Allegation by Political Laundering

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By

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Cambridge
Scholars
Publishing

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This book first published 2019

Cambridge Scholars Publishing

Lady Stephenson Library, Newcastle upon Tyne, NE6 2PA, UK

British Library Cataloguing in Publication Data
A catalogue record for this book is available from the British Library

ISBN (10): 1-5275-1824-8
ISBN (13): 978-1-5275-1824-7

Till

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Den eviga nature medicine

och

Johanna Rinceanu
A lady who owns inherent precedence

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PREFACE

This work discusses whether *Assange*, in publishing the most confidential American documents, had a *propensity to commit an evil deed* or a *propensity to enlighten the world*. The work also devotes itself to the question of whether the prolonged allegations of sexual assault prevented Assange's political, social, and universal liberty and freedom according to the provisions of international human rights law or the *corpus juris* of European human rights legislation.[1] Does *Assange* have the right, as expressed by the Danish, to demand "også de to lande til at betale ham erstatning, efter at have krænket hans fysiske integritet og hans ret til fri bevægelighed"? (for both countries to pay him compensation, after having violated his physical integrity and his right to free movement?)[2] I will take the scope and definition of freedom and the restriction of freedom from the context of Swedish and American human rights law.

One of my key references will come from *Dagens Juridik* (the Daily Law), which constitutes the most official collection of significant documents and argumentation relating to juridical disciplines in Sweden. I will also refer, as necessary, to the *Danish, Norwegian, Turkish, French, Arabic, German, Persian, and Pashto* languages, but to very limited aspects, respectively. The reason for consulting these sources is to weigh how international human rights languages have been used to present the *Assange* case to audiences. Since the case is originally and mainly dealt with in *English* and *Swedish*, however, these languages will be the leading framework for the lingo in this modest book.

Two new terms will be used throughout the entire work, which play a significant role for a complete understanding of the book. The terms are "*condom*" and "*political laundering*." The use of these terms is to specify the way in which they have become a plea from major political parties, upon which they create legal grounds for the international public; this is done to avoid legal and criminal controversies themselves. The term

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[1] Oscar Swartz, *A Brief History of Swedish Sex: How the Nation that Gave Us Free Love Redefined Rape and Declared War on Julian Assange* (2012).

[2] FN bekræfter: Julian Assange er blevet berøvet sin frihed, available at: https://www.dr.dk/nyheder/udland/fn-bekraefter-julian-assange-er-blevet-beroevet-sin-frihed *[visited 14 September 2017].*

"condom" is meant to exemplify the material used to cover political laundering, namely to discount the restrictions of extradition treaties and bring *Assange* before the jurisdiction of criminal courts, including the Swedish, American, and British courts. Although political laundering under the cover of a political condom has not been successful, the personal freedom of *Assange* has been restricted for several years, which can be considered a serious violation of the provisions of human rights law and of universal or natural morality. This book not only deals with the *Assange* case in practice, but with the "Assanges" of the world.

What will be the future practice of states and political laundering policy when other persons acting are going to act the same way as *Assange*? Due to this concern, I will be focusing on a broader aspect of the problem, which may be raised with future generations and accompany the future development of computer knowledge. Should individuals let facts and truth remain hidden so as not to be condemned or should they release them in order to demonstrate the very dirty diplomacy of states and, as a result, become embassy-detained or even killed? Ultimately, the most relevant question is: should our private sexual relations (our privacy) and the use or non-use of condoms be revealed in world news so that political parties may take advantage of the information?

The question is not whether *Assange* violated Swedish law, but instead the very essence of political policy, political laundering, and the metaphysics of the categorical imperative expressed by Kant. In other words, if this approach is going to be the maxim, then we will soon no longer have any freedom of expression, at least not regarding cybercrimes. These crimes relate to the use of computer networks, including criminal acts such as fraud by hacking or phishing. If a cybercrime is really a crime of a serious nature, then how can the use of computers by major political parties to interfere with other states of the world and aggressively violate the provisions of *international peremptory criminal law* not recognised as violations as well?

Are we not thereby violating the provisions of international criminal justice – the function of which is to prevent the commission of international crimes by any state and to abolish the custom of impunity? Are we not violating the very essential principles of international human rights law? Are we not really committing grave violations of the international humanitarian law of armed conflict through computer devices? At present, these are not only moral questions, but also legal questions, since we should all be aware of the fact that the entire body of criminal law and the complete system of international criminal law and justice are the monopoly of state power − we do not need any proof at this

stage.[3] I not only addressed this monopolisation of the system of international criminal law in my 1993 book already, but also in my other works as well.

