



WikiLeaks' Unforgivable Liberalism

How established journalists and experts achieved the scoop of the decade by exposing themselves as 'fact resistant' when news turned into propaganda in the Assange case.

Manuel Echeverría

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By Manuel Echeverría

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ABOUT THE TITLE'S 'UNFORGIVABLE LIBERALISM'

Each and every one of us can go online and see that WikiLeaks emphasizes the organization's journalistic function in their presentation. Their profile underscores a professional culture and cooperation with productive networks, in order to advance WikiLeaks' role as a central node. Thus enhancing their capacity to serve the informational assets of vulnerable sources, and provide security, processing, research and distribution. This description ensures arm's-length distance to ideologies, although the aim of the organization is embraced by the whole political spectrum in Western democracies. From a European perspective, this could be viewed as a pursuit associated with liberalism, i.e. commonly shared democratic core values.

THIS BOOK IS AN INDEPENDENT ANALYSIS CARRIED
OUT BY AN INDEPENDENT RESEARCHER

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INTRODUCTION

This book shows that journalism on the Assange case in the Swedish nation-wide press is propaganda. A main conclusion of the journalistic-behaviour analysis carried out in this study is that the common view that Swedish journalism is leftist, left-wing feminist or scrutinizes power, is not tenable. The results are instead consistent with the predictions of the propaganda model (Chomsky & Herman, 2001). Data shows that Swedish journalistic docility in the Assange case resulted in a homogeneous set of opinions, implying that the thousands of articles¹ written by independent professionals on the payroll of the largest newspapers, could just as well have been written by a handful officials instructed to advocate the elite opinion² on how the Assange case should be understood.

Because the consensus understanding among important politicians, officials and experts has excluded political explanations to the many irregularities of the case, the nation-wide press adopted the elite's view uncritically. Assange was never arbitrarily detained by Sweden

¹ Henceforth the term *article* refers to news items or opinion pieces.

² The term *elite opinion* or *spectrum of discussion* and its *tactical differences* or *divide* and *elite consensus* is terminology employed by Chomsky in order to describe the agenda-setting journalisms opinion corridor or range of *permissible opinion*. This terminology is henceforth used without reference. Note that everyday language such as *dissident* or *contrary view* can be given an exact interpretation once the *spectrum of allowed discussion* is defined.

and the UK from this perspective – he remains in the Ecuadorian embassy by his own free will.

Data and the rigorous challenging of the prevailing consensus hypothesis was systematically filtered, to the extent the reporting was depleted from a correct and informative content on key issues, yielding little or no understanding on the central issues around the case.

A proper fact-based examination of the women's motives is among an astonishing range of topics far beyond the boundaries of permissible discourse. Proof of false allegations from the older woman or the younger woman's outright despair and opposition to the police investigation were denied serious discussion.

Journalism went far beyond systematic underreporting of facts that could challenge the elite position and derailed altogether in a manner which is even difficult to reconcile with the propaganda model. Its cruder features may instead be indicators of a self-conscious cynicism which is not presupposed by theory and may instead be closer to the strategic interaction within the domain of psychological warfare that Psychiatry Doctor Ferrada de Noli reports in his previous studies about Swedish media (see e.g. 2011; 2016).

Journalism 2010-2016 managed the remarkable feat of displaying behaviour consistent with what the historian Lööw (2015) refers to as *fact resistance* in order to describe the online hatred displayed by narrow-minded extreme-right elements, who supposedly are

incapable of recognizing facts that question their worldview. Some of the most peculiar implications of having a fact-resistant journalist profession were measured.

In addition to the sometimes blatantly hateful tone, professional journalists were for example able to repeat the same erroneous facts and misrepresent the case on key issues in about a hundred news items in spite of a handful correct items at the start of the error sequence. The steady flow of erroneous but politically correct news items could go on for months with unhampered force and easily wash over the rare truthful news without correction.

The definition of fact resistance incorporates the uncanny ability of uncritically generalizing particularities when such practice reinforces the preferred worldview. Several writers combined this ability with the habit of only being able to report errors in a manner that reinforced elite opinion, which in turn implied that erroneous judgements could be repeated virtually indefinitely without correction. This marvellous combination of abilities led to the **existence of propaganda fractals**. The following could be observed with regard to one of the more important legal proceedings:

When two persons made the same kind of error, but one of them was a consensus representative and the other represented the consensus challenger, an expert could ascribe the error to the challenger but at the same time ignore the consensus-representative's error. A journalist could then proceed to make the same judgement of the parties as the expert and moreover evaluate the judgement of the

expert in accordance with the same fact resistant scheme that implies a repetition of the very same error the journalist denounced to begin with.

Everyone can make the careless mistake of claiming that what is true for a specific period of time also extends to the whole relevant period. But Assange's legal counsel Björn Hurtig made that particular mistake under the extradition proceedings in Belmarsh February 2011 which made the British judge Howard Riddle to state that Lawyer Hurtig misled the court. The lawyer had erroneously insinuated that the Swedish prosecutor Marianne Ny did not try to contact Julian Assange while he was still in Sweden in order to initiate a hearing.

The press chose at the same time to ignore the misleading statements of the prosecutor under the very same proceedings, about a potentially three times longer period than Mr. Hurtig erred about and was criticized for, concerning the same issue. In some cases history was however simply reinvented with claims that Assange's legal counsel alone committed the error although such claims, imply a repetition of the very same error that the press used to condemn Hurtig for in the first place.

The step that a journalist makes a filtered evaluation of another journalist's filtered evaluation of an expert's biased judgment of two equivalent errors is a pattern that does not reveal itself in its purest form in the data but may very well be satisfied if a journalist, who consistently ignores erroneous generalizations which confirm the elite

opinion's description of reality, accuses me of misleading generalizations when I for instance employ the term *press* when the journalistic tendency to serve elite opinion is described – technically an erroneous generalization if the expression is taken out of context, but hardly a serious charge against my clear-cut results. (See *The Riddle of the Propaganda Dragon*, p.166)

If one person said things within the boundaries of the acceptable variance and another outside, then the information which harmonized with the permitted values was reported whereas what fell outside the boundaries was not. This had the absurd implication that a person who said things in favour and against Assange became half-invisible and appeared strictly Assange critical. If two news items described events in two different ways, one erroneously but within the boundaries of permissibility, and the other was correct but with content in favour of Assange in a manner that challenged elite opinion, then the politically correct and flawed item outcompeted the truthful, but in this context politically incorrect news item, because the former was referred to and elevated to the official description of reality.

One farfetched but logical implication of having fact-resistant journalists under the influence of the propaganda model's filters is that they will behave as trolls, and become incapable of accurate self-criticism if such endeavour requires information elements outside the set limited by the preferred worldview. The implication is that others outside the fact-resistant clique, even those with a proper worldview,

will be marginalized by aggressive attacks or accusations of detachment from reality and inability to grasp the true state of affairs.

Marginalization and defamation of dissidents who underscored the violations of Assange's human rights was by and large present the whole period under study, but after the UN ruling 4 December 2015 on UK and Sweden's arbitrary detention of Assange with recommendations of compensation, the system subsequently underwent short circuit, and the response is fascinating.

Because the Government's position in support of the prosecutor remained unchanged, and the legal profession's critique of the case was limited to tactical disputes about suboptimal judicial processes while politicians still remain silent, the established journalists in the study consequently remained within the permissible variation of opinions. Several journalists then chose to attack the UN after it had communicated its conclusion. A coherent Director of Culture at the newspaper Expressen drew the logical conclusion that the UN, like others previously branded as lunatics by her colleges, is also conspiracy-theoretically inclined.

Others did not manage the executive's self-sacrificing logical consistency and fell into a state of cognitive dissonance, which ended up in contradictory nonsense or became conspicuously creative in their efforts to make sense of reality by combining opposing and mutually exclusive points of view.

One particularly original explanation to the prosecutor's refusal to hear Assange was given by Cantwell (2013-06-19)³, who claimed that the prosecutor's position was understandable for the reason that it was more practical to hear Assange in Sweden because the situation would otherwise nose-dive into an excessive 'wing-flapping back and forth'. The woman who lost her chance to justice – because the period for prosecution expired – lost it due to practical reasons, according to Cantwells geographical theory.

When critique was raised against the infamous stalling, prosecutor Marianne Ny naturally got attention. Marianne Ny made references to technicalities and the neutrality of the blind justice when she insisted that Assange must be heard in Sweden, pretty much in the same manner as the Swedish government did in its arguments to the UN experts on arbitrary detention. To hear Assange at the embassy in London would be to make an exception from the principle that we are all equal under the law (Zachariasson, 2016-09-07).

Many experts pointed out the obvious at once – hearing Assange in another jurisdiction is no problem. Moreover Assange and Ecuador welcomed such solution from the outset. One explanation to the infamous inability to hear Assange that reoccurred in the media and among upset experts was that a trip to the Ecuadorian embassy in

³ References with dates are made in the Swedish style: (Year, Month, Day), i.e. descending order, and century included.

London was a matter of prestige for Sweden, prosecutor Marianne especially.

An explanation along those lines is problematic however, because the prestige of the prosecutor is arguably in relation to how well the central tasks of the job description are carried out. Marianne Ny is obliged to carry out the initial investigation as expeditious and efficient as possible and take the decision to prosecute if there is enough evidence for a possible conviction. The six years it took her to hear Assange are not only inefficient and unreasonable at the expense of Assange. The prosecution date expired for all of the allegations attributed to one of the women after five years – Assange will never be found innocent by a court and the woman will never get her justice at court and will probably never be entirely free of suspicions about false allegations if she was indeed victimized. Therefore other explanations must be sought if one does not entertain a particularly eccentric definition of prestige or takes the Cantwellian approach seriously.

The various arguments put forward in the press boil down to a very simple model. Julian Assange was dismantled by the state assisted by the country's biggest commercial media companies. The absurd discussion in the mainstream press about the confinement of Assange can be grasped under a common framework which pins down the strategic role of the press in the arbitrary detention of Julian Assange.

Firstly, I show that the official stance of the government of not hearing Assange in London implied that the Government and the foremost advocates of the state line never cared for the women.

Then I show how the fact resistant marginalization of Amnesty International's proposal of guarantees from Sweden to Assange of not extraditing him to the US not only was absurd, but also reveals that the official line was never credible, and Assange's decision of staying in the embassy is rational unless guarantees are given.

Furthermore, I show that Assange is being arbitrary detained by means of arbitrary rulings. The strategically important ones that upheld the international arrest warrant in February 2011 and the February 2018 rulings that upheld the British arrest warrant are picked apart. Both rulings are logically inconsistent and the latter is moreover blatantly arbitrary.

This book belongs is an independent part of the project *Democracy-Adapted Power* which focuses on informal ways of exercising power under democratic restrictions. The Assange case is an example which in some ways contrast what is otherwise discussed in the project. The detention Assange suffers is a flagrant display of power from state brute force. It does not matter if the grounds for the international arrest warrant that got him into years of arbitrary detention were unserious because Assange would to this very day face the risk of being arrested and sent to the US if he took one step outside the embassy. This part of the exercise of power, the lack of respect for the political asylum and fundamental human rights trough

the misuse of legal means and the police force, is not particularly interesting on a theoretical level. That part is obvious. There are however other psychosocial aspects of the punishment and suffering which I will come back to in forthcoming work, among other things because these serve as a bridge to the democracy-adapted power which is discussed within the overarching project. These vile strategies are related to the reasoning in the chapter *Arbitrary Detention by Means of Arbitrary Rulings*.

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THE FACT RESISTANCE OF THE JOINT-STOCK NEWSPAPER COMPANIES

There is an established but most important of all, a rigorous and scientifically well-founded critical analysis of the behaviour of media companies, with the prediction that the (opinion) variance in the largest agenda-setting newspapers tend to conform to the boundaries given by the division of opinion among the country's political and economic elite. This hypothesis can be traced to Chomsky and Herman (2002) and is one of the most empirically robust hypotheses in social science. (See Introduction to the Propaganda Model)

Analyses of the media reporting on US foreign policy have revealed that the largest newspapers at times exhibited a total (near 100 %) consent to the spectrum of opinion given by the tactical difference of the elite in its wholehearted support of US state-terrorism and aggression (worse than terrorism according to international conventions). The authors readily point out that the results are remarkable because USA is a democracy with a long-standing tradition of openness and rigorous protection of free speech and thought that at least partly outshines other comparable Western democracies.

The conditions that the Swedish press will act in accordance with the propaganda model's predictions are satisfied to the extent it is justified to carry out further research, but there are some differences in comparison to the US (See Introduction to the Propaganda Model).

Sweden has assuredly stable and good relations with the superpower, advocates 'free trade' and has a very high ownership concentration of the media, and thus it may be tempting to assume that the same results also apply here. However, Sweden is at the same time known for its popular elements in the democratic system, historically with a high degree of participation and economic support to political parties with a few minor ones regarded as radical represented at the parliament. The Swedish labour movement is moreover one of the most successful in the world in real terms and its legacy is expressed in an economic system with marked features of solidarity with redistributive transfers and a highly developed social safety net.

On the other hand, the US displays a considerable democratic deficit in its domestic policies. US citizens are sympathetic towards Scandinavian welfare systems but are at the same time represented by privately funded politicians who have run a political scheme that has led to stagnating real wages for the working class over the last decades, high profits and an underdeveloped social safety net for low income groups, but with highly developed means of subventions and support to corporations and financial institutes that e.g. were insured against losses with taxpayer money in the aftermath of the previous financial crisis.

Even with this nuancing in mind, considerably less speaks for similar popular features in foreign policy when the interests of the Swedish political, economic or military elite are at stake. Transparency and control of foreign policy is limited to the elite that

works with foreign relations on daily basis. Information about gatherings and negotiations reaches the public through intermediaries and not even the people's representatives at parliament are properly updated about important informal agreements at the very top. The press is consequently in a dependency relation to state information which is released with strategic considerations.

Another cultural disparity in contrast to the US, where the administration sometimes openly proclaims its intentions, even those concerning aggression and state terror, it seems that the herald 'to influence without being seen' also applies to Swedish foreign policy. The far-reaching military and intelligence cooperation has at times led to minor cultural misunderstandings due to US openness whereas Sweden historically prefers discretion even in cases when it implies an insufficient and undemocratic degree of transparency. These disparate stances and cultural differences are well known and can in an intelligence context be traced to the Second World War when the cooperation deepened (se e.g. Agrell, 2016), these disparities are also evident in the leaked Afghan documents (se e.g. Ferrada de Noli, 2016). Hence, it is to some extent harder to pinpoint the elite view which regulates the spectrum of discussion in the media which could obstruct an application of the propaganda model regarding these issues. However, these very observations should if anything rather reinforce the suspicion that it is detrimental to the state-interest that Assange distributes information about its secret dealings with the US. The silence from politicians in the nation-wide press has been

compact and furthermore maintained with arguments about the dangers of political interference in the legal process.

Politicians who questioned the prosecutor's efficiency years after the process against Assange resumed, were warned of undue political control from the Prosecutor General who is appointed by the government. The press played its part in the discouragement of politicians with the pretext that it was the role of journalism and not politicians to scrutinize. The prosecutor was hence free to carry on with the support of a press that shamelessly marginalized critical voices, at times with a hateful rhetoric under the pretence of scrutiny. The permissible critique of the established nation-wide journalism stayed within the boundaries given by the tactical disputes of the legal profession, especially the consensus view that there are no political motives behind the Assange case (see *The Elite Opinion*).

A salient feature of the Swedish political landscape is the existence of the established and for a long time Soviet-friendly former communist party. This party sometimes breaks elite consensus in foreign policy and thus it is conceivable that its somewhat more USA-critical profile could be reflected in the media. The reason is however rather cynical from a theoretical perspective compatible with Chomsky's and Herman's propaganda model. This study is initiated with the following simple approximation: If an established party is totally blocked from the media then there is a risk that its followers, which are around 5-10 % in Sweden, start protesting, target the media and make people aware of its failings. This leads to media critique

and because there is an elite consensus about the role of the ‘joint-stock newspaper companies’⁴ Aftonbladet, Expressen, Dagens Industri, Dagens Nyheter, Göteborgs-Posten, Svensk Dagbladet and Sydsvenskan as democratic institutions which allow the voice of the people to be heard, it follows that the permissible spectrum of opinion and description of reality would be challenged and hence total (self-) censorship⁵ is not a sustainable approach.

The study does not elaborate on public service. From a theoretical standpoint the prediction on state media is however close to obvious, it will represent the elite opinion, and because the strip on 5-10 % fits rather loosely, it seems profit-maximizing media does not have a very remarkable paragon to look up to. (see The Elite Opinion) Reasoning which includes Public service and other political parties’ left wing, may justify a higher initial estimate. A rigorous exposition of such factors is beyond the scope of the discussion, how public service and for-profit media differs and interact may prove to be a cumbersome

⁴ The term is taken from the Swedish author August Strindberg’s *The Red Room* where the ‘national interest’, bureaucracy and the ‘joint-stock newspaper companies’ are depicted with great accuracy.

⁵ Technical note: A more complicated estimate is only defensible if it leads to further and more accurate insights and enough data is available to test its consequences and preferably also the plausibility of its assumptions. Trend-sensitive ones with passion for academic etiquette are encouraged to amuse themselves with the traditional tactical humble doubts: People may behave idiosyncratically; can make mistakes; not always rational; there are always more perspectives! And so forth. Such individuals are encouraged to articulate maybe, probably, tendency or insist on more factors in what henceforth is usually described in terms of implications. Note that even completely mechanical models can be made ‘nuanced’ and fashionable with this therapeutic method that with limited means and without ‘advanced’ terminology cures the inclination to discard clear-headed reality descriptions as obsolete. It is otherwise enough with the assumption that the author of a model, the reader or both are able to think outside the model.

project but the approach in this book is not to pile up factors after the simple ‘thought’ *for or against*.

The reasoning that led to the minute number is nevertheless endowed with scientific significance because it is in part derived from one of the empirically most well-founded theories of social science. Nonetheless, the heuristic turns out to be surprisingly accurate although media often goes further in its docility than hinted by this simple estimate. One of the explanations true to the model is that politicians from left and right remained silent under half a decade, with negligible exceptions which were denied impact and hence unable to challenge the mainstream.

The question of political alibies in order to enhance credibility follows naturally from a discussion that considers the propaganda model (see Introduction to the Propaganda Model). A limited degree of openness in an otherwise homogenous public discourse may in the end be an effective way of marginalizing a fact based and accurate description of the state of affairs if it challenges dogma. This may for example be achieved by branding such contrary views as a left-wing stance i.e. insist that facts are mere opinions if they defy powerful political, military or economic interests and at the same time avoid media critique. When an opinion challenges the mainstream, it can be associated with values from a former communist party and thus becomes easier to discard even if it is fact based and correct. This somewhat more open approach which I choose to call *pre-emptive openness* has two desirable features from the elite perspective:

- (a) It prevents vigorous media critique that is justified with reference to democratic representation and diversity of opinion among the citizenry.
- (b) Facts become associated with partisanship and mere opinion if they defy the elite opinion

There is a range of strategies devised in a manner that satisfy (a) & (b) which are able to deal with information that challenges the spectrum of discussion (see also p.412).

At times an urban myth has circulated about Swedish journalist being left-leaning. It is therefore necessary to point out the obvious that in theory there is indeed room for dissenting views on topics such as culture, sport and entertainment in the local press. Nothing hinders journalists to express their views in the limited editions of ideological magazines to crowds that already agree. In these niches it would not even matter if all journalists happened to be professional revolutionaries in the classic Marxist-Leninist tradition because they do not determine the agenda and address a different audience⁶.

These pseudo-discussions have been noted in earlier research – they have a significant PR-value because they legitimize the journalistic self-image of being the brave and scrutinizing champions of democracy. The Swedish reality is in contrast rather bleak. Elite opinion dominated the press entirely and serious system-critical

⁶ This does of course not mean that radical alternatives and counter culture are meaningless only that the system is robust enough to deal with challenges within its boundaries and challengers are usually kept at a safe distance.

analysis was blocked by a massive marginalization, many times long before its serious advocates were allowed some limited space, at a stage when Assange already had been detained for years. The Swedish model furthermore encourages culture and this study shows that the thesis of *pre-emptive openness* is supported by empirical evidence in Sweden but the band is tighter than the initial estimate suggests. Those who adapt to the rather unforgiving Swedish media climate are in accordance with theory expected to be convinced of their total freedom to say and write whatever they want because they always express what falls within the boundaries of acceptable discourse anyway.

The reader perhaps sees a parallel in the discussion concerning the rise of right-wing populism, an arena where many journalists display signs of devotion. Among the seven largest newspapers in Sweden, which constitute the nation-wide press, there are over a hundred pieces which mention the term *fact resistance* after its first appearance in the article *Virtual Sects Thrive on Distorted Facts* (Lööv, 2015-09-29), which was the first in a series of three parts. The seminal treatment of the concept was published by Dagens Nyheter, the largest Swedish liberal newspaper with its 680 000 readers.

Fact resistance is described as the inability to consider information other than the one that affirms the own world view, an assertion that is accompanied with examples from right-wing populism. Fact resistance is moreover associated to a mentality that is characterized by a conspiratorial and antagonistic mind-set that targets an invisible

power elite and is moreover connected to the uncanny behaviour of extrapolating particular events to general truths.

A suggestive interpretation of the author's writing is that the psychology of fact resistance ends up in the misuse of aggressive 'debate techniques' that are all about 'shutting down all forms of debate' even though the behaviour, in resemblance with a sect-milieu, is possibly founded on a feeling of holding on to a secretive and opposed truth.

There are to my knowledge no serious studies showing that Swedish media is immigrant friendly. The studies that I know of point to the opposite direction, and in that sense the instructive anecdotes of Lööw might have some validity.

From a theoretical point of view it is nevertheless rather reasonable that a considerable share of the news reporting burdens immigrants and refugees because there are reasons to suspect an underreporting of the extent democratic states have undermined the possibilities of democracy and development around the world through aggression, merciless arms trade; international state terrorism; establishment of client states through tactical support to dictatorships; fomentation of conflicts along geopolitical considerations; mass murder and torture. These old caveats are certainly valid in Sweden, but as this study shows and considering the specific Swedish distribution of immigrants and refugees, the homogeneity of opinions in the press may have far grimmer consequences than the bolstering of prejudice.

It is for the sake of the argument important to reiterate important facts and previous results

The invasion of Iraq that got rid of Saddam Hussein (formerly US-backed while he among other things used chemical weapons on the Kurds, and Iran with US support in the UN) and the following occupation did not only cost hundreds of thousands of human lives – about 1.5 million according to some estimates (Naiman, 2015), it also created the conditions for Islamic terrorism according to CIA-expertise (see Stoakes, 2015-11-23; Radikal, 2014-09-03).

WikiLeaks' Cablegate showed that the US continues to see terrorists as pawns in the global political game, a stance that is expressed in the US support of terror networks when these suit its tactical needs, also in Syria. The leaks about a top diplomat with seat at the Damascus embassy revealed a cynical culture where the destabilization of the Syrian government through the heightening of sectarian conflicts along Sunni-Shia coordinates was perceived as *business as usual* at least from 2006 (Naiman, 2015).

Recent research confirms that ISIS was state funded until 2016, which may partly explain its success (Ahmed, 2017-11-03). A British trial against a Swedish terrorist suspect in Syria was dropped because the 'Syrian opposition' group he belonged to was armed by British intelligence. It became too embarrassing to convict someone of crimes the government itself was committing (Milne, 2015-06-03).

The continuity with earlier modes of US governance in Latin America, where hundreds of thousands fell victim for US state terror, is striking. As Edward Herman (1982) reported in *The Real Terror Network: Terrorism in Fact and Propaganda*, atrocities could go on with little public outrage because the press limited its attention to the small-scale terror from networks that accounted for a fraction of the violence. This was achieved through a formulation that by definition excluded the violence of Western states. This intellectual distortion was necessary because the established Department of Defence or UN definition would yield the logical consequence that the US government should be regarded as the foremost terror organization in the world.

An extenuating circumstance in favour of journalism is that the terror that leaped out of the Iraqi ruins after the US invasion cannot uniquely be traced to the horrific chaos that was nurtured by the abyss-like emotions awakened when people try to survive in humiliation among human remnants, infant blood, torture and the invasion forces' indiscriminate murder of innocent civilians at safety distance from the sky with the latest technology.

We cannot exactly measure how many became terrorists due to the torture and humiliation which exhibits continuity with the techniques once developed and employed in order to control US client states in Latin America. Such as when women were driven suicidal when they witnessed the suffering and the sexual violation of children at Abu Ghraib (Anonymous, 2016, p.76; Sealey, 2004). Or the

raids in Iraq in close resemblance to the infamous Latin American death squadrons that, aided by US education and decisive military support, eradicated left-wing opposition.

George W. Bush's influence over Iraq expanded through sectarian violence when he delegated responsibility for the war in Baghdad to John Negroponte and James Steele – the same persons that were in charge of the butchering in Central America through the death squadrons which massacred tens of thousands (Jamail, 2015, p.354f, 367).

The role of religion is demystified when understood in terms of the exercise of power, corruption, social classes, poverty and geopolitical strategy. Historians who understand the failure of nationalism and socialism to mend centuries of imperial oppression and the inability to overcome the dictates of the great powers after the formal declarations of independence, are also able to see the imbalances that later benefited organization along religious lines (see e.g. Prashad, 2007, 2012; Prashad & Amar, 2013).

It is difficult to accurately assess the extent the combat against Arabic nationalism and socialism, in order to control the oil through client states, contributed to the religious organization of marginalized groups.

It remains an open question to what extent those fighting along sectarian lines are aware of that the strategy of the occupying power encompasses heightening of the very conflicts they fight and

moreover the way the conflict should be understood by allies and enemies. We cannot be certain about how many of those the media has portrayed as terrorists were driven crazy by the war, or how many of those who fight under the same banner are really ideologically motivated. What can be established is that analysts in the administrations of the aggressors went further than most commentators, leftist included, because they expected an escalation of the radical violence after the invasion.⁷

Senator Bernie Sanders' [speech 9 October 2002](#) about an invasion of Iraq, was a display of empathy and accurate foresight. Sanders opposed the invasion because no calculus of military and civilian losses had been carried out; he understood the implied undermining of respect for the UN and its authority; he grasped counterproductive effect on counter-terrorism; finally he warned for civil war and Islamic terrorism. The following day, The Guardian alluded to the CIA Director George Tenet's fear of an increased risk of terror in general: 'Should Saddam conclude that a US-led attack could no longer be deterred, he probably would become much less constrained in adopting terrorist actions' (Borger, 2002-10-10).

This warning was not realized by Saddam in person, but by the inflow of trained military from the defeated Iraqi army to Islamist groups. The pragmatic merger between Baath members and Islamic fighters was highlighted by prominent journalist Robert Fisk when

⁷ for a discussion about expectations on the bombing of Yugoslavia, and the mainstream narrative, see e.g. Chomsky, 1999; 2012.

he reminded of Bin Laden's statement of a 'coincidence of interests' between 'socialists' and Islamists to fight back the occupation (Fisk, 2005).

Tenet was regarded as a 'moderate' but the hawkish side of the agency apparently held similar beliefs. The former CIA intelligence officer Michael Scheuer distanced himself from Tenet's warning because he deemed it to be hypocritical and speculative. Scheuer's stance on the issue of collateral damage when a terrorist is killed, gives a clue about the diversity of opinion within the agency: 'I did not -- and do not -- care about collateral casualties in such situations, as most of the nearby civilians would be the families that bin Laden's men had brought to a war zone. But Tenet did care'. While he agreed with Tenet on that 'the only real, knowable pre-war slam dunk was that Iraq was going to turn out to be a nightmare', he asserts that the 'CIA repeatedly warned Tenet of the inevitable disaster an Iraq war would cause -- spreading bin Ladenism, spurring a bloody Sunni-Shiite war and lethally destabilizing the region' (Scheuer,2007;Stratfor, ID1227769).

Similar expectations were even apparent in the most embellished assessments of the debate within the House, Senate and the Administration about an invasion. The expert in Asian Affairs Richard Cronin at the Foreign Affairs, Defense and Trade division observed that 'although most analysts view Iraq's possible fragmentation along ethnic, tribal, and religious lines as the greatest risk, some contend that a prolonged U.S. and allied military occupation could, ironically,

foster an Islamist counter-reaction'. He also reports that 'critics' see the risk of a 'quagmire stemming from several sources, including ethnic, religious and tribal tensions, deeply seated anti-western nationalism among the Sunni Arabs of Central Iraq'. Cronin underscores the contrasting optimism of the Administration about the future of Iraq and the corresponding benevolent objectives of the Congress which at the time included 'eliminating the WMD threat from Iraq, foreclosing any possible Iraqi support to terrorists, promoting stability in the oil-rich and politically volatile Middle East region, and promoting acceptance of U.S. political and economic values of human rights, democracy, and free markets'. The disagreements did not lie in these 'widely shared American objectives' but in 'the appropriate ranking of these objectives'. (Cronin, RL31756)

The Iraqi threat never existed, terrorism has proliferated with the aid of the invaders and their allies, and millions have suffered the promotion of noble 'political and economic values' which have meant what they usually do when guaranteed by an invader. The place of human rights as commonly understood in the 'ranking' of the aggressor is obvious.

Flaws in the reporting aid the opinion that people who seek refuge neither can nor want to develop their countries socially, economically or politically towards greater freedom and equality. The prevailing mainstream narrative on terror and security is not based on the diverging incentives of the military and economic elites in relation to

the incentives of the population in general. The military and economic incentives of the elite in terms of economic opportunity, although mainly the control of strategic resources, who are responsible for the current uncertainty that nurtures terror, are not aligned with the security needs of the majority. ‘Security for whom?’ as Chomsky succinctly formulated the question (Chomsky, 2014)

Right-wing populists discern a conflict between the permitted reporting and the editorial’s cosmopolitan passion. Their misanthropic conclusion is more consistent with a daily politically correct reporting that excludes systematic state aggression than many are ready to admit. Instead of self-scrutiny, the media is preoccupied with self-glorifying distancing from these forces without facing how closely intertwined the narratives really are. Against this background it is rather peculiar that Swedes remain fairly resistant to the politically correct reporting that casts suspicion on refugees and immigrants, Muslims in particular. This well-behaved resistance is known from previous research and makes the democratic deficit possible.

Because the results in this book point to an astonishing homogeneity in the set of permissible opinions, it is henceforth justified to conjecture that the worldview proposed by the press has far worse unethical consequences towards refugees and immigrants than the reproduction of prejudice. Refugees from dictatorships or war-afflicted countries who seek shelter in a country that claims to be open and democratic may have a difficult time to stand firm against

the propaganda regarding questions about the political conditions they sought shelter from, in part due to thankfulness and trust towards the country that received them.

The propaganda may contribute to a distortion of the political refugee's understanding of her role and place on the geopolitical map and lead to painful questioning of the own identity based on a false ideological worldview which nevertheless may achieve an effect due to the impressive discipline of the journalist profession which endows their worldview with the illusion of truthfulness.

At the present, the protection from terrorism in the west causes new dilemmas due to limited resources which make investments to protect high-priority objects such as embassies, the parliament and other vital institutions and symbolic targets, in the end create vulnerabilities closer to the everyday life of the citizens when a potential terrorist updates its calculus to the security situation. The planner has the grim task to take into account the enemy's direction when the door to terror is shut at the centre with the insight that it can instead lead to a targeting of the civilian periphery with means taken from everyday life. The tendency is paradoxically enhanced by actions against an organized network which creates pressure towards decentralization for the terrorist. The dismal endgame is nowadays familiar enough even in the west, a 'trickle-down terrorism'⁸ that threatens the most vulnerable civilians in an unfair and unequal

⁸ The term goes at least back to 1995 when Patrick Tyler's used it to describe coercive Chinese birth control policies.

fashion which in turn sadly improves the conditions for mass-basis support of the current politics of aggression that created the uncertainty to begin with. Which door is left open when the corridors of power are secured?

As we have seen, some of these themes have been understood in one way or another for a considerable time, to the extent that the answers to some of the questions that naturally arise from these should be regarded as popular antiquities by now. Yet, there is an abyss between a fact-based description of reality and the public discourse. Why and how this discrepancy comes about has also been known for at least several decades but the knowledge seldom reaches the mainstream.

The Assange case is by no means an exception, it is a clear example of how power distorts truth, how journalists contributed to an undermining of the rule of law and the misuse of democratic institutions in order to imprison one of their most capable colleagues. A Swedish terrorist suspect was set free because the British government contributed to the conditions for his crime, yet the British judiciary refused to cancel an arrest warrant against Assange that was issued because he had to avoid the threat that Britain and Sweden created.

Although the object of study is a small country, Sweden, the results are nevertheless highly relevant to an international audience because these indicate that free access to information, a highly educated population, a high degree of income equality and highly efficient democratic institutions by any international standard, do not safeguard a society from propaganda, an authoritarian intellectual culture or ignorance about their root causes.

IS A JOURNALIST AN INDIVIDUAL WHO KNOWS HE IS FACT RESISTANT?

The discussion so far motivates an adaptation of theories such as the propaganda model to Swedish conditions – the Swedish domestic policy exhibits the participation of popular elements but the foreign policy is closer to an elite project surrounded by, at times, a secretive cooperation with the US. Sweden was also early on one of the most connected IT-nations, with an educated population equipped to learn from alternative information sources and develop a mind of its own regarding contemporary issues and therefore able to entertain analyses which defy the views of the conventional media outlets. These conditions are fertile soil for independent challengers such as WikiLeaks. How has media dealt with the challenge?

The discussion on fact resistance can be understood in terms of the media's effort to establish control of opinion by branding alternatives as unreliable, biased and mostly insufficient in order to validate their own reason of existence. Denigrating discussions also divert the attention from power, the core assumptions of elite opinion, the homogenous culture and establishment journalism, towards the culture of the *internet mob* and WikiLeaks. In such setting Assange replaces those in power, and is to be scrutinized by the critical press' self-sacrificing scientific accuracy when it fulfils its democratic mission through its ruthless and objective inquiries. WikiLeaks' initially abundant credibility capital and its work to consolidate

prestigious cooperation with established media outlets prior to the allegations makes the organization an interesting object of study from this perspective. If the allegations were used for the purpose of positioning in the competition, then that would have immediate implications on the understanding of the attention the internet mob has received, i.e. support for the notion that the discussion at least in part is about a bleak defence of territory.

WikiLeaks and Julian Assange are a threat to the reality description of the elites, their revealing work highlights some of the inhumane actions carried out by Western democracies and established journalism's inability to such revelations. The revelations alone point to a lack of transparency and democratic control over the state apparatus, which in turn challenges established truths and the media companies' monopoly on how reality should be perceived, to the very least.

If there is a strong elite interest to marginalize Assange and WikiLeaks then such desires should be reflected in the media reporting from a point of view compatible with empirically robust theories such as the propaganda model.

Support for this conjecture is given by a proper statistical study by Psychiatry Doctor Marcello Ferrada de Noli (2016) on how media portrayed Julian Assange and was the basis of the professor's witness statement on the Swedish media climate in connection with the extradition proceedings in London February 2011. His study documents journalists' assaults on Assange's person. These attacks

are conspicuous partly because they very well could serve as horror examples in the reoccurring articles about internet hatred. The study is based on news items and articles between 2010 and 17th of February 2011. Ferrada de Noli found that 56 % of the reporting about the allegations and the legal process in London did not satisfy basic criteria of objectivity. In total, 40 % of the reporting had references to Assange's personality. Among these, 72 % were written in an aggressive or denigrating manner, 28 % were positive. (Ferrada de Noli, 2011; [lecture 2013](#); [Ferrada de Noli, 2016](#), pp.119-126) In other words there are good scientific grounds for examining whether the reporting in the for-profit press concerning the Assange case suffers from symptoms associated with fact resistance 2011-2016. The Hypothesis:

1. Julian Assange and WikiLeaks are going to be marginalized by the media. Their credibility will be attacked. This will be carried out through personal attacks, questioning of their motives, misrepresentation of statements etc.

Follows from the theoretical considerations and has already at least partially been answered by Ferrada de Noli 2010-2011 who found that the media left out relevant facts and was preoccupied with a biased reporting with elements of aggressive personal attacks.

Note that what Lööw (2015) calls fact resistance is a part of the propaganda model except the shift of focus from professional media to a subset of the audience. The take on fact resistance is more interesting perhaps due to deeper theoretical reasons. How is it

journalists stay inside the allowed 'spectrum of discussion'? In theory the joint-stock newspaper companies are incapable of serious self-criticism because they would then become self-destructive and unable to uphold the selling façade of performing a vital democratic function. They would reveal their real societal role to mirror and serve elite opinion.

The theoretical starting point is that journalists, with few exceptions, believe that they are allowed to think and write what they want, and thus they can even be expected to become provoked and frustrated if confronted with claims of the opposite. This thesis rests on a fertile theoretical soil, capable of generating successful and testable hypotheses but the premise is itself difficult to measure. The exclusion of objective media critique can be dismissed by the apologist who claims the use of subjective criteria in the judgement of what constitutes objective media critique within the profession; criticism in the vein of the propaganda model is redundant because it is common knowledge that journalists work in freedom; the underlying theory is based on dubious assumptions; question data even if the thesis is supported by evidence in a fashion which is rare outside the natural sciences; everyone is fact resistant due to the biological disposition of human beings etc. Even though all these objections can be answered one by one, I prefer a more general approach.

If there is a common way of defining deficient journalism or an accepted definition of reprehensible media behaviour that journalists

explicitly distance themselves from, then such definition of reprehensible behaviour can be used to measure the performance of the media itself. If the definition *fact resistance* is accepted among journalists and is even commonly used to criticize reprehensible texts and medial expressions but journalists are themselves fact resistant, then the implications are:

- (i) Journalists see those who disagree with them as fact resistant even if that is not the case, especially challengers such as WikiLeaks and Assange and their 'followers' will be portrayed as fact resistant.
- (ii) Fact resistant journalists will not realize their own fact resistance. In conjunction with the propaganda model:
- (iii) Journalists will be unable to self-criticism of the system-critical kind.

The reader is encourage to visit the section *Liberal Fact Resistance and the Maxim of the Rational Rebel* for a more detailed discussion of fact resistance and the propaganda model.

Reality descriptions outside the fact resistant culture of a journalistic clique will appear as unfounded and detached from reality to the extent those descriptions are associated with conclusions derived from facts that the journalists are fact resistant against, hence a journalist may draw the erroneous conclusion that others and not themselves are fact resistant. Self-criticism will not comprise crucial elements from groups outside fact resistant journalism, and to the contrary remain within the allowed spectrum of discussion which at

best is given by the tactical variation within the elite opinion to the extent such variation exists, otherwise elite consensus.

If this is the case, then we have in other words measured the evasive blind spot and its repercussions, one of the underlying mechanisms which enables journalists to go through their entire career believing that they are critical, inquisitive, and radical even, but in the end, these mainstream radicals will write things that fall within the borders of the strategic variation of the elite opinion or consensus. For these reasons, journalists subject to the analysis of the propaganda model cannot be expected to generate accurate, vigorous but most importantly, objective self-criticism to the extent systemic critique and other perspectives outside the fact-resistant journalism is necessary to perform such feat. The self-criticism will instead tend to be self-righteous. In theory the media may actually be expected to receive criticism of criticizing power too much, which gives the impression that it really performs its job. Too little if it is in the elite interest to scrutinize although mistakes from particular individuals might be admitted.

From a theoretical, but also ethical angle, there is an even more unsettling implication if objective media critique, e.g. in accordance with the propaganda model, is in fact known within the profession. There exist such candidates in Sweden, those will not be dissected here and the reader can choose an opinion piece of her own liking. If the critique satisfies the conditions of serious media critique and journalists know it, then journalistic behaviour governed by fact

resistance (or similar concepts) cannot be explained with a propaganda-model version that excludes conspiracy-based explanations to account for observed behaviour. Which could imply, in lack of a better expression, a ‘highest stage’ of journalism. The experiment is of course valid for any country under the influence of the filters of the propaganda model.

