutor’s office, offering that Mr. Assange would voluntarily undergo interrogation in any number of ways from London. I said that he could answer police questions by telephone, by video link (at his own expense), by Skype or by attending at Scotland Yard’s interview suite or at the Swedish embassy in London or by providing an answer on affidavit to written questions.... I have never been given a sensible reason by the prosecutor for rejecting [these alternatives]....

I have read suggestions that Ms. Ny has made in the press that it would be contrary to Swedish law to interview him abroad. This is wrong, because there is no such law.

Another reason why it is difficult for my client to receive a fair trial is that I have not been provided with all the evidence... including important exculpatory evidence.... I have been briefly allowed to see other exculpatory evidence, but have not been permitted to take copies or to show my client. I consider this to be contrary to the rules of a fair trial. [This evidence includes] text messages to and from the complainants showing that they expected to receive money as a result of making the complaint, and I have been shown the text messages in which they talk about contacting *Expressen*....

Another example of efforts to prejudice the media against Mr. Assange is the striking fact that [the prosecution] has supplied the newspapers with evidence against him which it has not supplied to me as his lawyer. Indeed, certain evidence was provided to the media in August/September —

months before I received it. I have been refused access to the full file by Ms. Ny on the alleged basis that it would prejudice her investigation, at a time when she must have known that the police had already provided much of that file to the media....

\* \* \*

*Author’s note:* Between the time this affidavit was prepared and the extradition hearing took place in February of 2011, Björn Hurtig discovered that on or around September 21<sup>st</sup> he had received some SMS messages and a telephone call from Marianne Ny in which she apparently proposed an interview on September 28<sup>th</sup>. Hurtig testified that he first noticed them when he reviewed all case-related material in preparing for the February hearing.

By a curious logic, the presiding judge chose to interpret that voluntary admission of error as a deliberate attempt to mislead the court, and declared Hurtig to be an unreliable witness. The same judge could detect not a single thing wrong with the conduct of Ms. Ny, thereby confirming an evident bias in favour of the prosecution and against the appellant, Julian Assange.

Much was made of Hurtig’s lapse — by the judge, the media, and the Swedish Bar Association (which subsequently reprimanded Hurtig on the basis of the hostile foreign judge’s accusation).

But it is hardly inconceivable that a busy lawyer (Hurtig was handling around 200 other cases at the time) who receives dozens or more messages every day might inadvertently overlook some of them is.

In any event, even if were true that Hurtig deliberately ignored the messages from Ms. Ny, that would not suffice to offset the numerous interview opportunities which the prosecutor has neglected and rejected.

## MALICIOUS ARREST WARRANT

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### Rejected offers

*Every proposal for an interview is rejected by prosecutor Ny*

**October 2010.** Now based in England, Assange makes repeated attempts to be interviewed. Among them is an offer to return to Sweden for that purpose at his own expense any time during the week of October 11<sup>th</sup>. That suggestion is rejected by prosecutor Ny on the grounds that it is “too distant”. Assange also offers to be interviewed in London, either in person or via telecommunications. Every proposal is rejected by Ms. Ny (see “Abuse of Office by Swedish Prosecutor on page 31).

\* \* \*

### Work and threats continue

**October 2010.** Assange continues his work with WikiLeaks, publishing on 22 October the Iraq War Logs with over 400,000 military intelligence reports from that U.S. war of aggression and occupation. This leads to an escalation of death and other threats from prominent media and political figures in the United States.<sup>47</sup>

\* \* \*

### U.K. police notified

**2 November.** Via his British attorneys, Assange notifies the U.K. police of his readiness to be contacted and interviewed.

\* \* \*

### “Reasonable suspicion”

*Ms. Ny justifies the arrest warrant by falsely stating that it has been impossible to arrange an interview.*

**18 November.** Prosecutor Marianne Ny issues a Swedish warrant for the arrest of Julian Assange on “reasonable suspicion” of rape, sexual molestation and unlawful coercion. Ms. Ny justifies this move by falsely stating that it has been impossible to arrange an interview.

To a news reporter she asserts, “We have not been able to get him to an interview.”

“And you have tried?” asks the reporter.

“Uh, I don’t want to discuss which measures we have taken,” replies Ms. Ny. “I merely state that this is the measure that is necessary in order for us to reach some form of conclusion to this investigation.”<sup>48</sup>

*“Uh, I don’t want to discuss which measures we have taken,” says prosecutor Ny.*



## Exculpatory evidence kept secret

Just prior to the hearing on the arrest warrant, attorney Björn Hurtig is provided with a description of the allegations against Assange and parts of the police file, including over 100 SMS messages between the two complainants and their friends. Among other things, the messages reveal that Sofia Wilén wrote of being “half asleep” at the time of penetration (see “Consensual sex with Sofia Wilén” on page 11), and that the two complainants discussed ruining Assange’s reputation by going to the press. However, Ms. Ny refuses Hurtig permission to take copies or notes, or to allow him to discuss this important evidence with his client.<sup>49</sup>

\* \* \*

## International manhunt launched

**20 November.** Prosecutor Ny issues a European Arrest Warrant (EAW) for Julian Assange. In addition to ignoring Assange’s numerous attempts to arrange an interview, prosecutor Ny has ignored the less intrusive Mutual Legal Assistance mechanism that is normally employed in such cases (see “Overkill with European Arrest Warrant” on page 35).

On the same day, Ms. Ny authorizes Interpol to post a Red Notice on Assange, the highest priority alert which is usually reserved for the most serious criminal suspects. This appears to make Assange a more dangerous fellow than Libyan leader Muammar Gaddafi, who is charged with crimes against humanity but is listed with the lower-ranking Orange Notice.<sup>50</sup>



*Interpol Red Notice on Julian Assange*

The absurdity of it prompts the well-known U.S. feminist Naomi Wolf to write: “Thank you again, Interpol. I know you will now prioritize the global manhunt for 1.3 million guys I have heard similar complaints about personally in the US alone — there is an entire fraternity at the University of Texas you need to arrest immediately.