Incidentally, I ask neither international lawyers nor the reading audience of this small book to focus solely on the United States. Obviously and without any doubt, many states have a more or less similar policy to that of the United States. A few clear examples are Russia, China, Israel, the United Kingdom, Saudi Arabia, Iran, Canada, France, and Australia. My core intention is to emphasise the fact that states of the world are not permitted, at any degree and level, to resorting to political laundering in order to minimize, prevent, and threaten the population of the world to prevent the release of facts about the true nature of political realities. Freedom of information should not be prevented by any means.

I should also clearly confirm here that the United States has been the only territory where I have delivered lectures freely and unrestricted at any level and to any degree − it is impossible to compare it with Europe and especially not with the Chinese or Persian academic system.

Written in the Sovereignty of the European Union;
With full love for my family unit
Sovereignty of European Union
Afrang 8th March 2018
10th October 2018

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[3] Consult Farhad Malekian, *International Criminal Law, the Legal and Critical Analysis of International Crimes* (Almqvist & Wiksell International, 1991), 2 Volumes. Farhad Malekian, *The Monopolization of International Criminal Law in the United Nations, A Jurisprudential Approach* (Almqvist & Wiksell International, Stockholm, 1993, 1995); Mark Osiel *The End of Reciprocity: Terror, Torture, and the Law of War* (Cambridge: Cambridge University Press, 2009).

CHAPTER I

VIOLATION OF INTERNATIONAL HUMAN RIGHTS LAW

1. Bill of Rights or Bill of Violations

Put succinctly, the Bill of Rights of the United States Constitution protects basic freedoms of United States citizens. The question then is how this protection can be given to the citizens of the United States, but be violated regarding *Assange*, who is a citizen of Australia. Is there any difference between the rights of human beings? Does the Bill of Rights really protect the rights of the citizens of the United States? Does the Bill also follow the principles of the Declaration of Human Rights and, if so, why has there been political laundering between various nations to extradite *Assange*?

Serious violations of the provisions of conventions relating to international human rights law or the Bill of Rights occur when criminal conducts or behaviours by state or non-state actors ignore, deny or dangerously abuse fundamental or basic human rights. These rights include ethnic, civil, political, cultural, social, religious, and the basic economic notions. Obviously, human rights are not only legal principles, but are also universal moral principles that must be respected by all states – weak or powerful. Let me put it this way, an example of a recent violation of international human rights by a permanent member of the Security Council is the United States threat to impose sanctions against the International Criminal Court. This is if the Court directs an investigation into grave and brutal alleged war crimes committed by the governments of the US and its companies in Afghanistan. The United States threat is certainly a serious violation of international human rights law or the Bill of Rights. The threat is particularly focused upon the judges and the relevant personnel of the ICC. It declares that the permanent International Criminal Court in The Hague is ‘unaccountable’ and ‘outright dangerous’ to the governments of Israel, the United States, Saudi Arabia, and other allies of the US. It further states that:

> If the court comes after us, Israel or other U.S. allies, we will not sit quietly…We will ban its judges and prosecutors from entering the United States. We will sanction their funds in the U.S. financial system, and we will prosecute them in the U.S. criminal system…We will do the same for any company or state that assists an ICC investigation of Americans… The United States will use any means necessary to protect our citizens and those of our allies from unjust prosecution by this illegitimate court…We will not cooperate with the ICC. We will provide no assistance to the ICC. We certainly will not join the ICC. *We will let the ICC die on its own…for all intents and purposes, the ICC is already dead to us*…The ICC is an unprecedented effort to vest power in a supranational body without the consent of either nation-states or the individuals over which it purports to exercise jurisdiction…It certainly has no consent whatsoever from the United States.[1]

The above quotation clearly refers to the intention to do something which is internationally wrong and violates the basic principles of public international law, international human rights law, international criminal law and international criminal justice. In other words, the United States uses force against the ICC and threats the international peace and security. It also violates the provisions of Chapter VII of the Charter of the United Nation.[2]

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[1] National Security Adviser John Bolton speaks at a Federalist Society luncheon at the Mayflower Hotel (Washington, Monday 10 September 2018).

[2] Here are some of the most significant articles of Chapter VII of the Charter. "Article 39: The Security Council shall determine the existence of any threat to the peace, breach of the peace, or act of aggression and shall make recommendations, or decide what measures shall be taken in accordance with Articles 41 and 42, to maintain or restore international peace and security. Article 40: In order to prevent an aggravation of the situation, the Security Council may, before making the recommendations or deciding upon the measures provided for in Article 39, call upon the parties concerned to comply with such provisional measures as it deems necessary or desirable. Such provisional measures shall be without prejudice to the rights, claims, or position of the parties concerned. The Security Council shall duly take account of failure to comply with such provisional measures. Article 41: The Security Council may decide what measures not involving the use of armed force are to be employed to give effect to its decisions, and it may call upon the Members of the United Nations to apply such measures. These may include complete or partial interruption of economic relations and of rail, sea, air, postal, telegraphic, radio, and other means of communication, and the severance of diplomatic relations. Article 42: Should the Security Council consider that measures provided for in Article 41 would be inadequate or have proved to be inadequate, it may take such action by air, sea, or land forces as may be necessary to maintain or restore international peace and security. Such action may include