Under such conditions there is either a previously unknown prevalence of cynicism throughout the profession not postulated by the propaganda model. Or the inability to self-insight is so deep that journalists are unable to behavioural change even when they know about their wrongdoings over the laps of several years. Traits associated with among other things indoctrination. An exhaustive study of these farfetched but logical implications is beyond the scope of this book that instead relies on the conventional analysis. However, these extreme implications may be limited to a subset of the journalist profession although such a stance is non-trivial to prove (See Liberal Fact Resistance and the Maxim of the Rational Rebel).

Two journalists in the database of the last study in this book wrote an article about fact resistance and one of them was sceptical to the term, on similar grounds that have been put forward here regarding the somewhat elitist perspective, and that particular journalist symptomatically assumed the role of fact checker when the fact resistance and its associated aggressiveness went too far. (See p.225)

THE WORD THAT DROWNS THE REST

Only a week after the allegations against Assange leaked to Expressen a journalist at the competing tabloid Aftonbladet noted that ‘Assange and rape’ gave 1.2 million matches on Google (Cantwell, 2010-08-29). That was the online activity, which also may be somewhere far away, among attention seeking pundits that do not shy away from crawling dirty exposures. But how does the link look like quantitatively and qualitatively, when professional Swedish journalists write?

The outlook is quite grim from a theoretical perspective and leads to the conjecture that the allegations and the resulting chain of events were used to check and ultimately marginalize Assange and WikiLeaks after the leak to the press. The fight for media territory was initially kept civilized by WikiLeaks’ success story, its impressive network and the mixed signals sent when different prosecutors made different calls on the allegations.

The marginalization was considerably facilitated after Prosecutor Marianne Ny had signalled her intentions to pursue an investigation under a serious label, increasingly so when the state position was developed and consolidated under the extradition proceedings after Assange left Sweden. For the marginalization to work, a link between Assange, WikiLeaks and rape must be established to the extent that a considerable share of the news items and opinion pieces about Assange and WikiLeaks also mention rape. If that was the case, a necessary condition to take advantage of the situation is met, and the

press would then be able to ‘proceed’ with marginalization of the challenger of the established description of reality.

The expectation is therefore that journalists will remind of the dark side of the net also in qualitative terms, especially if the link’s potential to undermine credibility is enhanced by what Lööw (2015) calls fact resistance. In a worst case scenario journalists can be expected to act as well-paid paper trolls and journalism is reduced to a negative of the internet-troll activity. Accordingly, journalism in the seven largest newspapers will be characterized by:

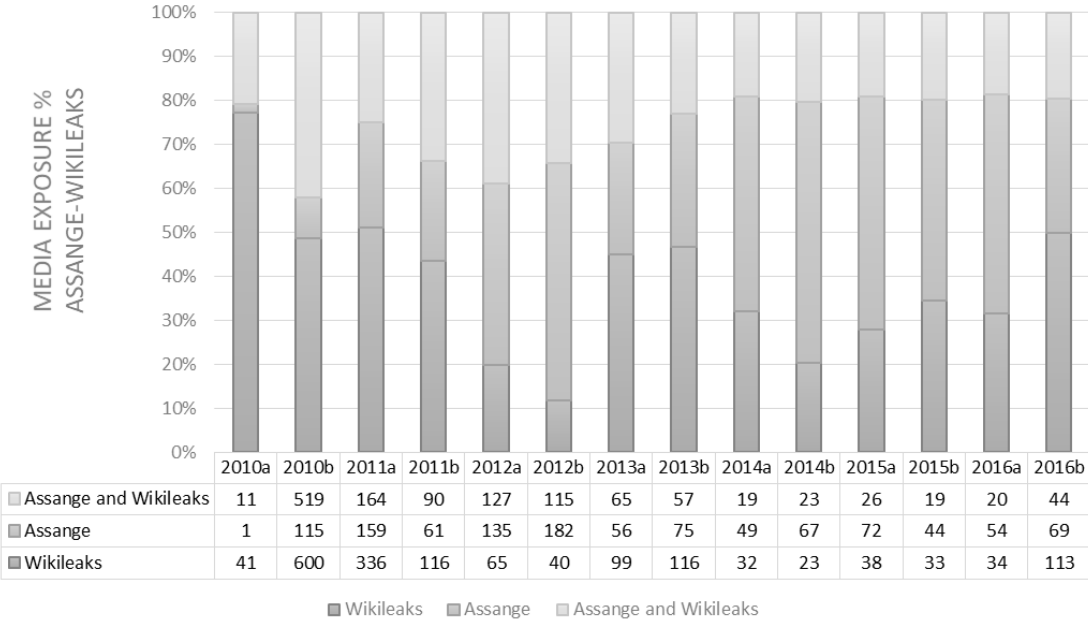
2. Facts and authoritative discussions that speak of a politically motivated process are excluded or discredited.

In direct connection to this hypothesis looms the questions about false allegations and the conjecture is that those will be treated in a similar manner by the press. The hypotheses will be explored throughout the book but are treated in two steps: Check if (i) A considerable link between WikiLeaks, Assange and the crime suspicions is established. (ii) If the treatment of the allegations or the alleged rape is propaganda that among other things suppresses and discredits the question about political motives and false allegations. If the journalism regarding the allegations is slanted to Assange’s disadvantage, then the sheer volume of the writings will have an undermining effect at least through the flow of news items which link the allegations to WikiLeaks through Assange. Hypothesis 2 also expresses the character of the marginalization.

In order to grasp how potentially destructive or beneficial the reporting about WikiLeaks and Assange has been, however dull and obvious it may seem, we must first have an estimate about how closely linked the ‘brands’ are. It is indeed conceivable that the work on Assange in the press is not at all associated with WikiLeaks, and in such a state of the world the media’s attacks on Assange do not get the same political weight in relation to the bold journalistic work that is carried out by the WikiLeaks circuit.

The following graph gives a first approximation about the attention on Julian Assange and WikiLeaks.

Assange and WikiLeaks in the Swedish Press 2010-2016



The Graph shows news items and opinion pieces that mentioned either Assange or WikiLeaks (one but not the other) or both. Assange was relatively unknown in Swedish media before the allegations and WikiLeaks dominated the scene. His name was pretty much immediately associated with the crime allegations after the police suspicions of 20 August 2010 were leaked to the public (see pp.68ff, 77ff), i.e. second half of the year (2010b). The first half of 2010 (2010a), WikiLeaks still dominated the media exposure and Assange was only mentioned once.⁹

During the second half, under which the allegations were leaked to the press (2010b), every tenth article mentioned Assange only and his name gets associated with WikiLeaks in over 40 % of the reporting. After this the news items and opinion pieces that are mainly related to Assange and the ones which associate Assange with WikiLeaks, make up 50-90 % of the journalism. Seen over the whole period 27.5 % mention Assange only, 41.1 % WikiLeaks and 31.4 % both¹⁰.

The association is greater than the categories reveal under the assumption a reader of e.g. Aftonbladet or Dagens Nyheter

⁹ *WikiLeaks* enters the subset *Assange not WikiLeaks* (literally) in a negligible share (1.3 ‰ of the words), most of them are composite words (94 %) which directly refer to Assange. Assange also appears in a negligible share of the sample *WikiLeaks not Assange* (literally) in genitive. Thus the sets are virtually mutually exclusive.

¹⁰ The number for the actually downloaded is virtually the same: 27.5 %, 41.0 % and 31.5 %. No reasoning were this negligible discrepancy matters is made.

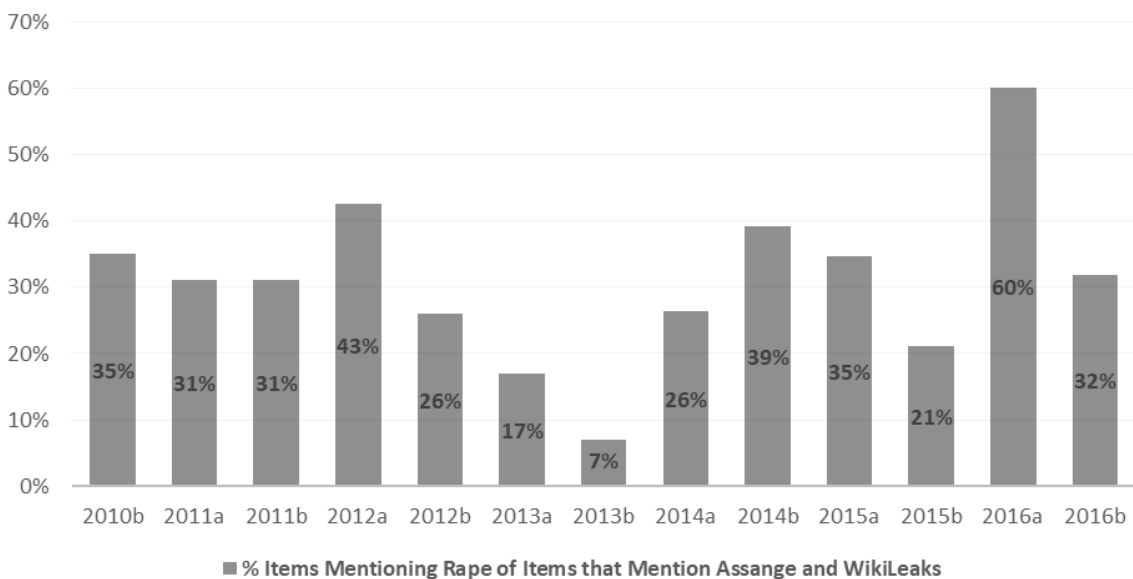
remembers that Assange is WikiLeaks' front figure after having read an article which mentions both¹¹.

This does not necessarily mean that the news are negative only that focus shifts from the organisation WikiLeaks to the person Julian Assange and that a strong link is forged between the 'brands'. This may also e.g. be due to a tendency of media focus on the leading figure when the organisation gains recognition. Something that for certain is damaging to the brand of an organisation that fights for freedom, is that the name of the organisation is associated with rape.

Before the allegations leaked to the press, naturally no association between rape, Assange and WikiLeaks exists. However after the leak, around every third journalistic work makes the connection among items where WikiLeaks and Assange are mentioned. The following graph shows the association in the for-profit press among the seven largest newspapers:

¹¹ The statistics that the database Retriever contributes with is not entirely accurate because the actual downloads are slightly smaller, the difference is between 1.5 % and 2.5 % - *Assange & WikiLeaks* (1.5 %), *WikiLeaks not Assange* (1,6 %) and *Assange not WikiLeaks* (2,5 %).

Association Assange-Wikileaks-Rape in the Press 2010-2016



Thus if you read an article about WikiLeaks and Assange at random after the allegations leaked to the press it was on average one in three that the article also mentioned ‘rape’ under the period 2010b-2016 – which also corresponds to the probability that you will read about the rape allegations if you pick an article at random from the sum total about Assange. If you happen to read an old article about Assange and WikiLeaks today from a comprehensive database between the 20th of September 2010 to the 31st of December 2016, then there is a 60 % chance it mentions rape¹². If you pick an article at random from

¹² 59.9 % to be exact and 60.4 % for actual downloads. The study underestimates items that mention rape because no complementary searches on permutations were carried out in this particular instance. The research strategy henceforth is to put an effort to constantly bias the analysis against what may be perceived as advantageous to Assange

everything that has been written about Assange or WikiLeaks (even those that does not mention Assange) then it is 1/6 that the rape allegations are mentioned. This means for example that if you read 10 then there is about 84 % chance that you run into one concerning the allegations.¹³

Even though it is obvious that the sample is informative and tells us something about how WikiLeaks and Assange are linked to the allegations and criminal investigation, we can still only be completely sure by reading the articles, the numbers can be due to some highly unlikely coincidence after all.

A closer look at the content of them which mention Assange, WikiLeaks and rape shows a genuine association, because more than 75 % of the articles make the connection *directly* or *indirectly*. A direct connection is made when the items are mainly about WikiLeaks or Assange in relation to the suspicions, sometimes with Assange's name or the legal case as a starting point for a discussion about sex crimes and sexual consent in general. *Indirect* connections are made when the articles also treat other topics but relate to the allegations or the legal process at least in half of the text. A substantial share of the ones which do not meet these demanding requirements and therefore do not qualify as direct or indirect association still spend considerable share of the text to the association. The reader should

and WikiLeaks and also against the hypotheses by underestimating what may be in favor and overestimating what may be thought to be to their disadvantage.

¹³ The total number downloaded mentioning Assange or WikiLeaks is 4007 and among these 2362 mention Assange, 1263 both.

note that WikiLeaks and Assange are connected to the legal process in the whole subset, in practice often in a box with facts on the legal process and the allegations or an introduction of Assange with reference to the allegations.¹⁴

Due to the robust link between Assange, WikiLeaks and the suspicions we know that the media's portrayal of the allegations is potentially very contagious between the brands. How dangerous the contagion is depends. If it is common knowledge that the suspicions are unfounded, the legal process is regarded as politically motivated or even a crime against fundamental human rights, then the link Assange-WikiLeaks-rape is not as destructive to reputation as a state of the world where everything seems to be in perfect order.

¹⁴ See *Direct and Indirect Association* for details.

FALSE ALLEGATIONS ARE TRULY CONTAGIOUS

Thus it remains to decide if facts which support hypotheses about a politically motivated process will be excluded, discredited or are to a considerable extent underrepresented, while facts which casts a shadow of suspicion on Assange and WikiLeaks will be overrepresented in the news reporting, but also in the discussion in editorials and culture columns. There are several particularly relevant moments in the Assange case. To begin with there is a series of question marks regarding the grounds for criminal suspicion.

Assange will most likely never be indicted although general prosecution technically speaking does not necessitate that those who in legal terms are regarded as plaintiffs intended to report to the police – because the police or the prosecutor can initiate an investigation regardless. However, the public is reasonably much more understanding towards the suspect if the plaintiffs do not think crime has been committed. In a famous case with rumours and flourishing alternative facts, solid evidence weighs heavily due to its potential to tip the scale in favour of a truthful description at times of general confusion.

In this case one of the women expressed that she never had the intention to report Assange to the police and was shocked when it happened without her consent. This can be learnt from the SMS communication of the women and the material was reviewed by

Assange's lawyers early on although they were denied possession of the material and had to memorize the content. The content of the messages strengthens the credibility and acceptance of the assertion that mutual consent is at the heart of the story.

The SMS communication reveals that the younger woman¹⁵ (i) Felt railroaded by the police and others in her surrounding (ii) Had no intention to report Julian Assange to the police, but the police was eager to get hold of him (14:26) (iii) Was shocked when she heard that Julian Assange was detained because she only wanted him tested (17:06) (iv) She did 'not want to accuse him of anything' (v) Thought 'it was the police who made up the charges' (22:25). Note that **no formal charges** have been made against Assange to this date.

Lawyer Jennifer Robinson summarized the messages in a similar manner as above 2011. The information that the younger woman only wanted Assange tested for contagious diseases and went to the police for advice, are facts that were available to the public already at the extradition proceedings in London 2011, and decisive for the perception of the legal case. These facts appear in the UK Supreme Courts consensus about the state of affairs regarding the case.

¹⁵ These facts are from the site [Justice4Assange](#). The site deemed to be credible regarding these facts because it is public and gross errors would immediately be exposed and Assanges legal counsel would be forced to embarrassing statements and Assange's case would in the end be further undermined. For reference see also Robinson (2011), Rudling (2011) and Assange (2013).

If the reporting frequently mentions that one of the women did not feel she was a victim of crime but felt ‘railroaded by police and others around her’ and was moreover shocked when Assange was detained, then such statement of facts will invite to a less harsh view of Assange from an ethical perspective. This information is not only in line with Assange’s version, but also the thesis that at least one of the women might have been exploited in a politically motivated process.

The question regarding a politically motivated legal process is a key aspect on the case and was proposed early on by foreign journalists and intellectuals. That perspective is denied serious discussion (p.223ff) and excluded among established journalists in Sweden, besides the smearing of its proponents (see also Göran Rudling, p.86).

The arbitrary detention is also regarded to have a political dimension by UN experts who emphasize an immediate recognition of Assange’s political asylum and conclude that Sweden and the UK are guilty of arbitrarily detaining Assange, in conflict with international conventions on human rights.

It is not trivial to show that the Swedish legal process against Assange was politically motivated from the outset, but there are serious indicators in favour of such thesis. Circumstances that may raise suspicions is whether or not the legal process is beset by unusual events that repeatedly work to Assanges disfavour – like transgressions from authorities or that the background and actions of the involved parties are consistent with political motives.

Psychiatry Doctor Ferrada de Noli (2016) made a revealing characterization of the older plaintiff's political network and reports a series of odd circumstances which give convincing support for a thesis of political intent. The older politically active woman is a politician and member of the Social Democratic party, like her lawyer Claes Borgström. They are in turn comrades with the Social Democratic police Irmeli Krans who happens to be a friend to the older woman.

The police Irmeli Krans interrogated the younger woman (who decried the police report) and proceeded by writing in denigrating terms about Assange and praised Borgström on social media, after he had managed to successfully challenge the second prosecutor's decision of immediately dropping all serious suspicions.

The politician and lawyer Claes Borgström is also partner with the former Minister of Justice Thomas Bodström, it was their law firm that resurrected the case by turning to the city of Göteborg and their common acquaintance prosecutor Marianne Ny (Director of Public Prosecutions) – after the second prosecutor Eva Finné (Chief Prosecutor of Stockholm) had discarded most of the allegations – just days after the first prosecutor (on-duty Assistant Prosecutor) confirmed the leak about the investigation to the press.

His business partner Thomas Bodström is known for his advancement of the informal cooperation with the US. Former Minister of Justice Bodström was also a member of the Social Democratic organization The Brooderhood (nowadays Faith and Solidarity), where the older politically active plaintiff once held the

position of political secretary. (Ibid.) According to Ferrada de Noli (2016), Borgström, Bodström and the current prosecutor Marianne Ny have common ideological ground which is exemplified in their common efforts to change the law on sexual offences. Their investigation had repercussions on law.

Professor Ferrada de Noli thus emphasizes that a discussion which includes political motives is not a matter of sweeping general remarks in the Assange case. The older woman's compact political connections have ramifications which touch the higher echelons of power, and these connections have serious incentives to oppose Assange. In particular the last prosecutor, who is partly responsible for the process that has arbitrarily detained Assange for years.

WikiLeaks' revelations on Sweden's secret dealings with USA and NATO also involve lawyer Borgström's partner and party colleague Thomas Bodström, who was the man that helped the CIA to abduct political refugees in Sweden for torture abroad. Therefore macro-factors regarding Sweden's foreign-policy agenda and relation to the superpower USA have identifiable channels through which the involved parties of the process, the prosecutor even, are affected (p.121f).

The political aspect seems also to coincide with evidence indicating false allegations. The older politically active woman described Assange's company in a flattering manner and was seen with him on friendly terms up to several days after she supposedly was victimized according to her own allegations. The woman

moreover tried to cover up her friendliness on social media after she was confronted with inconsistencies in her story etc. (see p.86ff).

Assange's fellow countryman, the journalist and writer John Pilger (2010-12-16), argued already in 2010 about the political forces at work in the process, not only in form of death threats and secretive prosecutions from the US or the Swedish legal misbehaviour, but also from Australia that threatened with a revocation of Assange's passport.

The leak to Expressen was moreover confirmed by the first on-duty Assistant Prosecutor Maria Kjellstrand, at a time when Assange and WikiLeaks prepared some of their most important revelations. Assange never fled from the Swedish justice. He left Sweden roughly a month after Marianne Ny took over the case without being heard and with the prosecutor's knowledge and written permission. His luggage contained three laptops with sensitive information that never arrived even though he travelled in an almost empty plane. Marianne Ny chose to detain Assange the same day he left Sweden, after having ignored to initiate a hearing in about three weeks, and was from the outset informed about Assange's pressuring matters abroad.

The prosecutor detains Assange in his absence the 27th September 14:15 but he was nevertheless allowed to travel from Arlanda airport in Sweden 17:15, without being arrested by the police (Ferrada de Noli, 2016, p.29f).

The Crown Prosecutor Service in London did not treat the case as any other extradition procedure according to one of its lawyers who was in contact with his Swedish counterpart – this is immediately apparent from the public documents the Swedish prosecution authority released. These documents were acquired by the mathematician and journalist Stefania di Maurizi in 2015 when she worked for L’Espresso. She was the first journalist to make a request in the UK but was forced to engage in a legal fight over access to the full file of the case, necessary for a proper inquiry. Unfortunately, Maurizi lost the first round of the battle and she does not even know how much of the material she managed to get out in the first place because the authorities claim they have difficulties counting the pages, with opposite excuses. (Maurizi, 2015-10-19; 2017-12-14)

The reason that the correspondence between the British and Swedish authorities is important, is among other things because the lawyer at the British Prosecution Service, Paul Close, reassured Marianne Ny not to believe ‘that the case is being dealt with as just another extradition request’. In January 2011 the same lawyer also advised Marianne Ny not to hear Assange in London (see [de Maurizi, 2015-10-19](#)) – A decision Marianne Ny also took and stayed with in a display of astonishing stubbornness, which made the Swedish legal system infamous world-wide. At the time of writing two journalists from The Guardian recently explained how the British Prosecution Service faces a scandal because certain lawyer deleted the correspondence with Swedish authorities (MacAskill & Owen, 2017-11-10).

These circumstances suggest plausible reasons to suspect a politically motivated legal process with the aim to get hold of Assange on technical and quasi-legal grounds (see p.77ff), which in the light of the UN-ruling, at the very least should pave the way for a discussion where the perspective is allowed some space. I have not been able to find a single piece (including news items) that refers to Ferrada de Noli's study in the period 2010-2016 directly. That the security service might have confiscated Assange's luggage at the time he was subjected to extreme pressure, which initiated his years long detention, is discussed by the inquisitive journalists roughly to the same extent that Björn Hurtig, the 'star lawyer' who fumbled with the messages of the prosecutor and put his client at risk, was also the defence of the infamous sex criminal Billy Butt.

WHEN REALITY BECAME MORE MECHANICAL THAN THE MODEL

The SMS lead straight to the press' distortion of facts. Among the hundreds of articles written each year, the women's SMS are barely mentioned in 12 in terms of evidence. The decisive content of the messages appears only once in a short paragraph fitted in an article authored by the legal counsel of Julian Assange after years of illegal confinement (Olsson & Samuelson, 2014-07-13). Ten of these twelve are written after this debate article, half of them are from 2016 when Assange had been arbitrarily detained without indictment up to six years, and his defence made some appearances in the press about accessing the material in connection to a new detention proceeding.

The first opinion piece to mention the SMS is an editorial expressing indignation over the insufficiently harsh disciplinary actions against the man who 'misled the court' (Kjöller, 2011-07-03). The year after the counsel's seminal article, Aftonbladet's columnist Cantwell (2015-03-26) portrayed Assange as a madcap in his usual loud style because Assange wanted access to evidence before trial, but Cantwell remains silent about the content of the SMS. A year after that the Philosopher Roger Fjellström (2016-02-29) elucidated about how Sweden is violating international conventions on human rights because Assange is denied a fair trial, which in particular implies that he is also denied access to evidence that the SMS constitute.

The meagre news coverage consists otherwise of short news items where Assange himself or his lawyers mention the SMS but without having the content revealed. (See p.390)

The SMS do not even get proper or unbiased attention when Assange's previous lawyer Björn Hurtig is a witness in the extradition proceedings in London. *SMS* is mentioned in five news pieces where Hurtig is questioned with his back against the wall, admits he has done wrong and is finally deemed to have misled the court by Judge Riddle, because lawyer Hurtig was supposedly unreliable regarding the efforts of the prosecutor to hear Assange before he left Sweden (A questionable judgement indeed, see p.102).

In one of these news items (Pelling, 2011-02-09) the reader is nevertheless told that 'he was free to leave the country' and the reader may pick up how lawyer Hurtig describes 'SMS traffic between Assange and the women who reported him to the police [sic!]', but not how, nor is it pointed out that the women never reported him to the police. Hurtig is interviewed the week before the London extradition hearings and is then explicit about having read hundreds of SMS between Assange and the women, and that he furthermore cannot understand how the case can go on 'when you have that text-mass in front of you. Obvious reconstructions are imminent'. The journalist never asks about the content, or anything else for that matter, even though the journalist explains to the reader that Prosecutor Ny did not have an objection about Hurtig speaking about the SMS at the impending public extradition proceedings in London

(Höglund, 2011-02-05). Hurtig (2011) mentions exactly this in his witness statement. The prosecutor tried to convince him of not speaking about the messages 14 December 2010 but the lawyer turned to the Bar Association that assured him of his right to do so. Only one of these items mention that the women did not report Assange to the police – the one from his lawyers in 2014. Journalists falsely claimed that the women reported Assange in 7 of the 12 which mentioned their SMS.

In summary, if we restrict the attention to news coverage then the women's SMS are with one possible exception never revealed. Most of the information is contained in short paragraphs, and 9 of 11 were written after Assange had been detained without being heard in over four years. Hurtig's SMS with the prosecutor are on the other hand reported without omission or delay in direct connection to the extradition proceedings, in order for the reader appreciate their content and meaning fully. None of these mentions that the women did not want to report Assange to the police, and to the contrary most falsely claim that the women reported or accused Assange with one candidate for exception. In the article *The Woman: Assange went too far* the SMS are mentioned, but in a paragraph about how the younger woman supposedly says what the title suggests according to Svensson (2010-08-22). However, at the very end of the article the younger woman is allowed to say that she did not intend to report Assange to the police but this is not directly connected to the paragraph about the SMS. These initial results already reveal the inability to follow up decisive information when it is not processed through official

channels or procedures. It is when the parties are in court or turn to an authority that the reporting barely touches one of the main aspects of this particular legal case of great importance for the public's understanding of Assange's situation and conduct.

Only in 2011 there are more articles that in varying derogatory terms describe how Hurtig received harsh criticism, confessed his mistakes, misled the court and that he in the end was disciplined for his unacceptable actions. Authors with the potential to break the pattern were still not able to do so because they were forced to squeeze their facts and opinions in rarely published debate articles, after years of arbitrary detention, at a stage when the relevance of the information already was devaluated. Documents, informed opinion and evidence tends to fade outside the established channels. This implies that evidence is never allowed to support Assange's version, not only because it is absent from the reporting, but also because it is only his in this context, supportive legal counsel who mentions it and not, say, an independent expert or judge.

This is however just a partial and as shown below, not the main underlying explanation to the biased reporting. Judge Riddle's critique of Hurtig was not only about him misleading the court, the judge also stated that the lawyer hurt the interests of his client. I show in the section *Björn Hurtig & Marianne Ny*, that the judge's critique of Lawyer Hurtig's witness statement is applicable on prosecutor Marianne Ny's written witness statement, and consequently she misled the court on the same grounds as Hurtig. Riddle's verdict is

never seriously questioned in the mainstream press, on the contrary, journalists proceed by uncritically reproducing double standards over and over which in turn gives rise to the intriguing fractal geometry of biased reporting.

There are more articles (five) about Assange's lawyer Hurtig's decision not to act on the conflict of interest arising from police Irmeli Krans's hearing of the younger woman (it was by then already too late) than articles which at all mentioned that he acted in a manner detrimental to his client's interests. Overall, the key information that the women did not go to the police in order to report Assange is mentioned sporadically about the same number of times in the period 2010-2011 in the full sample, and two of these instances (Kjöller, 2011-02-08; Hildebrandt, 2011-04-18) mention the fact in order to counter an argument that questions the women's motives – without mentioning the more serious criticism that at least one of the women may have been exploited for political ends. The careful reader has however probably already noticed that journalists even managed to portray how Hurtig described the SMS evidence without writing about the content or ask follow-up questions.

These results are completely aligned with theory and introduce the subsequent evidence below which gives a strong overall support for the propaganda model and the fact resistance of journalists. The most important aspect of fact resistance, the inability to deal with facts that challenges the own world view, here measured in the amount of time required for media to report in a manner that defies elite interest,

gives the hypothesis figuratively speaking an unlimited support under the period 2010-2016 regarding data of outmost importance for the public perception of the legal case. This is the case because the vital information in the SMS that is to Assange's advantage and therefore detrimental to powerful interest is excluded from the news coverage under roughly a six year period. Facts detrimental to Assange's interest and therefore in favour of powerful interests were reported almost immediately without omission of content. The ratio is zero or infinite and the difference maximal, depending on convention.

The fact resistance of the joint-stock newspaper companies is in other words on the fanatical levels Löw (2015-09-29) is appalled about and ascribes right-wing-populist sects. The online articles only strengthen this bleak picture because the online editions of the joint-stock newspaper companies exhibit the same pattern (see Establishment Propaganda Online). What can be said for sure is that the coverage was surprisingly thin but somewhat better than in print.

The joint-stock newspaper companies did no better online. Six articles revealed something about the content of the women's SMS, but three of these are slanted to Assange's disadvantage. Which means that 3 of 51 which mention the women's SMS (6 %) revealed something about the content that was not biased against Assange. All of the 34 articles which mentioned the scandalized SMS between Hurtig and prosecutor Marianne Ny described its content to Assange's disadvantage.

The number of articles which describe the women's crucial communication is in the same magnitude as the ones where the reader instead might learn that the 'star-lawyer' Björn Hurtig with his 'new super body' once acted as Billy Butts legal defence (Bergh, 2015-08-04; Berntsson, 2016-02-20), the Assange-opera (Hilton, 2011-11-16), and the top-10 list of sex scandals where Assange takes the dignifying 5th place – or the one where Assange is even compared with the sex-criminal Billy Butt (Svanell, 2015-08-23).

THE PECULIAR PRISM OF THE DIAMOND AND THE EXTRAORDINARY POLICE ACCUSATIONS

The women never reported Assange to the police but still they probably did in the minds of the public if hundreds of articles on the subject are given some weight in the beliefs of the thousands that read them, keeping in mind an almost total absence of a correct news coverage.

The biased reporting in the previous section cannot be explained by some 'natural' propensity of journalistic bias or fluke that consistently works to Assange's disadvantage under the principle of pre-emptive openness. The sceptic that still wants to point out extenuating circumstances, such as Assange's Swedish lawyer Hurtig's wrongdoings and humbling confessions at the extradition proceedings – truths that I however believe should be questioned

(see p.102) – may take a look into what happened before the extradition proceedings.

To control the simple but revealing searches on *SMS*, I made among other things a throughout reading of every single article from when Hurtig was allowed to read the SMS in November 2010 to the 8th of February 2011 at the start of the Belmarsh proceedings.

There is not a single one that nuances the picture, there is only silence about the women's communication in spite of all kinds of occasions for making good journalism, money or both from their revelation. Hurtig had already in December 2010 announced having some information in store about witnesses that 'have seen things from close range that will have bearing on primarily one of the plaintiff's credibility, as I see it' (Färsjö, 2010-12-04).

The following week the tenacious reader can figure out that 'Hurtig claims to have taken part of secret police documents which show that Julian Assange is innocent of the crimes he is suspected for', this time ten pages further back, on page 38 (Eslander & Julander, 2010-12-13). It was no trivial task to dig up this article because the choice of wording, *police document*, makes it to virtually disappear in the reference-sea consisting of all WikiLeaks documents. No follow-up questions or further investigations are made on the hundreds written on the subject to the end of the year. If we add these two findings the number of articles sum up to 14.

This silence and inability to scrutinize also remains unexplained by the excuse that journalists were shy to discuss and use evidence, witness statements or motives. The whole story about the rape allegations entered the mind of the public through a leak which the journalists moreover succeeded in making prosecutor Maria Häljebo Kjellstrand to confirm – a genuine journalistic work in terms of relentlessness, attentiveness and research.

The prize-winning scoop by Diamant Salihu et al. (2010-08-21) is undeniably revealing. On-duty prosecutor Maria Kjellstrand did not want to say much and the prosecutor did not have a clue when the police report was done, but she nevertheless states that it was the police who made the report. So they found a ‘person close to the women’ who knew more – ‘The girls know each other and have experienced the same thing’ – ‘He met the victims at his commissions’, according to a secret source. Diamant also makes an effort to explain why he does not quote the women – ‘The women are scared to death and do not dare to take part. The police believes that it is the perpetrator’s position of power that the women are scared of in this case’, according to a secret source.

The journalists thereafter turn to Rickard Falkvinge of the Pirate Party who confirms a meeting at Sunday (15th of August 2010) with Assange in order to ‘sign a deal about the party running WikiLeaks’ servers’. The journalists even made the effort to ask whether Assange was alright – ‘Yes, absolutely. Looked happy’, Falkvinge answered.

If the Pirate Party and Assange did not manage to squeeze in more meetings and sign more deals about the servers from Tuesday the 17th of August then he is referring to the same meeting that the witness Göran Rudling talked about in terms of proof that pointed to the falsehood of the older politically active woman's allegations.

The difference compared with the awarded and famous Diamant Salihu, is that Rudling was able to get the idea of asking if at least one of the women was on the meeting and how she and Assange looked together. The Pirate Party's Anna Troberg told in connection with Rudling's inquiry that the older plaintiff seemed close and friendly with Assange after several of the alleged offences supposedly happened (see Göran Rudling).

Questions regarding how Diamant succeeded in writing creatively about the women's horror, and elucidate about how Assange met the 'victims' through his work, Assange's state of mind and the meeting with the Pirate Party to name a few topics, and yet is unable to write that one of them was at the meeting, reveals a journalistic behaviour that perhaps cannot even be explained with the most cynical predictions of the propaganda model.

How does the rest of the writings about the police report look like at the crucial initial stage of the investigation? From August 2010 the press gets it on with references to the online interview *30-yearold Woman: I Was Exposed to Violation*, where the older politically active woman speaks about her experiences (Balksjö, 2010-08-21). The introduction is sensational: 'When she [the older woman] came into

contact with a woman who told that Assange had raped her, both went to the police’.

The article gives a credible impression because it is about one of the plaintiffs who wants to ‘correct some errors in the news that were published by Expressen this morning’, i.e. Diamant’s prize-winning scoop.

Attention is given to some important distinctions in the politically active woman’s version, she makes precise statements about her allegations. She considers herself ‘exposed to a sexual violation, or molestation, but not rape’. Aftonbladet writes that she was contacted by a woman who ‘told a similar but worse story’ – ‘I believed her statements at once because I had an experience myself that resembled her story’, said the politically active woman in the interview and it was then both decided to ‘visit the police together to give their statements’, according to the journalist.

The promised correction comes thereafter, the older politically active woman states that it is wrong to claim that they felt scared or threatened because ‘he isn’t violent’. It was about ‘consensual sex to begin with that later on became a violation’.

Before she ends the interview with her renunciation of ‘conspiracy theories’ about ‘rigged accusations’ the woman suddenly says something surprising:

The other woman wanted to report Assange for rape. I gave my story as a witness statement to her story in order to support her. We stand by the statements fully, said the woman to Aftonbladet. (2010-08-21)

The perhaps most curious thing of all is that a journalist at Expressen described how the younger woman had said that she did not want to report Assange to the police the following day (Svensson, 2010-08-22).

Still these conflicting statements did not spur journalists all over the country to hunt down information about the women's communication, public information, evidence and witness statements.

It is for example an undisputed fact in Supreme Court's consensus about the chronology (2011) that the women went to the police to test themselves against sexually transmittable disease.

Not even when the lawyer gets to inspect the women's communication the 18th of November 2010 or doubts the women's allegations at the fundamental level of intention and motives, are relevant questioned asked. No leaks, analysis or scoops – not even when Göran Rudling was a Witness later on, where he clearly stated his firm and well-founded belief about false allegations from the older politically active plaintiff – at the very same proceedings the press found so much inspiration regarding Hurtig, is the selective journalistic passivity broken. In spite of the close monitoring of the extradition proceedings by the press.

Assange's interview the 30th of August 2010 under prosecutor Eva Finné was immediately leaked by the police and commented by both Expressen and Aftonbladet (Cantwell, 2010-08-31) the very next day. The press was served a bunch of documents while Assange's legal counsel was left in the dark regarding the same documents up to several weeks after the press had access to them – the press even got a file Hurtig was denied (see Robinson, 2011).

Assange's succeeding Swedish lawyers Per E Samuelson and Thomas Olsson had their look at the SMS the 8th of December 2011. There is almost exclusively metadata about what they witnessed 2011-2016.

What the press consistently seems to avoid happens to contradict the older politically active plaintiff's initial public statement about key facts regarding the case with serious implications on Assange's reputation and credibility. What the SMS say is that the younger woman felt railroaded and was in despair as a result of the police accusations (see Assange 2013, 2016) – she therefore even refused to sign the summary of her statement according to the lawyer Jennifer Robinson (2011).

If we once again bother with the numbers regarding the *police accusations* then the pattern is unmistakable. All articles the first three days (11 relevant) describe the evidence, the women's witness statements or give a description with reference to the misleading interview with the politically active plaintiff on Aftonbladet's homepage, in addition to the crime-rubric apparent in all of them.

These initial articles do by and large confirm the older plaintiff's erroneous version about the younger woman's desire to report Assange to the police for rape, or even that both women wanted to report to the police. Only one more besides Diamant's scoop and Svensson's description of the younger woman's statements (indirectly), expresses that it was the police. Of the over hundred that mention the police accusations up to the 8th of February 2011 (*anmälan*), only 7 mentioned it was the police that made the reports without fault, the rests erroneously state that it was the women who reported, sometimes more specifically the younger of the two.

There was never any kind of correction about the unwillingness of the younger woman to report Assange to the police, hence the erroneous narrative became a feature of the women in the end – the *reporting women*. This language gives a technical association, in Swedish because it sounds uncannily close to plaintiff (*anmälande* and *målsägande*), which is derived from a legal definition and could therefore be mistaken for a fact. It is assuredly noteworthy that the younger woman was reduced to a *reporting* one so frictionless despite her resistance to the police accusations, in a context where so many claimed to champion interests of women. Among all of the articles 2010 that had a feminist touch and stood by the campaign #prataomdet, I was unable to find a single one which questioned poor handling of women's experiences by the police or one which reflected over borderline cases arising from the conflict of wants between the state apparatus and a young woman's power to define her own limits.

There is not a single reference to witness statements from women about feelings of powerlessness in relation to police procedures, or discussions about structural oppression of women inherent in the foundations of the legal system. A bit about everything was discussed 2010 but not how the work for gender equality is affected if a campaign about sex crimes and sexual communication is based on false allegations.

A correction would have required scrutiny and a discussion that challenged the politically active woman's narrative, the prosecutor's position and finally the underlying motives to the allegations, and the accusations carried out by the police. Discussions regarding motives were allowed but without reference to the decisive evidence available that was proclaimed by Assange's legal counsel – this bias did in turn reduce the discussion to a matter of mere opinion. As I show in the next section, this was not a coincidence but a recurrent pattern that points to an established order of things.

THE MAIN ENTRANCE TO THE JUDICIAL NO-MAN'S-LAND THE BELMARSH PROCEEDINGS

Assange was badly pressured when he left Stockholm the 27th of September 2010. At the time of his arrival in Berlin he suddenly realizes that his luggage is missing, three encrypted laptops with sensitive information about his legal counsel and security service operations targeting WikiLeaks are suddenly gone (see e.g. Burns & Somaiya, 2010-10-23).

He was working on a journalistic campaign that would result in one of history's largest and most famous leaks, a bold move which would set WikiLeaks on a collision course with the most powerful states in the world. He was warned against 'dirty tricks' by an Australian intelligence source in close connection to his arrival in Sweden at a time when respected journalists specialized in leaks and intelligence assessed serious threats surrounding WikiLeaks.