“I also have firsthand information that John Smith in Providence, Rhode Island, went to a stag party — with strippers! — that his girlfriend wanted him to skip, and that Mark Levinson in Corvallis, Oregon, did not notice that his girlfriend got a really cute new haircut — even though it was THREE INCHES SHORTER.”<sup>51</sup>

To Assange’s British lawyer, it is not so funny. “This appears to be a persecution and a prosecution,” observes Mark Stephens. “It is highly irregular and unusual for the Swedish authorities to issue a Red Notice in the teeth of the undisputed fact that Mr Assange has agreed to meet voluntarily to answer the prosecutor’s questions.”<sup>52</sup>

\* \* \*

## The prosecutor lies about the law

In explaining why she has resorted to such heavy-handed methods to arrange an interview, prosecutor Ny states that it is essential for it be conducted on Swedish soil since Swedish law prohibits any of the alternatives proposed by Assange and his lawyers.<sup>53</sup>

That is an outright lie: There is no such law. In fact, there is a well-established mechanism for international co-operation: “Mutual legal assistance (MLA) is the formal way in which countries request and provide assistance in obtaining evidence located in one country

*(continued on page 35)*

## OVERKILL WITH EUROPEAN ARREST WARRANT

The law establishing the European Arrest Warrant was hurriedly adopted by the European Union's parliament in response to the terror attacks in the United States on 11 September 2001. The intended purpose was to facilitate the extradition between EU member-states of persons suspected of terrorism and other serious crimes.

It may have done that, depending on how serious crimes are defined. But the EAW has also provided prosecutors in EU countries with a powerful tool for demanding extradition for suspected crimes that were never intended to be covered.

Among the worst offenders is Poland, which in 2010 filed some 5000 extradition requests just in the U.K. for such trivial offences as the theft of a dessert from a restaurant.

According to one report, "People are being flown to Poland in specially chartered planes to answer charges that would not be thought worthy of an arrest in the UK, while we pick up the tab for police, court, experts' and lawyers' time to process a thousand cases a year. This whole costly system is based on the assumption that the criminal justice systems of countries such as Poland are reasonable enough that it is worth complying with all their requests."<sup>55</sup>

At the opposite end of the scale is Sweden, whose prosecution authority issued a mere 97 EAWs in 2010. The warrant for Julian Assange is thus all the more exceptional.

Abuse of the EAW mechanism has become so widespread that pressure for reform is mounting. In an EU parliamentary debate in June of 2011, British MEPs posed the question: "How is the commission going to guarantee that disproportionate use of the EAW is put to an immediate end both in law and practice?"

Another British MEP asked whether "the case against Mr. Julian Assange demonstrates the possible abuse of the EAW for political purposes?"<sup>56</sup>

That question is certainly applicable to the behaviour of prosecutor Marianne Ny, who appears to have violated both the letter and the spirit of the law in the Assange case.

A fundamental requirement of an EAW is that it must be issued for someone who has been formally charged with a crime. But Julian Assange has not yet been charged with any crime, a circumstance (dubiously) employed by Ms. Ny to justify withholding exculpatory and other evidence.

Another requirement is that the EAW be proportional, i.e. that less drastic alternatives first be exhausted. But that is clearly not the case, either. Assange has volunteered to make himself available on numerous occasions and by several means — all of which have been rejected by the prosecutor, not the suspect.

These and other factors have prompted Brita Sundberg-Weitman, a retired Swedish judge who is an expert on civil rights, to strongly criticize the behaviour of Ms. Ny. Among other things, she points out that the Swedish Code of Judicial Procedure stipulates that:

"Not only circumstances that are not in favour of the suspect but also circumstances in his favour shall be considered.... The investigation should be conducted so that no person is unnecessarily exposed to suspicion or put to unnecessary cost or inconvenience. The preliminary investigation shall be conducted as expeditiously as possible."

On these and other counts, Judge Sundberg-Weitman finds the conduct of the investigation to be seriously flawed. She concludes by noting that prosecutor Ny is "... a crusader on gender issues and the international attention that this case has received may have made her intransigent and, in my view, over-harsh and disproportionate in attacking Mr. Assange by way of this EAW rather than by using the Mutual Legal Assistance provisions to obtain his evidence."<sup>57</sup>

It is unusually harsh criticism for a Swedish jurist to direct at a colleague. But it seems more than justified by the facts of the case.

## ***The prosecutor lies (continued from p. 34)***

*It would be a simple matter for Ms. Ny to conduct an interview in person or via any of several media.*

to assist in criminal investigations or proceedings in another country,” explains the website of the U.K. government.<sup>54</sup>

With an MLA request, it would be a simple matter for Ms. Ny to conduct an interview in person — thousands of people travel between Sweden and England every day — or via any of several media including telephone, Skype, video conferencing, etc.

That she stubbornly refuses to do so tends to strengthen suspicions that she wants to put Assange in jail, even though he has yet to be charged with any crime and is very unlikely to be convicted.

\* \* \*

## **Resisting extradition**

Given the mounting evidence of bias in the prosecutor’s handling of the case, and the clear risk of being turned over to the United States by Swedish authorities (see “Risk of Lynching by the United States” on page 44), Assange announces that he intends to challenge the EAW and extradition to Sweden. That decision leads to a series of legal challenges that will continue for over a year and are still not complete as of this writing.

\* \* \*

## **Appeal rejected**

**2 December.** The final barrier to implementation of a Swedish arrest order is eliminated when the country’s supreme court refuses to hear an appeal against it. Also left unchanged are modifications made by a lower court; one count of sexual molestation is dismissed, and the charge of rape is reduced to “minor rape”. The latter is a crime classification that is peculiar to Sweden and has no effect on the European Arrest Warrant, where the crime of which Assange is suspected is designated as simply “rape”.

\* \* \*

## **Specification of suspected offences**

*“Assange, by using violence, forced the injured party to endure his restricting her freedom of movement.”*

**7 December.** Julian Assange turns himself in to a British police station where he is provided with an English translation of the EAW. For the first time, over three months after the initial complaints were made, Assange gets to read a detailed description in his native tongue of the accusations against him. The EAW specifies four suspected crimes which are described as follows:

### **Unlawful coercion**

“On 13th-14th August 2010, in the home of the injured party [AA] in Stockholm, Assange, by using violence, forced the injured party to endure his restricting her freedom of movement. The violence consisted in a firm hold of the injured party’s arms and a forceful spreading of her legs while lying on top of her and with his body weight preventing her from moving or shifting.”