2. Supporting Peremptory Rights

The Bill of Rights of the United States must obviously contain the basic moral attitudes of all nations and the moral attitudes should promote the substantive aspects of the Bill of Rights. Martin Luther King, the well-known national and international lawyer and the defender of the basic rights, was one of those exceptionally well-known international lawyers who were quick to criticize the crimes of the American government.[3] This

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demonstrations, blockade, and other operations by air, sea, or land forces of Members of the United Nations. Article 43: 1. All Members of the United Nations, in order to contribute to the maintenance of international peace and security, undertake to make available to the Security Council, on its call and in accordance with a special agreement or agreements, armed forces, assistance, and facilities, including rights of passage, necessary for the purpose of maintaining international peace and security. 2. Such agreement or agreements shall govern the numbers and types of forces, their degree of readiness and general location, and the nature of the facilities and assistance to be provided. 3. The agreement or agreements shall be negotiated as soon as possible on the initiative of the Security Council. They shall be concluded between the Security Council and Members or between the Security Council and groups of Members and shall be subject to ratification by the signatory states in accordance with their respective constitutional processes. Article 44: When the Security Council has decided to use force it shall, before calling upon a Member not represented on it to provide armed forces in fulfilment of the obligations assumed under Article 43, invite that Member, if the Member so desires, to participate in the decisions of the Security Council concerning the employment of contingents of that Member's armed forces."

[3] Some of the most significant principles of the Bill of Rights of which were adopted on 15 December 1791 are the followings: "*Amendment I*: Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances. *Amendment II*: A well regulated Militia, being necessary to the security of a free State, the right of the people to keep and bear Arms, shall not be infringed. *Amendment III*: No Soldier shall, in time of peace be quartered in any house, without the consent of the Owner, nor in time of war, but in a manner to be prescribed by law. *Amendment IV*: The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no Warrants shall issue, but upon probable cause, supported by Oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized. *Amendment V*: No person shall be held to answer for a capital, or otherwise infamous crime, unless on a presentment or indictment of a Grand Jury, except in cases arising in the land or naval forces, or in the Militia, when in actual service in time of War or public danger; nor shall any person be subject for the same offence to be twice put in jeopardy of life or limb;

is clearly stated in Martin Luther King's I have a dream speech.[4] The magic of King's voice in his fabulous speech on the essence of life is a comprehensive declaration against unlawful measures. He intends to secure the dignity of man and encourage the protection of peremptory love and the rights of human beings from harms generated by the wrongful policies of our governments and their crimes. King's message is certainly wise: *please do not violate peremptory universal criminal law.* For him, a noble figure, and one of the most valiant and honest international lawyers, the love for preventing violations of peremptory norms should be cultivated through the force of knowledge and by awareness of the actual conduct of each national or international lawyer's ethical intention. He announces his dream by saying that:

> I am happy to join with you today in what will go down in history as the greatest demonstration for freedom in the history of our nation.
>
> Five score years ago, a great American, in whose symbolic shadow we stand today, signed the Emancipation Proclamation. This momentous decree came as a great beacon light of hope to millions of Negro slaves who had been seared in the flames of withering injustice. It came as a joyous daybreak to end the long night of their captivity.
>
> But one hundred years later, the Negro still is not free. One hundred years later, the life of the Negro is still sadly crippled by the manacles of segregation and the chains of discrimination. One hundred years later, the Negro lives on a lonely island of poverty in the midst of a vast ocean of

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nor shall be compelled in any criminal case to be a witness against himself, nor be deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use, without just compensation. *Amendment VI*: In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the State and district wherein the crime shall have been committed, which district shall have been previously ascertained by law, and to be informed of the nature and cause of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favour, and to have the Assistance of Counsel for his defence. *Amendment VII*: In Suits at common law, where the value in controversy shall exceed twenty dollars, the right of trial by jury shall be preserved, and no fact tried by a jury, shall be otherwise re-examined in any Court of the United States, than according to the rules of the common law. *Amendment VIII*: Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted. *Amendment IX*: The enumeration in the Constitution, of certain rights, shall not be construed to deny or disparage others retained by the people. *Amendment X*: The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people."

[4] It was delivered on 28th August 1963, at the Lincoln Memorial, Washington D.C.

material prosperity. One hundred years later, the Negro is still languished in the corners of American society and finds himself an exile in his own land. And so we've come here today to dramatize a shameful condition.