Assange is well aware about the preparations carried out by USA in order to prosecute him. He is familiar with the organization that is tailor made to deal with WikiLeaks which includes the State Department, Department of Justice, CIA, FBI and Pentagon. General Robert Carr is put in charge of a special unit to coordinate military intelligence 24/7 in order to dismantle WikiLeaks. (see Assange, 2013-09-02 for references)

The day before Assange reaches Swedish soil, 10 August 2010, the Obama-administration encourages the world to start criminal prosecution against Julian Assange and limit his freedom of movement. Three days later, a financial blockade against WikiLeaks is launched which depletes Assange's liquidity and his reliance on unfamiliar swedes' honesty and benevolence increases. (Ibid.)

These actions reflect the expressed strategy to target WikiLeaks' network-structure, especially the contacts of the leading figure. The assaults are carried out through informal means which include legal, diplomatic and economic pressures, propaganda and proper intelligence and security operations. More generally these measures speak of the will to establish control over the social interaction and the set of strategies that WikiLeaks and Assange have to their disposal while the communication within the ranks of the offenders is adjusted to enhance coordination in order to meet objectives.

In addition to the most spectacular actions such as the financial blockade it is also well known that sympathizers have been harassed through excessive border checks and attempts to arbitrary arrests, something that even the Swedish press wrote about (see e.g. Larsson, 2010-08-22; Josefsson, 2010-12-09)

Assange hoped Sweden would become a safe haven for WikiLeaks' threatened work through legal and political protection, this was what the meeting with the Pirate Party was about. Instead, Assange left the country entangled in a primary investigation that soon became famous for its many irregularities. The 20th of August 2010, on-duty

Assistant Prosecutor Maria Kjellstrand made the investigation against Assange public when she confirmed the leaks to the evening newspaper Expressen. This means that Assange was unaware of the police accusations until he was portrayed as a rape suspect all over the world.

The investigation was taken over by Eva Finné the following day but it takes just one day for her to absolve the detention decision and she concludes that the rape suspicions are groundless and drops most of the remaining the 25th of August. When Julian Assange makes himself available for interrogation the 30th of August, it is for the suspicion of a minor offence.

Assange appeared deeply moved by the allegations in the press. He expressed confusion, shock and anger regarding the claims of sexual offences and the leak to Expressen, but Finné's efficiency apparently gave him some relief (Cantwell, 2010-08-22).

Meanwhile, the Social Democratic lawyer Claes Borgström decides to challenge Finné's decision to drop the suspicions. He turns to the city of Göteborg the 27th of August and his acquaintance Marianne Ny resurrects the primary investigation the 1st of September and in doing so she initiates over a seven-year-long legal process at the time of writing, that put Sweden in a not so flattering twilight zone on the political and judicial world map.

A prosecutor is obliged to be quick about securing evidence, especially when the crime suspicions are considered to be as serious as sexual offences, because detention is then an official recommendation. Oddly enough, it took three weeks before Marianne Ny finally made a requests to interview Assange. As a matter of undisputed fact, when Marianne Ny neglected to reach Assange for an interview in over a week, then Assange's at the time newly appointed Swedish lawyer Björn Hurtig made contact with the prosecutor at once and proposed interview, but the prosecutor rejected the offer.

Already after the extradition proceedings in Belmarsh it became apparent that Hurtig indeed contacted Ny about Assange's pressuring matters in London the very first time he made contact with her (Stephens, 2010-12-04). After an additional week had passed, Hurtig insisted on a hearing and asked the prosecutor if Assange was allowed to leave the country. The following day Marianne Ny replied that Assange was 'free to leave the country' but made sure to remind Hurtig of the ongoing investigation. This time Marianne Ny declined to an interview with the excuse that it was impossible due to the illness of an officer.

A week later, the 21st of September 2010, Marianne Ny finally made an interview request and a preliminary date was set to the 28th of September. The same day Assange left Sweden, on the 27th of September 2010, Hurtig communicated to the prosecutor that he could not reach Assange, and Marianne Ny subsequently decided to

detain Assange in his absence, almost a month after the preliminary investigation was reinitiated. (Supreme Court, 2011)

Well outside Sweden, Hurtig asked if an interview in Sweden was possible from October 10th but these dates were deemed unsuitable or too far away. After this a period filled with different initiatives from Assange's legal counsel began. Efforts were made to arrange a hearing through means which are consistent with Swedish law and regulated by the same agreements that were employed by the prosecutor over half a decade later.

Standard alternatives which are by all means legal such as video-link, telephone (October 2010) were offered from start. Interrogation of Assange in London was offered already in December 2010 (Ecuadorian Embassy June 2012). However, all attempts were rejected because the prosecutor insisted on hearing Assange in Sweden (see e.g. Assange, 2016, Ecuador, 2015)

The prosecutor decided to make Assange an internationally wanted man through the use of a European Arrest Warrant on the 24th of November 2010, a course of action which resulted in tedious extradition proceedings about its validity. In the end, the warrant was accepted by the British legal system. Thereafter Assange was given political asylum by Ecuador and moreover a safe haven at its embassy in London, where he to this day suffers an unlawful confinement without charges according to the UN. He was denied a statement for half a decade.

ASSANGE'S EXPECTED DEFEAT IN BELMARSH

The European Arrest Warrant was employed when Assange and WikiLeaks were on their way to allow the world to enter into the diplomatic VIP-rooms of the US Empire through the Cablegate project. Assange chose to challenge the extradition partly due to the risk of prolonged detention in Sweden before the unlikely event of a trial, because such an event could nevertheless have spoiled WikiLeaks' ongoing work to publish the massive diplomatic leaks (Robinson, 2011). However, when asked about his reluctance to return to Sweden, Assange was clear about his distrust in the Swedish rule of law (e.g. see p.396).

The first round of the extradition proceedings after Assange's challenge of the European Arrest Warrant was held by Westminster Court, but the event took place at the more suitable facilities of Belmarsh in London. The 'extradition hearing' did not only mark an important episode of this dramatic case. Events like these also serve as excellent points of reference to key information about the case that is made public and moreover processed, summarised and analysed by world class legal expertise.

If we are interested about the extent vital information is suppressed in the media, then proceedings of this kind are important milestones which unambiguously mark when information may be considered common knowledge even to the laziest journalist in the world.

Media coverage of these kinds of events is especially interesting if evidence considered at court gets a completely different treatment along e.g. the filters of a propaganda model. From a theoretical point of view within a standard free-market framework limited to the profit motives of the press, the media is expected to vacuum-clean facts about the credibility of the allegations, hidden motives and political involvement in order to increase supply to meet the demand for spectacular news. This applies even more so to the evening newspapers or tabloid press which are infamous for their sensationalism and playing to the gallery.

Both the story about the hero who fell under his own dark desires and the hero who is destroyed by the powerful sells. A scoop which shows that the main character is being buried alive in false accusations with a hidden agenda sells itself. Once again tough odds against predictions of underreporting and omission of spectacular facts in the news coverage or in opinion pieces about the women's hidden agenda or outright resistance against police accusations.

However, critical media theory such as the propaganda model complicates the picture due to postulated distortions through other channels of influence. Instead, the prediction is a biased reporting to Assange's disadvantage, in particular regarding vital facts which are expected to be suppressed or even altered in accordance with a reality description confined within the boundaries of elite opinion about the state of affairs. The reader should however note that media focus on the extradition proceedings are to a certain extent rigged against

Assange. Even though most of the written statements discussed at the proceedings were about things that Assange's legal counsel wanted to highlight, these statements were still under the stern scrutiny of prosecutor Clare Montgomery and Judge Howard Riddle, both in writing and in speech and their questioning of the witnesses received the lion share of the coverage. Besides, the verdict went against Assange.

Already anterior to the proceedings it was widely accepted that Assange would lose, something that even his lawyer Björn Hurtig admitted just days before the start.
(Elfström & Dabrowski, 2010-12-07)

The proceedings began on February the 7th and continued as planned to the 8th and were prolonged half a day to the 11th. Riddle's judgement on the 24th of February was in favour of the Swedish prosecutor. Marianne Ny's arrest warrant was thus recognized and the British Supreme Court chose to confirm Riddle's position later on.

Seven witnesses in total, touching on Swedish rule of law, political motives, the women's intentions and other irregularities and wrongdoings concerning the case, five of these were Swedes.

The Swedish witnesses were Björn Hurtig, Göran Rudling, and the expert-witnesses Sven-Erik Alhem, Brita Sundberg-Wietman and later Marcello Ferrada de Noli, although the latter only presented a written statement with references to his pioneering work on Swedish media coverage of the Assange case. This research was submitted at

a later stage under somewhat dramatic circumstances just before the deadline. The expert-witnesses professor Andrew Ashworth and law translator Christophe Brunski also attended.

It is understandable and quite reasonable for the profit-maximizing press to focus on a British legal procedure that reviews Swedish rule of law. Fear of embarrassment, national pride and prestige were themes that undeniably revealed the anxiety of the press when the political and legal underpinnings of Swedish society were put before the eyes of people all around the world. The Belmarsh hearing was given a flare of cinematic dramaturgy and colourful personalities put forward facts and arguments about a case that millions still care about.

According to several depictions the atmosphere became exceedingly exalted when a sharp Clare Montgomery skilfully commanded her role as a prosecutor, and put Swedish legal experts and Assange's legal counsel in place with convincing authority. The press portrayed a defence on the verge of tears that bowed in shame to Montgomery's questioning that made witness statements appear as less credible and provoked answers that were tangent to the piquant. Clare Montgomery's at times elegant way of enforcing the views of the Swedish prosecutor contained everything from subtle innuendos that penetrated Assange's legal counsel to the sound of a gasping audience, to the everyday manner in which she put forward fundamental legal principles in order to ensure the arrest warrant's legal status. Her approach was echoed in Swedish media in different occasions and repeated by them who took prosecutor Marianne Ny's

position for years to come, although references to Belmarsh are missing.

The schooling culminated with Riddles laconic statement – Assange’s Swedish lawyer Björn Hurtig had ‘misled the court’. Even if these aspects are considered, the news coverage of the events at Belmarsh was extraordinarily biased.

GÖRAN RUDLING

THE HALF-INVISIBLE WITNESS

If you are asking for a witness with little or no incentives to bear false witness in favour of WikiLeaks, then perhaps Göran Rudling was the most credible witness of the extradition proceedings.

His witness statement encompassed evidence pointing to made-up allegations; contributed with key facts about the involved parties’ political connections; pointed to serious flaws in the investigation procedure owing to the negligence in recording the hearings, in conflict with official recommendations to protect women subjected to crimes; spoke about the older woman’s political affiliations and her acquaintance with one of the interrogators, – the police Irmeli Krans; discussed the lack of will to follow up on evidence. Rudling was sincere about his upbringing in his written statement, in particular how the rape of his mother influenced him personally and led to his

involvement in questions about consent (See Rudling, 2011-01-31)¹⁶. In short, his statement is about two of the most important features of the process against Assange.

Rudling writes that he neither sympathizes with Assange at a personal nor a political level (Rudling, 2011). After the hearings, he put forward strong criticism against the expert-witness Brita Sundberg-Bergman. He accused her of lying about the Assange case in an article published at SVT's (Swedish broadcasting service) homepage on the 20th of August 2012. In this article he questions if 'Julian Assange was treated in a way that deviates from normal praxis' and claims that 'it is beyond doubt' that 'Julian Assange fled Sweden to avoid interrogation', with reference to Judge Riddle's verdict from the 24th of February 2011. However, such conclusion cannot possibly be inferred from the verdict on logical grounds.

In truth, Judge Howard Riddle insinuates that it is not inconsistent with the facts to assume that Assange stayed away from interrogation in his verdict. However, the Judge also states that there is no available evidence which proves that lawyer Björn Hurtig tried to contact Assange when the Swedish prosecutor finally proposed an interview, after Hurtig had insisted about it over three weeks without success (Riddle, 2011-02-24).

Facts that to the very least should question the assertion that the legal procedure did not 'deviate from normal praxis' regarding a case

¹⁶ Henceforth I refer to his written witness statement as (Rudling, 2011) whereas the supplements are given the prefix a-j after 2011.

where prosecutor Marianne Ny moreover detained Assange in his absence roughly a month after resuming the case (i.e. the primary investigation), the very same day Assange was on his way to a meeting that had long since been booked (se t.ex. Assange, 2013; Stephens, 2010a). The judge moreover criticized Hurtig's failure as legal counsel due to his negligence to contact his client and inability to explain the risks of a departure and consequently also a failure to work in Assange's best interest (Riddle, 2011-02-24, p.8).

As late as the 3rd of March 2016 he had an exchange with the Philosopher Roger Fjellström, where he criticized UN-WGAD's ruling that Assange was held arbitrarily detained by Sweden and the UK. He also questioned the credibility of the UN expert-group on his blog 1 1/2 weeks later (Rudling, 2016-03-12). According to Rudling, his motives to witness at Belmarsh were based on his conviction that scarce resources should not be spent on false allegations but employed to help victims of sexual crimes. Göran Rudling is simply convinced that the police accusations against Julian Assange are made up. Rudling's openheartedly manner, the explosiveness of the evidence, his matter-of-factness and visibility in social media made him an ideal candidate for the writings of the press in his role as a witness. He was moreover observant, erudite and put new facts on the table in relation to the reporting of the time, facts and arguments which in part were fruits of his own non-profit investigations on questions about sexual consent. Rudling found that the older politically active plaintiff had removed messages on social media (*tweets* and posts on *Bloggy*). Rudling believed that these actions

constituted important evidence concerning the central question about the motives of the women. The tweets showed that the older woman was on friendly terms with Assange and happy about being in his company, several days after the alleged sex crimes against her supposedly occurred.

The police allegations on illegal coercion and molestation refer to events that according to her happened the 13th to the 14th of August 2010. On Saturday the 14th of August she used Twitter to arrange a crayfish party for Assange: 'Julian wants to go to a crayfish party, anyone have a couple of available seats tonight or tomorrow? #fb'. The following day, Sunday 15th August, she described the company in a most favourable language: 'To sit outdoors at 02:00 and hardly freeze with the world's coolest and smartest people, it's amazing! #fb' (Rudling, 2011; 2011e)

Rudling (2011) not only considered that these statements rendered the woman's allegation inconsistent, she moreover tried to erase important proof potentially useful for the police investigation and Assange's legal counsel. On the basis of his own research, that among other things consisted of digging up copies of evidence stored online, that may be accessed through internet services that archive the material in order to preserve the history of the net (e.g. Wayback Machine), Rudling concluded that the allegations were made up (Rudling, 2010-09-30; 2011g).

He tipped-of the police about it immediately, but the police neither followed the trail nor contacted Assange's legal counsel about

the evidence. Rudling furthermore asserted that by relying on news items alone, one could infer that Assange stayed at the older plaintiff's apartment 11-20 of August i.e. a week after 13-14 August when some of the alleged offences supposedly happened.

The older plaintiff erased the messages from Twitter on the 20th of August 2010, i.e. at the time of the police report. Her problem was the synchronization of Twitter with another blog (Bloggy). She forgot to erase the doublets from Bloggy where they appeared, until Rudling confronted the older politically active plaintiff about it. After Rudling started to get suspicious he tested the politically active plaintiff's reaction by writing on her Blog where he pointed out the erased messages.

After just a couple of days his messages were also erased. Rudling proceeded with a new message where he also explained that the erased messages still could be read on her blog. That message was erased within 20 minutes, and the blog was shut down over night and reopened the following morning (23:00-04:00) without the messages that the woman had previously erased from Twitter.

Rudlings therefore concluded that the woman consciously tried to erase proof, but missed that the synchronization between her Twitter account and Bloggy only concerned the posting of new messages, not the deletion that must be made separately. (Rudling, 2011)

Göran Rudling also informed the court about his letter to the older plaintiff concerning his doubts about her allegations on September 30th. The woman explained that she deleted the messages in order to

avoid media exposure. Rudling's subsequent objective and concise description of the older plaintiff's online activities from the 19th of Januari 2010 about her 7-step method to take revenge on unfaithful men, appears ironic in the context. He also attached copies of the older woman's revenge posts on her blog with comments on modifications. (Rudling 2011; 2011i)

Rudling (2011) also made other rather sharp observations on the irregularities of the primary investigation that were apparent from start. Not only was the information about the police investigation leaked to the press. The subsequent interrogations were deficient and contrary to the official prescriptions to protect women because they were not recorded (which lowers the validity of proof). The younger woman was moreover interviewed on the 20th of August, 16:21-18:40, by the interrogator Irmeli Krans, who knows and has political connections with the older plaintiff. In addition, Assange was detained in his absence 17:00, i.e. before the first interview was finished.

Instead of recording, summaries were written, thus the description of the events depended heavily on the judgement of the police and the women were then offered to sign these summaries. Jennifer Robinson (2011) explains that the interview carried out by the older plaintiff's party comrade Irmeli Krans is unsigned because the younger woman felt railroaded by the police and was upset about the police's rape accusation of Assange.

Rudling also commented on the lack of questions about the relationship and communication of the women before their mutual

appearance at the police station. In contrast, the press succeeded without fault in questioning on-duty Assistant Prosecutor Kjellstrand, who was kind enough to answer and confirm the crime suspicions to Expressen just a couple of hours after she had been informed about the matter, when she still was unaware of the time the police accusations had been formally issued. (Diamant & Svensson, 2010-08-21).

Rudling (2011) also spoke about how the older Social Democratic plaintiff attended the meeting with the Swedish Pirate Party that was willing to take WikiLeaks' servers under their wings in order to ensure legal protection. Assange, Troberg, Falkvinge and an unknown IT-specialist also attended. The meeting was on August 15th, with a press release the 17th of August 2010, were the older plaintiff appears as press secretary. Rudling managed to spot her name because she had not been deleted in all instances of the document (Rudling, 2011f).

Rudling infers that Assange obviously prepared to run WikiLeaks from Sweden and that the older plaintiff chose to become his personal press secretary (see the Peculiar Prism of the Diamond). Rudling therefore phoned Troberg and asked if the police had contacted her, she answered that she had not been. Troberg furthermore explained that Assange and the woman were close and friendly to each other, three days after alleged sexual molestation and coercion supposedly happened. (Rudling, 2011)

Göran Rudling's witness statement is virtually impossible to trace in the press despite of its newsworthiness. It takes time-consuming efforts and patience to put together the scarce fragments of information in order to get a picture that rudimentarily reminds of his succinct statement. It is on the other hand quite easy to read about these facts in the foreign press, which of course is in line with earlier findings in the tradition of the propaganda model.

To take one example, The Herald Sun published an article about this in a manner that in some ways closely resembles the way its Swedish equivalents wrote about the extradition proceedings in Belmarsh. James Catling (2010-12-05) who acted as Assange's legal counsel writes that the decision to resume the investigations under the offence of the rape is making Sweden's prosecution service to a joke all around the world and hurts its reputation as a 'model for modernity'. Catlin also writes that the women did not express themselves in terms of rape, yet their lawyer Claes Borgström defended the police accusation by stating that the women 'are not lawyers', thus making an implicit reference to general prosecution, something that was also noted in the Swedish press, although the narrative in the end branded the plaintiffs as the *reporting* women. However, the older plaintiff did in fact make misleading statements about rape that she attributed to the younger woman in an early interview (see p.72)

Catlin is on the other hand, in contrast to almost everything written in the Swedish press, very explicit about Borgström and the older plaintiff's political affiliations, reports available information about the

women's statements, how they acted, and does not hesitate to speculate about their intentions. Catlin also mentions the women's names, alludes to their witness statements or other evidence. By doing so, he maintains a clear distinction between stated facts and his opinions, which obviously enhances credibility even if the latter is considered too strong or ungrounded in facts by some.

Catlin furthermore writes about the women's bragging about their 'celebrity conquests' and their inconsistent social-media activities after the alleged offenses supposedly happened.

He refers to the older politically active woman's tweet where she expressed that the companion was world class, 'amazing!' even. Catlin elucidates the reader about how the same woman later on removed evidence that Catlin thinks points to Assange's innocence, and also mentions her revenge guide about unfaithful exes. Catlin furthermore states that the women's act to seek advice from the police is a technique that can be used in Sweden with defamatory consequences without risking legal repercussions. In addition, Catlin mentions the SMS messages between the women where they speak about plans to contact Expressen.

Whatever one might think about Catlin's hypotheses on intent, this law professional puts credible evidence on the table, with direct reference to content and sources, and proceeds by carrying out an argument based on these. He explains that the exact content of the women's SMS is unknown but that Swedish prosecutors have confirmed it is about content that is mostly positive towards Assange. The straightforward and open way available information is presented,

and the assessment of the material's credibility facilitates for the reader to form an opinion on the subject.

'SMS' and 'tweet' are symptomatically used without obfuscation. His opinion piece thus closely resembles Göran Rudling's witness statement on these points. (See also *The Lawyers*, p.393)

Rudling is mentioned exactly two times in the printed editions of the largest joint-stock newspaper companies 2010-2016. The only reference to Rudling's statement is about some opinion he had regarding technicalities on Swedish law (Lucas/TT, 2011-02-11). The second item is his UN-critical debate article against Fjellström (DN, 2016-03-02). The thesis about the older politically active plaintiff's false allegations is not even mentioned.

The tweets which are the basis of his conclusion regarding the false allegations are completely excluded. Searches on 'Twitter', 'tweet' and 'blog' and associated wording takes the researcher to links between Assange and Trump, Berlusconi or Dominique Strauss Khan, the 'internet mob's' hatred against the plaintiffs or some other alleged post from WikiLeaks that happened to provoke the indignation of the press.

The press did however pick up the trail on the older plaintiff's political connections and friendship with the police Irmeli Krans who made the interview with the younger woman. The independent and always scrutinizing press showcased its neutral stand when the joint-stock newspaper company Expressen claimed the 'revelation' about the older plaintiff's connection to the policewoman, who also

happened to express herself inappropriately on social media (Svensson & Holmén, 2011-03-10).

This was however done a month after Rudling's statement on the political connections between the older blogging Social Democratic woman, Claes Borgström – both active in the 2010 elections – and the police Irmeli Krans. The take on this issue among those who followed the case from its outset, was that Expressen's so-called disclosure was pretty much common knowledge by then. (See Ferrada de Noli, 2016, p.135f).

The press combined its tardiness with a repackaging of the issue in strict legal terms most of the time. Hence most of the news items written on the subject to be found are about technicalities where much attention is given to how the 'star lawyer' Björn Hurtig, who got his credibility undermined after having 'misled the court' under extradition proceedings, plainly stated that he could not take the issue further because the police in question already had been removed from the investigation. The issue is thereafter discarded on technical grounds and the press hardly writes anything more about it.

Catlin's and Rudling's well-founded suspicions about false allegations from the older woman is instead ascribed to anonymous haters online. For example, Strömberg (2010-08-24) wrote about the doubts cast on the allegations in the following manner: 'On blogs, twitter and the forum Flashback, name and pictures are published of a woman who supposedly was the one who reported Assange. The tone on the internet is spiteful and the woman is accused of falsehood.'

She has shut down her blog and mobile phone’. Rudling is not even mentioned in relation to the parts of his testimony where he doubts the allegations against Assange.

The whole story about the woman’s blog and twittering is absent. The internet mob is the selling story in print. The article *Which Girls Dare to Report? – Disgusting Young Men and Women in Blogosphere are Acute Threat to Gender Equality* (Marteus, 2010-08-26) mentions a faceless keyboard warrior who alludes to ‘an old post on her blog about revenge’ and Marteus is sarcastic about the indignation: ‘The fact that the woman helped the man on the job “for free!” and hanged out with him, is held against her’. Reflections on how the timing of her help is consistent with her allegations remain absent.

Oisín Cantwell (2010-08-29) summarizes the activities of the fact-resistant internet mob: ‘A blogger posts her name and pictures on her with Assange, and jokes about them being the couple of the year. The jokes about the woman in different forums are rough and one not so scrupulous site discloses that the woman previously wrote a seven-step program about how to take revenge on unfaithful men on her blog’.

There is in other words an ongoing brown-washing of suspicions about false allegations from one of the plaintiffs already prior to the witness statements in Belmarsh at the beginning of February 2011. If we take a look at the notorious net-forum Flashback it is correct to assert that the ‘internet mob’ had already found out about the older politically active plaintiff’s deletion of her twitter-messages, her

efforts to arrange a crayfish party and her revenge post by 22nd of August 2010. Rudling's blogposts from the 30th September 2010 was discussed the very same day it was posted on his blog. But instead of Rudlings fact based and coherent doubts about the older plaintiff's motives, the reader is served an Assange-quote squeezed in a tasteless smorgasbord consisting of hateful nonsense from random keyboard warriors with anger issues.

Expressen's so-called 'disclosure' is printed at least a month after the 'haters' at the infamous Flashback forum had already established the political connection with reference to evidence, and encouraged 'the few remaining Swedish journalists to start working'. The really dedicated and meticulous reader had a theoretical chance to recreate Rudling's argument from the fragments in the interspaces of hateful personal attacks, but would nonetheless still be prone to the idea that people with that particular stance probably have a hidden misogynist agenda.

The internet haters also came in handy when a link to the well-known rape case in Bjästa was to be established. In Bjästa a whole society supposedly stood behind the rapist who happened to be popular, whereas the girl was defamed and thus suffered an almost insupportable multiple punishment. Hultqvist (2011-01-10) is for example of the opinion that the prize-awarded campaign about sexual conduct #prataomdet (#talkaboutit), was a reaction to the online hatred that the plaintiffs had endured and should be seen as a 'global

Bjästa due to the resemblance between the women and the raped schoolgirl in Bjästa’.

No one talks about Rudling’s witness statement on how one of the women should be suspected of having fabricated the allegations. To read *Aftonbladet* and *Expressen* is not exactly like reading *Bang* (feminist magazine), nevertheless, the magazine’s editor-in-chief stood behind the campaign #prataomdet (Schwarzenberger, 2010-12-19). The feminist critique against ‘state and capital’ (old well-known Swedish leftist protest song) that together leaked what the media subsequently profited from at the cost of an almost inhuman pressure on the women, is by no means abundant.

Hence the thesis of excessively fanatic feministic journalism in the mainstream media championed by left-wing journalists, is far from a natural explanation to the bias in the news coverage in favour of the establishment opinion in the most powerful joint-stock newspaper companies.

An explanation of the exclusion of Rudling’s witness statement along the lines of an elevated journalistic ethic within the profession, that prohibits serious journalists to write about evidence, is not entirely unproblematic either to say the least. Evidence is as a matter of fact discussed, only that the press has the unison position that evidence pointing to fabricated allegations is only allowed to be discussed in relation to online hatred, not in relation to a serious witness statement at the extradition proceedings that received the

attention of the world press and is part of the famous, and frequently cited verdict from the 24th of February 2011.

A somewhat less ambitious study on the homepages of the largest joint-stock newspaper companies' show an almost identical pattern.¹⁷ Rudling is barely mentioned, and when he is, it is regarding his opinion that the Swedish law should be rewritten, not a word about the women's motives, political affiliation and the idiosyncratic handling of the interviews.

He is nevertheless allowed, very much like in the printed editions, to use considerable space with his debate article *The UN-panel's Decisions on Assange are Wrong* in *DN Debate* where he gets into clinch with Filosofher Fjellström. Searches on 'tweet' lead mostly to Trump, #prataomdet but also how it feels to be singled out as an 'opponent to Wikileaks' as a consequence of an ill-fated Wiki-tweet. Expressen's culture executive Karin Olsson (2012-10-09) expresses her astonishment when her role as an 'independent critic' is questioned and rages against a variety of opinions and flaws she ascribes WikiLeaks under the title *Wicked Tweets*.

The only reference to the plaintiff's blogging (printed) in the news coverage not being the result of an anonymous keyboard warrior's frustrated keystrokes, is a news item in Svenska Dagbladet named *Julian Asasnge's Victim Breaks Silence*. There Thurfjell (2013-05-06) writes that one of the 'women that Julian Assange is accused of having

¹⁷ Sydsvenskan was left out due to an illogical search engine at the time research was carried out.

sexually violated in Sweden has broken the silence, and writes on her blog about how she was threatened and smeared'. Thurfjell proceeds with reporting on the blog's content:

One of the women Assange is suspected to have violated now writes about how she has suffered a violation. The woman doesn't mention the perpetrator, but she mentions when the violation roughly happened, which matches when the accusations against the Wikileaks appeared. The woman describes how she was threatened and was forced to hide for a couple of months. She writes that many people, among them the pointed out perpetrator, his mother and several former adversaries and sympathizers, decided that she lied and that the man who stood accused was innocent. The woman writes on her blog about how peculiar stories and lies have been told. (Thurfjell, 2013-05-06)

Note that the journalist not only mentions the medium (blog) and reports on its content. The journalist also makes a reasonable evaluation of the content and matches it with available data, exactly like Göran Rudling does in his witness statement or lawyer James Catlin's in the Australian press. It is up to the reader to judge whether the title gives a more or less partisan impression than Catlin's *Sweden's reputation is on trial in Julian Assange case*. Thurfjell assuredly quotes Claes Borgström who thinks the media-pressure on the women has been unreasonable. Claes Borgström was fired by the younger woman, supposedly because he spent too much time figuring in the media.

LAWYER HURTIG'S BEAR SERVICE

Lawyer Björn Hurtig misled the court in Belmarsh, his written witness statement was scrutinized in detail by Montgomery and Riddle, picked apart and the whole story led to a slap over the knuckles from the Swedish Bar Association in the aftermath of the extradition proceedings. His version did not pass the bar and the truth was revealed under the humbling pressure of the cross-examination. In truth Björn Hurtig evidently made an effort to arrange a hearing with the prosecutor at least twice under the first three weeks after Ny took over the case but without success¹⁸, Assange waited almost a month, and yet the Swedish legal system was unable to hear him once more after the investigation was resumed. It is also true that Hurtig asked the prosecutor if Assange was allowed to leave the country and the prosecutor wrote a reply stating that there were no obstacles for

¹⁸ Supreme Court's consensus on the chronology (2011, p.4f) states that Assange asked to be interviewed 8th -14th of September, especially he made a request the 14th of September. Logically it can be, but is not necessarily a reference to several attempts. A reasonable reading points to several attempts but it is strictly speaking a matter of interpretation and it could be just one. The reason the text points to several is obviously due to the reference to a time interval and not only the 14th of September which is moreover treated in a separate paragraph. In a letter from Hurtig to Stephens dated 2010-12-14, that was put forward as evidence at the extradition proceedings in Belmarsh (Stephens, 2010d; Hurtig, 2010b), it can be read that Hurtig contacted prosecutor Marianne Ny the same day he became Assange's public lawyer. Hurtig immediately asked her about an interview but Ny's answer was 'not right now' (chronology in Stephens, 2010a). See also Hurtig's witness statement (2010). When Assange finally was interviewed by Marianne Ny in 2016 (14-15 November), he declared that he immediately made himself available and stayed in Sweden five weeks in excess of planning in order to be heard, and made several unsuccessful requests.

Assange to leave. Hurtig's ill-fated § 13 in his written witness statement is thus true up to this point.¹⁹ However, he succeeded to burn himself, his client and undermine the experts Brita Sindberg-Weitman and Sven-Erik Alhem's witness statements which were partly based on the erroneous information given at the end of the paragraph, according to the British judge.

Hurtig sums up § 13 with the following statement:

In the following days [after 15th Sep] I telephoned her [Marianne Ny] 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. (unsigned witness statement Hurtig, 2010; Riddle 2011-02-24)

In this context this would on the whole imply that Hurtig insinuated that he one-sidedly tried to contact Marianne Ny, that at least one month passed, and yet the prosecutor failed to make attempts to contact him or Assange in order to propose an interview. The problem is that Hurtig under the cross-interview in Belmarsh was confronted if he indeed had sent a message to Ny 22nd September 2010 that stated: 'I have not talked to my client since I talked to you'. He was thereafter asked to check his mobile phone, and after doing so he was

¹⁹ Henceforth the document's points or articles are called *paragraphs* and denoted §.

forced to admit that he had received messages from Marianne Ny about an interview after all.

The first one is from 22nd September 2010 at 16:46: ‘Hello – it is possible to have an interview Tuesday’ and after that another one: ‘Thanks for letting me know. We will pursue Tuesday 28th at 1700’. Hurtig consented to that the SMS point to a conversation and there had to be SMS from his side as well. He furthermore admits that a prior telephone conversation is a possible interpretation and that prosecutor Ny could have proposed an interview the previous day and moreover agrees to that the SMS imply that Marianne Ny contacted him at least two times the following day. (Riddle. 2011-02-24, p.8)

Thus it is fully within the realm of possibility that Ny talked to Hurtig about an interview earlier than September 21st against the background of evidence discussed in Howard Riddles verdict. However, the consensus about the contact between Marianne Ny and Björn Hurig (Supreme Court, 2011) does not admit any efforts from the prosecutor to initiate an interview before 21st September 2010.

The conversation prior to prosecutor Ny’s SMS about interview on September 22nd could as well have been one of the many interview requests from Hurtig. Marianne Ny did not make any claims of initiatives to interview Assange (others than alleged preparations) in her statement to Svea Court of Appeal 24th November 2010.

Assange was in the process of two big projects: *The Iraqi War Logs* released on October 22nd and the diplomatic cables, *Cablegate*, released 28th November 2010 besides all other arrangements and meetings to secure publications and inform the public. He had three important events to attend in the month of September that were planned in due time. Two of these were meetings with journalists in Berlin 27-28 September, and the month was supposed to be concluded with a lecture about censorship in London 30th September.

The pressure against WikiLeaks had intensified prior to Assange's departure and his life was turned upside down several times under his stay in Sweden. The meeting with the journalist Stefania Maurizi, at the time working for L'Espresso, about cooperation regarding the Afghan-documents was booked a month ahead, a meeting Assange arrives to three laptops lighter. (see Assange 2013)

The following day he meets a representative from Der Spiegel to discuss cooperation regarding the upcoming Iraq War Logs and Cablegate, that meeting was booked already at the beginning of September 2010. (Ibid.)

How is it then Assange was not interviewed 28th September 2010? Howard Riddle noted from Hurtig's witness statement at court that when Hurtig called Assange on 15th September to reassure him that he was free to leave the country and carry on with his work, Assange then worried he would become difficult to contact for a while. They finally agreed Assange would contact Hurtig when he had found a suitable stay.

According to Riddle, Hurtig was unable to grasp the seriousness of the situation and the looming risk that his client would be arrested if he neglected communication. Hurtig could not give a decisive answer to whether or not he tried to contact Assange at all, and he was in any case unable to account for his attempts to do so. However, the lawyer finally admitted he did not think he tried to warn Assange under the cross-interview in Belmarsh. (Riddle, 2011-02-24, p.8)

Hurtig was confronted with his professional duty to inform the client about the risk of detention at the cross-interview. Hurtig's excuse for his erroneous information, that to some extent undermined the expert-witnesses Sundber-Weitman and Alhem, was simply that he forgot about the messages.

He also confessed that his errors were 'embarrassing' in front of respected law professionals and the world press, and as if this was not enough, he was moreover in a pedagogical manner made to admit publicly, that it is important for the client to have credible proof. The judge concludes his description of the events by noting that Hurtig was visibly uncomfortable and in a hurry to leave. (Ibid.)

Howard Riddle's statements on Hurtig's excuses and behaviour is harsh. He believes that it is unreasonable that Hurtig forgot Ny's SMS from 22nd September 2010 about interview, three weeks after she took over the case, considering his claims about having tried to reach Assange the following week. Riddle also thinks Hurtig detected his error just before his proof was submitted, and yet he chose not to rewrite § 13 to any considerable extent. The Judge concludes Hurtig

is untrustworthy when it comes the communication with Assange because he is neither able to give proof of his alleged attempts to contact nor for the means of contact. (Ibid. p.9).

Riddles perhaps most memorable conclusion is that facts are not irreconcilable with conscious efforts on Assange's behalf to avoid interview, he writes:

It would have been a reasonable assumption from the facts (albeit not necessarily an accurate one) that Mr Assange was deliberately avoiding interrogation in the period before he left Sweden. Some witnesses suggest there were other reasons why he was out of contact. I have heard no evidence that he was readily contactable. (Riddle, 2011-02-24, s.10)

This quote came to change the whole description of who was to blame for the failure to interrogate Assange in Sweden, it was taken as a proof of Assange's sole responsibility for the failure, and even as an indication of his deliberate attempt to avoid justice. There are several remarkable things regarding the verdict, two things in particular regarding this quote.

First of all, the most striking thing about the quote is that the judge explicitly writes that the statement about Assange's intentions does not need to be accurate, that the statement is not irreconcilable with facts but nevertheless not necessarily true.

In short, Riddle considers an assumption. It is in other words inappropriate and outright illogical to conclude that Assange tried to stay away with a mere reference to the judge's conclusion above.

Secondly, and in addition to all other irregularities from the very outset of the primary investigation that indicate the contrary, the statement is relevant the week Assange is on his way to leave Sweden, from 21st or 22nd to the 27th of September. In spite of this, several authors argue that Assange tried to avoid justice or that it was his and Hurtig's fault, and thus overlook that the prosecutor made a request after three weeks.

The obvious bias in the reporting about the women's communication on one hand compared with Hurtig's, and the prosecutor and Assange's ill communication on the other is striking, but there is an additional 'embarrassing' error that in principle is parallel to Hurtig's. An equivalent error is made by none less than Director of Public Prosecutions Marianne Ny – in her written witness statement – concerning her attempts to interrogate Assange.

The main differences are practical ones and in the realm of particularities. In contrast to Hurtig, the prosecutor did not attend court, thus her written witness statement was not grilled in Belmarsh. Marianne Ny's § 11 has a passage that reads: 'It is not correct to assert that Assange has made repeated offers to be interviewed. In September and October 2010 I was in constant contact with his counsel Bjorn Hurtig' (Ny, 2011-02-04).

It is true that she periodically was in ‘constant contact with his counsel Bjorn Hurtig’ but it was already established in Belmarsh that she did not interview Assange even though he was available and heard for lesser suspicions on 30th August 2010 by the previous prosecutor Eva Finné, and it was lawyer Hurtig that made first contact after she had failed to do so in about a week.

The rest of the interview-proposals before 21st September were not accepted by Marianne Ny and after two weeks had passed, she refused an interview with the excuse that the police was ill and other errands had a higher priority (Ny, 2010-11-24; Hurtig, 2010d; Stephens, 2010b, 2010s; Supreme Court, 2011), at a time when she was already informed about Assange’s pressuring matters abroad (see Stephens, 2010a), and Assange’s legal counsel had explicitly asked about obstacles to Assange’s departure in order to make sure that the client could resume his famous international responsibilities as the head of WikiLeaks.

Yet it took her three weeks to make an offer. Hurtig’s repeated requests under these initial weeks is moreover an uncontroversial fact. Therefore Marianne Ny cannot possibly truthfully claim that it is not ‘correct to assert that Assange has made repeated offers to be interviewed’ when it took her three weeks to make an effort, in conflict with recommended procedure to protect women, and Hurtig requested interview as soon as he assumed the role of Assange’s public lawyer on September 8th.

At the same moment that the prosecutor makes this claim, she becomes guilty of arguing that what is true for a specific time interval is also true for the whole period under consideration, something a legal professional of her calibre may be thought to grasp. Prosecutor Marianne Ny therefore misled the court on similar grounds that Björn Hurtig. Is this to take things out of context? Let us take a closer look on § 11 in its entirety and thereafter the prosecutor's witness statement in general.