### **Sexual Molestation**

“On 13-14 August 2010, in home of the injured party [AA] in Stockholm, Assange deliberately molested the injured party by acting in a manner designed to violate her sexual integrity. Assange, who was aware that it was the expressed wish of the injured party and a prerequisite of sexual intercourse that a condom be used, consummated sexual intercourse with her without her knowledge.”

**Specification of offences (cont.)**

*“She, due to sleep, was in a helpless state.”*

**Sexual Molestation**

"On 18 August 2010 or on any of the days before or after that date, in the home of the injured party [AA] in Stockholm, Julian Assange deliberately molested the injured party by acting in a manner designed to violate her sexual integrity; that is, lying next to her and pressing his naked, erect penis to her body."

**Rape**

"On 17 August 2010, in the home of the injured party [SW] in Enköping, Assange deliberately consummated sexual intercourse with her by improperly exploiting that she, due to sleep, was in a helpless state.

"It is an aggravating circumstance that Assange, who was aware that it was the expressed wish of the injured party and a prerequisite of sexual intercourse that a condom be used, still consummated unprotected sexual intercourse with her. The sexual act was designed to violate the injured party's sexual integrity."<sup>58</sup>

\* \* \*

**A catalogue of lies and distortions**

*By their own account, the two women were never at any point afraid of him.*

*The assertion that she "was in a helpless state" appears to be another deliberate lie by the prosecutor.*

One of Assange's lawyers will later note that, "I was with Julian at the police station and witnessed his shock and surprise at reading the allegations as described in the warrant."<sup>59</sup>

Assuming that the information in the police interview protocols is correct — and nothing has yet emerged to suggest otherwise — Assange's bewilderment is understandable. For, the EAW descriptions bear little resemblance to the activities in which he had participated.

As the two women's own testimony reveals, he had never "used violence" or "forced the injured party to endure" anything. On the contrary, he had acceded to every request as soon as it was expressed. By their own account, they were never at any point afraid of him. What he did *not* do was read the women's minds in order to determine if they were thinking any contextually important thoughts that had not been said. But that is not (yet) a crime, not even in Sweden.

The first count of sexual molestation of Anna Ardin "[AA]" apparently refers to her story about the deliberately broken condom. By the time the EAW was constructed, however, prosecutor Ny would have known about the lab report which demolished the credibility of that story (see "Tale of a broken condom" on page 18). Failing to take that crucial evidence into account suggests wilful dishonesty on the part of the prosecutor.

The other count of sexual molestation is simply laughable. Among other things, it begs the question of what "the injured party" was doing in the same bed next to the "erect penis" in the first place.

As for the count of rape involving Sofia Wilén, she has herself said that she was *half* asleep, and was clearly capable of conducting an intelligible conversation at the time. The assertion that she "was in a helpless state" therefore appears to be another deliberate lie by the prosecutor.

### *A catalogue of lies and distortions (cont.)*

In short, what this EAW demonstrates is the extent to which Marianne Ny is prepared to lie and to distort known facts in order to achieve her objective which, at least to begin with, is the extradition of Julian Assange to Sweden.

\* \* \*

### **Sardonic confession of similar “crimes”**

*“I also report my wife, who has often taken a hard grip on my arms and held me fast. Even though I didn’t say ‘No’, I several times felt a certain powerlessness.”*

Prosecutor Ny’s eagerness to interpret normal sexual behaviour as criminal inevitably provokes negative reactions. Among them is a sardonic confession by Olle Andersson, a retired journalist with many years of experience as a programme leader for Swedish public television.

“I hereby acknowledge my guilt to sexual molestation and rape of my wife,” writes Andersson. “In recent months I have come to realize that I have raped my wife perhaps a hundred times with completed intercourse, most often without a condom, when she consented but was half asleep....

“I also take this opportunity to report my wife for sexual molestation and coercion. Together, we have reviewed dozens of instances when she has taken a hard grip on my arms and held me fast. Even though I didn’t say ‘No’, I several times felt a certain powerlessness. I didn’t extricate myself from her iron grip, even though I consented to the rest,” etc., etc.

Andersson concludes his lesson with a challenge to Marianne Ny to “get going and charge me. And hurry up: There are a million Swedes waiting in line.”<sup>60</sup>

\* \* \*

### **Solitary confinement**

*“The European arrest warrant is a deliberately speedy process with very narrow grounds on which to challenge.”*

**7 December.** Olle Andersson is far from alone in questioning the factual basis of the warrant for the arrest of Julian Assange. But that is not the principal question to be decided by the English courts in the months ahead. The main issue is whether or not the EAW is a valid instrument for the extradition of Assange to Sweden.

According to one British expert, “Assange’s likelihood of success in fighting extradition is very low. The European arrest warrant is a deliberately speedy process, free from political interference and with very narrow grounds on which to challenge.”<sup>61</sup>

*Assange is placed in solitary confinement with limited access to his lawyers, the telephone and the Internet — all exceptional conditions.*

A date in February of 2011 is set for a judicial hearing on that issue. In the meantime, Assange is initially jailed by Judge Howard Riddle, apparently at the behest of Marianne Ny on the grounds that he might flee to avoid justice. He is placed in solitary confinement with 24-hour video surveillance and limited access to his lawyers, television, the library, telephones and the Internet — exceptional conditions, especially for someone who has surrendered voluntarily, has yet to be charged with any crime, and has the support of several well-known British citizens who have offered large sums of money to guarantee his presence.