In a sense we've come to our nation's capital to cash a check. When the architects of our republic wrote the magnificent words of the Constitution and the Declaration of Independence, they were signing a promissory note to which every American was to fall heir. This note was a promise that all men, yes, black men as well as white men, would be guaranteed the "unalienable Rights" of "Life, Liberty and the pursuit of Happiness." It is obvious today that America has defaulted on this promissory note, insofar as her citizens of colour are concerned. Instead of honouring this sacred obligation, America has given the Negro people a bad check, a check which has come back marked "insufficient funds."

But we refuse to believe that the bank of justice is bankrupt. We refuse to believe that there are insufficient funds in the great vaults of opportunity of this nation. And so, we've come to cash this check, a check that will give us upon demand the riches of freedom and the security of justice.

We have also come to this hallowed spot to remind America of the fierce urgency of Now. This is no time to engage in the luxury of cooling off or to take the tranquilizing drug of gradualism. Now is the time to make real the promises of democracy. Now is the time to rise from the dark and desolate valley of segregation to the sunlit path of racial justice. Now is the time to lift our nation from the quick sands of racial injustice to the solid rock of brotherhood. Now is the time to make justice a reality for all of God's children.

It would be fatal for the nation to overlook the urgency of the moment. This sweltering summer of the Negro's legitimate discontent will not pass until there is an invigorating autumn of freedom and equality. Nineteen sixty-three is not an end, but a beginning. And those who hope that the Negro needed to blow off steam and will now be content will have a rude awakening if the nation returns to business as usual. And there will be neither rest nor tranquillity in America until the Negro is granted his citizenship rights. The whirlwinds of revolt will continue to shake the foundations of our nation until the bright day of justice emerges.

But there is something that I must say to my people, who stand on the warm threshold which leads into the palace of justice: In the process of gaining our rightful place, we must not be guilty of wrongful deeds. Let us not seek to satisfy our thirst for freedom by drinking from the cup of bitterness and hatred. We must forever conduct our struggle on the high plane of dignity and discipline. We must not allow our creative protest to degenerate into physical violence. Again and again, we must rise to the majestic heights of meeting physical force with soul force.

The marvellous new militancy which has engulfed the Negro community must not lead us to a distrust of all white people, for many of our white brothers, as evidenced by their presence here today, have come

to realize that their destiny is tied up with our destiny. And they have come to realize that their freedom is inextricably bound to our freedom.

We cannot walk alone.

And as we walk, we must make the pledge that we shall always march ahead.

We cannot turn back.

There are those who are asking the devotees of civil rights, "When will you be satisfied?" We can never be satisfied as long as the Negro is the victim of the unspeakable horrors of police brutality. We can never be satisfied as long as our bodies, heavy with the fatigue of travel, cannot gain lodging in the motels of the highways and the hotels of the cities. We cannot be satisfied as long as the negro's basic mobility is from a smaller ghetto to a larger one. We can never be satisfied as long as our children are stripped of their self-hood and robbed of their dignity by signs stating: "For Whites Only." We cannot be satisfied as long as a Negro in Mississippi cannot vote and a Negro in New York believes he has nothing for which to vote. No, no, we are not satisfied, and we will not be satisfied until "justice rolls down like waters, and righteousness like a mighty stream."

I am not unmindful that some of you have come here out of great trials and tribulations. Some of you have come fresh from narrow jail cells. And some of you have come from areas where your quest -- quest for freedom left you battered by the storms of persecution and staggered by the winds of police brutality. You have been the veterans of creative suffering. Continue to work with the faith that unearned suffering is redemptive. Go back to Mississippi, go back to Alabama, go back to South Carolina, go back to Georgia, go back to Louisiana, go back to the slums and ghettos of our northern cities, knowing that somehow this situation can and will be changed.

Let us not wallow in the valley of despair, I say to you today, my friends.

And so even though we face the difficulties of today and tomorrow, I still have a dream. It is a dream deeply rooted in the American dream.

I have a dream that one day this nation will rise up and live out the true meaning of its creed: "We hold these truths to be self-evident, that all men are created equal."

I have a dream that one day on the red hills of Georgia, the sons of former slaves and the sons of former slave owners will be able to sit down together at the table of brotherhood.

I have a dream that one day even the state of Mississippi, a state sweltering with the heat of injustice, sweltering with the heat of oppression, will be transformed into an oasis of freedom and justice.

I have a dream that my four little children will one day live in a nation where they will not be judged by the colour of their skin but by the content of their character.

I have a *dream* today!