Marianne Ny writes:

It is not correct to assert that Assange has made repeated offers to be interviewed. In September and October 2010 I was in constant contact with his counsel Bjorn Hurtig. It was not possible to arrange an interview because Assange did not come back to Sweden, despite my request that he did. Frequently, Hurtig was not able to contact [A]ssange to arrange the details for him to attend for interview. An offer of an interview by telephone was made by Hurtig. I declined this offer for the reasons outlined above. It was because of his failure to attend Sweden for interview and so that criminal proceedings could continue, that it was necessary for me to request from the court an order of his arrest. (Ny, 2011-02-04)

Ny thus opens with an assertion of her constant contact with Hurtig in September and October 2010 and moreover claims Assange did not made repeated requests to be interviewed. The latter assertion is in

direct conflict with the uncontested view about the chronology of the events, in line with what was established in Belmarsh, which recognizes at least two requests about interview from Assange's behalf. (Supreme Court, 2011, p.4f)

However, Hurtig and Assange make claims that can be interpreted as efforts beyond the two requests mentioned above (see also Hurtig, 2010-11-24, p.4). It is assuredly possible to make a literal interpretation of the first lines of § 11. In that case the two are not to be conflated. In the implausible event that such state of the world is true, she still erroneously makes the claim that Assange did not make repeated attempts as I have shown above. The extent of her flaws are in fact accentuated if they are to be interpreted literally because her denial then becomes categorical and contradicts what she writes five lines below about Hurtig's contact that, together with uncontroversial facts, means 'repeated offers'.

It is certainly feasible to make a strictly autistic interpretation that Assange did not contact the prosecutor personally but only through his legal counsel, which would imply that the whole statement is meaningless, i.e. the prosecutor is preoccupied with nonsense irrelevant to the case.

In both instances the text becomes nonsensical with a literal interpretation. Such interpretation is not only unreasonable on its own premise, it is moreover something Riddle would not approve of had he with all right applied the same judgement criteria on the prosecutor's § 11 as on Hurtig's § 13 that of course is also open for a

free interpretation. If the bar is lowered to that level then Hurtig could without dishonesty argue that he never wrote that Marianne Ny did not try to contact him. It is after all a court in London not some students' farce we are considering.

The paragraph thereafter treats what happens after Assange left the country, and prosecutor Ny makes a reference to earlier paragraphs that perhaps should be weighted in the discussion as excusing circumstances to her misleading statements. A closer look reveals that those paragraphs are about other matters which underscore that the prosecutor's paragraph is misleading. The first eight have nothing to add to this discussion²⁰.

Then the two preceding paragraphs remain. § 9 is about Marianne Ny's reluctance to employ alternative means of interrogation which would imply that Assange is not present in Sweden, with reference to the severity of the suspicions. § 10 summarizes earlier arguments with the addition that more questions may arise after a first interview, and that her decision to indict will consider things in Assange's statement

²⁰ § 1, 2 and 3 state that the prosecutor is authorized to issue a European Arrest Warrant (EAW). § 4 treats the overarching criteria to issue one, the contingency on minimal sentence, and specifies that it intends criminal proceedings. § 5 establishes that Julian Assange is sought for criminal investigation, thus the criterion for the applicability of the arrest warrant just mentioned is met, i.e. the legal instrument is suitable for the purpose at hand. § 6 refers to the EAW where the police allegations are specified, which suggests that the criterion about minimal sentence in the aforementioned § 4 is met. § 7 clarifies that the decision to indict only can be carried out after Assange is heard in order for the primary investigation to be realized. § 8 explains what the primary investigation is about and that the indictment decision enters at a later stage in Swedish law compared to British law. The purpose of the primary investigation is to collect all evidence before a possible trial, and a trial is to be carried out two weeks after the indictment decision.

that might undermine her current position to indict. Hence both are without reference to the first three weeks when Assange and Hurtig evidently made one-sided efforts to get an interview.

Such comparison naturally invites to a scrutiny of Howard Riddle's judgement or at least a re-evaluation of the weight he ascribes to Hurtig's final remarks in § 13. If Marianne Ny made a similar error in her § 11 without any visible signs of indignation from the legal system, then perhaps Hurtig's obvious mistake in § 13 is not a very important flaw after all? As already mentioned perhaps the media-logic was particularly sensitive to the fact Ny was not picked apart live.

Moreover there are fundamental differences in the nature of information supporting the conflicting claims. Marianne Ny can in principle show clear and tangible proof in the form of SMS that support her assertion on how she made contact after three weeks had passed. Hurtig must on the other hand show he neither got messages nor calls from the prosecutor, even though his version is consistent with evidence that was put forward in Belmarsh February 2011 and consensus in Supreme Court a couple of months later.

The comparison's biggest obstacle is however, that it is contrary with praxis to misuse quotes from judge Riddle's verdict, which on a superficial rhetorical level are so useful to doubt Assange's credibility. An analysis in the fashion of the one I carry out here would have obstructed the repetition of Hurtig and Ny's faulty conclusions in order to blame Assange, at a time when prominent journalists and

pundits had their hands full recycling the same ‘embarrassing’ mistakes of the kind Hurtig made, to question Assange’s intentions about being interrogated.

Note the difference in how lawyer Hurtig is potentially misleading about a week, whereas prosecutor Ny potentially misleads about three weeks. It may also be that the prosecutor’s ‘mistake’, ‘is not made in a manner that Riddle ‘immediately grasped as significant’ (Riddle, 2011-02-24) with regard to deeper judicial reasons, that only a legal professional of the higher order is able to comprehend, and is not revealed to the rest of us through the exercise of pure elementary logic. More about this bellow. Ironically journalistic sloppiness on this point is entirely analogous with the flaw Hurtig made in his concluding remarks in § 13, i.e. to speak about what is true for a specific time interval as if it was true for the whole period under consideration. This repetition of the flaw has features of self-similarity, their pieces (see e.g. Kjöllér, 2011-07-03 & 2012-10-11; Barkman, 2012-03-25; Massi Fritz, 2016-09-08) are in fact *propaganda fractals*. (see The Riddle of the Propaganda Dragon)

Riddle moreover writes that there is no proof on whether Assange was contactable, something which is also in line with the prosecutor’s statement 24th November 2010, where she states that on 27th September 2010 lawyer Hurtig communicated that he didn’t succeed to reach Julian Assange whereupon I made the decision to detain Assange in his absence.’ The judge writes this in a context where he directs harsh criticism against the lawyers failure to defend his client’s

interests. The judge is very clear on that there are no sources in support of the view that Assange knew that interrogation finally was on its way to be arranged in Sweden before he left the country. This information is to be found in the section where Riddle summarizes the evidence. The problem with these facts is once again that they are contrary to the view that the lawyer and client were conspiring in order to enable Assange to flee from justice.

The judge points out time after time that there was an obvious conflict of interest when the lawyer neglected his duty, exposed his client to risks and moreover undermined the credibility his client's, among other things because Hurtig's flaw also casted a shadow of doubt on two expert witnesses, although Brita Sundberg-Weitman stood firm in her conviction (Riddle, 2011-02-24), which the press incidentally noted.

Is it reasonable that Hurtig was exposed doing Assange a favour? – No, it is moreover not inconsistent with evidence that Hurtig consciously did not want to help Assange. In summary Assange was never in need of embellishing misrepresentations of his situation because Hurtig should have been able to foresee Marianne Ny's witness statement and Hurtig moreover believed that Assange would lose in Belmarsh anyway. For purpose of clarity, assume Hurtig wanted to help Assange to the extent he was prepared to give false witness for his sake.

Hurtig obviously did not forget the messages from the prosecutor on the assumption he did not lose his mind entirely or had several

blackouts, which seems unreasonable and contrary to data. Assume Hurtig did forget the messages. He had contact with Marianne Ny on 21st September and received two other the following day that he represses together or one by one, perhaps without contacting Assange. If he did indeed contact Assange then he did not only forget two messages, but also his contact efforts about the prosecutor's messages. He would then supposedly proceed by writing a witness statement and contact the expert witnesses without remembering the messages from Marianne Ny. Perhaps blackout. If that would be the case, it is possible for him to assert that the prosecutor did not try to contact him about an interview with a clean conscience.

In the unlikely event the lawyer indeed forgot then his actions reviewed so far and his subsequent handling of the case points to his total disregard for the interests of the client. The problem is that just before he was going to issue his witness statement he supposedly suddenly remembered that prosecutor Ny sent him a couple of messages, up to several months after Marianne Ny's SMS, and then decided it was a good idea to make some cosmetic changes. Thus even if it is against all reasonableness true that Hurtig had his moment of clarity just in time before he issued the witness statement, he still acted in a manner that is inconsistent with the claim that he lied to help his client out.

Did he try to contact Assange? There are only three main cases. Hurtig must choose between claiming that no efforts were made, that neither he nor his client were able to establish contact or that they

had contact. Had Hurtig chosen to say that he spoke to his client about the prosecutor's interview proposal on September 28th, then it would have been beyond any doubt that Assange avoided interview. Had he chosen to say that he did not made any efforts, then he would have taken all the blame. Hurtig chose to say that he was unable to make contact.

Had he chosen to lie in Assange's favour, then Hurtig should have stated from the start that he did not try to contact Assange enough and faced the consequences without the 'embellishment'. Under the proceedings alone, several credible and extenuating circumstances were discussed which support such an assertion. The number of scenarios are not entirely overwhelming (three) and trivial to foresee before the proceedings.

If he entirely forgot then he has indeed neglected the interests of his client and if he only partially forgot because he suddenly remembered when the proceedings were looming, then he should have changed his statement in Assange's favour. Instead he chose an incredible version which made Assange look suspicious, something Hurtig must have been able to foresee if he is not plainly dumb, but the latter alternative is however not reconcilable with his CV. Which is contrary to the notion that Hurtig stood by Assange by taking the blame.

Now assume that Hurtig did not forget the messages, that he did not blackout, perhaps several times before the extradition proceedings in Belmarsh. Under such far more reasonable conditions

we are once more back to the previous conclusions. He should have tried to make contact if he indeed acted in the best interests of his client. In that case he has once again no incentives at all to write the witness statement he did. If he succeeded to establish contact and tries to lie, then it is once again, excuse the understatement, better to assert that he failed to establish contact because he must by then have been able to foresee that Ny would reveal her communications with lawyer Hurtig. But if that is the case, then he should have written to Ny about his failure to establish contact. Which he in the end admits he did and is consistent with the prosecutor's version from 24th November 2010. A fact that also pretty much prevents claims of no efforts at all to contact Assange.

Instead of being content with the true statement about how the prosecutor was slow to arrange an interview – it took three weeks before she took the initiative, remarkably enough – for some inexplicable reason he seems to believe that it is important to lie about the last week before Assange's departure. Because this lie obviously is not to Assange's advantage his actions are contrary to the assertion that he sacrificed himself in order to save Assange. Therefore lawyer Hurtig cannot possibly be perceived to have acted in a consistent self-sacrificing role of lying to defend the interests of his client.

So why did he modify his version without changing the main flaw? – He must by then have been able to foresee that Prosecutor Ny would mention the communication in her written witness statement

and that the falsehood of his own then would become evident to the whole world – which in turn would undermine Assange’s credibility even though his case was strong enough without the ‘embellishment’. Moreover, Hurtig evidently did not even think Assange would win in Belmarsh at the time. As already mentioned, Marianne Ny wrote that she made an offer the 21st September and that she had contact with Hurtig the following day as early as the 24th November 2010 in her statement to Svea Court of Appeal regarding the revocation of the District Court’s detention (Ny, 2010-11-24).

The question is not relevant for the overarching argument but the simplest explanation is that Hurtig acted irrationally in spite of his CV, perhaps he was unable to deal with the pressure on him handling one of the most famous cases on earth. Hurtig then realized he was not up to the task and acted unprofessionally and hoped in a weak moment that Ny would not mention the communication. He was not persistent enough in his communication and tried to divert the attention. In particular he could have made a total miscalculation of the risks involved as a consequence of a sloppy formulation of his proof which he deemed ‘good enough’ at one point but subsequently re-evaluated the importance the British legal system could ascribe to it. Such conjecture is assuredly in line with the critique the Swedish lawyer endured under the Belmarsh crossfire.

Other more intricate versions concern conspiracy. In that case Hurtig and Ny colluded to trap Assange in the situation that eventually played out and that he still suffers. Hurtig took the worst

of the blowback. Hurtig avoids to contact Assange and hopes Marianne Ny would not mention it, he becomes insecure, nervous and tries to save his own neck by masking it. Or the messages suddenly appeared in his mobile phone and he did not know what to do or think. The problem with these explanations is however that there is insufficient data supporting the theories, to the extent it becomes safe to say that they are uncontroversial conclusions while simpler explanations are at hand. But someone who advocates these by stating that 'it would have been a reasonable assumption from the facts' to do so without reservations makes the same error as several author's in the press did when they conflated a wide range of facts taken out of context and made faulty conclusions that did not follow from the assumptions, when they for instance asserted that Riddle's verdict somehow implies that Assange tried to stay away from justice, or that Hurtig tried to lie to help Assange out. Clearly Hurtig did not sacrifice himself in order to help Assange, especially if he lied about how he was unable to recall the SMS correspondence with the prosecutor. His actions are at best an epic disservice.

A CONCLUSION ABOUT BEING RIGHT ABOUT
WRONGS

Psychiatry Doctor Marcello Ferrada de Noli is a Professor Emeritus in epidemiology with genuine academic merits who has been active in the Assange debate on social media from start. He runs a blog named ‘The Professors’ blog’ (professorsblogg.com) and wrote a book on the Assange case. The professor also distinguishes himself by his early and frequent analyses to date. 2015 he founded the organization ‘Swedish Doctors for Human Rights’, their publications (*SWEDHR Research & Reports*) mainly consists of analyses about the Assange case (75 %). In his written witness statement (2011-02-21) he succinctly describes his history as a political refugee from Chile.

His contribution to the proceedings was in the form of a report on the Swedish media coverage of the case completed 19th February 2011 after the open proceedings in Belmarsh, a couple of days prior to Riddle’s verdict.

Professor Ferrada de Noli was asked about his research at the last moment by Jennifer Robinson, his written statement is signed 21st February 2011, and was just about submitted anterior to the ruling of February 24th under dramatic circumstances. A fact that may have affected the medial attention on the study.

The professor finds that the majority of the articles about the allegations and the legal process in London did not meet basic criteria

of objectivity, and 20 % were either erroneous or simply misleading (Noli, 2011-02-20; lecture, 2013). Overall there was also a clear bias towards articles with a negative portrayal of Assange's person in relation to the ones with a positive description. The negative articles were found to employ a hostile use of language. Ferrada de Noli's conclusion is the existence of a negative media campaign, a 'trial by media' that, with reference to earlier research, may influence the Swedish population in a manner that is to Assange's disadvantage although there are a few alternative channels online with a dissenting view. (Ferrada de Noli, 2011-02-21)

Assange's lawyers argued that the use of laymen-judges appointed by political parties could be susceptible to the Swedish media climate, especially due to the fact that the trial was to be carried out behind closed doors. This argument is not particularly interesting here and Riddle's judgement was moreover that he had confidence in the Swedish legal system. The judge did on the other hand state that Assange endured negative publicity in the media. The predictions of the Propaganda Model is that Ferrada de Noli's study will not become a reason for the media to conduct critical self-examination even though the principle of pre-emptive openness gives some room for deviations.

Ferrada de Noli (2016, p.59f) finds one article written by Karin Thurfjell at SvD that puts forward Howard Riddle's statement that Assange endured 'considerable negative publicity' in Swedish media in the judge's introduction to the verdict. According to Ferrada de Noli

the judge's statement indicates that he considered the study because it was the only piece of evidence available to him about Swedish media conditions under the proceedings.

However Dagens Nyheter's Dan Lucas erroneously reported that the judge discarded the allegations about how the Swedish press attacked Assange. The reporting about the study thus oscillated between virtually non-existing to misleading at best, and I have not found a single article 2011-2016 that discusses Ferrada de Noli's study or his numerous analyses on the subject.

Ferrada de Noli's work goes beyond considerations of the legal process and his report on the Swedish media climate. The number of articles discussing the professor's results that arguably made an impression on the judge's understanding of Swedish media, is in the same order of magnitude as the ones about Björn Hurtig's 'New Super body' (Bergh, 2015-08-04).

In addition to Rudling's remarks about the political connection between the older woman and the police Iremeli Krans who interrogated the younger plaintiff, Doctor Ferrada de Noli makes a characterization of the older woman's political network that has several conspicuous points of contact with the legal case. The lawyer and Social Democrat politician Claes Borgström, who resurrected the case after it was more or less dropped by Finné by turning to the city of Göteborg, runs the Göteborg-based firm Bodström & Borgström. His business partner is none other than the former Minister of Justice

Thomas Bodström, who also was member in the Broderhood where the older plaintiff once assumed the position of political secretary.

According to Ferrada de Noli Bodström and Borgström also have an ideological commonality with prosecutor Marianne Ny, most clearly expressed through their former investigation about a new law on sexual crimes. Thomas Bodström was moreover directly involved in the cooperation with the CIA by consenting to the extradition of two political refugees who were taken from Sweden to torture abroad. WikiLeaks disclosures about the Swedish cooperation with the US and Sweden's status as an unofficial NATO-member, has in other words not only a general bearing as a background to possible political connections in the legal process against Assange. His characterization shows direct and by all means tangible links to the parties of the legal process and even to the prosecutor. The discussion Ferrada de Noli entertains is far beyond the restricted mainstream discourse. Candidates of discussions that even rudimentarily remind about the professor's analysis are consequently few and far between in the news-and-opinion output of the largest joint-stock newspaper companies. The references to be found are primarily to the 'internet mob', conspiracy-theorists and other vaguely defined entities marginalized by the press and furthermore used to undermine serious discussion.

SWEDEN'S MOST CRITICISED CRITICS

The former Chief Prosecutor and debater Alhem was forced to defend himself in the press several times, and did so to the extent that he distanced himself from Brita Sundberg-Weitman, former judge at Svea Court of Appeal, by an indirect critique of her statements on prosecutor Ny's adherence to a radical feminist agenda. Sundberg-Weitman, as mentioned above, also received critique from witness Göran Rudling in DN who accused her of untruthfulness.

When two of the witnesses who are used to public debate spend the meagre space they were allowed to enjoy in the VIP-rooms of the press, to criticize a third witness, it becomes difficult to avoid being reminded of the high pressure that afflicted the media at the time. Alhem got away rather unscathed in the press after Howard Riddle praised his credibility but privately he still struggled not to be left out in the cold. Several articles about the extradition proceedings portrayed the witness statements as close to defamation of motherland. Titles such as *Assange's Destiny can be Decided by Alhem* (DN/TT, 2011-02-05), *Assange Fears for his Life* SvD/TT, 2011-02-07), *Assange Attacks Swedish Rule of Law* (Stenquist, 2011-02-08) and *Sweden gets Smeared: Assange's Defence-Team Launches a Hard Attack* (Kadhammar, 2011-02-09) could have been picked from a ditched film manuscript and were not exclusively the

workings of the evening press. The caring for the Swedish persona was more than an unuttered premise in the press at the time.

One of the most tangible personal consequences was that Brita Sundberg-Weitman was officially disqualified from the elite opinion because her views were branded as unserious by the press after Howard Riddle's verdict. That the press acts as 'stenographs' to power and that the agenda-setting press in e.g. the USA could change its name to *US Officials Say*, as Robert Fisk (2006-03-18) sardonically puts it, is one thing. That the press in a close to synchronized manner decides to follow the views of a British judge about a former Swedish judge because the opinions of the Brit are in accordance with the official state policy is, although perhaps not very surprising, still closer to the party-functionary role – as Chomsky and Edward Herman perhaps would have put it.

What is it these two expert-witnesses really say? Alhem (2011-01-28) said what most of the other witnesses said but stays longer with the technicalities due to his legal expertise. Alhem thinks there were some violations of Swedish legal procedure in the Assange case. To begin with, his statement extends to the on-duty assistant prosecutor Kjellstrand's confirmation of the leaks to the press which pretty much implied a public annunciation of the rape suspicions. On the grounds of his experience and legal expertise Alhem believes that the prosecutor should have practiced a greater degree of expeditiousness in hearing Assange. This should as a matter of fact have been done within a week in order to accord to good legal praxis and that a police

is ill, is not an acceptable excuse for further delay according to the legal expert.

Thus parts of Alhem's reasoning should not be influenced by Hurtig's bear-service (disservice) because it took the prosecutor three weeks to propose interrogation at a stage when the police-investigation already was tainted with irregularities. Furthermore it concerns an individual with pressing matters elsewhere, who moreover made sure to underscore the obvious fact that he was a busy man, whereupon the prosecutor chose to stall the interrogation to the extent that she made excuses involving a sick policeman.

Alhem (2011-01-28) underscores that the criteria to end the primary investigation about rape necessitates a suspicion beyond reasonable doubts and that it is not enough if the plaintiff is more credible than the suspect according to the Swedish Supreme Court. He points out that delay obstructs a fair trial because it is important that evidence is secured early on, and the current state of affairs is moreover worsened by the poor interviews with the women. Hence it is not proportional to make an international arrest warrant because the basic criteria for suspicion beyond reasonable doubts required by the Swedish Supreme Court cannot be regarded as being met.

Alhem furthermore stated in his written testimony that the prosecutor should have exhausted other alternatives for interrogation before she made Assange an internationally wanted man. However, according to the judge, Alhem changed his opinion in view of the new evidence that indicated how Hurtig was contacted by Ny about a

hearing. Alhem thus consented to that the international arrest warrant was reasonable in the light of new evidence although his assertion was formulated as a hypothetical one (Riddle, 2011-02-24).

Finally he wrote that Assange would have been able to put forward his version had interrogation taken place, which moreover is a condition to close the primary investigation. Alhem's knowledge about the law was apparently too much for many and his fact-based highlighting of the flaws in the procedure with respect to the body of Swedish law and legal tradition was clearly way beyond the borders of the acceptable 2011. The former Chief Prosecutor was thus titled as a critic but was lauded by both the British judge and the press after he changed his mind on the key issue. (see also *The Elite Opinion*)

Brita Sundberg-Weitman (2011-01-27) points out, in line with Alhem, that the prosecutor's public confirmation of Assange's identity and the suspicions, is against the laws which are in place to ensure the efficiency of the legal procedures but which are also endowed with an ethical dimension meant to protect all the involved parties. She shares Alhem's view that the EAW was disproportional and cannot conceive why the prosecutor refused to use other means to ensure interrogation, because there is a range of available options consistent with Swedish law which are relatively easy to arrange. In line with Alhem, she ensures that Marianne Ny took over the case from Eva Finné in a correct manner.

The former judge relies to a greater extent on what Hurtig said about Assange's lack of access to timely information and about the passivity of the prosecutor, but her reasoning is also in principle unaffected by Hurtig's bear-service because she refers to the law and nothing that was put forward by the judge about the proceedings contradicts the fact that it took the prosecutor three weeks to take initiative. In contrast to Alhem she stayed true to her convictions and did not fold under pressure.

Brita Sundberg-Weitman's perhaps most interesting claim was not that prosecutor Ny is a 'radical feminist' and Borgström an 'ultra-radical feminist' per se, something she explicitly writes in statement, but the inconsistent behaviour – Marianne Ny did not act as a proper radical feminist in her role as a prosecutor because of her inability to either detain or interrogate Assange, in spite of her knowledge of his voluntary compliance to interrogation the day before she took over the case. Like Rudling, Sundberg-Weitman underscores that it is of the utmost importance for the women's chances to justice that evidence is secured as soon as possible. (Sundberg-Weitman, 2011-01-27)

These points were not deemed interesting by the press, it was her use of the epithet 'radical feminist' that got the attention but if more had read her written statement then the focus could instead have been on the more correct expression 'ultra-radical feminist' when discussing her opinions about Borgström. (see also The Elite Opinion)

FACTS AS VERDICT AND MYSTERY

Hurtig's disservice gave the press an opportunity to rewrite history, before Belmarsh Assange's defence was allowed to point out the obvious about how weeks elapsed without hearing Assange, and that the prosecutor gave him the green light to depart from Sweden in writing. The prosecutor was quite silent about the matter before Belmarsh and the propaganda model predicts there will be no obstacles to publish information about it even though the rivalry about media territory gives conditions for a divided reporting.

The reporting on the matter was fairly good, the press really outdid itself considering the overall standard otherwise. The press did not misrepresent the issue before Belmarsh but it still found ways to 'nuance' the facts. On the question if Assange was *allowed* to leave prosecutor Marianne Ny would answer that she could not give *permission*, without lying, because it is technically speaking true (Eriksson & Östman, 2010-12-08). This is an answer that is only possible if the authority does not even expect further questions.

In spite of this there is a tendency that facts about the prosecutor's written confirmation of the absence of legal obstacles for his departure from Sweden became scarcer from December 2010, even in news items that reported on the subject. This tendency could however be due to a general acceptance of Assange and Hurtig's version at the time. These facts are disputed in Belmarsh, lines are

drawn by Clare Montgomery's defence of the Swedish prosecutor and the behaviour of the press changes with them. The press goes from 'according to Hurtig' to 'according to Clare Montgomery' about Assange's departure under the open extradition proceedings in London, in line with the propaganda model, although limiting cases that perhaps can be counted as the exceptions which confirm the rule exist, nevertheless these fall within the boundaries of pre-emptive openness (see *When Reality Became More Mechanic than The Model*, p.62)

Howard Riddle's statement that Hurtig 'misled the court' definitively changes the track and the reporting in connection to Assange's lawyer is mainly limited to the judge's critique which the Swedish Bar Association chose to take seriously and proceeded by penalizing Björn Hurtig.

These unfortunate events shamed the Swedish lawyer and gave the press plenty of opportunities to emphasize that the prosecutor had contacted Assange after all. Not a single article was even close to report that Marianne Ny misled the court considering that Riddle's line of reasoning about Hurtig's ill-fated § 13 is equally applicable to Marianne Ny's parallel error in § 11. This cannot possibly be due to the lack of discussion at the extensively covered proceedings because Riddle spent a whole section on the critique of Marianne Ny's document, the injustice that she was not present or cross-interviewed, and concludes with his own view on the matter in the verdict. Further references to Marianne Ny's misleading statement are to be found in

direct connection to the central part about the arrest warrant's legality where § 5-11 in the prosecutor's proof is presented and commented upon (Riddle, 2011-02-24). If Riddle decided that the prosecutor's proof was beyond criticism it was certainly not because it was beyond discussion and the consistent decision among journalists not to question the ruling must still be explained.

Hurtig's witness statement was similar to Rudling's with regard to the motives of the women (§ 19), likewise the supplement in the form of a letter to Assange's British lawyer Mark Stephens from 14th December 2010 (Hurtig, 2010; 2011b). In that letter Hurtig writes how he after having seen the evidence can conclude that it is one of the weakest cases he has witnessed in his 15-year long carrier. Hurtig proceeds by writing that he had seen SMS/text-messages where one of the plaintiffs speaks about 'revenge', making money and go to the press (Expressen), in a manner that made the lawyer wonder if they might have a hidden agenda and 'casts serious doubts on their accusations and their trustworthiness'. (Ibid.)

In the judge's summary there is informative content about the text messages in a section about Hurtig's witness statement and the SMS are moreover mentioned in connection with the argumentation next to the verdict. The judge chose to cite Hurtig who said that the messages are 'not good for the claimants and spoke of revenge' and moreover that the women spoke about making money on Julian Assange under the open proceedings. In relation to this, the judge also notes that Hurtig put forward a text message that clearly states

that one of the plaintiffs did not sleep, in contrary to what Marianne Ny had claimed in the EAW in the section where the crime suspicions are supposed to be specified. ‘That is very different from the allegation in the EAW’, the judge concluded. (Riddle, 2011-02-24, p.7; Ny, 2010-12-02).

I have already established that the coverage on the women’s motives oscillates from almost non-existent to being associated with anonymous woman-hating keyboard warriors. It is therefore important to underscore that the women’s motives and communication through SMS and social media appear both in the witness statements and in the verdict, in writing and with reference to verbal formulations under the open proceedings. As shown above this journalistic bias is not something that happens under the proceedings, it is a consistent approach in the reporting from the time when the suspicions were leaked to Expressen – 2010 there were just 7 articles that *noted* that the police reported Assange in the study or that the women did not intend to report – three of these allude to Assange’s view on women’s motives (DN, 2010-12-22; G-P, 2010-12-22; SvD, 2010-09-09).

The judge also dedicated a paragraph to Rudling’s witness statement where he mentions that one of the women ‘deleted Tweets that are inconsistent with her allegations’. Riddle also documents the political ties of the women and one police officer to the Social Democrats (Riddle, 2011-02-24), but when these facts touch a discussion about political motives in the press they are usually

ascribed to suspect figures such as conspiracy-theorists or ‘haters’ and that kind of brown washing is carried out even before the Belmarsh proceedings.

The double standard is also conspicuous in relation to the argumentation that leads to the conclusion when the judge affirms the Swedish prosecutor’s arrest warrant. To begin with, the judge uses Alhem’s turnaround – the judge concedes to the first part in the argument – that the arrest warrant is disproportionate if all other alternatives have been exhausted and if prosecutor Ny did not make an effort to interrogate Assange.

Because it became clear that Marianne Ny did indeed make contact the last week before Assange departed, then the argument falls apart according to the Judge who takes the position that Assange did not make himself available enough. **Riddle is once again careful to point out that nobody claimed that Assange consciously tried to flee the country** even though his motives are not central for his conclusion. (Riddle, 2011-02-24, p.19)

The key-issue is that he was not available under a week, according to the judge – but what about the remaining three weeks? It is at this particular stage of the argument that he invokes Alhem’s witness statement, and points out that the expert witness was misled by Hurtig’s erroneous information, and reinforces his reasoning with reference to the former Chief Prosecutor Alhem. Judge Riddle gives an account of Alhem’s casting: ‘On the account given by Ms Ny it

would have been a reasonable reaction to apply for an EAW. “Certainly, I would have done the same myself”.

However the Swedish prosecutor’s witness statement is also misleading. Riddle (and Alhem evidently) chose to ignore the fact that the witness statement the judge employs in his argument is misleading, even though it is used several times in his line of thought about the validity of the arrest warrant. On logical grounds alone Alhem’s position, that interrogation within a week is what is to be demanded in order for the procedure to conform to good legal praxis, remains a fact. It took three weeks for the prosecutor according to Riddle’s own account, therefore Riddle’s invocation of Alhem’s turnaround is redundant.

This means that both Assange and his lawyer should have been expected to have the reasonable expectation that the interrogation was not urgent based on Swedish law, tradition and recommendations. Some would add (although perhaps excessively), that Assange and Hurtig in turn at least expected, that the prosecutor and others expected that they expected exactly that. It would therefore have been completely understandable if Assange had made himself unavailable a couple of days in good faith, because his job-description demands secrecy, among other things in order to avoid different countries’ security services. Something about the information in his missing laptops and the disappearance of these accentuates.

Apparently at least someone knew about his departure the 27th of September when his luggage was confiscated between Stockholm

and Berlin (see Assange, 2013) – and what other conclusions are we allowed to draw if we employ the judge’s criteria on what is likely?

Note that it is not even certain, according to the judge, that Assange was unavailable because Hurtig did not even know if he contacted Assange, and Assange told him that he would perhaps be hard to get hold of for a while.

The judge chose to omit his previous discussion on the failure of Assange’s Swedish public lawyer to defend the interests of his client in connection to the conclusion. Hurtig was unsure about when Assange left the country and although Marianne Ny and Hurtig had contact the 27th September 2010, Riddle further concludes that it is unreasonable that Marianne Ny knew Assange was going to leave the country that particular date.

This is a superficial argument beside the point. The fact that Hurtig once again showed proof of his insufficient oversight of his client’s interests when he fails to remember crucial matters or is insufficiently knowledgeable about the case, is assuredly distressing. It is however not possible to truthfully claim that Hurtig did not tell Ny about Assange’s imminent departure only because he was unsure about the specifics. That sloppy reasoning would be to reiterate the same ‘embarrassing’ error that Hurtig and Ny made when they mistakenly claimed that what is true for a specific point of time is also true for the whole relevant period.

Riddle is in other words simply of the opinion that Assange stayed away to the extent his actions were decisive for the inability of the prosecutor to hear him, in spite of all objections that can be made in support for the contrary. Hurtig's negligence of his client's interests are not used in favour of Assange but are instead applied in a technical formulation about how Assange's actions, may be understood as if he stayed away the week before his departure. It is assuredly not the judge's fault that the press chose to ignore the obvious discrepancies between data input and the flawed conclusion to Assange's great disadvantage, but in line with the official stance of the state.

To conclude, the press is consistent in its suppression of facts when they fall outside elite opinion. Even the fact that Assange was not heard in three weeks and got the green light from the prosecutor to leave the country, was changed to how it was prosecutor Marianne Ny that one-sidedly chased Assange when the press went on to filter information in accordance with the tactical disagreements in the elite opinion that were crystalized in connection to the extradition proceedings.

In order to make the 'impossible switch' the press was forced to take 'narratives, which in themselves assuredly are true, to general truths', a feature included in the historian Lööw's (2015) description of fact resistance. The researcher's conclusion is that when the 'argumentation constantly originates from events that undeniably happened it becomes very difficult to deal with, which propaganda-strategically is also the point'

The questioning of the women's motives, an issue close to the one about political motives, was completely excluded – the press started to brown-wash facts pointing to the untruthfulness of the allegations from one of the plaintiffs already before the extradition proceedings. This close to tactical procedure continued even after several witnesses and the judge himself spoke in terms of how one of the women deleted evidence “inconsistent with her allegations” (Riddle, 2011-02-24, p.4).

The evidence put forward in this study shows that the press did not have a policy that somehow prohibited them to discuss motives after the suspicions were leaked to the press. Evidence to Assange's disadvantage was discussed repeatedly without apparent restrictions. In contrast, facts indicating false allegations or political motives were allowed to be discussed only when they were put forward by individuals or groups with low or non-existent credibility. In the crucial first days after the leak and the prosecutor's confirmation of the criminal suspicions, the press used all available information about what supposedly happened without any sign of scruples or noticeable regard for the ongoing investigation. At the same time it was only a few who mentioned that it was the police that reported Assange and the rest of the roughly a hundred articles up to the Belmarsh-hearing asserted on the contrary that it was the women who reported Assange and the younger plaintiff, who felt railroaded and was upset about the rape accusations by the police, was even labelled as a *reporting woman* (anmälande kvinna). A use of language that reveals the

persistent influence the older plaintiff's misleading interview with Aftonbladet was allowed to have.

Rudlings proof and the judge's objection-free comments about it was not even mentioned 2011-2016. Rudling is however allowed some space with opinions in general, in particular with an article that accuses Assange of having fled from interrogation and where Brita Sundberg-Bergman is accused of being untruthful. Similar patterns are apparent regarding the SMS that Hurtig repeatedly mentioned before the extradition proceedings and used to question the motives of the plaintiffs under the extradition proceedings in Belmarsh.

These were almost entirely commented upon in terms of metadata, without reference to what was known, even though the legal counsel of Assange had seen and formulated interesting summaries of their content. This is true for Hurtig as well as for Assange's later lawyers Samuelson and Olsson who had access to the SMS 18th November 2010 and 12th of August 2011 respectively.

The articles that barely mention the women's SMS make up a negligible part of the reporting in print. Most of these few and quite uninformative counts are printed years after Assange's legal counsel first read them and on top of that, most of these are nevertheless biased against Assange with alternative facts about how the women reported him to the police. The online-study exhibits similar results.

The suppression and strategic reporting of the information to Assange's advantage or that raised questions about the motives

behind the legal process, stand in sharp contrast to the SMS between prosecutor Ny and lawyer Björn Hurtig. The content in the latter information is reported without difficulties, in direct connection to their first emission i.e. the extradition proceedings, and the press tracked Hurtig down relentlessly after he allegedly ‘misled the court’, all the way to the Bar Association’s scrutiny, penalty and beyond.

It is moreover astonishing that the argument Howard Riddle used to draw the conclusion on how Assange’s Swedish lawyer ‘misled the court’ with reference to § 13 in Hurtig’s written witness statement, is completely applicable on Marianne Ny’s formulation in § 11 in the prosecutor’s corresponding witness statement.

This was ignored by Riddle who evidently made another judgement, but more importantly, the discussion did not even take place in the press that instead almost mechanically stood by the verdict and picked fitting formulations from it in order to attack Julian Assange, to the extent several writers misinterpreted the ruling and made elementary logical fallacies in their eagerness to quote the British judge.

The fact that the parallel errors were not even noted or to the very least the starting point for a few polite reservations, is in the end ironic. An application of Riddle’s argumentation on the prosecutor’s § 11 implies that Ny was misleading about a potentially three times longer period than the disciplined Björn Hurtig. In addition the judge used Marianne Ny’s misleading testimony to make crucial conclusions.

An analysis of Riddle's verdict reveals that there was, and still is plenty of room to question it. The recycling of the flaw goes beyond the mechanical references in the news coverage. It became snowflakes in the creative propaganda fractals of the editorials of the joint-stock newspaper companies (see *The Riddle of the Propaganda Dragon*). The consequences of this ruling have been far reaching. The February 2018 ruling which upheld the British warrant is even more arbitrary and alludes to Riddle's verdict without objections.

Several popular explanations to media behaviour are fundamentally challenged by data in this study, in addition to earlier results and theoretical considerations. Left-wing feminism, professionalism, ethical considerations about the use of evidence or for that matter nationalism (self-hate and the primacy of foreign authorities) are not compatible with observed journalistic behaviour.

INHUMAN RIGHTS

Although the observations and results so far are informative, the questions raised cannot be settled with simple word-counts, we must take a closer look at the content like when Marianne Ny's § 11 and Hurtig's § 13 were compared. The numbers nevertheless show how decisive information about the legal case to Assange's advantage is underreported in accordance with the principle of *pre-emptive openness*. This bias is exemplified with on the one hand the plaintiffs' SMS and the blogging and cover up by the older plaintiff –

pointing to a hidden agenda and false allegations – and the prosecutor’s communication with Hurtig on the other. The vital *content* of the messages from the women that supports Assange’s version about what happened is printed once under roughly a six-year period in the largest joint-stock newspaper firms. When references to the content which are beneficial to Assange are made, then the sources are Assange himself or his legal counsel.

The content in Björn Hurtig’s SMS which casts suspicion on Assange is reported immediately and is confirmed several times by authorities – Although both are considered in the same public proceedings, extensively covered by the world’s news outlets, Swedish ones included. When Hurtig puts forward his version it is in a context where he is accused of having committed a serious error which put his credibility at stake when questioned by Clare Montgomery, who with some few exceptions is not introduced as the representative of the Swedish prosecutor.

The result is that Assange is questioned and marginalized on the grounds of the police accusations in both cases. In the first instance because information that may sway the public opinion in his favour is omitted or at best mentioned by partial actors. In the other case because the information to his disadvantage is reported at once in the critical initial phase when many form their opinions about the state of affairs and may act on their beliefs in a timely manner. This information is on the other hand by and large put forward by neutral agents or Hurtig in a spasmodic defence position.

These circumstances maintain a discussion based on ‘alternative facts’ with a fictitious account of the events. In this discourse the claim that Assange fled Swedish justice is not ridiculed although it was clearly inconsistent with available data at the time. It is however by no means obvious that the press did the women any favours with their untruthful coverage and hateful tone. The women went undercover as a consequence of the worst hate-storm although the damage had been done already after the leak to Expressen with the aid of the on-duty prosecutor. The younger woman got railroaded by a press that did not do much to portray her objections to the police accusations. She was never granted the protection that a correct and objective description of the facts would have given her.

This chapter deals with the core issue of the case – the violations of Assange’s human rights. He has been arbitrarily detained for over seven years and it is therefore from an analytical but also an ethical point of view important to disclose how media has described his suffering. Based on the previous discussion and because Sweden, the UK but also USA through its processes and threats against Assange and WikiLeaks, have clearly shown that they want Julian Assange arbitrarily detained, it is then reasonable to conjecture that facts with potential to give rise to sympathy for Assange, or opinions or actions aiming to free him, will tend to be kept outside the spectrum of discussion.

Examples of such discussions are above all those about false allegations, political motives, the conditions at the embassy, medical

condition, psychological effects of the detention and other restrictions contrary to international conventions on human rights and common decency. Credible resistance and involvement from experts, human rights groups or intellectuals can be suspected to be marginalized, disregarded or simply left out.