“He’s subject to the most ridiculous censorship,” reports his British attorney. “Time magazine sent him a copy of the magazine with him on the cover and they censored it not just by ripping off the cover but by destroying the whole magazine.”<sup>62</sup>

## “Feminists violate feminism”

*Among those who have commented upon the sex-related accusations against Julian Assange is Helene Bergman, who for many years led an influential programme concerning women’s issues on Swedish public radio. The following is an extract from her essay entitled, “Feminists in the Assange mess do violence to feminism”.<sup>63</sup>*

The interview protocols from the preliminary investigation of Julian Assange’s women’s affairs in Stockholm make shocking reading for an old feminist from the 1970s.... I who have lived my life as a feminist in heterosexual relationships with lots of lust and sex.

We exist, actually. We who love men and our sons. But after having read the interview protocols, I feel a need to warn our sons against hopping into bed with unknown Swedish women in Sweden. My god, it can very well lead to a rape trial.

I never would have dreamed that a well-justified struggle for gender equality would be transformed into a state feminism that regulates sex in the bedroom — where complainant A can say of her relationship with Assange, “I was

proud as a peacock; the world’s most awesome man in my bed and living in my flat.” Then she goes to the police.

It seems as though women/feminists of reproductive age have ceased to take responsibility for the sexual relationships in which they get involved. Instead, they rely on the judicial system, health care and the morning-after pill.

In the 1970s, we feminists fought for our right to lust and sexuality — not to turn men into perpetrators, but in order to experience pleasure together with them. We also learned to rely on our own survival instincts, our own ability to say “No”, to demand our rights. Feminism has to do with strengthening women’s self-esteem, not with turning them into victims to be looked after by the state....

### *Solitary confinement (cont.)*

“Many women in both Sweden and Britain will wonder at the unusual zeal with which Julian Assange is being pursued for rape allegations”, notes Katrin Axelsson of Women Against Rape in the U.K.

“Assange, who it seems has no criminal convictions, was refused bail in England despite sureties of more than £120,000. Yet bail following rape allegations is routine. For two years we have been supporting a woman who suffered rape and domestic violence from a man previously convicted after attempting to murder an ex-partner and her children — he was granted bail while police investigated.... There is a long tradition of the use of rape and sexual assault for political agendas that have nothing to do with women’s safety.”<sup>64</sup>

\* \* \*

### **Delayed release from jail**

**14 December.** Assange wins an appeal to be released from confinement while waiting for the February hearing. But he is forced to remain in jail for two more days while the British prosecution, acting on instructions from Marianne Ny in Sweden, counter-appeal that decision.

\* \* \*

## Free at last, with conditions

*The bail conditions are unusually restrictive.*

**16 December.** A High Court judge upholds the previous decision to release Assange from jail, noting the suspect's voluntary co-operation to date. "That is not the conduct of a person who is seeking to evade justice," quoth the judge.

However, the conditions imposed are unusually restrictive. In addition to a cash deposit and bonds totalling £240,000 (ca. USD 375,000), Assange must observe a 10:00 p.m. curfew, report to a local police station every day and wear an electronic ankle bracelet, even when bathing.

That was over a year ago. The conditions are still in effect. Assange has still not been charged with any crime.

*One condition of Assange's bail is that he must sign in at the local police station every day.*



## First appeal rejected



*Judge Howard Riddle*

**24 February 2011.** Judge Howard Riddle delivers his ruling on the appeal against the European Arrest Warrant, based on the hearing conducted some three weeks earlier. It was Judge Riddle who felt it necessary to jail Assange the previous December (see above, "Solitary confinement"). For that and other reasons, he is regarded as a hostile judge by Assange's defence attorneys.<sup>65</sup>

The attorneys have presented eight arguments which challenge the validity of the European Arrest Warrant.<sup>66</sup> Judge Riddle rejects all of them and concludes that, "I must order that Mr Assange be extradited to Sweden."<sup>67</sup>

In doing so, Riddle relies on several remarkable assumptions. One is that, in accordance with EAW regulations, the purpose of extradition is to pursue a formal indictment of Assange. This, despite the fact that prosecutor Ny has repeatedly stated that Assange is only wanted for questioning, and that it is "too early" to charge him with any crime.<sup>68</sup>

Riddle's treatment of the proportionality question is even more peculiar. "Judge Riddle states that he is 'not in a position to say what the reason was why Mr. Ny rejected Mr Assange's offers to be interrogated in England'," notes retired judge Brita Sundberg-Weitman, and then observes: "Obviously, because she has never divulged what her reason was! That is why I said that her refusal 'looks malicious'.... Judge Riddle is content that Ms. Ny has refused to state her reasons for issuing a EAW instead of accepting Mr Assange's offers to be interrogated in England.

### *Appeal rejected (cont.)*

*“She has never divulged what her reason was! That is why I said that her refusal ‘looks malicious’.”*

“When interviewed in the media Ms. Ny has given the following reason for not accepting Mr Assange’s offer to be questioned in England: ‘It would not be consistent with Swedish law.’ This is simply not true.

“The principle of proportionality will lack all sense if you accept that a state authority is not under an obligation to divulge its reasons for limiting a person’s freedom!” asserts Sundberg-Weitman, a Swedish authority in such matters.<sup>69</sup>

\* \* \*

### **Narrowed to a final point of law**

*Assange’s extradition fate in the U.K. hangs on the interpretation of one final point of law.*

**16 December.** A further appeal to the U.K. High Court produced much the same result, in a ruling issued on November 2<sup>nd</sup>. But on December 16<sup>th</sup>, the Supreme Court agreed to consider one final issue in the case during the first two days of February in 2012.

The point to be considered is whether or not prosecutor Marianne Ny is a ‘judicial authority’ as required by the 2003 Extradition Act of the U.K. Only such an authority is entitled to issue a European Arrest Warrant.

Prosecutor Ny has stated that she is a “judicial authority” for the purposes of the EAW and has been supported in that view by her superior, Prosecutor-General Anders Perklev.

The counter-argument is that a prosecutor is not impartial in such cases, and therefore cannot be considered an independent judicial authority. On that point of law now hangs the extradition fate of Julian Assange in the U.K.<sup>70</sup>

Assange’s lawyers have indicated that, if the appeal to the U.K. Supreme Court is rejected, they may take the case further to the European Court of Human Rights, a process that could take years to complete. But that decision remains to be taken, and it is not clear how it would affect Assange’s extradition to Sweden.