> I have a dream that one day, down in Alabama, with its vicious racists, with its governor having his lips dripping with the words of "interposition" and "nullification" -- one day right there in Alabama little black boys and black girls will be able to join hands with little white boys and white girls as sisters and brothers.
>
> I have a *dream* today!
>
> I have a dream that one day every valley shall be exalted, and every hill and mountain shall be made low, the rough places will be made plain, and the crooked places will be made straight; "and the glory of the Lord shall be revealed and all flesh shall see it together."
>
> This is our hope, and this is the faith that I go back to the South with.
>
> With this faith, we will be able to hew out of the mountain of despair a stone of hope. With this faith, we will be able to transform the jangling discords of our nation into a beautiful symphony of brotherhood. With this faith, we will be able to work together, to pray together, to struggle together, to go to jail together, to stand up for freedom together, knowing that we will be free one day.
>
> And this will be the day -- this will be the day when all of God's children will be able to sing with new meaning:
>
> *My country 'tis of thee, sweet land of liberty, of thee I sing. Land where my fathers died, land of the Pilgrim's pride, From every mountainside, let freedom ring!*
>
> And if America is to be a great nation, this must become true.
> And so let freedom ring from the prodigious hilltops of New Hampshire.
> Let freedom ring from the mighty mountains of New York.
> Let freedom ring from the heightening Alleghenies of Pennsylvania.
> Let freedom ring from the snow-capped Rockies of Colorado.
> Let freedom ring from the curvaceous slopes of California.
> But not only that:
> Let freedom ring from Stone Mountain of Georgia.
> Let freedom ring from Lookout Mountain of Tennessee.
> Let freedom ring from every hill and molehill of Mississippi.
> From every mountainside, let freedom ring.
> And when this happens, and when we allow freedom ring, when we let it ring from every village and every hamlet, from every state and every city, we will be able to speed up that day when *all* of God's children, black men and white men, Jews and Gentiles, Protestants and Catholics, will be able to join hands and sing in the words of the old Negro spiritual: *Free at last! Free at last! Thank God Almighty, we are free at last!*

Without any hesitation, international human rights law and particularly European human rights are supposed to be an integral part of Swedish legislation. It must also hold true for the United Kingdom. This is

regardless of which political party has come into power in either country.[5] Common law in the United Kingdom sets out human rights, which originate from the 1689 English Bill of Rights and the 1689 Scottish Claim of Right Act. In addition, it binds together the Legislations of the European Union and the European Court of Human Rights. Respect for the rights of civilians is important for both Sweden and the United Kingdom.

3. Super Villain Threat of the ICC

Does our policy have a distinctly legal legitimacy in respect to what we officially announce? We manufacture weapons of mass destruction; we occupy other countries using military force, we massacre thousands of people in these occupied countries, and we rape the population of these countries during occupation. Eccentrically, we address a brutal *super villain threat* to the respectful prosecutor and judges of the permanent International Criminal Court and at the same time, we want to arrest and bring *Assange* under the criminal jurisdiction of the United States. What comes out of this double morality of human rights law?

> What really is the logic of law, the logic of morality, the philosophy of human rights law, and the meaning of unreasonable monopolization in the United Nations Charter within its Chapter VII? If peace means monopolization, if the interests of justice means having five permanent seats in the heart of the largest international peaceful union in the world, then let us have an inferior seat, let us be Muslim, and let us be a Jew. Even let us be animals, and let it be realised by others that they can give us any inhuman title that they hope, wish, and implement according to their human rights law. Schwarzenberger rightly asserts, "the existing framework of organised international society is merely a precarious international quasi-order." Alternatively, let us see the cruelty of the Charter of the United Nations more clearly—a hegemony of "a world order under law. [6]

The official Swedish government source also refers to this significant fact human rights law and asserts that in most democratic countries, freedom of expression is influenced by international conventions on human rights,

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[5] For cross-cutting human rights analysis see http://www.manskligarattigheter.se /sv/de-manskliga-rattigheterna/vilka-rattigheter-finns-det/yttrandefrihet. http://www.manskligarattigheter.se/sv/de-manskliga-rattigheterna/vilka-rattighet er-finns-det/yttrandefrihet.

[6] Farhad Malekian, *Judgments of Love in Criminal Justice* (Germany- Switzerland: Springer 2017), p.228.

which means that states are under obligation to fulfil their requirements.[7] According to the government website, freedom of expression is also guaranteed in other key human rights documents such as the 1948 United Nations Universal Declaration of Human Rights. It can be seen from the provisions of Article 19 that everyone has the right to freely express his/her opinion.[8] The 1966 Covenant on Civil and Political Rights also underlined a corresponding right in its Article 19. In 2011, the Human Rights Committee adopted a general comment (No. 34) concerning the article. According to the same government website, however, the rules on freedom of expression are somewhat different in the 1950 European Convention on the Protection of Human Rights and Fundamental Freedoms.[9] Article 10 states that everyone has freedom of speech, the freedom to disseminate and receive information, and that thoughts are part of the freedom of expression. The European Convention has been in force since 1995.[10]

According to the Swedish government source, freedom of expression is an integral part of the substance of legislation. Like other democratic states, Sweden has a written framework of legislation. In many countries, such a framework is called a constitution; in Sweden, it is called the fundamental law. In Sweden, there are four fundamental laws, in addition to encompassing and enriching government laws.[11] They determine the basic principles of Swedish governmental laws. In most democratic countries, freedom of expression is guaranteed in basic laws, as it is found in Swedish law.