A complete study along these many lines is unfortunately beyond the scope of this book but because Sweden has not officially recognized that its actions are contrary to international conventions on human rights, the following neighbouring conjecture is studied:

3. The arbitrary detention in conflict with international conventions on human rights that Assange is subjected to is ignored or denied. The official state line that Julian Assange resides in the embassy by his own free will dominate the press.

As the reader will soon find out, the hypothesis has strong support and the erroneous parallel description of reality endures the whole period under study with disturbing and almost bizarre consequences when it in the end gets challenged by the UN ruling, which stated that Sweden and the UK are denying Assange his basic human rights through arbitrary detention. Swedish journalists then began to smear the UN, criticize or downplay the ruling (See, *Propaganda with a Human Face*, p.213). The results of this chapter supplements the chapter *Swedish Journalists: Assange and the UN Entertain Conspiracy Theories*.

FINALLY!

CREDIBILITY IS SCARCE AND UNEVENLY DISTRIBUTED

The most obvious feature of Assange's current situation is the arbitrary detention that violates basic human rights, according to the UN. The arbitrary detention of course violated Assange's human rights before the UN-ruling, the question is how journalists reacted to state oppression 2010-2016.

From a theoretical vantage point there are also expectations on the content – systemic critique will tend to be disregarded or regarded as airy-fairy, conspiratorial, ungrounded in facts etc. alternatively it will be allowed to be advocated by sympathizers and therefore appear as less credible. Critique will be limited to the failings of specific individuals, the human factor, unfortunate circumstance etc. Especially, the arbitrary detention that Assange is made to suffer will be suppressed, played down or denied. The official state position that Julian Assange is in the embassy by his own free choice will dominate, and the obvious connection to violations of human rights will be placed in the distant background or be distrusted.

Articles with the term *human rights* and associated variations were picked, the sample is also justified because possible violations against human rights have the character of historical events for any country, democratic ones especially, whereby the word can be conjectured to be in descriptions and discussions about the Assange case. This is not

only exactly what he has been subjected to through the arbitrary detention over the past seven years under severe conditions. Furthermore, if the reader is not entirely convinced, the discussion should nevertheless still be expected to be extensive, due to the prevalence of the opinion among the population in general to world-renowned intellectuals who from the very outset insisted on Swedish and UK infringements on Assange's human rights.

Crimes against human rights is therefore a salient feature of the case and hence endowed with news-value for the public, in particular because Assange is known and with an origin that is not usually associated with terror suspicions in the media. It is therefore reasonable to expect an extensive coverage and discussion on the topic, if you do not believe that the propaganda model is valid. Results indicating the contrary would therefore be quite telling about how elite culture is reflected in media behaviour.

If ongoing violations of human rights are reported at all, is this reporting in turn biased in accordance with the propaganda model? The next section shows that no established journalists or author's expressed the view that Assange was arbitrarily detained in editorials, debates or news chronicles and the results so far already give the propaganda model strong support.

The choice to base the study on *human rights* is therefore rigged against the propaganda model, because journalists who choose to write about the subject are those who break the silence and thus may to a greater degree be expected to be motivated by beliefs that differ

from the rest who defend the prosecutor and the state's principal positions.

The most salient feature of the investigation is that only 116 articles in the database associated with Assange **mention** human rights. This can be compared to the about five times larger number of articles about Assange which mention rape (669). Only 48 of the 116 express any sort of opinion on whether violations against human rights occur or not, i.e. under 2 % of the articles about Assange, if a very liberal interpretation to the disadvantage of the hypotheses is made.

The minor subset alone, employed to study the association Assange-WikiLeaks-rape, contains about 300 articles (75 %) which elaborated extensively on the crime allegations. If equally high requirements are demanded on articles about human rights, then the size difference is estimated to be tenfold if seen over the whole period and twentyfold under the period 2010-2015.

In addition to the suppression of facts the media works with credibility, e.g. when they legitimate elite opinion through the deployment of experts or marginalization such as the bashing of facts contrary to the elite view. Articles mentioning violations of human rights have the potential to be part of a more comprehensive systemic critique.

– Will the few allowed to slip through still be filtered?

A way of measuring the credibility information is allowed to have is through the prevalence of a credibility gap, hereby called credibility

asymmetry. This asymmetry can be thought to have different forms, e.g. that information to Assange's disadvantage, defends status quo or articulates the elite view is expressed by agents with the highest credibility, and information to Assange's advantage or is potentially system critical is instead advocated by actors with the lowest credibility. Alternatively information to Assange's disadvantage is presented by parties with higher credibility than the ones who express information to his advantage. If the same individual expresses several opinions, some of which are to Assange's advantage and some to his disadvantage, then the information to his advantage will appear as less (least) credible and the information to his disadvantage as the more (most) credible. Articles with opinion from several sources should moreover follow the same pattern. Finally, confessions give the disadvantageous information more credibility if there are no other apparent reasons to doubt the statement. (For details see *Definition of the Credibility Asymmetries*)

Thus attention is given to articles that potentially contain system-critical information. In order to make the study tractable but still true to the idea about credibility asymmetries the following is investigated:

4. Information in accordance with elite opinion to Assange's disadvantage is expressed by impartial agents or through confessions. On the contrary, systemic critique to Assange's advantage is expressed by partial actors.

The bias given by the credibility asymmetries demand a great deal of information which is not always realistic to get hold of and that one can have different opinions about. The women's legal counsel Elisabeth Massi Fritz that among other things is an experienced, skilled and highly regarded lawyer was appointed as the woman of the year in 2008 by Expressen. She is frequently cited and arguably one of the agents with highest credibility under the period 2010-2016 (for more on Fritz see **p.204, 341**).

Is it then really obvious that she has more or less credibility than Claes Borgström who is also a politician but perhaps with stains in his credibility in the aftermath of the Quick-debacle? (Well-known legal scandal) How do we rate the politician Carl Bildt in this particular matter? Do these in turn have more or less credibility than Assange's lawyers who represent an individual who is publicly smeared in the press? Clare Montgomery was presented as impartial across the board – Will the reader perceive her that way? The answers to these questions depend on who reads and carries out the judgement even though it is in principle possible to measure how the press has depicted the persons under consideration historically, such endeavour is however beyond the scope of this book.

It is moreover reasonable to believe that if only individuals with low credibility are allowed to express their opinions on a subject that people are not very familiar with, then the subject's overall relevance and credibility will tend to diminish, regardless of their alignment. On

the contrary, the status of a subject can be expected to increase if it is frequently discussed by independent experts.

Therefore, I do not presuppose that the overall discussion will follow the pattern of hypothesis 4, although I do not exclude the possibility. The patterns found in this section are nevertheless recurrent, although sharper methods must be employed in order to settle the issue. A study of how the press treats the central issue of guarantees in part II displays similar patterns to Assange's disadvantage (*On the Original Swedish Sin*). A plausible conjecture in accordance with previous studies is that facts are in general treated and filtered through different methods, although the reporting very well could follow the ideas of the more general rules about credibility asymmetry outlined above but that matter is not settled here.

The propaganda model underscores media dependency on state channels and its symbiosis with experts. In this specific case Assange and his followers, his legal counsel, Ecuadorian representatives are partial. These are either parties in the legal process, share Assange's description of reality or have a clear-cut stake regarding the issue of political asylum.

It is on the other hand not obvious that the women and their legal counsel are partial – they are technically parties in the Swedish legal case, but they might also be interested in putting an end to the process as soon as possible, certainly within the limiting time. It is therefore conceivable that they would disapprove to the prosecutor's choice of letting Assange suffer arbitrary detention while the time for

prosecution expires and hypothetically speaking, still think that Assange is guilty of crimes.

Claes Borgström was for example very anxious to have Assange interrogated at once as soon as the previous prosecutor Eva Finné took over and dropped the rape suspicion, but that changed after he chose to appeal Finné's decision, and prosecutor Marianne Ny took over the case and resumed the investigation under the offence of rape. Borgström figured in the press critiquing the tardiness in hearing Assange only four days after the suspicions were leaked to the press in Svenska Dagbladet's *Borgström Demands Assange Interrogated* (Hernadi, 2010-08-25) and Expressen's *Assange Still not heard by the Police*.

The day after prosecutor Ny decided to resume the preliminary investigation under more severe offences, the newspaper Göteborgs-Posten did not lack reasons to why Marianne Ny should not rush things. In direct connection to the prosecutor's abstention from specifying when Assange was to be heard, two researchers are quoted. They explain how public pressure may build up stress and get in the way of the investigation (G-P, 2010-09-02). The following day, Borgström appears once again in the press and expresses critical remarks about the **previous** prosecutor's lack of expeditiousness.

The journalists also let Chief Prosecutor Mats Åhlund affirm that Finné, who dropped most of the suspicions, had too much on her plate when she took over the case from the on-duty assistant prosecutor who confirmed the leak to the press. Borgström then

ceases the moment: – ‘If it is true that the prosecutor was preoccupied with another case at the Court of Appeal then it is serious. An expeditious handling of the investigation is important in all criminal cases’ (Brännström & Ölander, 2010-09-03).

Borgström does not utter a single word about whether Marianne Ny should act in an efficient manner. As a matter of fact he enters a period of silence from September 8th to the 19th of November 2010. Perhaps he had the researchers’ advice in mind.

His silence starts when the new prosecutor, that he knows and previously worked with, chose to resume the preliminary investigation under more severe offences. Borgström finally breaks his over two month long silence with additional coincidences. When Assange is detained in his absence and is on his way to become an internationally wanted man (EAW is issued on November 24th), Borgström’s reaction to the imminent international arrest warrant is far from quiet and reminds of the exclamation once heard when the Nobel Prize in literature was announced:

Finally, this has been a burden for my clients. And it is obvious that Julian Assange is making himself scarce. (Ström, 2010-11-19)

On the basis of these considerations it is therefore necessary with a practical adjustment. Here I choose to focus on partial and impartial individuals. This means that someone counts as impartial actor in question is not a party in the processes against Assange or legal counsel of these, or is a representative of a foreign power with a stake

in the case of a country that falls under the filters of the propaganda model. Independent experts and organizations are impartial, but a journalist may depict them as partial either through misrepresentation or that the journalist takes a stand, and then they count as such. UN-WGAD and Amnesty International are impartial according to the definition unless a journalist ascribes them partisanship in the article. Assange, the women and their legal counsel are counted as partial and likewise representatives from USA, Ecuador and Russia.

Members of Parliament or bureaucrats in general are not partial according to the definition. Politicians in Sweden have for example been criticized when they have said things detrimental to Assange or expressed opinions about the tardiness of the legal process. The politicians in Sweden did not express a common opinion and this was also certainly true in Ecuador. Followers are e.g. demonstrators, feminist activists, the 'internet mob', WikiLeaks and single-issue organizations for or against 'the women' or 'Assange'. (See Partial and Neutral Actors for further details).

The definition is in other words in line with the views of many journalists with the possible exception of UN-WGAD that counts as impartial and the women's legal counsel that counts as partial but this feature is something that rigs the analysis against the hypothesis. (For details see Definition of the Credibility Asymmetries)

I begin with a smaller sample suitable to give a feeling for the definition and it turns out that the results are carried over to the full sample. This smaller sample excludes WikiLeaks and mentions Assange only. I also ignore the part of the definition about confessions. These features in effect reduce potential matches that 'affirm' the hypothesis. Among these only 33 articles with association to Assange mention human rights. Of these only 23 or 2.3 % of the articles include someone with an opinion on the issue of human rights violations if a very liberal approach to the disadvantage of the thesis is taken.

Almost as noteworthy as the fact that human rights are barely mentioned is how the pattern follows the logic almost mechanically all the way to the implications' extremes because the journalism is ordered in complete accordance with the principle of *pre-emptive openness* and *credibility asymmetry*. In the years 2010-2015, 100 % or all of the news-items follow the predictions completely.

When someone claims human rights violations then these are partial. The claims are either from Assange or his legal counsel, disappointed celebrities and donors, representatives of Ecuador or Australia (not entirely relevant due journalistic bias) or other foreign power encompassed by the filters of the Propaganda Model – Russia or Belarus. A Member of Parliament and experts are among those who speak against the occurrence of human rights violations.

The probability this is due to chance²¹ alone is under 1/4 ‰ although a not-so ludicrous belief is to suspect that it could be the case that Assange and his legal counsel quite naturally are the ones that will convey information to their advantage, which however incidentally also works to their disadvantage in this highly politicized case. This assumption would however not explain all the other partial sources which consistently speak to his advantage while impartial sources speak to his disadvantage regarding human rights. This goes beyond the school book example of drawing marbles from a sack. Not only are the number of marbles drawn by the machine in line with theory, the specific patterns of the few marbles filtered through the machinery are in accordance with theory as well.

Assange is in his fifth year of arbitrary detention when one article finally breaks the pattern. This happens after UN-experts had decided and communicated to the world that Assange had been arbitrarily detained. There are four articles in all that do not exactly follow the patterns of hypothesis 4, but these ‘anomalies’ from 2016 are still very illuminating. The historical article is *UN-message about Assange Surprises* and is from the 5th February 2016. There the UN

²¹ Even if a journalist does not discriminate between the alternatives, the theory may still seem successful with the probability 1/2. To flip a perfect coin 12 times (two articles had two sources) is under 1 in 4000. If the editors of the joint-stock newspaper companies have misunderstood the propaganda model and are of the view that the system may be open to critique because their numerous left-wing journalists will have their contact books filled with radicals and Russians, and therefore decide to draw the sources randomly from an evenly distributed catalogue, then the same result is achieved. A North Korean official writes to the editors boasting that the North Korean press is superior because population studies show that 99.9999 %. North Korean experts follow the official party line, according to sources in the example.

working group against arbitrary detention (UN-WGAD) and Assange's lawyer are opposed by 'commentators' and 'several human rights experts' who think the 'conclusions about the situation of the rape-suspected Wikileaks-founder is peculiar'.

The following day an additional article that does not follow the pattern of hypothesis 4 mechanically is published under the name *The Panel is divided about Assange*, and the reader may learn what the title suggests – Assange, his lawyer and Ecuadorian Minister for Foreign Affairs are set against their counterparts 'Sweden', 'UK' and The Secretary of State for Foreign and Commonwealth Affairs. UN-WGAD's decision stands against the secretary of the UN-group Christophe Peschoux who points out that the Ukrainian expert made a reservation against the UN ruling.

Thus: two partial and one impartial claiming arbitrary detention against three partial and two impartial with the contrary view for a 'balanced' description. On the other hand, Peschoux who appears critical to the decision after an unusually thorough questioning, is given roughly 68 % of the space in the article. The rendering of the view of UN-WGAD, Assange and his counsel is given about 6 % of this news item which is concluded with a quote from Teresa Kuchler who ensures concerned Svenska Dagbladet readers that UN-WGAD are not 'the five most powerful people in the world'.

The same day it can be read in the article *Julian Assange: 'Sweden lost'* how Assange had crowned himself as the victor. The historical decision of the UN is described as the 'UN support' but in spite of

this ‘support’, the British Foreign Office argues that Assange ‘is hiding from justice’ and the Secretary of State Hammond disregards the decision as ludicrous. The assistant-counsel to one of the women in the Swedish process, Elisabeth Massi Fritz, states that the UN-ruling is not only offensive to her client but also ‘against all crime victims’ human rights’, while Sweden, according to the article’s doubted working group, breaches ‘international commitments’. It is in this context Assange and the UN-WGAD’s decision gets around 54 % of the space and *human rights* is mentioned.

Roughly two weeks later, the reader gets an opportunity to nuance his view on the matter with the article *UN-expert wants Assange free*, there UN-expert Alfred de Zayad is run down by professor emeritus Ove Bring from the National Defence College who thinks the UN-expert’s opinion is ‘embarrassingly flawed’ – end of discussion. Both do get about the same space, thus the article is balanced in at least two regards.

In summary, the news items of the study follow hypothesis 4 completely 2010-2015 without exceptions in a mechanical manner. Even articles with more than two opinions follow the pattern (according to the rule about union, see Definition of the Credibility-Asymmetries). Only 2 % of the articles mentioned human rights with some connection to the legal case, a number that is consistent with hypothesis 3 and under the postulated deviation of 5-10 %. The principle of *pre-emptive openness* stands firm in this specific although essential subject.

The ‘deviations’ are from 2016 and originate from the fact that media chose not to censure the historical UN ruling entirely, which in the end led to claims about arbitrary detention from a neutral part in four articles. However, Assange had already been detained half a decade and prominent figures such as Foreign Policy authorities or Elisabeth Massi Fritz were allowed to disavow the ruling. Two of these items question the ruling already in the title, and the UN expert group is either attacked or questioned by several impartial voices or the UN-ruling is allowed to virtually disappear among the critical remarks of its adversaries who get a disproportional amount of space.

The more ‘balanced’ articles are instead endowed with conspicuous differences in the use of language or the UN-ruling is permitted to be attacked by an expert without reply.

The timing of these four articles is in addition consistent with hypothesis 5, if a very lenient stand is taken towards what is to be considered to Assange’s advantage (see p.181, 412). Hence Sweden and the UK’s human rights violations drown in the media surge that spins crime suspicions. If the 2 % of potential defectors are given a closer look, then these are found to be governed by the underlying theory’s most extreme predictions, in a mechanical manner when the logic is taken to its limit, and their meagre numbers are in accordance with the principle of pre-emptive openness.

There are ten opinion pieces in the sample and there are no reasons to suspect that the work of self-conscious debaters will be encompassed by the predictions of credibility asymmetry regarding

their sources. These have opinions for or against the assertion of committed violations of human rights. There is an equal amount of opinions for and against. Between roughly 30 % to a half of the total articles up to a given year think Assange has been deprived of his liberty 2010-2016. For example there was an equal share for and against up to 2012 and that number drops to 1/3 2015.

It is however important to note that this goes on in a context where the news reporting unanimously follows the principle of pre-emptive openness regarding human rights which implies that the impartial experts exclusively speak against notions such as arbitrary detention while the share of articles with some words on the matter is completely overshadowed by reports about the crime suspicions where information about political motives, false allegations etc. are meticulously filtered to Assange's disadvantage.

If the number of news and opinion pieces about human rights that break the pattern are taken together, then these barely make 8 ‰ of the articles in the sample, if a very generous interpretation detrimental to the thesis is made. Hundreds of articles that break the pattern must be added if the principle of pre-emptive openness is to be questioned. (See p.395)

Besides Bergman & Carlgren (2012) mentioned above there is a reference to an article from the 'retired journalist' Rolf Söderberg who, the 12th of November 2016, manages to get a debate article published which is tangent to the issue of human rights, is critical of society and moreover puts forward the issue of political motives in the

handling of the Assange case. But apparently this article was not printed.

The picture becomes even clearer when all articles about Assange are taken into account. As mentioned earlier the share printed with the words *human rights* and with instances of opinions about how violations against them are carried out, is under 2 %. The debate (opinion pieces) is now instead dominated by the view that Assange's human rights are not violated. Only 30 % of the opinion pieces now hold the contrary view (6/20) **under the whole period.**

Under the whole timespan up to the UN-ruling about human rights violations the 4th of December 2015, there were only four (of 15) that advocated the view that human rights violations may go on. Although the methodology in this book does not make any claims of precise measures of credibility and associated concepts it is still possible to gain useful insights of the existence of apparent disparities. One set of informative facts in this regard is that all articles with advocacy against the notion of violation of Assange's human rights were written by established journalists with only two candidates for exceptions. The first candidate for an exception is an editorial from one commentator who worked for Prime Minister Fredrik Reinfeldt and is associated with the right-wing think-tank Timbro. The second is written by a chief prosecutor. The rest are established journalists working as political reporters, at the editorial, the chairman of the Swedish Publicists' Association etc.

Besides the defective debate article written by Carlgren and Bergman, both former public service journalists incidentally, the ‘three Assange-lawyers’ (Olsson, Ratner & Samuelson, 2013-12-11) and the lawyer Svante Thorsell, former chairman of the Swedish Publicists’ Association back in 1978 (see *The Elite Opinion*), there is also an item with the title *Feministic Banana-Dictatorship* from the pseudonym nopuedoentrar in the section ‘reader comments’. Thereafter it is only the Philosopher Roger Fjellström and the politician Pierre Schori who deviate from the elite opinion as late as 2016 but Schori only speaks indirectly about the issue and does not for example mention the UN-ruling and the term *human rights* is not directly connected to criticism.

If we turn to the news coverage then from 2010 to February 2016 (before the ruling) there are only two articles (of 18) which candidate to break the pattern²². The clearest deviation is *His Last Battle* in *Dagens Industri* (Eex, 2012-02-02) where the ‘rhetoric’ of Assange’s lawyer is fought back by Prime Minister Reinfeldt: ‘In Sweden’s Radio the Prime Minister claimed among other things that it is a common tactic to cast doubts on a countries legal system when one stands accused for a crime in that country’. The other candidate is *Activists do Not Trust Sweden* written by *Dagens Nyheter*’s Thomas

²² 2/19 if the criteria about confession is taken in to account, because there is a reference to a celebrity who formerly supported Assange but flipped. Although the question about confessions is conceptually reasonable and worth mentioning, among other things due to historical lessons, the condition is in terms of data analysis more relevant in a more comprehensive study on trust, credibility and how the sources are portrayed in the press. The reader may note that the panel study in the next chapter addresses some of these issues indirectly through hypothesis 5.

Hall (2012-05-30) where John Pilger is allowed to allude to human rights in connection to the ‘activists’.

The reader encouraged to read *The Fact Resistance of the Established Journalists* for perspectives about how Pilger is treated in the press. After the UN had established the occurrence of arbitrary detention in conflict with international conventions, three news items are added to the ones in the minor study above. These are *UN Answer Surprises Analysts* (TT, 2016-02-05), *UN Support Setback for Investigators* (Gripenberg, 2016-02-06) and *Assange Scored Victory* (Westberg, Areskog, Ekmark, 2016-02-06), similar to the four already discussed above.

If the reader is instead interested in the number of references that follow the pattern (overall or in a single article) then it is in its place to mention the prize-winning Diamant Salihu (2012-05-31) that in addition may be the record holder to the greatest number of references within the accepted boundaries in a given article with his work *Assange vs Sweden*. There he both takes a clear stance on the matter and casts suspicion on the ones with the opposite view.

His article alone contains more references in accordance to the pattern of credibility asymmetry than the sum total of all other aforementioned articles in the restricted sample.

Diamant states already in the introduction that:

It could have been a quite ordinary sex crime investigation. Instead it has turned to a global PR-war where advanced conspiracy theories about Hillary Clinton, Carl Bildt, leading Social Democratic politicians and Expressen's editor-in-chief Thomas Mattsson are used as weapons.

Diamant thereafter portrays one side as partial:

The reaction from Wikileaks' supporters was as expected as the British Supreme Court decision that Julian Assange will be extradited to Sweden to be heard by Swedish police and prosecutor. But the accusations of rape and sexual molestation, that the Swedish Prosecutor Marianne Ny wants to hear Assange about, have since long ended up in the background. Instead a quite ordinary police investigation has been turned to an extensive campaign against the Swedish legal system.

With this setup he then proceeds by making references to different individuals and organizations with opinions about human rights. Diamant quotes 'editor-in-chief' Thomas Mattsson, who is the other fixed star in the database (to the panel study in the next chapter) who has written a piece about *fact resistance*. The editor-in-chief denies the 'smearing campaign' against 'Swedish media' that 'has ended up in the line of fire'.

The counter reaction came the very day we had the sex-crime news [...] even Wall Street Journal sat at my office and asked about the Wikileaks-insinuations about how we were on the CIA payroll!

The conspiracy theories have been many – and the newspaper’s colleagues have been affected.

I fully understand the reader who makes a reservation or two against the aforementioned example because the rhetoric is over-explicit, to the extent it is no longer obvious which side runs the smearing campaign and the ‘PR-war’. A ‘Wikileaks-memorandum that Expressen’s sources within Wikileaks gave’ is used as evidence of how WikiLeaks runs a ‘global smearing campaign against Sweden’ and it is in an excerpt from this alleged ‘Wikileaks-memorandum’ one can read how ‘Sweden ends up on a list over the countries which do not support transparency, the rights of the individual and human rights.’ – It is in this context that *human rights* is mentioned.

The reader should recall that ‘editor-in-chief Thomas Mattson’ and ‘Minister of Foreign Affairs Carl Bildt’ would otherwise have been counted as partial – also because they answer to critique concerning the discussion about human rights violations – had not the author’s flagrant standpoint on the issue turned things upside-down already in the introduction. Diamant does not play dice.

Besides, the article *Is offered help – by Schürer* describes how the ‘Arboga-killer’, in a touching act of solidarity, ‘gives a helping hand’ and ‘engages in another legal case that has attracted much attention’ – she wants to warn Assange because the ‘German’ is of the opinion that she ‘has been ill-treated, that the Swedish legal system has disregarded her human rights’. Assange ‘now risks to be extradited to Sweden. It frightens the German, life sentenced for the murders on Max, 3, and Saga, 1, and the attempted murder on their mother 2008’.

These results exemplify and measure elusive concepts such as context and provide quantitative expressions to the assertion that views which deviate from elite opinion are easier to doubt when they seem odd in an otherwise homogenous culture.

If the share of articles with statements from experts, established journalists and other credible sources who express a nearly unison view affects the credibility of an opinion in the media, then the results have the following consequences: In the media context 2010-2015, especially after Belmarsh at the beginning of 2011, it is in principle easier for virtually anyone who denies that Assange is arbitrarily detained, e.g. because he flees from crime accusations in Sweden, to appear as more credible than the one who claims violations of his human rights because he is arbitrarily detained. In addition to the effects of a disproportionate share of articles which associate Assange with a heinous crime.

This is due to the up to twentyfold greater magnitude of articles that extensively elaborate on the sex-allegations and the negligible

share of the reporting that is somewhat relevant regarding human rights follows the principle of pre-emptive openness to Assange's disadvantage almost without exception. If all the articles 'critical of society' about human rights are added (news and opinion items) then these are less than 6.4 ‰ of all which mention Assange. Random samples show that only about 1.4 ‰ of the articles are **inconsistent with any** of the other hypotheses in the study.

In addition, as the next chapter shows, it is also true that none of the established journalists (who wrote more than one article about Assange) deviated from elite consensus by arguing arbitrary detention or human rights violations.

THE RIDDLE OF THE PROPAGANDA DRAGON

The overall reporting is biased in terms of proportions. The topics that are underreported are also skewed, apparently all the way to the people that are allowed to formulate the narrow diversity that is allowed on central issues. This seems to be true in every direction under the influence of the propaganda model. There are instances in the repetition of errors that bear with them the features of self-similarity with regard to the whole media picture, but not in the pure forms which some opinion-machines were able to manufacture. The dragon found in the reporting of the Belmarsh-ruling described below seems to be a clear-cut example of a local phenomenon of a greater monster consisting of the sum total of the reporting with

similar proportions as the local beasts. This is a conjecture which may only be settled with more advance techniques and far beyond the scope of this book.

The similarities and contrast to the reporting on the extradition proceedings are striking. The results concerning the communication of the women is clear-cut, and similarly the term human rights is barely mentioned in connection to Assange – perhaps because the word is reserved to the real villains that Sweden has no extensive trade relations with. The information that got through is almost exclusively angled against Assange, as if the press was under the influence of an invisible hand, to the extent history eventually was rewritten. Gradually the prosecutor became the one who chased Assange for a hearing – an achievement because several articles initially mentioned that the prosecutor did not think there were any restrictions for Assange’s departure.

Information questioning the standard version about the women’s motives was limited to texts close to metadata although the press was without scruples in its reporting about the leaked crime suspicions and wrote extensively about the so-called accusations before the hearings had even been finished the first time around. Direct evidence in the form of police interrogations, witness or insider information was dug up.

The crucial information about the younger woman’s refusal to report Assange to the police was distorted to a story were she sought out the politically active woman in order to accuse Assange for rape.

Only in 2010 this flawed or more correctly, misleading story, is repeated in a hundred or so articles with only seven exceptions (see p.75).

Information which questioned the official narrative early on was suppressed or marginalized. Already in 2011 there was information from respected lawyers, stating that the younger woman broke down when she heard about the police accusations and even refused to sign the police interrogation, which in itself was carried out in conflict with the recommended procedures in place to protect abused women. Rudling's witness statement about how the tweets from the politically active woman indicated false allegations, and the many inconsistencies of her story, were concealed from the public, while Rudling's Assange-critical opinions were published. Famous intellectuals who pointed out facts that the press usually filtered, invoked political motives or human rights violations, were ridiculed and portrayed as maniacs or fervent supporters in the ghost-like order that minimized the credibility of all critique with potential of being fundamental.

Judge Howard Riddle's verdict was not questioned in the press and referred to completely uncritically, but not even this authority's harsh critique of Assange's lawyer Björn Hurtig was reported without first having undergone optimization, as if the journalism was aided by an invisible hand, to maximize the damage dealt on Assange's credibility. The Judge's view that Hurtig hurt his client is at best talked about low-voiced. Instead, Björn's disservice is misrepresented

as an act that benefited Assange in his flight from justice. The verdict was permitted to mystify the clear-cut state of affairs of how the prosecutor waited three weeks in order to even try to initiate the arrangement of an interrogation, in direct violation of the recommendations for the protection of victims.

I have already shown that the verdict in itself was by all means weak because Riddle's argument that the press misused to attack Lawyer Hurtig who 'misled the court' and Assange's credibility, is directly applicable on Marianne Ny's witness statement that consequently misled the court about a three times longer period than Hurtig – tellingly enough also a three times longer period than what is consistent with Swedish tradition to protect victims of sex crimes. The verdict was moreover according to the Brits themselves controversial to the extent that the extradition process reached Supreme Court and new laws were adopted in the aftermath of the extradition proceedings.

In sharp contrast to the Belmarsh verdict the UN ruling, from some of the leading authorities in matters of arbitrary detention, was questioned at once by the press that even scrutinized the ethnic composition of the expert group. The expert group's non-pecuniary incentive structure used in order to foster intellectual integrity and independence was put under a cynical shadow of doubt with the argument that it made the UN experts look like activists. The attacks against the UN alone amounts to a long list.

The obedience of the joint-stock newspaper companies and its resonance with experts reaches a level of rigour which leaves imprints of astonishing regularity. Remember that Hurtig and Ny's error are in one and the same time interval, which for purpose of exposition and simplification can be said to take up the month of September (same line segment). The quantitative character of this example is thus suitable for the exclusion of ambiguities in order to express with certainty what otherwise would have been rather poetic statements about self-similarity.

Marianne Ny expressed herself in sweeping terms about her efforts to arrange an interrogation in September although she did not initiate an attempt before the 21st of September and Hurtig made erroneous statements about the period from the 21st to the 27th of September when he, like the prosecutor, claimed the whole month of September to his and Assange's (dis)favour. The prosecutor made clear in her witness statement that Hurtig did not contact her several times, although he evidently did so under the first three weeks.

The prosecutor moreover insinuated that she was the driving force although such claim is only arguably true the last week of September even if considered with a great deal of goodwill. Hurtig on the other hand insinuated erroneously that the prosecutor never took the initiative to arrange an interview in September.

Call the period Hurtig is misleading about V_A (potentially one week) and the one the prosecutor misleads about V_B (potentially three weeks). On a principal plane the errors are the same even though the

length of the periods differ, I do not emphasize this detail in the following discussion. Then Riddle gets involved with his professional judgement and notes V_A which logically implies that the prosecutor makes the same mistake with reference to available data under the extradition proceedings. Riddle nevertheless makes the erroneous judgement that Hurtig alone made the error $F_R(V_A)$ and misleads the court – not Marianne Ny. The Judge should have seen the symmetry but chose to ignore the prosecutor's error.

Riddle acts as if he is under the influence of fact resistance. Because fact resistant individuals are endowed with the ability to generalize particularities uncritically when they reinforce their own world-view in conjunction with the peculiarity to only see and report errors which confirm the elite opinion, then Riddle simply neglects the parallel error of the prosecutor and the lines rather become orthogonal – one of them is judged to do wrong but not the other even though the errors are the same on a principal plane.

Logically Riddle also 'misleads' the court when he at the same time fails to state that Marianne Ny also misled the court with regard to Riddle's own judgement criteria. Note that Riddle's error is of the same kind as the one the representative of the elite opinion Marianne Ny makes when she chooses to ignore her own error but note Hurtig's. Howard Riddle and Marianne Ny's description of reality has real implications, for example one journalist would later on explicitly claim that it was Marianne Ny who one-sidedly 'chased lawyer Hurtig' for interrogation.

Besides, Riddle also seems to generalize in the same arbitrary manner considering his belief that Alhem's witness statement was undermined by Hurtig's in spite Alhem's other statement about how good legal praxis demands hearing within one week, hence Hurtig cannot possibly be seen as misleading until after three weeks had passed.

Therefore, Riddle evaluates and reports that Hurtig made the error $F_R(V_A)$ but ignores at the same time the prosecutor's error $I_R(V_B)$. This report is then read by an author, say Elisabeth Massi Fritz (EMF). She is well aware of the verdict and other sources (Uppdrag Granskning) and therefore is well aware of its *content* (Massi-Fritz, 2016-09-08), besides she is a professional working with the Assange case.

Her evaluation and writing can be described after the same rules:

Assange's former lawyer Björn Hurtig was allowed to account for his contacts with the prosecutor Marianne Ny in the fall of 2010 although it was exactly his account about this that made an English judge in Westminster Magistrates Court to state that he intentionally misled the court. Something which resulted in a warning to Hurtig from the Swedish Bar Association. Westminster Magistrates Court stated in its verdict that Marianne Ny had made repeated attempts to arrange a hearing with Assange in Sweden 2010, to the contrary of what Björn Hurtig says in 'Uppdrag Granskning's' reportage, but did not succeed because Assange, exactly like the English court stated, intentionally stayed away in order to avoid interrogation.

Therefore, she makes the judgement that Hurtig misled the court but ignores at the same time Ny's misleading statement, i.e. $F_{EMF}(V_A)$ and $I_{EMF}(V_B)$ – 'because Assange, exactly like the English court stated, intentionally stayed away in order to avoid interrogation'. She also refers to the judge's verdict in the initial sentence and chooses to confirm his judgement regarding Hurtig's error, i.e. $F_{EMF}(F_R(V_A))$ and ignores the judge's error when he ignores the prosecutor's parallel misleading paragraph, i.e. $I_{EMF}(I_R(V_B))$.

The content of her article is therefore her direct judgement about the events with the starting point in data, the judge's evaluations – and her own evaluation of the judge's evaluations i.e. $F_{EMF}(V_A)$, $I_{EMF}(V_B)$, $F_{EMF}(F_R(V_A))$, $I_{EMF}(I_R(V_B))$.

In other words both the elite opinions and the consensus-challenger's representatives made the same error but the authority, in this case Howard Riddle, who makes the initial report, makes the judgement that it is only the consensus-challenger's error, in this case Hurtig. The judgement of Howard Riddle, in his role of a representative for elite opinion, in turn implies that the Judge also makes the same error as Hurtig, but who he nevertheless chooses to condemn and therefore at the same time also commits the error of the elite-opinion's representative Marianne Ny, whose error the Judge however chooses to ignore – in order to condemn Hurtig.

The author whose behaviour is dictated by the predictions of the propaganda model reiterates these errors but also contributes to the reproduction of the elite consensus through the legitimization of the

expert – through the evaluation of the expert’s evaluation, without condemning the obvious error. The misleading error of the expert is in turn the same as of the consensus-challenger’s initial error that the author simultaneously condemns which in turn implies that the author once again commits the same ‘embarrassing’ error and effectively misleads the readers. Thus the information exemplified here consists of the parities initial misleading paragraphs V_A & V_B , which coincide, a judge’s evaluation, and one author’s evaluation of all previous evaluations and the misleading paragraphs which figuratively speaking adds orthogonal interpretations and interpretations of interpretations of what to begin with were two equivalent and parallel errors. Hence someone who reads the example above can feed the dragon and contribute to its growth along similar lines.

SWEDISH JOURNALISTS: ASSANGE AND THE UN ENTERTAIN CONSPIRACY THEORIES

Assange is forced to endure aging in a no-man's-land that limits his life to a survival situation where not even his family contact is respected. The most powerful democratic states allow the citizenry to openly witness the punishment for the unacceptable transgression of defending democratic core values when these challenge power. We have already seen strong evidence of how the joint-stock newspaper companies create biased and disproportionate news and opinion volumes through a systematic suppression of facts beneficial to Assange, and simultaneously emphasize things which casts doubts on him. It takes a colossus such as the UN for the media to give up the hopes of suppressing information on the key-issue of human rights in detailed accordance with the model of pre-emptive openness. Over half a decade passed before minor breaches to consensus were permitted to cause some turbulence with measurable persistence. How did journalism change during this period?

We have already seen that the key-issues were not allowed space in proportion to their relevance for the legal case or Assange's fate, and the ones that survived the filtering are cut to fit within the accepted spectrum of discussion. Genuine exceptions are hardly printed at all, and disappear in the penetrating media buzz that suggestively conflates Assange and WikiLeaks with crime suspicions.

Because Assange had endured considerable restrictions to his freedom and detention in over six years at the end of the period under study, it is thus possible to trace how the variation of opinion in the media has developed over time. Earlier studies about media variation of opinion in relation to the strategic disputes in elite opinion have sometimes been rather uneventful in terms of change over time – due to a uniformity of opinions and obedience to elite perspective – occasionally comparable with the Soviet Union’s Pravda. When elite opinion changed on e.g. the efficiency of employing Latin American terror networks in order to support a dictator in a client state, then the press would however adapt the discussion to the latest utility calculus.

It has previously been noticed in the literature that some journalists wait for the right occasion to put forward news and opinions which challenge elite consensus. Opportunities are mainly given by significant events with a large enough impact, which makes it difficult to suppress information or dissenting views entirely.

At the outset Swedish media could not possibly ignore Assange and WikiLeaks nor could the press marginalize such a well-connected, ground-breaking source of spectacular news without taking unacceptable credibility losses. WikiLeaks had already become a force to reckon with through its cooperation with established media outlets. But did journalists really use the police accusations to marginalize Assange and WikiLeaks? If the reporting and opinions among established journalists reaches the threshold of fact resistance then the answer is yes – in that case journalists indeed took advantage

of the occasion in order to marginalize the challenger. In conjunction with the propaganda model the established journalists are also expected to stay within a main stream that merely reflects the tactical variation of opinion of the elite and marginalize those who go against it, especially if elite consensus is questioned.

Therefore the following theoretically motivated expectation: Because there is no clear official stance against Assange and WikiLeaks before the so-called accusations, then journalism about WikiLeaks and Assange will consequently be varied and can even encompass positive instances about WikiLeaks' journalistic achievements, in conformity with the international journalistic community.

Even if territorial competition is considered as an underlying constraint there are still favourable conditions for diversity in the press. After the police accusations the official stance is mediated through the actions of the prosecutor. Journalism after the police accusations reflects the variation of opinion within the military, intelligence and security services, the behaviour of politicians and the reactions of the legal profession to the prosecutor's actions.

The modification made to apply the theory to a Swedish setting demanded the condition of *pre-emptive openness* which implied (a) and (b) above.

This motivates following hypothesis:

5. Journalism stays within elite consensus and changes in journalism follows the tactical variation within elite opinion. Journalism adapts to the official stance to arbitrarily detain Julian Assange after it has been crystalized. Changes to Assange's advantage challenging the tactical variation within elite opinion may happen after up to several years of docility within the permissible range of opinion.

Seen over the period 2010-2016 the expectation is one of initial diversity of view-points on WikiLeaks, with room for positive reporting. After the police accusations journalism will adapt to the extent it reflects the disagreements of the elite when these tactical differences have materialized.