\* \* \*

### **Why fight it?**

*It was presumably a belief in the fundamental decency of Swedish society that induced Assange to remain in the country for five weeks as he waited unsuccessfully to be interrogated.*

Julian Assange’s struggle to avoid extradition to Sweden has inevitably raised questions about his reasons and motives. Underlying many of those questions is an image of Sweden as a progressive country with a civilized and well-functioning system of justice, an image that is particularly strong in England.

Seventeen months ago, Assange would most likely have been inclined to agree. It was Sweden’s reputation as a champion of press freedom and other human rights that had attracted him to it as a comparatively safe haven for key elements of the WikiLeaks project. And it was presumably a belief in the fundamental decency of Swedish society that induced him to remain in the country for five weeks after the initial accusations were made, as he tried repeatedly and unsuccessfully to be interrogated.

But since then, things have clearly changed. For one thing, there is the mendacious and malicious behaviour of prosecutor Ny, as documented in the foregoing pages. For another, no one in authority has intervened to prevent her from doing even more damage to Assange, personally, and to Sweden’s reputation.

### Why fight it? (cont.)

*“I could never have imagined just how badly the Swedish justice system can be abused.”*

On the contrary: Her behaviour has been certified as entirely correct by the prosecutor-general, while the mainstream press has conducted a campaign of vilification against Assange and his supporters for suggesting that Swedish justice could be anything less than just (more on that campaign below).

Julian Assange would have to be a very stupid person — something of which he has never been accused — if he failed to notice a discrepancy between Sweden’s positive image and his treatment at the hands of Swedish authorities. As he observed in a rare opportunity to be heard directly in the Swedish press: “I could never have imagined just how badly the Swedish justice system can be abused. This question needs a very long answer, but Swedes everywhere are coming forward to tell us horror story after horror story.”<sup>71</sup>

\* \* \*

### Secret trials

*Even in this relatively enlightened country, human sexuality is a subject fraught with deep and often subconscious feelings of guilt and shame.*

Most of those stories involve the treatment of men accused of sex crimes. It is one of the dark corners of Swedish society that seldom sees the light — most likely because, even in this relatively enlightened country, human sexuality is a subject fraught with deep and often subconscious feelings of guilt and shame.

But jurists and other interested parties with direct experience of sex-related cases have become increasingly alarmed by what appears to be a systematic bias that often leads to bizarre and tragic judgements.

There are several reasons for this, one being that trials for sex crimes are almost invariably held behind closed doors. “This tradition grew up a long time ago, before the [Second World] war, to prevent the press reporting ‘immoral’ evidence, and was later advanced to protect the privacy of complainants and defendants,” notes one of Assange’s Swedish lawyers, who further explains that his client, “... notwithstanding the avalanche of publicity damaging to him about the prosecution case, will be tried in secret and the public will not be aware of any exposure in the courtroom of the weakness of that case. Prosecution witnesses need not worry about other witnesses coming forward to refute their evidence, because their evidence will not be heard in public.”

*“Prosecution witnesses need not worry about other witnesses coming forward to refute their evidence, because their evidence will not be heard in public.”*

Further, “The trial will be heard by a judge and three laypersons who sit with him or her. The three laypersons, appointed by political parties, are often members of the parties that appoint them.... I should add that the danger caused by media prejudice is also present at the court of appeal level, where the hearings will again be in secret.”<sup>72</sup>

\* \* \*

### Innocently convicted

As a result of these and other factors, including the ascendance of radical feminist thought in Swedish society, male defendants are often at a disadvantage when tried for sex crimes.

In a 2006 open letter to then-Minister of Justice Thomas Bodström, fifteen defence attorneys protested that, “Today, sitting in our prisons are an unknown number of convicted but innocent men. They are ordinary citizens, in some cases family fathers, who have

***Innocently convicted  
(cont.)***

*“The complainant’s unsubstantiated statements quickly become the truth. In practice, the burden of proving innocence is routinely placed on the accused.”*

been falsely accused of crimes they have not committed. They have then been drawn into incest and other sex cases involving word against word.

“Just under the past 20 years, a [large] number of innocent men have been sentenced to long prison terms and lasting disgrace.... Nevertheless, the nation’s courts have not learned anything from that experience and continue to issue judgements in the same manner that has led to the previous miscarriages of justice.

“This pattern is repeated in everything from the initial interview to the trial, which is usually held behind closed doors.... The complainant’s unsubstantiated statements quickly become the truth. In practice, the burden of proving innocence is routinely placed on the accused, in violation of principles that apply in every civilized system of justice.”<sup>73</sup>

The fifteen attorneys called upon the Minister of Justice to appoint a high-level commission to correct these errors. Their appeal was ignored. Bodström subsequently continued his practice, together with law partner Claes Borgström, of aggressively pursuing alleged sex criminals under the existing system, in the existing media climate (see “Political-lawyer enters the scene” on page 24).

\* \* \*

**Confirmation  
from jurists**

*A the very least the results indicate that Assange and his attorneys are far from alone in questioning the likelihood of his receiving justice in Sweden.*

It was presumably a widespread awareness of these and other judicial problems awaiting Julian Assange in Sweden that provide the background to a survey result published in the summer of 2011. Nearly one-third of jurists who responded to an on-line survey agreed that he had legitimate grounds for concern.

“The Swedish justice system is almost in a state of collapse with regard to sex cases,” explained one respondent. “Bizarre genius theories have acquired too much influence on those who apply justice.”

For another, “Sweden’s justice system has many faults and is often guided by the moral ideas of the court system’s actors rather than by formal judicial considerations, as it ought to be.”<sup>74</sup>

*It may be assumed that prosecutor Ny and perhaps the entire Swedish justice system are under mounting pressure to “produce results”.*

The survey results must be interpreted with caution, as the sample was not randomly selected; the actual proportion with critical views may in fact be less, or greater. But at the very least the results indicate that Assange and his attorneys are far from alone in questioning the likelihood of his receiving justice if he is extradited from the U.K.