Overall, everyone is guaranteed the universal freedom of speech, i.e., the freedom to communicate in speech, in writing, with images or by otherwise informing and expressing thoughts, opinions, and feelings.[12] In the government's portal clause, the close relationship between democratic government and freedom of speech is clearly stated: "All public power is based on the people. The Swedish National Board is based on free opinion formation and common/public and equal voting rights."[13] The principles of equality of speech, equality of expression of thoughts, and equality of presenting authentic information, but not falsely, are not only a part of the substantial essence of any Swedish citizen, but also of every individual in

[7] *Id.*
[8] *Id.*
[9] *Id.*
[10] *Id.*
[11] RF.
[12] Chapter 2, Section 1, RF.
[13] Chapter 1, Section 1, RF.

the world. The metaphysics is due the fact that Swedish legislation emanates from universal human rights norms, and human rights norms cannot and should not be applied to the citizens of the world to different degrees and at different levels. This is a general fact that cannot be objected to, even according to the norms of international peremptory law.

4. The Concept of International Extradition

The freedom of the press in Sweden dates to 1766, but the current freedom of press regulations came into force in 1949. Still, the Swedish law refers to restrictions on the general freedom of expression − in ordinary law. However, enactment of such laws is indeed very limited and sometimes impossible. Accordingly, *a limitation of freedom of expression may only be made to meet objectives that are acceptable in a democratic society and must not go beyond what is necessary in view of what has caused it. As one of the foundations of the government, the restriction should also not extend so far as to constitute a threat to free opinion formation.*

The law goes even further and specifies that, generally, *a restriction may not be imposed on a person because of political, religious, cultural or other views*.[14] Limitations may concern hatred against the public, in the form of rules of confidentiality, and in criminal law provisions. In addition, freedom of press regulations and freedom of expression widely exist. In relation to the four fundamental rights, one should note the *Freedom of Movement Regulation* (TF) and the *Freedom of Expression* (YGL).[15] TF deals with the freedom to express opinions in books and newspapers, and YGL regulates freedom of expression in media such as radio, television, movies and, to a certain extent, on the internet.[16]

One of the most significant questions of criminal law, international law, international criminal law, international human rights law, and international criminal justice relates to the question of extradition. Put simply, extradition means to return. A more in depth look at the word is much more complicated than this, however, because the institution of extradition constitutes the first primary requirement for the application or procedures of any law that seem to have been violated. Consequently, when we refer to the question of extradition in international criminal law

[14] Chapter 2, Section 21, second paragraph, RF.
[15] The *Freedom of Expressions* (YGL) was born in 1991 and is designed with TF as a model.
[16] *Mänskliga Rättigheter: Regeringens Webblasts om Mänskliga Rättigheter.http://* www.manskligarattigheter.se/sv/de-manskliga-rattigheterna/vilka-rattigheter-finns-det/yttrandefrihet.

and international criminal justice, we are also referring to the return of the accused or suspected person to the jurisdiction of the requested state.[17] The question of extradition becomes more complicated when there are several states requesting the return of the same person into their jurisdiction.

In fact, the concept of international extradition is a legal process by which one country may seek from another country the political or legal surrender of a person who is suspected of committing crimes or violating the law of the requesting state. The relevant requesting state wishes to bring the person before its jurisdiction. Most often, when it comes to extradition that has a double nature, the question of extradition becomes much complex than a simple extradition request. The double nature of extradition means that the entire question of extradition has politico-legal character.

In the United States, Sweden, Denmark, Norway, and Germany and in many other European states, international extradition is a treaty-based power. This means that these countries must have a written extradition treaty with the requested country. Thus, the requesting state's application or the request from the requesting state cannot be effective if a treaty of extradition does not already exist between the two or between several countries. For instance, an extradition treaty exists between Sweden and the United States, according to which the relevant state must submit the application for extradition of an accused person. Nevertheless, this is still not the entire case in regards to extradition.