Initially, different estimates of the suspicions were advocated but the official stance had a definitive course the 1st of September 2010 when the prosecutor resurrected the case on Claes Borgström's appeal, and the official standpoint is defended at the extradition proceedings in Belmarsh February 2011 subject to international media coverage. When the course is fixed journalism will conform to the elite view, especially the hard consensus core. Because this subservient adaptation is part of the professional culture, journalism will be afflicted by fact resistance, voluntary self-censorship and submissiveness towards power in accordance with the principle of *pre-emptive openness*.

Because the basis of the punishment Assange is made to endure is the time his life has been subjected to a state of emergency through confinement at the Ecuadorian embassy, partially founded on allegations he still has not been completely allowed to defend himself against, it is hence reasonable to stay with the time aspect. The starting point of the inquiry is the justified suspicion that faster changes in the opinions of journalists will tend to fall within the narrow boundaries of opinion that are allowed in the main stream. These adjustments are expected to omit principled critique on the infringements of Assange's freedom, to the extent such opinions are expressed at all, because the official stand is to arbitrarily detain him. After several years, when Assange has paid a high price for his journalism and the credibility costs of the establishment has begun to become burdensome, then there are once again incentives for a diversity of opinion. This latter alteration of incentives is accentuated after the UN ruling was made public the 4th December 2015.

Focus of the inquiry consequently rests on two main fields 1) The stance towards the violations of Assange's human rights 2) the stance towards the allegations and the crime suspicions. Theory fixes the following expectation: The media treatment of the imprisonment of Assange, that violates basic human rights according to the UN, will be governed by the hypothesis stated above. This implies great difference in volume, credibility and timing to Assange's disadvantage and we have already seen clear evidence for this on all these dimensions.

This part of the study is initially limited to the database *Artikelsök* (Article Search) that contains opinion pieces (debate, chronicles, editorials etc.). Changes in the debate is traced by journalists **with more than one article registered in the database 2010-2016.**

The study gives a more complete picture of the reporting on subjects such as the legal case; perspective on the detention; human rights and the motives of the women. This part of the study takes a closer look on what was actually written and who wrote what and when. It supplements the initial searches. Because at least two articles are required to be eligible, the authors in the database will tend to be more established representatives of the press or expert opinion and had probably more weight than the ones who managed to get through a single debate piece as a one-off affair. Established journalists are backed by the editors, enjoy more authority and the credibility of the newspaper.

The reader should however note that there are some articles that for some reason are not in this database and may have some impact on the overall picture. There were 19 journalists who wrote more than one article according to the database *Artikelsök*, 57 items in total. These articles were then complemented with the more comprehensive database *Retriever* which resulted in 135 items in total including news items.

The most active journalists was Karin Thurfjell with 24 articles, most of them news items. The representative author (median) wrote 6.²³

In a world where the media function is to supply the public with updated, objective and relevant information, scrutiny of news items would be redundant but we have already seen clear evidence of the contrary – the news coverage is not even close to this ideal on subjects where theory predicts conformity with elite consensus. A shorter review of news items is thus carried out but the main themes are derived from the 13 who wrote more than one opinion piece.

THE ELITE OPINION

Experts make a living on their knowledge but also on their reputation. Elite institutions in the domains of research, administration, PR firms and legal agencies, joint-stock newspaper companies and public service have different strategies and legal arrangements in order to protect and embellish their reputation which in practice e.g. is expressed in clauses of the employment contract in order to safeguard the brand.

²³ This is in other words a snowball sample, I have not found any relevant reasons why the deployment of the database *Artikelsök* would bias a study based on the resulting database.

Prosecutor Marianne Ny's has therefore divided the elite opinion and has been subjected to criticism. It was her passivity that ultimately led to that the brand of Sweden, especially its judicial system, suffered an unfortunate stain written in the ink of the UN ruling which states that Sweden violates international conventions on human rights and effectively arbitrarily detains Assange.

From a conventional institutional analysis based on the mainstream of social science we may hence expect that members of the legal profession at least will diversify their opinions on the matter as a safeguard against adverse reputational risk. We can therefore expect a tactical variation of opinion within the legal profession to deal with the risks which the prosecutor's passivity-course transmits to institutions carrying out vital social functions and to the profession in general – where highly educated employees have invested a considerable amount of time, energy and resources – and will continue to work in, long after the media storm has waned. Another complementary explanation may be the prevalence of a professional culture although such sentiments can be understood as an interaction with self-interest.

Professionals have indeed expressed standpoints in line with the explanation above. The critique from the legal profession has primarily been restricted to the efficiency of the process, the prosecutor's competence and lack of professionalism based on an excessive emotional or personal investment in the case. Notions

which have been articulated as the prosecutor's 'prestige' (Thorsell, 2014-01-26).

One important example of the tactical division within the profession was put forward by the well-known lawyers Jens Lapidus and Johan Åkermark (2011-05-05) who agreed with Assange's critique of the Swedish judicial system – Among other things how detention is implemented, the layman-judges, the reluctance to interpret documents and the somewhat routine-like decisions of close-doors proceedings. However, these two renowned lawyers underscore that they do not share Assange's general critique of the judicial system which they regard as 'unjustified' because 'Sweden has a well-functioning rule of law and is in many respects a good example internationally'. The lawyers also emphasize a comprehensive study based on around 9000 law-professionals which showed that one third shared Assange's critique.

The former prosecutor Rolf Hillegren (2015-03-17) goes as far as to claim that 'The Assange case is a scandal for the prosecutor authority and the entire Swedish judicial system' but is ambivalent regarding the explanation to the prosecutor's behaviour which he views as driven by 'prestige' and at the same time as close to 'incomprehensible'.

Other lawyers simply regarded the prosecutor's course of action as justified. Professor Emeritus of the National Defence College Ove Bring held from the very outset the opinion that it was clumsy of the UK to let Assange flee to an embassy, and expressed surprise

regarding the Ecuadorian asylum and the UN-decision, because Bring insists that Assange resides the embassy by his own free will (2012-06-20; TT, 2016-02-05; Westerberg, 2016-02-05). British experts held similar views in the press – e.g. the criticism by LSE’s Chris Brown of the UK threat to break into the Ecuadorian embassy after the Asylum was granted – formulated in terms of the threat’s lack of tactical merits to the extent it was a foolish course of action (2012-08-18).

About four months before the historical UN ruling on how Sweden violates international conventions on human rights, the state’s indomitable stance to arbitrarily detain Assange was given a face through Johan Almström, Chief Prosecutor at the international prosecution service in Göteborg. One week before three of four suspicions are dropped, because the date for prosecution is about to expire, he figures the press claiming that the delay can be ascribed to Assange’s flight from justice, and is therefore not a question of violations of human rights. Several authorities within the profession maintain this view even after the UN ruling.

UN’s previous Director-General for Legal Affairs Hans Corell is not impressed by the decision and points out that he does not agree to the UN conclusions, but reminds the reader that the recommendations should usually be respected in order to avoid negative consequences, although there might be good reasons to ignore them. Bring is more outspoken further down in the article

when he evaluates that it is the UN experts who will probably suffer most damage in terms of credibility, not Sweden (2016-02-09).

The Wall Street Journal (2014-02-03) reports that the Secretary-General of the Swedish Bar Association Anne Ramberg expressed concerns about how the process was not entirely under control, but that she could understand prosecutor's reluctance to give in to a suspected rapist, although the prosecutor should drop the prestige to the benefit of all, including the plaintiffs. Statements from Ramberg are absent in the databases of the seven largest newspapers that year, but the following, when Assange is finally to be heard then the secretary-general's speculations are finally to be found in print – 'One cannot drop the suspicion that some prestige went into the matter' (Syd, 2015-03-14).

Together with Hillegren, the former Chief Prosecutor Sven-Erik Alhem is to be found at the outer boundaries of tolerated opinion in the profession. Alhem wrote several articles about Assange and participated as an expert witness at the extradition proceedings in London. Alhem suffered harsh criticism for his standpoints and saw himself forced to stand up against the attacks in the article *I am neither Bought nor Megaphone*, where he describes how a top-prosecutor expressed his unwillingness to even shake hands, and how Alhem had been accused of being a paid-off demagogue in the press. In the very same article Alhem elucidates his, in this context, radical views which some even regarded as unacceptable and raised such disdain.

Alhem was of the view that the legal process had not been efficient enough and was exposed to an unacceptable degree of risk by letting an individual suspected of rape to walk about without restraint. If Assange had been detained when he was in Sweden, then ‘all this turbulence would never had happened’. In addition Alhem underscored that Assange should have went back to Sweden in order to ‘sort out the question of guilt’ (Alhelm, 2011-02-17). In an article the following week, Alhem repeats his stance but elaborates more on the importance of formalities for the correct delivery of justice, something that Sweden could have done more to live up to because the delay affects the women and Assange both. (Alhem, 2011-02-25)

The hobby-horse of principle finds its home also the following year, now against the background of the London extradition proceedings, he succinctly states: ‘The rule of law has suffered. Because a late justice is oft equal to no justice at all or at least a significantly worse kind of justice’ (Alhem, 2012-02-02). (See also Sweden’s most Criticised Critics).

Meanwhile politicians clearly distanced themselves from the Assange case, in principle buried it in a compact silence, from left to right with few serious attempts to public debate. In summary, important politicians publicly commented the Assange case in its sensitive initial stages and showed their dissatisfaction about the Ecuadorian asylum or countered arguments about a politically motivated process. The few times the press asked sensible questions about the prosecutor’s unwillingness to hear Assange, a tolerant

media atmosphere allowed a politician to pose with a philosophical gaze, accompanied with a cliché about the division between the executive, the legislative and the judiciary with emphasis on the independence of the prosecutor. The argument was repeated even after the UN ruling about arbitrary detention.

Neither Prime Minister Löfven nor Minister of Foreign Affairs Wallström (Social Democrats) defected from the previous bourgeois culture of silence, although the Prime Minister underscored that Sweden was not obliged to follow the UN ruling. The scarce messages that percolated through the wall of silence erected by the powerful, plainly signalled that Sweden did not intend to respect the UN ruling. Former Prime Minister Reinfeldt (Moderaterna, right-wing) commented the Assange case at its vulnerable initial stages when he defended the ‘Sweden image’ with the edge against Assange’s defence, in a formulation which could be interpreted as if Assange was actually indicted (Kihlström, 2011-02-09), something he never has been and most likely never will be. The Prime Minister also emphasized that ‘we have come a long way in Sweden’ and ‘it is important to be clear about that we do not accept sexual molestation or rape’ (Thurfjell, 2011-02-09). Statements like these were under discussion at the extradition proceedings and Reinfeldt was subject to some criticism in the press. However, the British judge took the position that Assange and his legal counsel were to blame for getting themselves into an argument.

The former Minister of foreign Affairs Carl Bildt (Moderaterna) carried out a more indirect defence of the Swedish brand when he for example reassured the public that the US had not asked Sweden to pull out the plug to the WikiLeaks servers or that no secret meetings about an Assange extradition had been carried out. The defence against devaluation also took passive-aggressive expressions. The former Minister of Foreign Affairs belittled the work of WikiLeaks in turns, but that strategy was no longer credible after Cablegate and Bildt then started to condemn. Wikileaks released information indicating that Bildt once acted as a US *spy*, which made the previously scornful Minister of Foreign Affairs to tremble when it was merely mentioned (Hansson, 2012-02-24).

The silence about the core issues of the Assange case can also be traced in the absent media activity. **Searches on the political parties represented at the parliament gave a single hit**, an article authored by the well-known politician Pierre Schori (2016) which is mainly about Snowden. Schori advocates the vital societal function of the whistleblowers, briefly compares Assange's situation to Snowden and Manning's in a paragraph, and proposes a law reform in order to enhance their situation.

There are two representatives from the law profession who managed to publish standpoints about the Assange case that fell outside the tactical disagreements within the profession as it came to be crystalized at the time of the extradition proceedings. Brita Sundberg-Weitman, with a career as a judge but also as an

academician, is perhaps the foremost representative outside the box. She made an appeal to the Swedish Parliamentary Commissioner for the Judiciary and Civil Administration. ‘The Assange case is contrary to the Council of Europe’s Convention on Human Rights and the [Swedish] constitution’s proportionality principle’, as the second defector Svante Thorsell (2015-08-08) explains.

The former judge’s opinions on the matter had however instances which are difficult to prove or appear as ideological. Consequently her witness statement at the extradition proceedings in London could be discarded by the judge, and she became an easy target for the marginalization of the press. Her opinions are not ‘universally accepted’ as judge Riddle put it, and from thereon nothing could stop the caricatures of the press.

Sundberg-Weitman had to figure in the articles of the evening press with titles such as: *Will be Saved – By Banana-Tactic – Assange’s Defence – Portray Sweden as Uncivilized Country* (Kadhammar, 2011-02-08) and some days later her critique of Marianne Ny was portrayed in terms of how the prosecutor ‘acts in a manner which makes a malicious impression and is a radical feminist’ (DN, 2011-02-13). Two weeks later Riddle’s stance on her witness statement is depicted as if ‘she could not present any proofs for her claims. Everything was hearsay’ (Skogskär, 2011-02-25).

About five years after the allegations were leaked to Expressen the lawyer Svante Thorsell was able to publish a debate article in Göteborgs-Posten where he claims underlying political motives. The

lawyer's stance is in sharp contrast to the mainstream critique that is restricted to efficiency, prestige and sub-optimal legal procedures, including his own article *The Case Julian Assange is Driven by Prestige* from the previous year (Thorsell, 2014-01-26).

Thorsell now maintains the view that Sweden is arbitrarily detaining Assange and the reason this can continue is to be found on the Department of Foreign Affairs not the legal system as such – ‘If Sweden is not docile in the case Assange, we could be left out in the cold from the information exchange with the American security services and blocked from purchases of military technology, according to the ones who know’ (Thorsell, 2015-08-08). He most certainly refers to the article 8th of September 2010 where the Military Intelligence and Security Service (MUST) describes WikiLeaks as a threat against Swedish soldiers. About the same time, SÄPO (Swedish Security Service), was apparently threatened by their American counterparts with a winding up of the cooperation if Sweden was deemed to shelter the WikiLeaks-founder. (Assange, 2013)

The intelligence-analysis-professor Wilhem Agrell regarded the Iraq-documents as interesting for the public but also to ‘adversaries’ (G-P, 2010-10-24) and also emphasized the relevance of the Afghanistan documents where ‘ISAF’s core work is revealed’, which puts MUST to work because they had made efforts in over two years ‘to stop all possible leaks about the Swedish Soldiers in Afghanistan’ (Ölander & Sandberg, 2010-07-27).

After five years of failure to question Assange, and a month after a promised hearing at the Ecuadorian embassy failed to be realized, because Swedish authorities did not apply in time, the Ministry of Justice's Cecilia Riddselius boldly claims that the problem with a hearing on the embassy is that Ecuador is making demands that would violate Swedish law, would Swedish authorities be willing to meet them (TT, 2015-08-08). This is just one week after Marianne Ny had excused herself and admitted an overdue application in her correspondence with the Ecuadorian ambassador (Maurizi, 2015-11-19).

The official stance of the Swedish state on the matter of arbitrary detention was parodic (see Human Rights Council, 2016) – a well-known indication of a state's lack of respect towards accusations such as violations of international conventions on human rights. The Government's strategy reminds of the child who gets the idea to play hide-and-seek by covering his eyes with his own hands, hoping not to be found.

The fact that Assange is detained in a prison in the form of a juridical no-man's-land, which implies that one step outside the embassy can end up in an extradition to the US, is something the Swedish Government chose to ignore with the following argument: Because the Swedish Government believes it provides laws and safeguards against extraditions which expose individuals to the risk of getting hurt, then it follows that Assange should not worry (article 27, 29, 31). The expert-group (UN-WGAD) also notes that the Swedish

Government ‘found it was important to emphasize that’ because no countries have yet made a formal extradition request, then the question about extradition e.g. to the US is a hypothetical question (hinting it could be discarded) and that the UK also has the possibility to oppose an extradition decision, because such extradition would then be made in accordance to the European Arrest Warrant (art. 30)

On these legalistic grounds Sweden’s representatives hope to circumvent the question about Assange’s political asylum because the elevated bureaucracy does not even have to take a stand on Assange’s asylum, which is protected by international conventions on human rights, unless all the forms are correctly filled in and posted by the US. This parodic legalism is then served with the lofty standpoint of principle, that Assange is sought for non-political crimes in Sweden – which by definition disqualifies Assange from being protected by e.g. the Universal Declaration on Human Rights – in accordance with the Government’s misinterpretation of article 14(2).

The UN did not even invoke art. 14 of the Universal Declaration in its conclusions regarding Sweden and the UK’s crimes but is satisfied by underscoring that the Ecuadorian asylum should be respected (see e.g. art. 97), although the Government’s eccentric interpretation is challenged by Assange’s legal counsel (p.10). According to the Swedish government Assange is moreover on the embassy by his own free will and his decision is therefore (almost by definition) not affected by Swedish authorities, the arrest warrant or the Government’s unwillingness to recognize his political asylum (art.

37) – whereby the cruel imprisonment on the embassy is his own fault and has nothing to do with the actions of Swedish authorities.

The argument of the Swedish Government at the time implied the following: Sweden refuses to take a stance on the risk of extradition unless the US makes a formal request to have Assange extradited – it therefore follows that there is nothing stopping the US to make a formal request as soon as Assange sets foot in Sweden or directly after the case is concluded – so the Swedish administration can start to process an extradition to the US in its usual pace, which Assange has sought political asylum against to begin with. What all this means really, is that the elevated bureaucracy believed it had the right to keep Assange arbitrarily detained for years because the risks he and other experts see simply do not exist in the eyes of the bureaucracy until these have been formally treated by the elevated Swedish bureaucracy. For the Swedish Government, trifles like human rights are of secondary importance compared to the need of not overlooking the technicalities of the bureaucratic process which are to be obeyed without fault. According to these rules Assange should as mentioned above preferably be extradited to Sweden in accordance with the correct European Arrest Warrant, so that the bureaucracy can start another process in order to investigate the very cause that made him a refugee in the first place and led to the Ecuadorian asylum, after the country he is protected from sends in a correct extradition request to the Swedish administration. The Government was unable to restrain itself, and pointed out that Latin American conventions on diplomatic asylum is a regional phenomenon that Sweden is entitled to overlook.

There is then nothing peculiar about the fact that the prosecutor waited over six years before she managed a hearing because the prosecutor has the right to do so according to Swedish rules, knows best how the job should be carried out and the Government is not allowed to intervene in an ongoing case (art. 42). Thus spoke the Swedish Government.

These parodic, bureaucratic and legalistic excuses were confronted by the expert-group with the authoritative tone of legal professionals, who simply gave the Swedish Government a laconic reminder of how particular countries' bureaucratic processes are not to be considered above international conventions on human rights when these fundamental rights are violated. Conventions Sweden has signed and should follow (art. 89,92).

The UN expert group does not once doubt the severity of Assange's situation which led to the Ecuadorian asylum in their statement. The expert group does not even touch the argumentation about the side track regarding the legality of a specific regional Latin America legal framework that the Swedish Government chose to elaborate on.

No serious commentators deny the dismal outlook in the case of an extradition to the US, but the Swedish Government nevertheless preferred to entertain a legalistic argumentation beyond the borders of reason instead of acknowledging the disheartening realpolitik which threatens and deteriorates Assange's life, but was considered

with gravity by Ecuador and UN experts who chose to act and condemn its unjust implications. (see e.g. art. 88,93,97).

The claim that Assange spends time at an embassy by his own free will in order to flee and stay away from the Swedish justice, was repeated by experts and journalists in the media, and was put forward by Sweden and the UK's Ministries for Foreign Affairs. However, the argument and its obvious unreasonableness was hardly merited comment in the statement of the expert group. Instead attention was directed towards the wearing conditions of Assange's imprisonment at the embassy in a harsh tone. The UN experts chose to emphasize that a review of the safeguards against *torture* underscored the importance of reasonable access to among other things medical personnel and family members. Rights Assange had been denied when he was not allowed to attend a friend's funeral without facing risk of extradition to Sweden and in the end USA, for example. The UN experts declared that Sweden is guilty of several breaches of international law and violates article 7 of the International Covenant on Civil and Political Rights which states that no *one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment*. (art. 95, 99)

Associate Professor in the law of legal procedures Eric Bylander took the delay that led to the historical UN conclusion with serenity. He claimed that it has 'not been wrong to wait for the opportunity to hear Julian Assange', when the TT News Agency (national wire service) summarized Ecuador's repeated efforts to arrange a hearing

and the Swedish authorities' unwillingness to do so by writing: 'now Ecuador has opened up to let Sweden hear him at the embassy' (TT, 2016-08-12).

Sweden's Government chose to reiterate its standpoint through the Ministry for Foreign Affairs (Rönquist, 2016) after having received the conclusion of the UN experts. The Prosecution Service made the laconic statement that the UN conclusion was not going to have any practical consequences in the ongoing investigation (Reuters, 2016-02-04).

Human Rights Watch noted Sweden's disregard for the UN's expert opinion and pointed out that the current course of action 'severely damaged' Sweden's reputation and its credibility 'as global advocates for rights by refusing to respect the institution of asylum' (PoKempner, 2016).

With this summary it is henceforth possible to accurately specify the hypothesis that the journalistic discussion will reflect the strategic variation of opinion within the elite – one side stands firmly behind the prosecutor or the Swedish Government, whereas the mainstream radicals who are regarded as scrutinizing, independent and brave within the journalistic culture, at a closer look barely reach out to critique about the efficiency of the process as advocated by the representatives of the legal profession – lack of professionalism due to the human factor, prestige and at the extreme – claims of scandalous incompetence.

Due to the existence of a handful instances where lawyers have expressed opinions which fall outside the strategic disagreements within the profession, among the 2362 items about Assange, it becomes even more interesting to follow the journalistic reactions in general. Opinions within the profession challenging elite consensus in the press may be a sign of the prevalence of some kind of radical journalistic culture or at least be enough to generate the sufficient political manoeuvring space for systemic critique among the scrutinizing radicals of the journalist profession. What speaks against such a proposition of radicalism already at a first glance, is that truly dissenting views on the key issues are at the level of per mille, and the timing of dissenting views so far are consistent with hypothesis 5.

The awestruck and at times exalted backing of the official state line among journalists was taken to the extent that members from the legal profession found themselves obligated to protest, and remind the country's journalists that the tactical division within the legal profession had also room for criticism of the efficiency of the legal process, the lack of professionalism and the prosecutor's handling of the case.

Johan Åkermark sees himself necessitated to defend the article from the previous week mentioned above in *Who should Scrutinize Power if Media Doesn't?* co-authored with his famous colleague (Lapidus & Åkermark, 2011-05-05). Their articulation of the prosecutor-critical faction of the elite opinion was apparently regarded as too challenging and controversial. According to Åkermark

(2011-05-12) journalists attacked their article as if it was partisan, something that Åkermark responds to by pointing out that ‘Assange himself would hardly had liked our wording about him possibly being a querulant’. For example, Dagens Nyheter’s Hanne Kjöllér (2011-05-06) pondered rhetorically if the lawyers’ choice to discuss legal issues by alluding to the Assange case, is not after all ‘as if Christian Democrats would refer to Bin Laden when arguing stricter family policies’.

Considering the circumstances at the time, Åkermark (2011-05-12) can be regarded as a champion of the diversity of opinion when he complains about the underutilization of the existing space within the elite opinion, because journalists do not even adopt the approved criticism: ‘Surprisingly few have said anything about detentions, translations of the primary investigation, politically appointed lay assessors [sometimes referred to as lay judges] and closed doors at the trials. As far as I can see, nobody has spoken up about police leaks’.

Under the principle of pre-emptive openness 5-10 % of the articles should however disrupt the political silence by putting forward arguments and opinions which transcend what may be accommodated within the diversity of opinion of the elite. Considering earlier analyses, reality seems however constituted with an even narrower media space spanned by the silence of politicians and the divided views of experts regarding the efficiency of the process and the competence of the prosecutor. Journalists not brave enough to repeat the tactical reservations articulated by the expert

community, would instead take part in the silent procession of the politicians without risking to stand out from the crowd. (see The Fact Resistance of the Established Journalists)

GET IN LINE

More reasons not to comment on the case were put forward once the prosecutor resurrected the case under more severe suspicions. When Ny decided to hear Assange the Lund University-expert Wong spoke up with words of caution about the possible deterioration of quality of the interview due to media attention. He argued that Assange could get other people's ideas in his head and employ these to his advantage (2016-11-15). This happened at a stage when the strategist Assange had been detained for over six years and already authored or published several books where he over and over again displayed his characteristic systemic thinking and ground-breaking scoops.

How media attention affects an arbitrarily detained person's well-being does not follow from the thesis, on the other hand Wong's thesis has the convenient feature that journalists, politicians and others who were stained by the UN ruling about arbitrary detention had yet another argument to their disposal to evade responsibility. (see also p.151)

The Swedish Prosecutor Service has to a considerable extent actively contributed to the politicians' silence. When the Liberal politician Johan Pehrson (Folkpartiet) modestly wished for a faster handling of the case, the press immediately made sure to exaggerate his statement through the articles *Prosecutor is Pressured about the Assange-Case* in *Sydsvenskan* and *Prosecutor Pressured about Assange* in *Dagens Nyheter* and *Göteborgs-Posten* (2014-02-03). Once labelled in this manner, the press let the public know the implications of his insolence the following day by describing how Pehrson received 'harsh criticism' from the Prosecutor-General Anders Perklev because he supposedly interfered with the case (G-P, 2014-02-04) and Elisabeth Massi Fritz agrees in a duet. The Prosecutor-General is by the way appointed by the Government.

The foreign press assists with information that is not always timely available in the Swedish newspapers. Wall Street Journal also reported about the Centre Party (Centerpartiet, historically a countryside party) Member of Parliament Staffan Danielsson, who said it would be best for all involved parties if the prosecutor either chooses to indict or drops the case (WSJ, 2014-02-03), his statement shines in its absence in the reporting of the seven largest joint-stock-newspaper companies in the sample which make up the nation-wide coverage.

The legal counsel of the parties in the Swedish legal process also adopted standpoints in the conventional style. Assange's lawyer Per E Samuelson had a moment of publicity in connection to Wong's silence-hypothesis where he expressed resentment about Assange

not being heard in over six years, and proceeded by explaining the fact by claiming that Sweden and the prosecutor had invested prestige in the case. The women's lawyer Borgström and the assistant-counsel Elisabeth Massi Fritz have on the other hand consistently and to the very end rejected all criticism against the prosecutor and supported her actions, supposedly to safeguard the quality of the interrogation with Assange, at the cost of having the older woman's allegations dropped because they got time barred. I have not found a single instance with serious journalistic critique on the stance of the women's counsel which unfortunately renders prosecution impossible with certainty, and thereby the ultimate loss for the women and their legal representatives²⁴.

The close to slavish support for the prosecutor's course of action displayed by the women's legal counsel, may very well have contributed to that the prosecutor did not feel pressured enough to carry out her duty. The prosecutor's perhaps most committed support in the press was given by the assistant-counsel Elisabeth Massi Fritz, whose wholehearted support for the prosecutor's refusal to travel to London over the years was based on stately principles about equality under the law, and that criminal suspects should not be allowed to dictate the conditions of the legal process.

²⁴ I am grateful for facts which may complete the picture, please mail your input to manuel.echeverria.q@gmail.com

The prosecutor held a press conference at the start of September 2016 where she confirmed that hearings would be carried out in London, the same day that public service's Uppdrag Granskning's (Mission Scrutiny) documentary was going to be shown on Swedish national television, just a couple of months before for all suspicions except the rape suspicion maintained by the prosecutor were going to become time barred. As a reason to why the prosecutor postponed the decision to carry out the hearings in London the prosecutor stated that 'high quality standards are demanded' and that she did not want Assange 'to be treated differently' (Zachariasson, 2016-09-07).

Perhaps one should be a true expert, possibly a scholar in the history of Swedish law to find comparable hearings with worse quality than the one which leads to nothing because the time for prosecution runs out. Perhaps it is amateurish to assume that the defence should prioritize the client before unconvincing oration of statesmanlike rhetoric about lofty principles that should be paid attention to, while the women's chances to justice diminishes as time flies by. Perhaps a certain kind of childishness is required to be unable to grasp how claims of responsibility are reconcilable with a course of action and results which at the closing of the books, on deficit has Assange arbitrarily detained and a journalistic revolution obstructed; the women disrespected; the time for prosecution of the suspicions expired; and harsh criticism lashed out by the UN that severely stained Sweden's reputation.

THE CONSEQUENCES OF THE FAMOUS RIGHTEOUSNESS

Because Elisabeth Massi Fritz was praised by the press and wrote several articles in the largest newspapers of the country; it is in its proper place to make her expert opinion justice by taking her arguments seriously. Bellow I prove her wrong about her insistence on the wisdom of prosecutor's course of action, to the extent such arguments are found in her articles. All the reasoning departs from Elisabeth Massi Fritz' own formulations and elementary facts every lawyer knows, especially those working with the case. Massi Fritz advocated the same thesis to the very end and she is to my knowledge, remarkably enough, the only one with a somewhat coherent approach to the defence of the elite view that I have seen in the period 2010-2016.

What does the prosecutor's stance imply according to its proponents? – The answer is that the women's legal counsel and the prosecutor never put the women first. This result underscores the ludicrousness that no journalist criticized Massi Fritz or Borgström for supporting the prosecutor's course of action, although some advocated that the prosecutor should arrange a hearing in London.

In her piece *Don't Make an Exception for Assange* (2014-02-06), Massi Fritz takes the prosecutor's side regarding her refusal to arrange a hearing in London. At the same time she questioned if a hearing in London would push the preliminary investigation forward – 'Why

should the prosecutor hear him in London with the help of the British police? – The question is technically speaking hardly worth answering because it is obvious, by definition, that the prosecutor’s hearing is a step forward whereupon the prosecutor either decides to indict, drop the case or do anything that differs from total passivity. The prosecutor chose in the end to hear Assange, drop the EAW and close the preliminary investigation 19th May 2017 which essentially means that the prosecutor dropped the case, although the prosecutor could still choose to resume it once Assange has ‘made himself available’ (Ny; Swedish Prosecutor Service, 2017-05-19).

With a gentlemanly interpretation it is to begin with possible to pin down the consequences of Elisabeth Massi Fritz’ (EMF) finest arguments from 2014.

Theorem 1 (EMF-Altruism Theorem). EMF cannot possibly care for her clients’ interests or even believe that she does by advocating that the prosecutor should not hear Assange in London.

Assume EMF cares for the interests of the plaintiffs by ending the case and hence the primary investigation, if possible, either through indictment or that the suspicions are dropped, and advocates a course of action which enhances the chances that the plaintiffs’ interests are cared for (by ending the case ... and so on). Also assume that EMF does not believe in contradictory or false statements. For purpose of exposition, both plaintiffs are regarded as clients.

What does EMF advocate? In order for Assange to be sentenced he must first be indicted and be in Sweden. In the article (2014-02-06) EMF notes the obvious that if the prosecutor goes to London, hears Assange and decides to indict, then a trial can only be realized if Assange is in Sweden. Moreover, it is only in the case when the prosecutor goes to the embassy and she does not choose to indict that the case ends according to EMF, who however avoids to elaborate on the possibility that the date for prosecution expires or other reasons to drop the case. EMF believes that Assange ‘would not leave the embassy even if the preliminary investigation is closed’.

She moreover expresses that ‘nothing indicates that Assange would voluntarily leave the embassy and face justice in Sweden’ whereby the stance of Assange’s legal counsel is a ‘deadlock’ (Fritz, 2014-07-16). Lastly, EMF believes that the prosecutor should not hear Assange in London.

Hence: If the prosecutor goes to London and hears Assange, then she will indict if there are reasons enough or she does not. EMF is at the same time sure that Assange will not leave the embassy under current conditions. If Assange does not leave the embassy and the prosecutor does not go to the embassy (or uses alternatives of course), then the case will certainly run out of time and in the end dropped, which implies that EMF’s clients do not get any justice according to her own statements or assumptions. If the prosecutor makes her way to the embassy however, then there is a possibility that the prosecutor sees the evidence as compelling enough to indict or that there are no

reasons to indict and drops the suspicions. Because there are no plausible reasons to assume that EMF **with certainty knows** which course of action the prosecutor will take, whether it is indictment, dropping the case or something else after she hears Assange in London, and she has not expressed any other view than that she suspects crime has been committed, it thus follows she cannot care for the plaintiff's interests by supporting the stance of the prosecutor.

Therefore, she does not act in the best interests of the women in the sense of the EMF-Altruism Theorem when she practically advocates that indictment is with certainty not to be carried out, instead of having Assange heard in London with the possibility of indictment. Moreover, she cannot herself believe that she cares for the women's interests through the advocacy of the prosecutor's stance and at the same time believe that she improves the chances that the preliminary investigation or the case comes to an end, which shows the EMF-Altruism Theorem. More compactly, EMF cannot believe that the strategy of not having the prosecutor in London is consistent with putting an end to the case (not dropped), which is true with logical necessity.

Besides, EMF advocates agnosticism on the issue on whether 'crime has been committed' and there is no point in accusing EMF for hypocrisy. This means that EMF does not want to advance the preliminary investigation if it is possible.

The EMF-Altruism Theorem is more than an academic exercise to show the absurdity of Massi Fritz' argumentation or limit myself to

principled critique on a philosophical level if the theorem is given a more general formulation and applied to the prosecutor. It shows to begin with that her commitment to the prosecutor's strategy neglects progress in the preliminary investigation towards a possible indictment. From her own assumptions it is by definition true that Assange will stay at the embassy even though the case is dropped, which is in accordance with Assange's own declarations of fear of extradition and the judgements of the case carried out by society critics, experts and later on the UN.

The other important point that follows from the theorem, is that if she indeed holds it to be true that Assange will stay at the embassy, then her stance not to hear Assange in London (or other means not requiring Assange's presence in Sweden) is at least irresponsible, because Massi Fritz should in that case realize that her stance is also a 'deadlock' without trial in Sweden. It also an introduction to *Part II*.

If we choose to go outside the worldview of Massi Fritz, then there are more reasons to why her stance has been reprehensible. In addition to the irresponsibility of not pressuring the prosecutor before the time for prosecution expires, thus guaranteeing the worst case scenario for the plaintiffs and also technically speaking for the world-renowned quality of the hearings, there are also other associated reasons to why Massi Fritz would have cared more for the women had she advocated a more timely London hearing. The case ends in the event that the prosecutor goes to London and realizes that indictment is impossible based on available evidence, whereupon the

women could have carried on with the knowledge that the case could not possibly have been pursued further, even if Assange had been in Sweden.

The time for prosecution halts in the event of indictment, and therefore the possibility of dropping the case, because time is up seizes to threaten the delivery of justice. This would in turn create the conditions to alter the circumstances that hinder Assange from travelling to Sweden, for example if Sweden then begins to respect international conventions on human rights and respects the conclusions and recommendations of the UN. There is yet another important related aspect. Once the Swedish legal system shows it has done everything in its power to hear Assange, then politics can take over and more readily ensure Assange's way to a possible trial in Sweden, and hence serve the legal system instead of obstructing its course.

Instead Massi Fritz' strategy has been to pressure Ecuador (SvD, 2013-05-23), but that hard-core-activist line presupposes that Sweden can affect a foreign power to the extent that it revokes its asylum decision and extradites him. The outlook for such a course of action is mildly put closed under the foreseeable future, especially with the current administration in mind. Ecuador has clearly shown it remains unshaken by the pressures from two of the world's most powerful countries, and the bold South American republic would arguably be at least equally unafraid of the pressures from a small pacifist monarchy 'north of Europe'. If nothing extraordinary happens the

case will surely expire before a new administration has the possibility of implementing a new approach.

What a small country can do is to affect its own policy and the respect for international conventions. In particular, Sweden could without problems follow the recommendations from the UN Working Group on Arbitrary Detentions – respect the Ecuadorian asylum – give Assange a free passage and compensation. Such a stance is consistent with a long Swedish tradition that once was acknowledged and respected by the international community.

Because Massi Fritz' own stance leads to a 'deadlock', even when considering fruitless attempts to put pressure on another sovereign state that shows no signs whatsoever to fold, especially after the UN-ruling, the line of Assange's legal counsel (see e.g. 2014-07-13) to either hear Assange in London or drop the detention seemed rather logical at the time. This remains true even if we assume that Massi Fritz' fears were correct. More importantly, even if Massi Fritz believes in diplomatic miracles in relation to Ecuador, her line is still not credible. Nothing excluded a combination of London hearings and diplomatic pressure on Ecuador, because the strategies are in principle complementary and not mutually exclusive. It was simply not sensible to neglect the possibility of advancing the primary investigation through a London hearing, and at the same time argue diplomatic pressures that would have their effect in the event that the prosecutor chose not to drop the preliminary investigation.

Now assume we travel back in time and want to please Massi Fritz and Marianne Ny by giving them all they wish for with respect to their convictions and principled opposition to a London hearing. Such an exercise presupposes that we for example do not hold against them the fact that over 44 hearings were carried out in the UK by Sweden under the time Assange has been deprived of his liberty (Thorsell 2015-08-08; Pilger, 2017-05-20) or employ the theorem above.

As we have already seen, Massi Fritz believes that Assange would not willingly leave the embassy, to the extent that she advocates Swedish diplomatic pressure on Ecuador in order to get him handed over. In addition both Massi Fritz (Fritz, 2014-02-06; 2014-07-16) and Ny stated that Sweden's legal system should not adapt to crime suspects on principle alone, and Ny moreover invoked the issue of the deterioration of quality associated with a London hearing (Zachariasson, 2016-09-07).

Finally Massi Fritz was of the opinion that politicians should not interfere with the work of the prosecutor, a line that was adhered to in practice, with legal and humanitarian implications now known all over the world. Furthermore, allow yourself to take seriously the argument that Sweden cannot take a stance to the US-threat because the US has yet to fill in the forms for extradition correctly.

Strikingly enough there was always a way of satisfying all of Ny and Massi Fritz' desires and evade the 'problem' with hypothetical threat scenarios from the US, which the Swedish bureaucratic operating system supposedly is unable to process before a Superpower fills in

and submits a flawless form observing all formalities. Sweden's Government could simply solve the Assange-Ny-American knot by giving Assange guaranties. Such a course of action was proposed by Amnesty International early on, a proposition that the press reacted to with its usual silence temporarily disrupted by flak (see p.312; 365)

Guaranties satisfy:

- (a) The chances that Assange comes to Sweden drastically increase – which implies that the Swedish legal system does not have to adapt to Assange and the hearings would have been carried out without the postulated deterioration of quality.
- (b) Politicians maintain the full respect for the prosecutor's independence and professional role, and instead serve the prosecutor with improved conditions to carry out duty.
- (c) Sweden could still (case expires 2020 if nothing changes) give such guarantees without specifying a country, and is thus not bound to wait for a request from a particular country e.g. USA. In doing so, Sweden pays respect to some of the recommendations given by the historical UN-ruling.

By imputing Elisabeth Massi Fritz the unbelievable stance that Assange would not get out of the embassy even after having received guaranties from Sweden, perhaps because he prefers isolation to freedom, difficulties may arise I admit. In that case I am obliged to express myself more carefully: All sane wishes are satisfied, or almost all of them.

Although no longer engaged in a primary investigation, Sweden should still take responsibility for having caused Assange's perilous situation and make an effort to create alternatives in order for Assange to reach a safe haven. Enough information is available to formally exclude that Assange is guilty of crimes in countries that Sweden has bilateral extradition agreements, which lowers the burden of investigation to implement the guarantee and has the diplomatic advantage that Sweden is not formally pointing fingers to any country in particular.

Yet another cooling diplomatic effect is achieved by a time limit of the guarantee to a time interval after the case is completely discarded or justice delivered in the unlikely event a primary investigation is resumed and Assange is indicted while in Sweden, with reference to the care of Sweden's superb rule of law. Such a guarantee would deter single countries to make a request with the risk of having such hard line exposed first page all over the world. This supposition becomes even more valid considering the current administrations of the countries that may want to have Assange extradited.