Finally in this context, it may be assumed that prosecutor Ny and perhaps the entire Swedish justice system are under mounting pressure to “produce results” — i.e. a conviction for some sort of crime — as the case wears on and additional resources are expended on the extradition effort. Any such pressure would tend to increase the likelihood that the system — which has so often been abused in the past — would again be abused, again in secret, to secure the conviction of Julian Assange.

\* \* \*

## A question of justice

*“Do we really live in a society based on the rule of law?”*

According to Göran Rudling, who has studied these and related issues for many years, “The Assange case has been handled in a remarkable way from the start. The investigation’s lack of quality is striking. What is perhaps most worrisome is that, since 1 September 2010, the case has been handled by a ‘highly qualified investigation apparatus’ under the leadership of Senior Prosecutor Marianne Ny. If this is the best investigation of sexual assault that Sweden has to offer, we have enormous problems in obtaining justice for victims of sexual assault. For, if the police and prosecutor cannot distinguish between real and false accusations, it will be very difficult to bring real perpetrators to justice.”<sup>75</sup>

Adds retired judge Brita Sundberg-Weitman: “Everything in the handling of this case has been abnormal. So why shouldn’t [Assange] suspect dirty tricks? I do, in any event. I have been interested in the Swedish justice system for quite a few years, mostly from the ‘inside’ as a judge, and I have become very sceptical. Do we really live in a society based on the rule of law?”<sup>76</sup>

\* \* \*

## Risk of lynching by the United States

*Assange has been the target of an “unprecedented” investigation by the U.S. government.*

It would appear from the foregoing that Julian Assange may be subject to a miscarriage of justice if he is returned to Sweden and the ministrations of prosecutor Marianne Ny. A far greater threat, however, is the risk unto a probability that he would be turned over by the Swedish government to the United States.

In recent years, and especially since the release of the “Collateral Murder” material in the spring of 2010 (see “Seeking protection for WikiLeaks” on page 6), WikiLeaks and Assange have come under growing pressure and threats from the U.S. government whose crimes have been exposed in a series of disclosures.

Assange has been called a terrorist and threatened with assassination, lifetime imprisonment, torture and other unpleasantness by leading U.S. political and media figures. For over a year, a secret grand jury near Washington, D.C., has been developing criminal charges against Assange; and in late 2011 it was disclosed that he has been the target of an “unprecedented” investigation by the U.S. government.<sup>77</sup>

*“Powerful elements in the U.S. government would resort to almost any means to get their hands on Assange and, in effect, lynch him.”*

“It has been suggested that the real reason Sweden wants Assange is so that its government can in turn extradite him to the United States where he will face prosecution for conspiracy to harm U.S. ‘national security,’” observes former CIA analyst David MacMichael.

“How well-founded is that suspicion? From the perspective of many former officers in the U.S. intelligence system, it is almost a certainty,” states MacMichael. “In this context, it may be noted that the Obama administration has already initiated more prosecutions of so-called whistleblowers than in the entire previous history of the United States. Moreover, the trend in current ‘national security’ legislation grants the administration the authority to arrest and imprison, indefinitely and without trial, both citizens and non-citizens of the U.S. anywhere on the ‘world battlefield’. Now the administration has even claimed the right to murder U.S. citizens whom it designates as threats to national security.

**Risk of lynching (cont.)**

“These and related developments indicate that it would be foolish to dismiss the notion that powerful elements in the U.S. government would resort to almost any means to get their hands on Assange and, in effect, lynch him,” concludes David MacMichael.<sup>78</sup>

\* \* \*

**Media climate**

*It is likely that the threat of being punished at the polls by an outraged public is the only factor that might dissuade the government from turning Assange over to the United States.*

Public opinion is a key factor in both major risks confronting Julian Assange in Sweden — conviction for crimes he did not commit, and extradition to the United States. A generally negative attitude toward Assange may be assumed to increase both risks.

For, even judges — and especially the lay judges who play such a central role in dispensing Swedish justice — are susceptible to influence from the court of public opinion. And it is likely that the threat of being punished at the polls by an outraged public is the only factor that might dissuade the government from turning him over to the United States.

Accordingly, the media climate in Sweden acquires special significance in this case — and thus far it has not been very favourable to Assange. Among other things, the politician-lawyer who represents the two female complainants has spent the past seventeen months conducting an aggressive and very one-sided public trial of Assange via the mainstream press. Claes Borgström has been able to do so almost unopposed, since Assange’s Swedish lawyers have remained largely silent and passive all the while.

More vociferous have been his British lawyers, including Jennifer Robinson who notes that, “Julian has suffered immense adverse prejudicial media coverage in Sweden, fuelled both by the disclosure of police material to the media by the police and prosecution, and by the highly prejudicial media statements of Claes Borgström who, despite admitting the case isn’t something he himself would have pursued, has accused Julian of being a ‘coward’ for not returning to Sweden and has further alleged that Julian’s refusal to return is proof of his guilt.”<sup>79</sup>

*“Such statements from a politician would go a long way for a defence being able to argue that they would preclude a fair trial.”*

It is a spectacle that is quite perplexing to lawyers in other countries, including Peter Kemp of Australia: “Mr. Borgström is being paid by the Swedish government to make all those representations. Sweden allows this. In Australia it would... be highly improper and reprehensible; and in our system such statements from a politician would go a long way for a defence being able to argue that such utterings, widely disseminated as they were, would preclude a fair trial.”<sup>80</sup>

The Swedish Bar Association, which saw fit to reprimand Assange’s lawyer for failing to notice some SMS messages (see “Abuse of Office by Swedish Prosecutor” on page 31), has not uttered a word about Claes Borgström’s campaign of slander against Julian Assange.

The treatment of the case by the mainstream media has been of a piece with Claes Borgström’s campaign. With few exceptions, it has emphasized the plausibility of Assange’s guilt, while systematically ignoring the substantial evidence of his innocence. Most astonishingly, the highly relevant contents of the police interview protocols have yet to be discussed in mainstream forums, even though they have been available for over a year.