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[17] The concept of an international criminal law has long been discussed in the international legal and political community. See Vespasian V. Pella, *Plan d'un Code Répressif Mondial,* 6 *Rewe International de Droit Pénal* 1948 (1955); *United Nations War Crimes Commission, History of the United Nations War Commission and the Development of the Laws of War*, 445-450 (1949); Vespasian V. Pella, 'Towards an International Criminal Court', 44 *American Journal of International Law* 57 (1950); Sowilet A., *The Problem of the Creation of a Permanent International Criminal Court* (1951); Yeun-Li Liang, 'The Establishment of an International Criminal Jurisdiction: The First Phase'*,* 46 *American Journal of International Law* (1952); Quincy Wright, 'Proposal for an International Criminal Court', 46 *American Journal of International Law* 60 (1952); Bienvenido C. Ambion, 'Organization of a Court of International Criminal Jurisdiction*',* 29 *Philippine Law Journa*l 545 (1954); Fannie Klein & Daniel Wilkes, 'United Nations Draft Statute for an International Criminal Court*:* An American Evaluation'*,* in *International Criminal Law* 526 (Gerhard O.W. Mueller & Edward M. Wise, eds., 1965); Stone Julius and Robert Woetzel, *Toward a Feasible International Criminal Court* (1970).

5. Politics of International Extradition

States may ask for extradition of an accused, based not on the provisions of an extradition treaty, but based on the provisions of customary international criminal law or simply even international law. [18] Thus, although the existence of an extradition treaty seems to be essential, all questions of extradition depend on whether the requested state will submit the accused to the jurisdiction of the requesting state. The relevant state may wish to prosecute the accused under its own criminal jurisdiction or submit the accused to the request of a third state that is also interested in the prosecution of the accused.

The state with access to the accused will decide under what circumstances and conditions, it will submit the accused to one of the requesting countries. It all boils down to a question of give and take. For instance, according to the US Department of State, "Australia is a vital ally, partner, and friend of the United States. The United States and Australia maintain a robust relationship underpinned by shared democratic values, common interests, and cultural affinities."[19] This means that the institution of extradition proceedings is normally granted pursuant to the provisions of an extradition treaty or imminent receipt of an official extradition request by the relevant authorities from the United States or Australia.

Characteristically, extradition is composed of a legal and an execution phase.[20] After an accused has been arrested in the requested state, the case

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[18] For instance, the *European Convention on Extradition* (1957) provides clearly the limitation of the law of extradition. It says that "Extradition shall be granted, in accordance with the provisions of this *Convention*, for offences in connection with taxes, customs, duties and exchange only if the Contracting Parties have so decided in respect of any such offence or category of offences." Opened for signature 13 December 1957, 359 UNTS 273, art 5 (entered into force 18 April 1960) (*1957 European Convention on Extradition*).

[19] U.S. Relations With Australia (23 August 2018). *https://www.state.gov/r/pa/ei/bgn/2698.htm.*

[20] For instance consult Convention for the Suppression of Unlawful Seizure of Aircraft, opened for signature 16 December 1970, 860 UNTS 105, art 8 (entered into force 14 October 1971) - - Hague Convention on Unlawful Seizure of Aircraft; Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation, opened for signature 23 September 1971, 974 UNTS 177, art 8 (entered into force 26 January 1973) - -Montreal Convention; International Convention against the Taking of Hostages, opened for signature 17 December 1979, 1316 UNTS 205, art 10 (entered into force 3 June 1983); Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, opened

may enter the judicial process. During this procedure, a court of the requested state will examine whether the extradition request includes the necessary requirements contained in the applicable provisions of the extradition treaty.[21]

Then, if the provisions of the treaty of extradition are satisfied, the judicial authority will legally make an official decision on whether the accused should be extradited or not. If the decision is affirmative, the relevant person is extradited. If the requirements of the provisions of the extradition treaty are not fulfilled, however, the extradition of the accused person will be very difficult and sometimes depend on a political decision. Still, the political authorities may ignore the requirements of the extradition treaty, and the requested state may by one means or another, submit the accused to the requesting state. This is a political decision or, as mentioned above, political laundering. In the case of a normal extradition, many high-ranking individuals may be involved in the extradition process, e.g., the Prime Minister, the Minister of Justice or the Minister of Foreign Affairs. The legal and political power of these elected officials plays a decisive role in the extradition of the accused person.

Normally, the executive authority of the requested state may issue a surrendering order. When the requested state has taken the final decision, the accused person will be surrendered to the official authorities of the requesting state in the embassy of the requesting state, in the territory of the requesting state, or in the territory of the requested state. Thus, transfer of the accused may take place in different forms, depending on the agreement between the requesting and requested states.

It is important to emphasise that private persons do not submit a request for extradition of a person, but by official government authorities and, in *Assange*'s case, very high-ranking officials of a government are obviously involved. Normally, however, the prosecuting authorities submit an extradition request. For instance, in the United States, when an accused is required to enter under the jurisdiction of the United States, the Office of International Affairs will usually work together with the

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for signature 10 December 1984, 1465 UNTS 112, art 8 (entered into force 26 June 1987).