Note that Massi Fritz, the prosecutor, and experts (e.g. Alhem in Balksjö, 2012-06-15), journalists (e.g. Johannes Forssberg, 2012-10-02 and Cantwell, 2013-06-19) and all others who share Sweden's official stance, cannot object to this proposal with the argument that the Government would infringe on the domain of the legal system if a country chooses to make an extradition request and the Government in that case chooses to block an investigation so that

Assange can flee. This is true because the proposition is general and the official line insists on the legal system's inability to take particular hypothetical scenarios into consideration, although it did not stop several of the aforementioned to practically entertain hypothetical scenarios when it was to Assange's disadvantage.

PROPAGANDA WITH A HUMAN FACE

Did the opinions in the panel stay within the permissible spectrum of discussion as defined above? A review of the journalistic critique of the legal process, to the extent such was put forward, shows that the overwhelming majority of the articles maintain discussions encapsulated within the borders given by the extremes of the elite-opinion and the so-called exceptions are indeed enlightening.

Journalism bears the distinct marks of fact resistance and distortions from the filters' of the Propaganda Model.

If the panel is limited to opinion pieces (debate, editorials, chronicles etc.) in the nation-wide press then there are 13 persons who wrote more than one article, four of these experts: Elisabeth Massi Fritz (assistant-counsel), Magnus Ljunggren (Professor emeritus in Russian literature), Wilhelm Agrell (Professor in intelligence-analysis) and Sven-Erik Alhem (former Chief Prosecutor).

The rest are journalists:

Dan Josefsson (Aftonbladet), Hanne Kjöllner (Dagens Nyheter), Jan Arell (Göteborgs-Posten), Jan Guillou (Aftonbladet), Karin Olsson (Expressen), Martin Aagård (Aftonbladet), Oisín Cantwell (Aftonbladet), Olle Lönnaeus (Sydsvenskan), Peter Kadhammar (Aftonbladet). Aftonbladet is *uncommitted Social Democrat*, Expressen *uncommitted Liberal*, Dagens Nyheter *independent Liberal*, Sydsvenskan is *independent Liberal*, Göteborgs-Posten är *Liberal*, Svenska Dagbladet är *uncommitted moderate/conservative*.

Pierre Schori was the only one who challenged the elite consensus with an opinion piece article among the ranks of the politicians, and thus saves the largest joint-stock newspaper companies from a totalitarian media milieu that could have been taken from some of the pulp-fiction's most unimaginative dystopias. He is however not a member of the panel. Among 101 opinion pieces in the sample 2010-2016, the four written before the accusations are mainly about WikiLeaks and to the extent Assange is mentioned, it is primarily in association to his achievements and the mission of the organization.

More than half of the articles in the sample (58 of 101) ventilate critique in some direction. Half of the critique is towards Assange & co. only. The other half (29 articles) were critical to the handling of the process or critical of society. Among these latter articles, 13 were 'balanced' in the sense that they also critiqued WikiLeaks or some of its associates which implies that 72 % of the critique (42 of 58) targeted Julian Assange & co.

All 14 which criticized the process were within the main stream of the discussion as these merely reflected the diversity of opinion within the profession, 100 % of the critique against the legal process thus mirrored the tactical disagreements within the profession (of course even if we exclude the experts – Alhem wrote three). Only 4 % deviated to some extent (4 of 101), i.e. a lower concentration than postulated by the principle of *pre-emptive openness*. Thus 54 of 58 critical articles (96 %) were limited to mere permutations of the elite-opinion or critiqued Assange, WikiLeaks or partners.

Before the accusations, WikiLeaks' ability to ground-breaking journalism in a hostile political environment was met with enthusiasm, although Assange sometimes is portrayed as somewhat eccentric (Kadhammar, 2010-04-11, 2010-07-28; Olsson, 2010-07-28; Cantwell, 2010-08-14). WikiLeaks resides at the foreground whereas Assange is mainly connected to the organization and its journalism. As evident in the previous paragraph, there are only four articles in the sample that could be understood as 'critical of society' or unbalanced in the sense that these did not simultaneously attack WikiLeaks & co. Two of these are written shortly after Assange was portrayed as a rape suspect in the press and these take aim against 'those in power', the two remaining are from 2016 and target the UN with their 'critique of society'.

The most unbalanced at the 'outer limits of expressible dissent' (Chomsky & Herman, 2001) and the panel's perhaps most bitter critique of society is from Dan Josefsson (2010-12-09), who does not

want to comment on the allegations but asks with indignation: ‘Is there a conspiracy against the freedom of expression? Yes, obviously!’ His question is a reaction to the blockade from Amazon.com, EveryDNS, Paypal, a Swizz bank and Visa Mastercard that effectively denied WikiLeaks the hiring of servers, interfered with the organization’s internet address, the transfer of donations, froze accounts and made credit cards unusable for the organization.

This trail is picked up by Peter Kadhammar the following day when he in an act of unconstrained critique of society compares the ‘biggest and hardest of fists’ in the form of financial giants who boycott WikiLeaks with the ‘thousands of small fists’ – ‘the anonymous tub-thumpers, bullies and digital thieves of the cyberspace’ who target the big companies but also Claes Borgström, the Government and the women who according to him reported Assange to the police for sexual offenses, which is of course false. The conclusion is better laws that protect people from defamation in the true spirit liberalism.

WikiLeaks is still subjected to a blockade but has managed a successful transition from the usual channels to alternatives such as Bitcoin. The financial attacks against WikiLeaks has much in common with the attacks on Assange’s person and his allies in general, because the very act of a blockade induces fear and uncertainty. Even if one assumes the absence of a continuous 24/7 blockade, the initial barrage was still enough to induce a credible threat of cash-flow shortage, which any decent risk management must address through either a heightening of public awareness and legal

fighters or the employment of alternatives. The former alternative was not deemed feasible due to the risk of a chilling impact on the current donors and presumably to avoid costly low-yield legal battles on several fronts, hence the latter risk-reduction option was chosen. The flow of donations was recently threatened in close connection to their comprehensive CIA leak Vault 7 (see Assange, 2017-12-1; RT, 2017-12-18; Redman, 2017-12-21).

After the UN ruling about Sweden's arbitrary detention of Assange in conflict with international conventions on human rights, the critique of society is instead turned to the UN. Olle Lönnaeus (2016-02-07) dissects the decision with his usual objectivity by starting with the composition of the panel, he concludes that the 'UN-group was represented by a Mexican, a South Korean and a representative from Benin. And obviously they misunderstood most of the Julian Assange affair'. The analysis is given rigour by comparing the Working Group on Arbitrary Detention (UN-WGAD) with another UN-group chaired by Saudi Arabia which appoints experts to a UN committee on human rights. Kadhammar concludes that 'it is the Security Council Sweden strives towards, not an odd subgroup to the UN' – a perhaps honest and objective perspective in the vein of *realpolitik*. The ethnic but also gender composition of the UN expert group is by the way commented by Karin Olsson (2016-02-07) (*Expressen's Cultural Director*) who on the other hand makes sure to point out her confidence in the competence of the members.

Kjöller's indignation about the UN decision inspires her to satire in her piece *UN Invites to Legal Circus* (2016-02-06) in the editorial of Sweden's largest Liberal newspaper Dagens Nyheter (DN), where she compares Assange's situation to a hypothetical toilet visit. The satire has the form of a thought experiment where she supposedly locks herself in the toilet with claims about how DN, or perhaps the Swedish state, hold her imprisoned and about how her human rights are violated. She writes that Julian Assange's human rights are violated in a corresponding manner 'according to the world-organization's "independent working group on arbitrary detentions" UNWGAD'. Kjöller also speaks ironically about how the UN-expert group is independent to the extent that they are not reimbursed for their mission, something which makes her think that the group resembles a bunch of activists. Assange's isolation is self-chosen, she furthermore argues.

Kjöller's piece indeed stimulates the imagination and encourages one to wonder if not the thought experiment would have been more accurate if she instead had locked herself in the W.C. of the plane which was used to kidnap refugees in Sweden to torture abroad, on the request of USA with the cooperation of Swedish authorities. Kjöller is stuck there after she in her naiveté travelled to the Democratic Kingdom of Sweaven²⁵ with high hopes of making the

²⁵ **sweaven** [swevən] Middle English word, a vision or dream.

world slightly less disgusting. But luck is not on her side and Kjöllér is worried sick within days in Sweaven. Once there she is to her surprise soon appointed a lawyer who turns out to be the former public defender of the notorious sex-criminal Billy Butt. This lawyer manages to make her appear suspicious and places her in the plane after having ‘missed’ the prosecutor’s SMS that could have settled matters in Sweaven.

The reason for all this legal fuss is that Kjöllér is suddenly struck by all sorts of pressures, and hence in a desperate need of legal counsel after having been publicly shamed in the press with allegations of rape she believes are utterly nonsense and moreover appear doubtful to the extent a prosecutor dropped them almost immediately. This happens, curiously enough, at the same time fairytale Kjöllér, who instead of doing cheap toilet-jokes, singlehandedly slays propaganda-dragons, is famous world-wide for having revolutionized journalism and is in the progress of challenging Superpower and its closest allies through the publication of one of the sharpest scoops in recent history. Superpower has openly declared that she is the enemy, and some of the most powerful and fearsome people on the planet have made threats on her life.

The prosecutor refuses to question her in order to take her statement because Kjöllér is deemed not to have shown herself cooperative enough since she refuses to step out of the toilet and persuade the crew to make a trip to Stockholm in order to arrange a hearing in Sweaven. Skype interviews are out of the question, and no

guaranties are given to her which ensure that Sveandish²⁶ personnel on-board torture-plane will give her a free passage and respect the asylum that she was sneaky enough to fix after the plane was forced to an emergency landing, due to unbelievably drawn-out dealings with the Sveandish bureaucracy.

The Brits knock up a rigorous police wall to make sure no one leaves the toilet. When Kjöllér claims that she feels threatened by the CIA agents on-board, her seemingly obvious statement is disregarded by an unison press that writes she is conspiratorial, perhaps paranoid and alludes to a lack of danger due to the fact that the CIA agents still have not filled in the forms for extradition properly, and how British authorities also have a part to play in the matter of her dismal fate. Although it might sound childish and over-the-top to you, these counter arguments are taken very seriously by the Sveandish press and the experts throughout the democratic kingdom.

Moreover, journalists pretty much agree that she flees justice and hides from the allegations which the prosecutor lets come to nothing rather than arranging a Skype interview by pushing a button – with the argument that it may spoil the evidence to the allegations which the prosecutor chooses to waste.

²⁶ Recently adopted gender-neutral adjective, probably derived from the common names Sven and Svea. Also chosen because searches gave 0 hits in the search engines of Superpower. These properties were at the time thought to reflect the country's deeply rooted cultural values and self-image.

One of the plaintiffs, sometimes alluded to as the older woman, is a member of the State Party. The State Party woman was kind to Kjölller several days after the alleged molestations Kjölller is blamed for supposedly happened. Moreover, the State Party woman posted a fan-mail online where she publicly declared how amazing Kjölller is but then tries to erase the message in connection with the police accusations. The younger woman is totally devastated because she feels she was forced to become a plaintiff and insists that she was railroaded by the police who were the ones that pushed for a rape report against her will.

Fairy-tale Kjölller finds out that she is a sex-crime suspect when she reads the paper while taking a break from her work with one of the greatest scoops in recent history. The police and the prosecutor broke almost all important recommendations on how a preliminary investigation should be carried out. The younger woman's interrogator is also a State Party member and moreover a friend of the State Party woman. According to the press, it is well understood and exceptionally uncontroversial that the Democratic Kingdom of Sweaven is very serious about formalities and only desires to ensure the quality of the interviews. The women's lawyer is also a member of the State Party and he comments the younger woman's desperate reactions by stating that she is not a lawyer, she simply does not understand her own good.

The Sveandish press is by and large of the opinion that Kjöllér freely chooses isolation from the rest of the world and may whenever she likes step out to the Sveandish justice that is world class compared to other countries, in spite of some minor deficiencies and that all talk about political motives underlying the legal process is utter madness. Kjöllér is among other things described as a ‘hypocritical vomit’ and a ‘coward piece of shit’ (Cantwell, 2012-08-17), a ‘little creep without principles’ (Guillou, 2011-04-24) with red-brown tendencies (Ljunggren, 2011-03-03), a lunatic and conspiracy theorist (Cantwell, 2013-06-19; 2015-03-14). When the UN sees through the farce and states that the Democratic Kingdom of Sweaven and the UK are guilty of human-right abuses, a privileged male journalist writes an article comparing her situation with that of a child who locked himself in a toilet at a trip to Euro Disney because he did not want to go home and face reprimands at school for having molested a girl, with claims of prosecution from the Lion King as a childish excuse. A harassed, disappointed and resolute working-class intellectual prints his echoing sights while wondering if the privileged male journalist at one time had considered the pair Peter Pan (Heberlein, 2010-12-24) and Captain Hook in order to avoid distrust and get to the real issues.

THE FACT RESISTANCE OF THE ESTABLISHED JOURNALISTS

The left-wing critic Guillou contributes with the more balanced article *Julian Assange – Little Creep without Principles* (2011-04-24) to the august genre that contrasts Assange with Manning or accuses Assange for Manning's fate. Here the reader gets to know that Assange is a coward endowed with fairly good accommodations in his flight from Swedish justice whereas Manning who is claimed to be the reason to Assange's success, is not given the necessary aid from an egocentric Assange. The fear of extradition to the US 'via Sweden and false rape allegations' is a conspiracy theory although he would be sternly judged by the 'American armed force' because WikiLeaks has revealed its war crimes.

Guillou also follows the traditional attacks on the world-renowned left-wing intellectuals John Pilger, Michael Moore and Tariq Ali who in this case presumably embarrass themselves when backing opinions 'so ludicrous that they are not even worth being taken seriously'. The reader is supposed to just take the claims of the journalist for granted and trust that some of the foremost critical journalists, authors and directors of the 21st century are conspiracy theorists.

Kjöller (2013-08-23) contributes with a variation where she condemns British and American efforts to silence The Guardian through harassment that among other things involved the destruction of hard disks and other material, with the purpose of frightening

journalists after the Snowden revelations. The relation between The Guardian and Snowden's successful act of journalism is pitted against the conjectured cooperation between WikiLeaks and Manning who Kjöllér describes as psychologically vulnerable and had the misfortune to side with Assange who never protected the source or managed the information in a responsible manner, according to Kjöllér. Among others who at the time connected Manning to Assange is Olle Lönnaeus (2012-08-16) who contrasts Assange's at the time relatively comfortable situation with Manning's who 'is accused of being the leak behind the revelation that made Assange to a hero'. Karin Olsson (2010-12-24) also writes her way into this assemblage when she expresses dismay over how 'Bradley Manning, the intelligence analyst who leaked the documents, WikiLeaks' "Deep Throat". He sits forgotten in his prison. The promised support never came'.

Josefsson, who at the outset was the most supportive voice for WikiLeaks and lashed out with the harshest critique against the ongoing attacks against the organization, would change his stance later on, and like his peers Kjöllér and Guillou, advocate the thesis that Assange was responsible for Manning's fate. He theorizes about how WikiLeaks secrecy-policy obstructed follow-up and furthermore thinks the policy neglects screening in order to check if the source is 'sane'. Then again, 'Julian Assange used the leaked material to make himself to a world celebrity with great hullabaloo' (Josefsson, 2012-03-06).

Martin Aagård (2012-03-14) does however rush to the aid of his colleagues with a fact check when he elucidates that Assange assuredly is ‘an unsympathetic swine’, but that Manning was outed by a rat who claimed to be an honest journalist – ‘it was not distrust against journalism that got Manning. It was blind belief in it. Ironic, isn’t it?’ Kjöllner wrote her piece two months after Wikileaks, 23th June 2013, organized Snowdens successful flight from Hong Kong with the brave assistance of the WikiLeaks front-figure Sara Harrison. Julian Assange coordinated the operation from the Ecuadorian embassy in London and one of his most disheartening experiences from that particular operation was that no Western European country was willing to provide political asylum.

Against the background of previous results, these aforementioned articles are just additional examples from the set, although the genre gives rather flagrant expressions for two of the three pillars that constitute fact resistance as defined by Lööv (2015-09-29) because the articles are characterized by an ‘aggressive debate technique’ and journalists furthermore display their inability to accept information other than the one that affirms the own world view. Note that Hanne Kjöllner blames Assange for Manning’s misfortune almost one and a half years after Aagård provides facts that speak against such careless claims, with a reference that can be traced and inquired upon. This is over two years after Wired finally released the chat-logs between Manning and the snitch Lamo (Greenwald, 2010-12-27; 2011-07-14). None of the aforementioned journalists who made this wounding comparison in relation to Assange or the destructive connection to

WikiLeaks bothered to present any sources whatsoever in support for their attacks.

The third criteria, *a mentality characterized by a conspiratorial and antagonistic mind-set that targets an invisible power elite* is also satisfied (see below) but the condition reveals a somewhat elitist perspective. The criteria is biased in favour of status quo because it is the ‘power elite’ that is attacked by the conspirators not, say, the working class or vaguely defined progressive forces and is therefore worth reconsideration.

If we on the other hand pursue the essentials and require a definition without the bias to the favour of those in power, then it makes sense to think of the components as variable. The word ‘conspiratorial’ may be replaced with say *magical* and ‘invisible power elite’ with the ‘internet mob’, vaguely defined ‘subversive elements’ or a neutral definition which instead targets a group that the fact-resistant crowd for some reason explicitly dislikes and want to oppose.

Play with the thought that the definition is instead: *a mind-set characterized by magical and antagonistic thinking that targets journalism which is not dictated by the filters of the Propaganda Model*. Then all conditions are met. Why magical? To ignore facts is one thing, to believe that reasoning based on made-up facts is true is something else and what I call magical thinking.

The fact resistance sometimes concerns issues that have been known for decades. Kjöllner (2015-06-05) continues to exhibit liberal

fervour in her chronicle *Words that Save Human Lives* with starting point in the leaks of legendary Daniel Ellsberg, leaks that she thinks revealed the true costs of the Vietnam War. The way Kjöllner summarizes the content of these leaks is enlightening and worth quoting.

The 7000 pages showed how Lyndon B Johnson had completely fooled the public, media and even congress about the Vietnam War. Among the documents there were analyses that showed that the war was at risk of becoming indefinite, that it likely could not be won and would take far more American lives than what the publicly declared estimations showed.

Ellsberg's leaks are indeed still worthy of attention, but Kjöllner's description about how the president fooled the public, the congress and the media is simply put, to exculpate the notoriously fanatical stand of the press with regard to the invasion of Vietnam – where even the term *invasion* was banned from the established media channels. As Chomsky once pointed out in a seminar, even Soviet media allowed talk about the *invasion* of Afghanistan for a short while.

The world's most powerful democracy also won that race because the free press managed to censor and arrange the description of reality in conformity with the objectives of the elite, without state coercion. An obedience that reached levels the propaganda model barely can explain.

Her stance is extreme from a theoretical perspective. She is a Swedish journalist commenting on the history of a foreign power. The authors of the propaganda model assumed that foreign journalism was much freer and had a more truthful approach to the Vietnam War. Her take on the true costs of the war is in terms of American lives fits neatly in the historical position that as a matter of fact constituted the dove position in USA under the war, well within the permissible spectrum of discussion. The doves had a tactical disagreement with the hawks about the most efficient way of maximizing the objective function of the armed forces and the state (also constrained by e.g. economic considerations). It is therefore quite revealing that the editorial of the foremost Swedish Liberal newspaper takes such a hard-core approach decades later.

The variation of opinions in the media was limited to the disagreements within the elite opinion, in complete accordance with the predictions of the propaganda model. The subservience was concluded with a servility, where even the notorious USA-supported mass murderer Pol-Pot was arguably given a relatively favourable reporting, when such more lenient stance bolstered American interests (although mainly through a shift of focus). This convenient turnaround came after Vietnam's removal of the dictator in one of world history's few humanitarian interventions. (See e.g. Chomsky, 2001, s.16; Chomsky 2002, kap. 5, s.184f; kap.6.2).

Kjöller's article has also other moral lessons to teach about the singularity of the Assange case, she writes: 'When one reads the history of Sweden's most famous whistleblower, Anders Ahlmark [...], it feels unlikely that the same exclusion of a human being who acted correctly morally and legally could happen today'. From such a perspective it is also unlikely that Assange could be exposed to such exclusion from e.g. the Swedish journalist profession or unjustly treated by the legal system.

Demarcation lines are also drawn between Assange and other 'whistleblowers' and media organizations when his publications are described as being on the verge of the irresponsible, because of some information that supposedly should have been kept from public scrutiny. In contrast to her more easily digestible interpretation of Ellsberg's material about the tactical blunders of the Vietnam War. Which set of documents that WikiLeaks may have made available are to be regarded as dangerous is not specified, as expected, because that would presuppose a serious analysis of the material.

The questioning of Assange's intentions, WikiLeaks organizational form, mission and publications is a reoccurring theme, which is expected from a theoretical standpoint and follows naturally from the fact that 72 % of the critique targets Assange, WikiLeaks and associates.

Sometimes focus is on Assange side by side with serious sexual criminals, without a rigorous motivation from an analytical vantage point with respect to the analogies or methodological considerations

regarding illuminating contrasts. (Compare to analysis encompassing pictures & titles by Ferrada de Noli, 2016)

Cantwell makes several comparisons between the Assange case and other infamous legal cases. In one article he defends closed doors at rape cases as a counter to among other things the fears of Assange's legal counsel about a 'secret process' in Sweden in the event of extradition. The starting points are thick witness statements from the victims of 'Sweden's worst serial rapist', namely the former sadistic Police Chief Göran Lindberg. Cantwell's point is that the pressure on the victims from the criminal perpetrator and the anonymous internet mob can deter witness statements although the Quick-trial (famous legal scandal) shows that secrecy can interfere with necessary scrutiny (Cantwell, 2011-03-18).

Cantwell also diverts attention towards the perhaps narrow audience niche that takes celebrity conspiracy theories without references seriously. On several occasions he compares Assange's support from celebrities with the support the rape suspected Dominique Strauss-Khan and the paedophile Roman Polansky enjoyed. After a graphical description of the Frenchman's crime suspicions, Cantwell proceeds by comparing the arguments: – that Dominique Strauss-Khan would have been the victim of an 'infernal plot' is 'a conspiracy theory that for the time being should be regarded as witless as the nonsense that USA is behind the suspicions against Julian Assange', Cantwell argued.

He furthermore presents a psychological theory which explains the violations from the top dogs – they are risk-seeking with a winner instinct who allow themselves to be aroused by their own success. Something he seems to regard as consistent with the fact that bosses sometimes are psychopaths (Cantwell, 2011-05-18). The following day he compares Assange’s celebrity-support with the ‘circus’ around Dominique Strauss-Khan and Roman Polanski. Far-fetched symbolism, even utter folly is put forward to the defence of privileged men without regard for the women, according to Cantwell (2011-05-19).

We now know that Cantwell is allegedly a sexual molester and two of his colleagues in the same newspaper (Aftonbladet) have been pointed out as rapists (see e.g. Sundvall, 2017-11-08; RT, 2017-10-24). This was disclosed in connection to the #metoo campaign. How much substance there is in these allegations and how Cantwell’s stance towards Assange may have been influenced by such events or allegations over time is a matter of speculation but it is a subject that very well might be worthy of inquiry with an open mind.

The campaign has received considerable media attention and has in short time revealed how encompassing the abuse of power and the systematic gender-based oppression is against professional women in Sweden. Other even more vulnerable sectors of society have also begun to be subjects of well-needed inquiry.

Insinuations that Assange, his legal counsel or ‘supporters’ are conspiratorial is a reoccurring theme. Varieties of the word conspiracy yields 40 hits in 26 articles i.e. over a fourth of the total sample and almost half of the critical. One of these articles is however attributed to Dan Josefsson’s earlier remarks on the conspiracy against Assange and WikiLeaks (2010-12-09). However, after the police accusations were made public Josefsson revised his stance and instead stated that ‘Assange sees the state as an evil conspiracy’ and is a ‘lonely and broken libertarian who wants to tear down the democratic society that we, however hopeless it may seem, still must try to build together’ (2011-09-24).

Cantwell is not equally philosophical, he uses words which involve *conspiracy* in almost half of his articles (11 of 23) but sometimes he settles by labelling Assange as a madcap. Why Assange is conspiratorial is not to any extent obvious in the articles but Cantwell’s attacks are so many that they accumulate to nonsense even if we hold each of them as truths separately.

In his journalistic work *Talks Smack about the Reasons – to Avoid Justice* (2012-08-17) Assange is described as a ‘hypocritical vomit’ and a ‘coward piece of shit’. Assange is accused of having sacrificed his honour in order to avoid questions about crime suspicions in Sweden. He wants to avoid being heard because he fears extradition to the US, although such extradition is unlikely. He may be a ‘conspiracy theorists’ but everything points to that ‘Assange is a coward piece of shit’.

The left-wing critic Guillou (2011-11-06) tops that description with yet another balanced article where he puts forward the thesis that the CIA did not even have the time to get to Assange, something they surely wanted to because WikiLeaks among other things has revealed how American soldiers ‘pleasure-murder’ civilians. Assange could simply have ended the whole affair by going to Sweden and had it over with. Instead he entertains ‘sheer conspiracy-craziness’. The WikiLeaks founder has put himself in a mental prison, his enemies may ‘laugh themselves to death at the man who struggles under the gallows he himself put together’ because ‘Julian Assange began to conspire against himself with force so he in the end appeared as both a clearly suspected rapist and a raving lunatic’.

Guillou believes there are grounds for his colourful description of Assange because the morning after the detention decision he tweeted ‘We have been warned to expect “dirty tricks”. Now we have the first one’. This signal, so to speak, the ‘circuit around Assange’ – whoever they might be, followed up later on – by comparing Marianne Ny with a KGB agent; Sweden with Israel and questioned the rule of law with the label ‘The Saudi Arabia of feminism’. (Ibid.) Note however that this was before Sweden supported Saudi Arabia’s influence in the UN in gender issues, at the very least through tactical silence, and that the warning for ‘dirty tricks’ seems to have come from an Australian intelligence source (Assange, 2013).

Fact resistance apparently afflicts Swedish journalism on Assange in a manner which is encapsulated by the same (or similar) definition journalists employ to distance themselves from and school the extreme-right internet mob, by alluding to their aggressive debate technique, inability to accept information which challenges the own world view, adherence to a conspiratorial mind-set and alleged ranting against an invisible power. The definition is used as a perhaps somewhat striking tool in order to illustrate some particularly conspicuous or piquant incongruities at various levels and within several fields.

The exercise shows how deep the intellectual homogeneity goes within the elite culture and how far journalists can go to reinstate the order that is still challenged by WikiLeaks, to the extent personal attacks which are not even regarded as decent in so called politically incorrect forums are used. The underlying reasoning is however that the joint-stock newspaper companies are part of a system surrounded by power relations and driven by a profit motive. It is these restrictions that sustain a journalism which mirrors the variation of opinion within the elite, its consensus especially.

The joint-stock newspaper companies would become dysfunctional under current conditions if they engaged in self-defeating media critique, revealing the many restrictions posed by the rigid relations of production wherein they currently operate. The imprint of the elite opinion moreover achieves its effect on the resulting journalistic product for sale to the public, because it is the

very basis of future revenues through advertising, contacts, credibility etc. which results in a feedback that regulates the enterprise without external coercion. WikiLeaks challenges the conventional view of the media as suppliers of objective news with its very presence, and the first class information that the 'rogue' organization still manages to perform, is in itself a direct critique of the archaic capitalistic organizational form which is suited for profit maximization and propaganda rather than a truthful description of reality.

A closer look at the definition of fact resistance reveals a bias against actors with low credibility who thereby may be discarded. Serious independent critics without the resources and credibility of the joint-stock newspaper companies, are also at risk of being disregarded or simply neglected if they do not conform to the boundaries of the going filtered journalism. This assertion is of special interest for the reader that does not let herself be convinced by the propaganda model and instead holds the opinion that instances of conscious cynicism is the most salient characteristic of journalism in general. WikiLeaks could not be neglected on these grounds initially, and the joint-stock newspaper companies instead worked with the usual care to arrange the organization's revelations adapted to different regions' distinctive character given by their specific political, social and economic conditions.

When the prosecutor signalled her definitive course after the rape allegations were leaked and spread throughout the world, a marginalization was initiated which casted doubts on the

organization's contacts, leadership, strategies and agenda. At the same time as the smearing campaign was carried out, the press focused its attention on the crime suspicions with a split lens which systematically focused, exaggerated or made up news that undermined Assange's credibility capital, whereas the information which spoke to his advantage was suppressed or simply angled to his disadvantage. The evidence in the material for an ongoing marginalization is undisputable, in complete accordance with hypothesis 1 and earlier research in the subject. WikiLeaks has over time come to be associated with dubious contacts, 'supporters' and a hateful 'internet mob'.

A good name, reputation and soft power that an individual or organization is endowed with is based on its relationships with other associated individuals and how these relations in turn are perceived by others. Therefore an extension of the smearing to individuals associated with Assange seems to be a reasonable enough conjecture and the statistics show that this is indeed the case in the unambiguous language of numbers. 40 % of the articles in the panel were critical against Assange, WikiLeaks or its supporters – which is over 70 % of the critique in total. His name could as well have been associated with critique against the current societal order; wars of aggression; human rights violations; state terror and torture. In such alternative world I would instead have faced the risk of critique for selective sampling, perhaps in a text on the free press' exaggerated critique of society – obviously carried out by established journalists who never miss a

chance perform their fanatical scrutiny of power – in particular when Julian Assange is mentioned.

Swedish journalists were not alone in their fact-resistant behaviour, and their defamation techniques were frequently employed against Wikileaks online. Suzie Dawson gives a comprehensive account of the battles on social media which closely resembles the tactics employed in the propaganda of the Swedish press. She documents how WikiLeaks and its allies were isolated through smearing, fake associations and revisionism in order to create an unattractive fake-news image about its social network, aims and achievements. (see Dawson, 2018-03-08)

According to theory journalists carry out their smearing primarily in the belief that they carry out an important democratic function. Karin Olsson (2010-12-12) e.g. writes that ‘considering the power Wikileaks has achieved’ it follows that more people should ‘scrutinize the sites leader and chosen messengers. Not like Fox News is doing it, but like good journalist can’. However the article’s foremost contribution is that anyone who is awake may learn how critique of the media attacks against Assange and WikiLeaks is turned to conspiracy theories. There Naomi Klein’s tweet about how the women were being used as a political weapon, is equated with the anonymous ‘internet mob’ which supposedly claim that the plaintiffs are part of a CIA plot. The alchemy is by then a matter of fact but Olsson makes sure to perfect her formula by referring to the plaintiffs as ‘the Swedish women who accused Assange’, which is false. Moreover she provides pedagogic

schoolbook examples suitable for teaching purposes on the predictions of the propaganda model regarding flattering self-criticism.

Olsson thinks it is regretful that an academician (Professor Magnus Ljunggren) instead of a journalist, was the one who revealed WikiLeaks' contact with a journalist whose father, Israel Shamir, Olsson accuses for anti-Semitic opinions. According to her, public-service radio's *Medierna* 'managed to get Wikileaks to confess that they know Shamir's anti-Jewish activities'. Olsson does however not let her standpoint remain as a mere unspoken insinuation about how the journalist in question must have inherited his father's beliefs mindlessly. She also speculates on the possibility that the journalist could proceed by introducing his father to Assange.

Professor Emeritus Magnus Ljunggren did however carry out his scrutinizing business by simply making up the facts and supported his thesis about the father's extremism on a Russian extremist who happens to hold the view that Assange should be executed due to his antagonism against 'USA and the free world' and was positive to Israel's murder of volunteers on Ship to Gaza, according to Israel Shamir in his reply the following week.

Half a year passes and now Olsson (2011-06-22) instead aims her critique of society against the Swedish Broadcasting Commission that objected to the radio-program *Medierna* because Israel Shammir was not allowed a reply to the accusations of anti-Semitism. A decision she regards as a 'joke' because Shamir used the term 'Zionistic media'. A

reader who employs the rhetoric used against Assange 2010-2016 could argue that Olsson is pro-Zionistic.

The scrutinizing journalism takes Henrik Ek (2012-08-19) all the way to the more extravagant parts of Ecuador's Capital where Ek carries out an investigation on the support for Assange and infers that 'Julian Assange may have President Rafael Correa on his side. But the Wikileaks-founder is not likely to be welcomed by any open arms if his asylum in Ecuador is implemented'. Because such a news item could have been taken from a parody, closer analysis is redundant. The critique of the Ecuadorian Asylum is expected because no author in the panel held the view that it is justified but Assange is furthermore made responsible for the country he was forced to seek shelter from. Cantwell (2012-08-17) thinks Assange lost his honour because Ecuador errs on matters of freedom of expression and the liberty of the press. I came to this country as a refuge and I can only hope to never be held responsible for Swedish infringements on international conventions on human rights or the propaganda in the largest newspaper.

The standard explanation to the self-censorship among journalists, the marginalization of dissidents and the general intellectual homogeneity and degeneration as understood through the theoretical framework employed in this study, is that the journalists simply are convinced that their scrutiny and opinions serve a fundamental democratic function which provides the citizen with information, knowledge and perspectives necessary for a meaningful participation

in the democracy. From this vantage point, it is not completely excluded that a few may be cynics who know that their writings is nonsense that serves power, but it is normally a redundant assumption.

Few journalists seem to view the case in a manner that is consistent with a serious and logical scrutiny of Swedish previous violations of human rights conventions in the light of the country's relations to the US. Assange's decision is not seen as constrained by the shade from the sword in a context where critique of society is limited to foreign countries or reduced to the cardinal sins of particular bureaucrats that fit into manageable adjectives such as clumsiness, stubbornness or in the worst of cases, inefficiency. Violations of the Protestant ethics even.

It is therefore not very surprising that, **none of the journalist in the panel raged against Sweden's violations of international conventions for human rights or that Sweden effectively deprives Assange of his liberty. No one even admitted these transgressions.**

A storytelling about how Assange willingly locks himself in a room a couple of years as a consequence of paranoid thoughts armoured with a madcap against a non-existent threat does not appear as absurd from the consensus perspective, but rather as a plausible explanation, alternatively that he is staying away from justice. From this perspective he is in no need of some bogus-asylum from an obscure South American nation, but in need of guidance from the 'responsible men' and women (see Chomsky, 1991) who can get him to

understand that the process he is subjected to is but a part of the transparent foundation spanned by justice on which the democracy of the free world rests.

In the peculiar case of Oisín Cantwell, there is however an alarming, unsound tendency to cognitive dissonance that is hard to explain within the framework employed so far, because he has an unnatural ability to contradiction that lies far beyond a low cognitive capacity or mental illness.

In his work *Talks Smack about the Reasons – to Avoid Justice* (2012-08-17) he gives expression to the following astounding set of statements: Assange flees the Ecuadorian embassy by his own free will and chooses to stay there in order to avoid a hearing, is a ‘hypocritical vomit’ and a madcap who fears extradition to the US – which of course is utter nonsense on its own premise. Although tempting, I refrain from psychologizing the choice of title even though the irony reoccurs in the material.

His statement could start to become meaningful with a merciful interpretation where Assange on one hand is afraid of the US but more afraid to be heard in Sweden because he is afraid of being convicted, because the suspicions against him are strong and he therefore chooses to stay at the embassy. However Cantwell writes in the very same article that the police accusations are weak to the extent that they risk to be thrown in the garbage bin after a hearing.

Therefore it is absurd to assert that Assange is more afraid of being sentenced in Sweden as a consequence of Cantwell's own statements. If higher standards are imposed then Cantwell's accusations are not even false so it does not even become necessary to invoke facts like Assange's written permission to leave Sweden given by the prosecutor or that he consistently insisted on a hearing at the embassy or by any other lawful means, because the argumentation is its own worst enemy.

The perhaps most peculiar about all this raving is that Cantwell not only contradicts himself over time, it is perfectly sound for a journalist to update his version against the background of new information and the propaganda aspect of such shifts has been noted earlier in the reporting that reached totalitarian levels under the 70's and 80's in the US. Mistakes may also come about in longer or more complex works.

Cantwell seems almost to be part of some new generation of post-soviet journalists who do not even have to be coherent in a given one-page article without contradicting themselves after just a couple of lines. Perhaps journalism in Sweden has reached a new stage where logic has been dissolved and everything that serves power slides through. An investigation that treats these issues are regrettably beyond the scope of this book.

None of the authors in the panel are of the opinion that the process has political overtones. Nevertheless the three journalists Jan Guillou, Oisín Cantwell and Olle Lönnaeus admit an underlying hostility from the US although Cantwell, as already mentioned,

explicitly states that he does not think that there is an actual threat due to a list of safeguards against extradition to the US from Sweden (see e.g. Cantwell, 2014-06-18 above) and Guillou's reasoning implies something rather similar because he thought that Assange should come to Sweden without further ado (2011-11-06). Under the assumption that he believes his own words and does not want to see Assange extradited of course.

Yet Cantwell makes a series of interesting interviews and chronicles of good journalistic quality at the beginning of the period and Assange expresses fears of political involvement in some. A shocked Assange shares the warning he received about honey traps and expresses resentment about everything that has been leaked to the media about him and the suspicions. The 2nd of September, after having been shamed in the press and a prosecutor detains him in his absence, another drops the suspicions that a third resurrects them just a few days later, he becomes rather straight forward and asserts that he thinks everything is either a circus or a plot. Something that is doubted by Cantwell who replies: 'there is a slight scent of spy novel about these conspiracy theories' (2010-08-22; 2010-08-29; 2010-09-02).

Karin Olsson is on the other hand consistent about her take on the legal case. However, like Dan Josefsson and Oisín Cantwell there is a marked change of attitude towards Assange and WikiLeaks that can be traced to the time of the police accusations and the start of the legal process as a result of the prosecutor's refusal to hear Assange in

London. The adaptation of her attitude does on the other hand not lead to a degradation of journalistic quality as in the peculiar case of Oisín Cantwell. Karin Olsson distinguishes herself by her consistent attacks on Assange and advocates that he is outdated and a man that in words and actions has evaded the Swedish justice that she believes reflects culturally rooted values of gender-equality.

In contrast to Cantwell, she is not driven to intellectual nonsense by futile attempts to balance contradictory standpoints in order to give an impression of being nuanced. In her work *Snowden's Defence of Assange Stinks* she is consistent to the very end – she does barely know if she should ‘laugh or cry’ about the UN ruling on the arbitrary confinement of Assange.

Olsson fearlessly declares with all due clarity, and without any disguise in order to deal with the risk of appearing as extreme, that the UN sees Assange as ‘a victim of the Swedish legal system’ where others see ‘a person who deliberately stays away from justice’ and that the working group (the three who backed the ruling) puts ‘Assange’s conspiracy theories before the issue of protecting women’.

Olsson has the intellectual integrity to draw the conclusion that is reasonable and simply logical against the background of her continuous denial of the abuse of power Assange to this very day has endured. Her disdain for the UN and all who stand behind the decision is perhaps more readily illustrated by her reaction on Edward Snowden’s support of the UN: ‘Apart from that Snowden forgets that the UN already is on good terms with the dictatorships of the world,

and even invites them to their council for human rights, he spits on the women that went to the police to have their accusations tested [sic!]. Nothing indicates that Expressen's Director of Culture (currently deputy publisher) in a logical sense contradicts her earlier rhetorically correct approach on how the WikiLeaks debate must not be black and white, for or against, which constituted her earlier positioning as a neutral judge over the 'extremes' of the debate (see 2010-12-12). She is most likely aware of the conflict but is simply unable to keep her emotions in check when the official line of the state is slandered by international experts. At a stage when the UN cannot possibly ignore 100 % in accordance with the principle of pre-emptive openness, she stands brave and proud with a clenched fist, when so many of her colleagues stumble or keep their mouths shut, almost like a human shield.