### *Media climate (cont.)*

*Most astonishingly, the police interview protocols have yet to be discussed in mainstream forums.*

Instead, the recurrent themes are: Even people who do important work, such as WikiLeaks, can do shameful things to women; the two young women deserve their day in court; there is nothing wrong with the Swedish justice system, and saying so is merely an excuse for cowardice or an admission of guilt; the notion that Assange might be turned over to the U.S. is laughably paranoid; Assange lives in luxury, while those who supply WikiLeaks with government secrets suffer imprisonment and other hardships; he is weird; Assange is just like other famous men such as Roman Polanski and Dominique Strauss-Kahn who abuse women; etc., etc.

In short, the Assange case has served as an opportunity to display all the meanness of spirit, stupidity and pettiness of which the Swedish mainstream media are capable — which turns out to be quite a lot.

\* \* \*

### **Alternative media**

Although the media-Borgström campaign has presumably affected public opinion, little is known about the extent or direction of any such influence. There are some indications that the campaign has not had the intended effect. For example, when *Aftonbladet* published a column by the well-known writer Jan Guillou under the heading of “Julian Assange — a little creep without principles”, with a text to match, the numerous reader comments were overwhelmingly critical and much better informed.<sup>81</sup>



*This satirical mock-up of a Time magazine cover celebrating Anna Ardin as “Slut of the Year” is one of the more subtle forms of abuse meted out to the two complainants.*

That superior knowledge is almost certainly due in large measure to the ongoing discussion of the case in so-called alternative media, especially on the Internet. For examples, see the Endnotes and “Selected Information Sources” on page 5.

Such sources provide the information systematically ignored by the mainstream media, including most of that included in this account. But again, it is not known how widely that knowledge has been disseminated or what effect it may have had on general opinion.

A less edifying aspect of alternative media is that many of them have been used as channels for a hate campaign against the two female complainants, Anna Ardin in particular. Inevitably, this has recoiled against Assange, who in some quarters has been held responsible for the rantings and ravings of less rational supporters.

The other side is also represented among alternative media, of course. The Facebook outbursts of police interviewer Irmeli Krans are noted above (see “All serious charges dismissed” on page 25), and there is much more of the same in various corners of the Internet. But in Sweden, at least, there is less need for such efforts, since the anti-Assange forces have dominated the discussion in the mainstream media.

On balance and in the absence of precise knowledge, a plausible guess would be that the overall media climate in Sweden favours those who want to see Assange convicted of some sort of sex crime, and those who don’t care whether he is extradited to the United States or not. If so, it provides the courts and the government with fairly wide degrees of freedom in dealing with him.<sup>82</sup>

\* \* \*

## Sweden vs. England

*It would be completely out of character for the Swedish government to refuse a request/demand for Assange's extradition to the United States.*

*England has a history of at least occasionally resisting U.S. demands for extradition, whereas Sweden's recent history has been one of total submission.*

The threats against Julian Assange have intensified since he moved to England in the autumn of 2010. The tactical question is whether it would be safer for him to remain there or return to “neutral” Sweden.

The answer is that England, despite its “special relationship” with the United States in matters of war and world hegemony, offers better chances of survival. For one thing, Sweden is no longer a relatively neutral and independent country. During the past few decades, and particularly since the assassination of Olof Palme in 1986, Sweden has become a reliable “partner for peace” within the USA/NATO war and propaganda apparatus.<sup>83</sup>

The mainstream media faithfully reflect the world view of the global superpower; and the Swedish government has submitted to U.S. pressure in matters of far less importance than WikiLeaks. It would be completely out of character for it to refuse a request/demand to extradite Assange to the United States.<sup>84</sup> In short Swedish media and political elites have developed their own special relationship with the United States of America.

While Assange has been given some rough treatment by the mainstream British press, it has not been as systematic as in Sweden and has generally concerned other issues than the sex accusations. Also, a number of high-profile British celebrities have openly supported Assange, whereas corresponding support is lacking or worse in Sweden.

As one example: John Pilger, the Australian-British writer who is one of the best-known and most widely respected journalists in the world, has been a vociferous supporter of Julian Assange from the beginning. In terms of public awareness and influence, his nearest counterpart in Sweden is Jan Guillou, who writes columns with headings like “Julian Assange — a little creep without principles”.

As for Pilger, he has been sharply criticized by the Swedish commentariat for casting aspersions on the nation's justice system. “You don't understand anything” chided the headline of one column directed at Pilger and other supporters of Assange; what the writer understands is that Assange is comparable to film director Roman Polanski, who has *admitted* to statutory rape of a 13-year-old girl.<sup>85</sup>

Finally, it may be noted that England has a history of at least occasionally resisting U.S. demands for extradition, whereas Sweden's recent history has been one of complete submission.

For all of these reasons, it is presumably safer for Assange to avoid extradition to Sweden and remain in England.

\* \* \* \* \*

## STRANGE BEDFELLOWS: FEMINISM & IMPERIALISM

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### State feminist

*There is much to indicate that prosecutor Ny is pursuing a doctrinaire feminist agenda with which she has long been associated.*

*“She is a high-profile prosecutor who is also a crusader on gender issues.”*

*No political party can ignore the strain of feminist thought that prosecutor Ny appears to be promoting at the expense of Julian Assange.*

**January 2012.** For well over a year, Julian Assange has been held in a form of modified house arrest that has severely restricted his freedom of movement, while conducting a costly and protracted struggle to avoid extradition to Sweden.

The effect on the operation of WikiLeaks has, of course, been highly negative. For many, that is enough to explain the mendacious and malicious behaviour of prosecutor Marianne Ny: Speculation is rife that she is abusing the power of her office to injure Assange and WikiLeaks, presumably at the behest of the Swedish and U.S. governments.

While that possibility cannot be ruled out, there is as yet no hard evidence to support such speculation. There is, however, much to indicate that prosecutor Ny is pursuing a doctrinaire feminist agenda with which she has long been associated. That was explained by retired judge Brita Sundberg-Weitman in her written testimony to the U.K. extradition hearing in February of 2011:

“Outsiders will not be aware of the role that gender plays in politics in Sweden. In recent years, elements of the Social Democratic Party, including one of the complainants who is a well-known and aspiring Social Democrat politician, and her lawyer, Mr. Borgström, and some public officials like Ms. Ny, have taken the lead in amending Swedish law so as to try to make it more favourable to women. That has become an aspect of political debate; but at the legal level, although some reforms have been welcome, there is a concern that others are actually producing unfairness and discrimination against men.