[21] Consult Frederick Waymouth Gibbs, *Extradition Treaties* (1868); Barbara M. Yarnold, *International Fugitives: A New Role for the International Court of Justice* (Greenwood Publishing Group, 1991); Nihal Jayawickrama, *The Judicial Application of Human Rights Law: National, Regional, and International Jurisprudence* (Cambridge: Cambridge University Press, 2002); VK Bansal, *Law Of Extradition in India* (2008).

prosecutor to prepare an extradition request for submission to the state in which the accused is located.

All these preparations go through diplomatic channels. It must be considered, however, that extradition normally takes many years, and many factors play a significant role in the extradition of the accused person. For instance, in the *Assange* case, there was a hidden extradition agreement between several countries, yet the United Kingdom will still submit him to the United States authorities. There is also another feature of the *Assange* case: The United Kingdom had a decisive function in the commission of crimes in Afghanistan and in Iraq.[22]

[22] For example see the contents of Resolution 660 (1990) of 2 August 1990, 661 (1990) of 6 August 1990, 662 (1990) of 9 August 1990, 664 (1990) of 18 August 1990, 665 (1990) of 25 August 1990, 666 (1990) of 13 September 1990, 667 (1990) of 16 September 1990, 669 (1990) of 24 September 1990, 670 (1990) of 25 September 1990, 674 (1990) of 29 October 1990, 677 (1990) of 28 November 1990, 678 (1990) of 29 November 1990, and 686 (1991) of 2 March 1991.

CHAPTER II

CONUNDRUM OF ALLEGATION BY POLITICAL LAUNDERING

1. The Legal Characterisation of Wikileaks

In 2006, *Julian Assange* as an Australian national founded the website "Wikileaks" with the purpose of publishing censored data involving war, spying, and corruption. His hacking started in early 1987, when he began infiltrating different computer systems in Europe, Canada, and North America. He was first prosecuted in 1991. The basic reason for this prosecution was his hacking of the telecommunications company Nortel. He was also charged with over 30 counts of hacking in Australia. Wikileaks also published war footage in Iraq and Afghanistan, demonstrating US military participation in civilian deaths. *Assange* received this information from Chelsea Manning (formerly Bradley Manning) who was a US Army Intelligence Officer.

He provided hundreds of thousands of confidential documents to Wikileaks. Consequently, an army tribunal charged Chelsea Manning for serious violations of the Espionage Act, including committing computer fraud and theft. The judges sentenced Manning to 35 years in prison. Nevertheless, Manning was not found guilty of aiding the United States' enemy under 10 U.S Code § 904, which, among other matters, applies capital punishment. The question becomes even more significant if one imagines that the Swedish government or the United Kingdom were to extradite *Assange* to the United States for any reason. In one sense, he cannot be brought before the United States courts for treason because he is not a United States national.

However, *Assange* may be prosecuted in accordance with the provisions of 18 USC § 1030: Fraud and Related Activity in Connection with Computers Act. This is only possible if his asylum case is dropped by the Ecuadorian embassy. This possibility does not exist at present, however, and it is very doubtful that the relevant country will violate its highly humanitarian morality.

Most important is that many individuals, groups, entities, and states refer to Wikileaks. It is an original source of authentic information regardless of whatever explanation is given by the founder or by those who are using the information. Wikileaks asserts, however, that it is merely acting as a watchdog against corruption. This corruption can be political, economic, or military. This is the reason why I call all of this a form of political relations that may be termed political laundering. Notably, the information released by Wikileaks is mostly related to politically and militarily powerful states.

The question also centres around the nature of cybercrime. What type of cybercrimes are we referring to in the relevant case law? Initiating jurisdiction over cybercrime is difficult and problematic, due to the fact that those who are accused of cybercrimes, particularly the very serious ones, are normally located in another country, making access to them very difficult. Several factors are also decisive, among them the need to have an extradition treaty and what to do when extradition treaties do not exist. In the latter case, the question becomes even more complicated and requires much more precarious decision-making.

The existence of an extradition treaty between two or several states for the prosecution of accused persons is not as easy as it looks. This is based on the fact that the provisions of extradition treaties are always subject to political debate, particularly when the entire question of extradition depends on whether the relevant state is willing to submit the relevant individuals or companies to the requested state. Although the existence of extradition treaties is significant and essential for the prosecution and punishment of requested criminals, the question remains a political and legal one.

2. Common Problem of Extradition

What is more serious is when state authorities do not enter into the ratification of extradition treaties by all states. This perpetuates the use of the old principle of give and take, which means that the political authorities in power intentionally avoid agreeing on an extradition treaty with certain states. One of the core argumentations in this regard is that the relevant authorities are thinking of the future situation of the country over which they have power; they do not want to be arrested by the next regime of certain states and be returned to the country of origin for prosecution and punishment. This means that an extradition treaty will most likely be suspended and varies from one political party to another according to the way they treat one another concerning certain cases.