“It is a fact that people like Marianne Ny and Claes Borgström have worked in cooperation on different issues in efforts to produce our new, more stringent sexual offence laws. It is a fact that Marianne Ny was one of the experts on the recent law reform committee which published a report in 2010 recommending even more harsh sexual offence legislation....

“It is also a fact that Marianne Ny, unlike other prosecutors, has made various statements referred to above in which she regards the prosecution of men, even without sufficient evidence, as in the public interest ‘pour encourager les autres’. She is a high-profile prosecutor who is also a crusader on gender issues....”<sup>86</sup>

To this can be added that, while elements of the Social Democratic Party have assumed a leading role on such issues, they are hardly alone and are occasionally surpassed. The former leader of the Left Party, for example, famously or infamously declared that the “structures” of male dominance in Swedish society are essentially the same as those of the Taliban fundamentalists in Afghanistan.

Given the current level of debate in Sweden, such pronouncements can be taken seriously in some quarters; and it is politically impossible, even for the Conservative Party, to ignore the strain of feminist thought that prosecutor Ny appears to be promoting at the expense of Julian Assange.

## Dissenting feminist

*“The Assange case has exposed the state feminism and associated propaganda machinery that now reign in Sweden.”*

Not everyone has been swept up by the new current, however. One dissenter is the more traditional feminist, Helene Bergman, who observes that, “The Assange case has exposed the state feminism and associated propaganda machinery that now reign in Sweden. It is machinery that involves the collaboration of man-hating radical feminists who lack historical roots, journalists who have not understood the proper task of journalism, and actors in the justice system who want to enhance their careers with gender equality....

“The bloodthirsty media hunt was set in motion without knowledge or understanding of the case and without waiting for a trial. Instead, the media became a ‘people’s tribunal’, because it is politically correct in today’s Sweden that women are always victims and entirely without guilt in matters of sex.”<sup>87</sup>

How many Swedish women and men hold similar politically incorrect views is not known at present. According to Helene Bergman, there is strong social-psychological pressure to keep such thoughts to oneself: “I am fairly certain that many of my old allies in the feminist movement agree with me about all this. But so far, none of them has dared to speak out.”<sup>88</sup>

\* \* \*

## Stifling embrace

*Short of assassinating or imprisoning Assange, it is one of the most satisfactory outcomes that the U.S. government and its allies could have wished.*

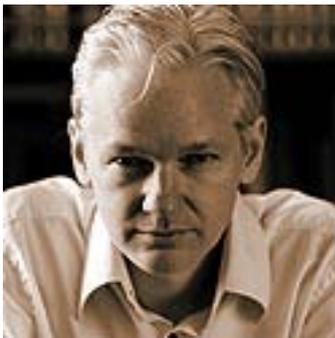
A currently popular strain of thought — “state feminism” in the terminology of Helene Bergman and other critics — would thus appear to be sufficient cause for Assange’s treatment at the hands of prosecutor Marianne Ny.

Other motives could well be involved, of course. Ms. Ny might feel some sort of animus toward the work of WikiLeaks and its leader on personal, political-philosophical grounds. Or perhaps she, Claes Borgström and others involved suffer from limited experience of human sexuality; that possibility is implicit in Olle Andersson’s satirical critique, for example (see “Sardonic confession of similar ‘crimes’” on page 38).

Whatever the factors involved, the decision by Ms. Ny to pursue the case and her manner of doing so have damaged WikiLeaks in at least two ways: by restricting Assange’s freedom of movement; and by associating the organization, through him, with rape and other sexual misconduct.

Short of assassinating or imprisoning Assange, it is one of the most satisfactory outcomes that the U.S. government and its allies — including the government of Sweden — could have wished. Further and as noted above, Assange’s likely extradition to Sweden will make it easier to pluck him into the expanding U.S. gulag of political imprisonment, torture and death.

In that sense, the question of prosecutor Ny’s motivation is of little importance. It is enough that she does what she does, and it all makes for a case of very strange bedfellows: Swedish state feminism entangled in a grotesque embrace with the U.S. empire, stifling Assange and WikiLeaks between them.



— Al Burke  
7 April 2012

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## CORRECTIONS

The original version of this document was fact-checked by several individuals with extensive knowledge of the issues involved. Nevertheless, several errors escaped that scrutiny and they have been corrected in this revised version. Most of the errors were fairly insignificant, but the following were serious enough to deserve special note:

### **Police interview with Sofia Wilén**

The original version stated that Anna Ardin was present during the police interview with Sofia Wilén on 20 August 2010. But information subsequently provided by Göran Rudling indicates that there were at least two separate discussions during the evening in question — one in which Anna Ardin participated and, after that, a formal interview with Sofia Wilén during which Ms. Ardin was not present. According to Ms. Ardin, it was her single comment during the earlier discussion that was decisive for the decision to arrest Julian Assange *in absentia*; see “Making the case stronger” on page 14.

### **Prosecutor Ny’s telephone call to defence attorney Hurtig**

The original version indicated that prosecutor Marianne Ny had not attempted to contact defence attorney Björn Hurtig via telephone on or around the crucial date of 21 September 2010 in order to arrange an interview with Julian Assange. It appears, however, that she did make at least one phone call to Mr. Hurtig at that time. See “Author’s note” on page 32.

These two errors are significant in that they portrayed the conduct of the police and the prosecution as less competent than it actually was in these particular contexts. Much of their conduct remains highly questionable, however. See for example “Complete disregard for objectivity” on page 15, and “Abuse of office by prosecutor” on page 31.

Note: Additional corrections and clarifications may be published on the web page entitled “Questions & Comments” at: <http://www.nnn.se/nordic/assange/quescom.htm>

**NORDIC NEWS NETWORK**

[www.nnn.se/nordic/assange.htm](http://www.nnn.se/nordic/assange.htm)