Few who shared her views chose her admirable logical consistency over a shifting gaze and incoherent ambivalence and later on silence, when some of the heavyweights of international law could not possibly be denied access to the spotlight, instead of the peculiarly invisible flyweights in the anonymous internet mob that so many of the journalists in the sample chose to measure their prowess against earlier on.

Not a single article expresses the view that Assange's act to stay in the UK instead of traveling to Sweden is justified. On the other hand, 22 articles openly declare that Assange's approach was unjustified from 8 of the 13 authors in the sample. The five remaining authors

did not express opinions on the matter and wrote on average only three articles each, and only one of these was written after May 2012.

No one held the view that Assange was arbitrarily detained, six journalists made explicit that he was not in 14 articles and their texts implied it in five additional articles. Assange is instead a ‘white-haired madcap that has locked himself in a room in London’ (Cantwell, 2013-06-19), ‘totally voluntary’ (Olsson, 2016-02-07), ‘to avoid trial’ (Kjöller, 2014-11-21) like locking oneself in the toilet in a ‘self-chosen isolation’ (Kjöller, 2016-02-06) ‘after having started to conspire against himself’ (Guillou, 2011-11-06). However it is not only the case that he is not arbitrarily detained (Lönnaeus, 2016-02-07), Assange moreover per definition cannot be deprived of his freedom as long as he ‘refuses to leave the embassy’ (Massi Fritz, 2014-07-16). **Thus no one in the panel expresses that the asylum is justified.**

Nevertheless, the Ecuadorian ambassador was allowed to put forward that opinion in a chronicle alluding to a situation when the ambassador is made to answer to the Swedish Ministry for Foreign Affairs and Carl Bildt. The dissenting opinion is then pitted against the legal expert on international law Pål Wrange who criticizes the legal underpinnings for the asylum (Lönnaeus, 2012-08-17).

Another admirable example of journalistic integrity and consistency in approach is Hanne Kjöller. Her work on the editorial of Dagens Nyheter touches on several reoccurring themes employed for the purpose of marginalization. She questions the WikiLeaks project early on because she believes the leaks may cost lives and

hinder democratization, although no one has shown that this is the case (Kjöller, 201-12-01). It is difficult to object to such a sincere confession of having put forward groundless statements. Like Guillou (2011-04-24), Catwell (2010-12-09) and Olsson (2016-02-07) she chooses to attack well-known critics, when she states that Pilger and Moore drive their theses without any contact with reality (2010-12-21) and argues that Assange is a ‘mini-pope’ who thinks himself above the law, moreover Kjöller correctly states that the self-image that she attributes to Assange raises questions (2010-12-22).

According to her it is moreover justifiable to state that the left-wing critic Tariq Ali by claiming that a ‘woman should be given the chance to say no, but then she should do it before she goes to bed with him’, is of the opinion that a woman is in the sexual possession of a man throughout the night (2011-04-13).

It is reasonable to have opinions about how Ali might cast doubts on one of the women, but if one adheres to Kjöller’s interpretation then it is in principle as arbitrary to claim that Tariq Ali is of the view that a woman should be in a man’s sexual possession indefinitely, especially the whole night if it suits him. In other words, it is worth noticing that she at least can be critiqued for not having taken the reasoning all the way in accordance with her own interpretation.

Kjöller becomes critical of society again when she thinks that Assange’s former lawyer Hurtig got away too easily, when the Bar Association barely gave him a slap on the fingers for having misled the court in London about how it was Assange and his legal counsel

that tried to arrange a hearing in Sweden, when it as a matter of fact was the prosecutor Marianne Ny who tried to reach him via SMS (2011-07-03). One can only agree about that Hurtig should have had a more severe punishment but not because he helped Assange, on the contrary, because he made him look suspicious and gave ammunition to the journalists' wild misrepresentations about how Julian Assange supposedly fled Swedish justice.

That Assange, to reiterate a few facts, for example was given the green light from the prosecutor to leave the country or that the judge criticized Hurtig because he exposed his client to risk, Göran Rudling's witness statement or the older woman's dishonest interview is nothing that is included in this description of reality. (see Lawyer Hurtig's Bear Service). **None of the journalists in the panel mention this.**

The legal counsel of the women Elissabeth Massi Fritz also agrees to the narrative spun by the journalists but distinguishes herself with a remarkable boldness when she blames Ecuador for the failure to arrange a hearing, after having defended the prosecutor's line not to go to London or employ any other alternative to do so for years.

One of the most striking pieces of fact about the failure to arrange a hearing is that Assange got a written permission to leave the country, he did not flee or misunderstood anything – he was given the green light by the prosecutor, in writing. This unambiguous fact Cantwell (2012-08-18) chooses to mystify by deeming the prosecutor to be

stupid because she gave a foreign citizen ‘the possibility to take the first best plane out of the country’.

The reader that questions the honesty with indignation can be countered by Cantwell’s next paragraph where he guards himself by stating that it is not ‘entirely simple to understand’ why Assange was not heard by the police and the prosecutor ‘under the weeks he stayed in Stockholm’. Clumsy, inefficient tactically incorrect perhaps. Only that it took three weeks for the prosecutor to make a sloppy request about interrogation which is not mainly a matter for the police. Here I must follow my instinct of self-preservation and add the guard might have been an innocent coincidence, otherwise I could risk to be discarded as a conspiracy theorist – Cantwells favourite allegation.

None of the journalists noted the propaganda dragon in the room.

THE IDIOT CAMPAIGN

Let us now review what the frequently scorned John Pilger and other dissidents wrote, those who have not understood anything, who seem to pretend to ‘have been in the bedroom and therefore can vouch for Assange’s innocence’ and are ‘more interested in their thesis advocacy than the truth’ (Kjöller, 2010-12-21), who think that WikiLeaks have done good things but also that the women ‘do not have the right to have their suspicions tested’ and he who ‘seems to have a difficulty to keep this two things apart’ (Olsson, 2012-10-09).

What did he write that could have been more embarrassing than the arguments proposed by ‘Assange’s idiot campaign’? As Guillou (2011-04-24) summarizes the argumentation.

Journalists do not give any references to articles or other media that support their claims about Pilger’s opinions and there is not a single logic-molecule that binds together something that even a merciful gaze can allow to pass as reasoning if the claims are not perhaps seen as self-evident truths. As a writer and journalist he has however written several articles where he openly declares his views.

What did Pilger write before the 21st of December 2010 that Kjöllner may have reacted on? He emphasises key facts that are obvious choices to be included in writings about the case, especially if they happen to be true. Pilger (2010-12-16) chooses to underscore how the women themselves communicated to the prosecutor that they had agreed to sex. How one of the women arranged a party for Assange after some of the crimes supposedly happened. He describes how Borgström, when confronted with the fact that one of the women denied rape had been the case, he just laconically answered that the women were not lawyers – something that is put forward in one of Cantwell’s early articles (2010-08-29). How the drawn-out delays were present from the very outset, for example when elementary information about the suspicions took several months to reach Assange’s legal counsel and when it finally arrived it was in Swedish, in conflict with European law – similar assertions were put forward by witnesses in Belmarsh. He explains that Assange is neither indicted

nor fleeing – in contrast to what the former Prime Minister Reinfeldt insinuated – something judge Howard Riddle later on stated that no one seriously accused Assange of.

He explains how Assange requested and was granted permission to travel and that the British police was informed about his whereabouts the whole time but still chose to isolate him in the Wandsworth prison – a statement that only may be categorically discarded if one like the prosecutor rhetorically holds onto technicalities and speaks in legalistic tongues. (see Facts as Verdict and Mystery)

Pilger dedicates a whole paragraph on how the Australian Government, that has the responsibility to protect its citizens, secretly threatened to revoke Assange's passport and that the Government should had acted resolutely against the instigation of murder – the death threats are even mentioned in the Swedish press. The paragraph starts with the claim that Assange's human rights are violated – a stance that was backed later on by UN experts on the matter of arbitrary detention.

What else may have caused Guilliou to think that Pilger's opinions were so embarrassing at the end of April 2011? In January Pilger (2011-01-13) described how public figures in the US wanted to see Assange dead while Obama tried to bend the law in order to lock Assange in for life. He describes the secrecy behind the ongoing process initiated by the Department of Justice in USA, Virginia and interviews Assange about how he is dealing with his situation and fears. Pilger describes the Pentagon documents from Cyber

Counterintelligence Assessment Branch which describe the intelligence service's intention to destroy trust in Wikileaks by means of threat and legal action.

Pilger writes that the media on both sides of the Atlantic have diverted their indignation against the hunted, how BBC fell in a pit barely worthy of Fox News in the witch-hunt. Media in the UK withheld information about the case like it did in Sweden. This is exemplified with how an established journalist at The Guardian chose to base his description of the legal case on a police document with claims of giving a complete account and with promises of bringing clarity to the events. It turns out that the document omits the women's twitter-messages and SMS, the fact that the plaintiffs were interviewed a second time and could change their stories or that the prosecutor Eva Finné did not regard Julian Assange a rape suspect. – Not entirely different from journalism in the Swedish joint-stock newspaper companies 2010-2016 (see e.g. *When Reality Became More Mechanical than the Model*).

He describes how the editor of Nordic News Network was not allowed to publish his reply in The Observer to the reoccurring rhetorical question of why Assange refuses to go back to Sweden. The editor's answer was that the case was taken up by a prosecutor, dropped by a second and resurrected by a third on the request of Borgström but Assange was still never heard in spite of having spent more than five weeks in Sweden after the police accusations were leaked to the press. The prosecutor then chose to issue a European

Arrest Warrant after having given Assange permission to travel to London where he also made himself available for hearing.

Pilger agrees that an arrest warrant is somewhat peculiar, i.e. implicitly remarks on the proportionality because the evidence seems weak and Assange was granted permission to travel and had moreover made himself available to be heard in Sweden and the UK both – an opinion that is in accordance with Guillous own judgement and Cantwell's (2013-06-19) later reasoning on the matter. The apprehension to face the risk of extradition is understood against the facts. How a politician (Borgström) initiated the resurrection of the case; documents describing that Sweden basically is a member of NATO; how Sweden previously had succumbed to US pressure on legal issues and has become more open with its US-friendly course over time. In particular, how the Minister of Foreign Affairs Carl Bildt's strong ties to the White House and Sweden's history of extraditions, may increase the risk of extradition if Assange returns to Sweden.

Nothing written by Pilger after this to the 9th of October 2012 supports Olsson's claims that he is unable to hold his thoughts apart regarding the women's right to a fair trial and WikiLeaks' contributions to journalism. Pilger is in other words smeared by the Swedish press which takes cover behind its own insignificance in Swedish, a small language that is barely spoken outside its borders, without references in support for any of their accusations.

As a final example, take Michael Moore who wrote a humorous article about the fact that rape in Sweden usually does not end up in court because 90 % of the reports to the police are dropped. Against this background, Moore is inclined to believe that it is suspicious and almost funny considering the roller-coaster sequence, when Sweden first chooses to drop the allegations and then reinvent them after the involvement of a politician and suddenly acts tough against Assange who just happens to be at odds with the most powerful states in the world.

These are all valid and interesting points which raise serious question regarding the evidence although they are comically presented. 90 % of the rape cases are dropped and in this instance the evidence was weak to the extent that a prosecutor immediately dropped the suspicion, whereby it is reasonable to believe that the evidence will not be enough also in this case, if it does not somehow radically differ in terms of evidence from the 90 % that are usually dropped. That may be the case, whereupon Moore writes that the women do deserve to have the matter investigated which is exactly why the prosecutor should go to London. Only that Sweden usually drops these cases.

Because the evidence seems weak, it stands to reason that we must look into how the case differs in other regards. Moore concludes by boldly citing Katrin Axelsson from Women Against Rape who explains that the rape suspicions are used in the same manner as they once were used in the south to hang black men with women's safety

as an excuse and finally by alluding to Naomi Klein's parallel about how women were used as an excuse to invade Afghanistan.

Moore never writes that the women do not deserve a fair trial or that they are CIA agents who are making up accusations, Moore does however like many others insinuate, that considering available data it is indeed interesting that it happened to be a politician who reinitiated the case and that there seems to be a political motive that drives the legal process against Assange with the safety of women as cynical excuse to meet the ends of realpolitik.

Sometimes no apparent efforts are made to disguise the propaganda, in contrast to more subtle methods employed under the distorting influence of the elite-interest's force of gravity on the proportions of reporting. One example is the childish fact check carried out by the prize-winning Diamant et al. (2010-12-19) who responds to the arguments of Pilger and Moore in a manner that is close to outright defamation and becomes accidentally more comical than the piece of the humoristic director. The fact check teaches us that the 'credibility of the Swedish rule of law is under attack' and that international debaters 'do everything they can to depicture Sweden as a banana republic lacking rule of law'. His piece has two sections, the first, called *The Critique*, gives an account of Moore's argument and 'Swedish law-experts counterattack' under *Facts*.

Moore's reasoning about how the evidence will probably not be enough for indictment considering available data (only 10 % of the cases reach court) and the prosecutor's actions indicating weak

evidence is answered by the experts in the following manner: The Director-General for the Crime Prevention Council thinks that Moore's numbers are goofy because Sweden is ambitious, more people report rape to the police and consequently more cases are dropped. The secretary-general for the Bar Association abstains from formulating an argument alluding to the respect of secrecy but raises a finger against conspiracy theories. The Prosecutor-General Anders Perklev agrees to the critique but states that Moore is a conspiracy theorist, he moreover adds that it is not unusual with different judgements.

The experts furthermore claim that Assange on the contrary possibly has been favoured because he as a matter of fact has received more material than usual as a counter to Pilger's, in this context, peripheral remark. Award-winning Diamant regards these counter arguments as perfectly satisfactory and triumphantly writes that the 'arguments of the Swedish legal systems' slanderers fall one by one' but nevertheless raises concerns about how the Sweden image still could have taken damage. The authors' conclude with indicators of Sweden's excellent transparency, however they also allude to earlier international critique about the murder of Prime Minister Olof Palme, inadequately prolonged detentions but make sure to write about the online-hatred against the women for balance.

The perhaps most striking feature of the article is that neither Moore's sharp criticism nor Pilger's educated digressions are confronted, as if the experts and the authors failed to grasp it. For

example, no reasoning touches the probability that a report of rape to the police is prosecuted, given that one prosecutor drops the suspicions while the legal history shows that 90 % of the cases are not indicted. The point about the untimely information to Assange was discussed – but that issue is merely a detail in Pilger’s overarching arguments. Like previous establishment commentators, these experts exhibit the uncanny ability to avoid the key issues entirely. They never mention the far more important fact that Assange was given the green light to go abroad by the prosecutor or that Assange waited a month and yet the Swedish legal system (Hurtig included) failed to arrange a hearing.

Michael Moore’s hypothesis is entirely consistent with latter developments and the fact that the prosecutor already has wasted most of the suspicions. A couple of years later the UN would make the call that the UK and Sweden violate international conventions for human rights. Still the experts discarded Moore’s critique as silly or conspiratorial, the preferred accusation among journalists and experts at a stage when Sweden could have chosen another path. One that could have made Sweden known world-wide as a champion for revolutionary information-redistribution policies in a role as a contemporary protector of enlighten ideals distributed at high speed, a kingdom that fosters a threatened source of information, allowing it to reflect the guiding stars of critique and reason at a safe haven.

Instead, journalists, experts and politicians – in short, the establishment – decided to remain silent and to silence. The implications of their choice has at best benefited factions within the Swedish elite. Journalists competed to take sensational stands that primarily benefitted them personally and at best their companies at the moment, without thinking about the external costs on the public debate that disappeared in an abyss at the depths of the hatred of the extreme-right according to the journalist's own measures.

Note that Pilger's and so many others' immediate acknowledgment that Assange's human rights were at risk is in complete accordance with the arguments of the UN vice-versa. The intellectual homogeneity became in the end so compact that everyone from the commoner in the invisible 'internet mob', Assange and his legal counsel all the way to world-renowned intellectuals and in the end the UN were portrayed as conspiracy theorists behind a wicked plot to smear the kingdom.

Even the common amateur-psychologist knows that such a world view is paranoid, whatever the establishment excuses might be. Time will tell what this catastrophe has done to Sweden's highly valued reputation although the relevance of the question and the answers to it are contingent on the political course that nowadays does not seem to be particularly ingratiating towards subcultures without power that happen to support human rights, including them within the UN.

NEWSPAPER CORPORATIONS ARE MACHINES THAT TRANSFORM FACTS TO PROPAGANDA

The study shows that the Propaganda Model has a solid empirical support in Sweden under the principle of pre-emptive openness (<10 % deviation). The findings justify further research on economic and political issues of strategic significance where elite interests are at stake. The results are robust because hundreds of news items or articles in defiance of the elite opinion must be added in order to even begin to question the central thesis of this book.

Journalism on Assange and WikiLeaks moreover satisfies the criteria of fact resistance, a concept used by the historian Lööw (2015) in order to measure the narrowmindedness of the hateful far right. Besides the heckling, aggressive and at times hateful tone Ferrada de Noli (2011; 2016) documented 2010-2011, this study also shows the systematic and selective misuse of facts in order to marginalize Assange, WikiLeaks and others that stood up for them 2010-2016. The marginalization is especially obvious on core issues of the legal case and on topics with potential of systemic critique. The theory's most extreme implications were observed.

The theoretical starting point is that journalists' servility towards power and subservience towards elite opinion is explained by a self-correcting system in the flavour of the propaganda model that does not presuppose hidden motives, secret agreements or evil intent.

There are on the other hand several instances of journalistic behaviour which are not irreconcilable with strategic interaction in a manner that is closer to Ferrada de Noli's (2016) perspective, which emphasizes instances of psychological warfare. The observed frenzy of the Swedish press, close to the fanatical stance of its American counterpart under ongoing war, may in part be explained with the fact resistance provoked by the threat to legitimacy imposed by the very existence of WkiLeaks, at times of harsh adaptation to evolving socioeconomic conditions.

In this context, elite consensus is the undivided understanding that no political explanations can be invoked to explain the many irregularities of the legal process or questioning of the women's motives. Facts which suggest that the older politically active woman's allegations are false are not discussed by responsible experts except as admonitions of such a stance. There is also consensus on the position that Assange is not arbitrarily detained and Sweden's actions should consequently not be regarded as inconsistent with international conventions on human rights.

After the Prime Minister and Minister of Foreign Affairs' initial undermining of Assange's and WikiLeaks' credibility, the politicians went by and large silent all the way to 2016 after the UN decision which induced minor interruptions to the culture of silence. The ongoing silence was successfully enforced by the Prosecutor-General, who is appointed by the government, with the argument that politicians should not interfere with the legal process. The media

supported the Prosecutor-General to the extent that even polite concerns from the political mainstream about the obvious delay, after several years of inaction, were either criticized or the Prosecutor-General's stance was reported with emphasis.

The legal profession's position in the press has been divided with a considerable range of critical opinions. The critique has with few exceptions concerned what is to be expected from rational professionals – lack of efficiency, suboptimal legal procedures or lack of professionalism due to excessive emotional commitment. Systemic critique, questioning of the allegations or political motives are chiefly excluded from the permissible spectrum of discussion. Defectors are few and far between and either faced marginalization or allowed a debate article at a time when Assange had already been deprived of his liberty for years.

The theory's prediction is that journalism will respect the boundaries of expressible opinion given by elite variance, and the results of the study are throughout consistent with the predictions. Conformity has either been expressed through silence due to suppression of information or selective reporting, marginalization, misrepresentation and manipulation to the defence of the elite opinion.

Journalism is systematically slanted to the disadvantage of the WikiLeaks founder. It is obedient towards power and deviating views are marginalized. The results are clear cut because comparable events touching on core issues had completely different outcomes in the

press, depending on whether it was to Assange's advantage or disadvantage. Facts with potential for systemic critique or that can be used to show that the allegations made against Assange are false were suppressed. In addition, there are instances when journalists literally make unbelievable errors in the sense that information which contradicts the incorrect established journalism is available from the start and published in the same newspapers – which makes explanations based on ignorance over the laps of several years highly unlikely.

The use of degrading, aggressive and hateful language is common and makes journalism satisfy the conditions of fact resistance regarding conceptions within the hard core of elite opinion. The hateful journalism has almost without exception enjoyed the active or silent consent of colleagues.

The whole history is based on a leak and the press showed from the very outset an unscrupulous approach in the way suspicions were discussed with intrusive descriptions of the allegations with reference to evidence, witnesses and the misleading interview with one of the women. The sensationalist press established an incorrect picture of the events at the fragile initial stages of the investigation, with the immediate effect of having Assange exposed as a sex criminal with a subsequent undermining of his credibility reinforced with biased reporting.

The intrusive journalism is selective and mostly written as if it is strategically adapted to the defence of the elite opinion and synchronized in order to discredit the WikiLeaks founder. The

incorrect narrative is based on an interview with the older politically active woman in Aftonbladet's online edition, who falsely claimed that the younger woman wanted to report Assange for rape to the police. The fact resistant narrative took over in spite of Expressen's scoop earlier the same day where the prosecutor clearly stated that it was the police. Among roughly a hundred articles about the police report from August 2010 to February 2011 there are only a handful where it can be read that the police reported Assange or that the women went to the police for advice.

Available information that questioned the older politically active woman's version was likewise suppressed or marginalized. The women's SMS communication showed that the younger one was in despair when she heard about Assange being reported for rape and felt railroaded by the police and moreover pressured to report Assange. This information was probably seen by Assange's lawyer Björn Hurtig November 2010 and received a short notice in the press. However, the 'star lawyer' chose to focus on information which the younger woman's colleague explained away as a joke in the witness hearings that were leaked to the public January 2011 – which in effect made the moral content of the star lawyer's defence toothless. Awareness about the younger woman's unwillingness to report Assange to the police among respected lawyers and authorities can be traced back to at least March 2011. The younger woman also refused to sign the police hearing in the form of a summary (in conflict with recommended procedure) due to her unwillingness to make a police report.

Among the thousands of news items and opinion-pieces printed about Assange 2010-2016, the women's SMS are barely named in a dozen news items and one opinion piece. Their content is never revealed in these news items, and most are written after Assange had been deprived of his liberty for years without even being heard when his lawyers finally mention the SMS content in a debate article. The content is otherwise virtually absent in the press. Journalists began to stigmatize serious fact-based doubts about the older politically active woman's allegations with reference to her blogging already before the extradition proceedings in London February 2011. This feat was mainly achieved through the association of such reasoning with the misogynist and hateful 'internet mob'.

The witness Göran Rudling received considerable space both in writing and speech under the extradition proceedings where he in short proposed his well-grounded suspicion that the older politically active woman's allegations are false. Judge Riddle who without a doubt was not known for his discretion regarding his judgements and critique of the witnesses had no objections to Rudling's arguments and noted them without reservations. Rudling showed that the older woman wrote twitter-messages where she expressed her delight and affection for Assange and his company after the offences supposedly occurred.

Rudling contacted a person who met Assange and the politically active woman after the alleged offences and that person confirmed their seemingly friendly relationship, in agreement with her

enthusiastic twitter messages. Furthermore, Rudling noted the politically active woman's attempt to get rid of the online proofs that question the credibility of her allegations, at the time of her visit to the police. Rudling contacted the police who chose not to follow up the trail or make contact with Assange's legal counsel on the matter. Rudlings witness statements about the older woman's blogging are completely absent. Rudling is on the other hand given room with opinions in general, Assange-critical debate articles in particular.

In summary, the older politically active woman's actions are inconsistent with her allegations and her initial statements regarding the younger woman's intentions are misleading. The press ignores these inconsistencies and signs of outright dishonesty which were raised by various witnesses, but chose instead to associate such doubts with some of the least credible actors possible. On the other hand credible evidence detrimental to Assange's version of the events was presented without fault. Evidence is in other words discussed in relation to the key aspects of the case if it discredits Assange. Witness statements are given plenty of room and serve as references to impertinent descriptions of the allegations when it is to Assange's disadvantage. Questioning of the women's motives with reference to evidence is discussed in relation to the "internet mob" or slanted to Assange's disadvantage and the discussion of political motives is ascribed to conspiracy theorists or marginalized with other similar methods of choice. The exceptions are within the boundaries of pre-emptive openness.

Judge Riddle's devastating critique of Assange's legal counsel Björn Hurtig is on the other hand made available to the public in direct connection to the legal proceedings and the verdict. Hurtig describes both the SMS of the women and the ones with the Swedish prosecutor but only the latter are made available almost throughout the whole period. Hurtig was accused of having misled the court by the judge because of his inability to account for his full communication with the prosecutor Marianne Ny – hence Hurtig's assertions about the prosecutor's lack of effort to hear Assange before he left Sweden was misleading.

This story was immediately reported in the press and the history was changed to the extent that the inability to hear Assange in Sweden was attributed to Hurtig, alternatively that Assange deliberately tried to evade justice. This revisionism was then reinforced by the frequent citation of the judge's verdict, up to several years after the events. It is straight forward to show that statements about how Hurtig lied to Assange's favour are absurd.

I have moreover shown that the famous extradition judgement is fundamentally flawed because Riddle's argument, which was uncritically used by the press to attack Assange's credibility and Hurtig who supposedly 'misled the court', is directly applicable on the Swedish prosecutor Marianne Ny's witness statement who consequently misled the court on a potentially three times longer period than Hurtig – tellingly enough also a three times longer period in excess of what is widely regarded as consistent with Swedish legal

tradition to protect abused women according to the expert-witness Alhem. That information is chiefly forgotten in the brave new description of reality, in spite of Alhem's otherwise frequent appearances in news items and debates where he without further ado is allowed to contribute with voluminous expositions confined within the borders of respected opinion.

The verdict was moreover according to the British themselves controversial to the extent that the extradition proceedings reached Supreme Court, and new laws were passed to accommodate the legal controversies originating from the extradition verdict. It is in spite all of this taken for granted and misused against Hurtig without applying the same argument on Marianne Ny or raise any systemic critique whatsoever. In sharp contrast to the Belmarsh verdict, the UN ruling was immediately questioned by the press to the extent the ethnic composition of the UN expert group was reviewed.

The influence of the filters on the proportions of the news reporting may also be appreciated by comparing the magnitude of the defective reporting with trivia. The number of times the crucial content of the women's communication, which is key to get a grip of the Assange case, is expressed in a manner which potentially defies elite opinion is about the same magnitude as the news items on Björn Hurtig and Billy Butt, the Assange opera or the top-10 list with sex scandals. (See Liberal Fact Resistance and the Maxim of the Rational Rebel)

The difference is greater in favour of trivia when measured in terms of text mass because the content with potential to defy the standard view is usually limited to a few lines and note that this is not exclusively the doing of the so called tabloid press. Enough trivia reaches the surface without separate searches, even though some particularly interesting yardsticks of the fourth estate deserve that tiny extra keystroke. The trivia is also endowed with some more tangible functions – it diverts attention from the core issues; reminds of the mostly biased reporting throughout the years; ridicules and trivializes the case.

The Swedish model differs from completely totalitarian systems and the corresponding voluntary and at times complete conformity of opinions measured in democratic USA because the exceptions allowed to pass under the principle of pre-emptive openness create logical inconsistencies. The media-system's defence mechanisms to tackle irreconcilable points of view are familiar and work through suppression, marginalization or misrepresentation of data – a response which is associated with bizarre elements – apart from the legitimizing aspects of having a systemic-critique concentration of a few percent.

Lawyer and politician Claes Borgström (the women's legal counsel who got fired by the younger woman) demands a hearing of Assange from the previous prosecutor Eva Finné after just a few days. His oversight of the legal process' efficiency received due diligence in terms of coverage from the press. The critique of Eva Finné's

insufficient expeditiousness reached its culmination the day before prosecutor Marianne Ny took over but Borgström's critic-nature goes to hibernation shortly thereafter and Ny does not even get a polite reminder, in spite of her three week long idleness before she finally succeeds in sending a SMS about hearing Assange.

After two months pass by and the international arrest warrant on Assange is pegged then the lawyer suddenly wakes up and becomes his old potent critic-self again under the full moon 19th November 2010. Borgström's silence was initiated the 2nd of September 2010 in connection with reassurances from two experts about how the legal procedure could be interrupted by publicity, thus the lawyer could now keep quiet about all the expeditiousness business altogether and presumably still sleep with a clean conscience.

The number of named experts who inform the public that Marianne Ny should not be pressured in order to avoid stress or the that press should stay away in order to ensure the famous quality of the tardy hearings, roughly corresponds to the number of experts who are allowed to consent to the UN's historical ruling that found Sweden guilty of infringements on international conventions on human rights through its arbitrary detention of a world-renowned editor-in-chief and journalist.

The PR-agencies have an easy job in Sweden. It is enough to point to an anonymous internet hater who mentions facts with potential of systemic critique and use the hater as a shocking example or representative for the dissident opinion. Because facts are the

argument's raw material it is hence possible to smear serious critique with dismissive opinions at the argumentation's starting point.

Other candidates of conscious cynicism which defy the explanatory domain of the propaganda model are in general associated with the practice to ignore a part of what one particular authority communicates, at roughly the same time and place or closely connected sequence of events, depending on whether information defies or conforms to elite consensus. Such cases are at the limits of what the propaganda model can explain because the filter closest at hand – the dependency on experts – can be discarded. Other filters that may be used are associated with 'anticommunism' and 'flak' (see p.365,369), which further underscores the relevance of a sect-like journalistic culture which is measured in terms of fact resistance throughout the book – a term that is furthermore arguably well-known to the sample of journalists under study.

The logical implications of the prevalent fact resistance leads to the conclusion that conscious cynicism cannot be ruled out when journalists are aware of the phenomenon and are simultaneously observed to behave in a manner with close resemblance to the questionable practices of the hateful and supposedly fact-resistant 'internet-mob' (see pp.39ff; pp.370-390). Candidates of such extreme cases are among others: Göran Rudling's creepy partial invisibility, the hateful attacks on foreign intellectuals and Diamant's opening scoop about the leaked claims of sexual offenses and his other exaggerated propagandistic news items.

The marginalization of journalists, experts and intellectuals who defy the permissible variation goes on side by side with the press' reoccurring claims of caring for the democratic discourse and its noble intentions to integrate more academicians to the public discourse.

The nation-wide press' systematic suppression of information that challenges elite opinion or the misrepresentation of facts and at times hateful language against the dissident opinion goes on at the very same time journalists are preoccupied with the branding of adversaries as fact resistant or even as lunatics.

The obedience towards the official state line, the docility towards elite opinion and the inability to system-critical thinking coexists with the grand PR assertion that Swedish journalist are left-leaning and scrutinize power.

The tone and pictorial language used by some journalists against Ecuador or foreign authorities would hardly be considered on the level of 'political incorrect' online forums and such practices seldom pass uncommented in such crowds. These practices are inconsistent with the PR view of the press as 'immigrant friendly'.

The reproduction of prejudice may however prove to be a matter of secondary importance considering the astonishing homogeneity of opinion in the press. Propaganda on issues about international relations could induce distortions in an immigrant or political refugee's understanding of the very conditions he or she fled from. This could result in a cruel adaptation of beliefs in line with the

preferred opinions of those in power, which may be responsible for the very conditions these individuals fled from in the first place.

The next part of the book evaluates the credibility of the various descriptions of the state of affairs concerning the Assange case and concludes this book which is a part of the project *Democracy-Adapted Power*, a study in how you are controlled and manipulated in democratic societies through an exercise of power that must take into account a façade that officially condemns transgressions towards individuals who are deemed to be potential dissidents. Sweden is a particularly interesting country because it is widely recognized, probably correctly, as one of the most benevolent and nicest Western democracies on earth.

To conclude, I want to address the reader who believes that journalistic behaviour may be explained by other mechanisms than fact resistance with reference to results in psychology and behavioural economics. Especially those with very advanced claims. The short answer is that such mechanisms are not necessarily inconsistent with what is discussed here in terms of fact resistance within the framework of the propaganda model and the theory does of course not exclude underlying psychological or biological mechanisms, to the extent it is a theory about people, but does not need to specify these more than has been done in this book in order to generate successful hypotheses that can be tested.

The main point of employing the notion of fact resistance is that it is common-knowledge concept similar to alternative facts, alternative truth, fake news etc (see e.g. [Herman, 2017-08-25](#)).

These types of alternative mechanisms may be interesting, but have an intermediary role in a model which aims to describe something as complex as the behaviour of the press. There is to my knowledge nothing in these mechanisms that may solely explain why the elite opinion is what it is to begin with or why journalism must adapt to it and stay fact resistant in a pattern that matches the predictions of the model employed in this book. A combination of such mechanisms is also to my knowledge farfetched at the present and necessitates an extrapolation of results way beyond the experimental context where they were inferred. Explanations which rely heavily on such experimental research are therefore at risk of getting stranded in false accuracy and hand waving due to insufficient information.

To get a feel for this, take something outside the propaganda model, take the behaviour of prosecutor Marianne Ny. Can her infamous tardiness to hear Assange be attributed to loss aversion? Did a general unwillingness to take a loss induce her to delay the hearing indefinitely until the situation virtually forced her to the contrary? Was it because she could not snap out of her prestige loss and her general inability to account for it as spilt milk, get over the crying at once and move on?

It may at a first glance seem to be a good idea to explain things in this manner, but without the proper data input about the model's parameters it becomes something that can always be invoked to explain virtually anything without facing the risk of being contradicted or take the consequences of the assumptions due to the degrees of freedom regarding excuses.

If someone really took the time, assembled all the relevant data and made the calculus, then that individual could end up with the result that Marianne Ny should weigh hundreds of kilograms, is toothless and could not possibly be an educated lawyer because she squandered her money on sweets, feasting and parties instead of taking her academic credits if her procrastination behaviour is to be explained with that kind of rigorous model (the set of decisions regarding the case is a negligible subset of the set of all her decisions) – but as long as no one makes that type of 'advanced' calculus the explanation remains a chimera and at best hand waving against results one perhaps might be fact resistant against.

Data is not in favour of such seemingly apolitical explanations. Remember that we are talking about journalists who may be awarded for a scoop. The loss of repeating the descriptions of others is apparently lower than within academia but the gain for a scoop with potential to make any journalist famous was a keystroke away under almost the whole period 2010-2016.

It is therefore unreasonable to explain continuous journalistic choice of an erroneous version, but within the allowed spectrum of discussion, when there is an at least equally interesting correct version, available even before the erroneous one, but outside the permissible values just because they conform with the mainstream due to some psychological or biological mechanism. The behaviour is surely aided by the propensity to conform to the mainstream, an observation useful in the study of the propagation of ideas, but cannot be explained by such a trait alone.

The same objection is valid when several actors in closely linked subsequent stages say different things. Or when one witness expresses two or more different things which are either within or outside the allowed values, and the coverage from different independent journalists from various newspapers and political affiliations match the predictions of the theory. This objection would still be valid under the assumption of infinite persistence of older views, because such presupposition could not take into account the changes in conformity with elite opinion.

The psychological mechanisms can once again be used as an intermediary to explain the homogenization phenomenon but are unable to explain the wide range of examples that I and others before me present, but can be accommodated under a unified framework provided by theories such as the Propaganda Model, with the feature that we 'from great simplicity can derive immense complexity' (Martin Rees).

These considerations and earlier results suggest that the alternative to the propaganda model is some kind of strategic interaction that presupposes intention and communication which hinders independent journalism. The frameworks are not mutually exclusive but one is assuredly more elegant than the other.

I moreover hold the opinion that the propaganda model should be awarded with the Sveriges Riksbanks Prize in Economic Sciences in Memory of Alfred Nobel. It would for several reasons be amusing to see the remaining originator's reaction. Edward Herman sadly passed away at the time of writing. If the prize-committee chooses to balance the nomination with a laureate who entertains the elite view, it would then certainly be intriguing also to observe the media reaction. The prevalence of propaganda fractals may turn the event to a chaotic one.

ARBITRARY DETENTION BY MEANS OF ARBITRARY RULINGS

The Assange case is a schoolbook example of the contradictions in Western democracies. Sweden remains a relevant case to many democracies throughout the world that are or may be subject to pressure from the most powerful nations. There is much to learn from the modes of abuse sanctioned by the most praised ideals and institutions.

Bizarre circumstances produce weird problems that sometimes may only be addressed with bizarre solutions. After the British February 2018 rulings that upheld the British arrest warrant, it may still be the case that one of Assange's best hopes is that Sweden shows goodwill by resurrecting the preliminary investigation and requests Assange extradited to Sweden with guarantees of not extraditing him. This is a farfetched solution but it is at least an alternative, something that Assange is in desperate need of right now.

Although it pains me to say so, the second bizarre alternative to his release is that the idiosyncratic president of our superpower realizes the alteration in incentives as a consequence of the elapsed time. I am sure he already sees the rock-star potential of walking away as a winner with minimal losses from the arbitrary detention, which is a testament to US power – and still be able to claim a mature respect for freedom and democratic institutions, in his usual contradictory manner – with a sarcastic smile and finger pointed at the hypocrisy of

his predecessors. It sounds like an election winner in these chaotic times where reason at times seems like something that could be on display at a museum and presented as an unfashionable artifact next to the Universal Declaration on Human Rights. The more reasonable forces still seem to slumber and will continue to do so unless we start to call them out and become active.

It has been said that this case is not an election winner, I think that assertion is false and is attributable to establishment ideology that has tried to depoliticize and marginalize any attempt to the contrary. This case is a rare example of a symbolic issue with real implications which has made the misuse of power, corruption and totalitarian tendencies in our society apparent. It is a global phenomenon with single-issue properties that may be imported to virtually any country, especially Sweden, the UK and the US. The elite has so far managed to obstruct a political race on this issue with the full force of the press, the legal system, the financial system, the police, the security service, political maneuvering and PR.

In this part of the book I explain why the elite opinion on how the arbitrary detention is to be understood is nonsense. I explain why it is incongruous to believe that Assange has restricted his own freedom and why guarantees is not only a good idea, but also why the Swedish Government's refusal to give them reveal that the official arguments are not credible. In this chapter I start by simply proving that the February 2018 ruling in the UK that upheld the British arrest warrant is arbitrary.

We have already seen how Assange was banished to a judicial no-man's-land through the failure of the Swedish legal system to hear him and how his fate was sealed by the subsequent extradition request from Sweden through the employment of a European Arrest Warrant. I have also shown how this path to arbitrary detention was beset by irregularities that amount to a misuse of justice in each step, all the way to the draconian February 24th ruling in Belmarsh 2011. When the Supreme Court chose to confirm the European Arrest Warrant, Assange's options to defy the extradition to Sweden had been exhausted within the British legal system, but he managed to seek shelter at the Ecuadorian Embassy. He applied for political asylum at the Ecuadorian Embassy 19 June 2012 and resisted the 28 June 2012 order to surrender to Belgravia Police Station in order to be extradited, whereupon Westminster Magistrates' Court issued an arrest warrant.

Although the arrest warrant was a response set in motion by a chain of events starting with inconsistent allegations with clear political overtones, misleading statements, political interference in the process, irregularities in the Swedish primary investigation, propaganda against Assange and the highly dubious February 24th ruling – the warrant was nevertheless upheld by the British legal system after the Swedish prosecutor discontinued the primary investigation of the remaining allegation 26 May 2017.

In February 2018, Chief of Magistrate Emma Arbuthnot refused to cancel the arrest warrant on Assange's request in two separate rulings.

If the arguments of the judge are taken out of context and evaluated one by one, then there are indeed instances where she managed logical consistency.

However, taken together, her rulings showed signs of serious inconsistencies that went beyond omission due to obvious constraints given by the need of a succinct statement of facts and arguments. Her arguments appear not as something derived from a rigorous body of law, nor are they always completely arbitrary, they are both.

The common denominator is her uncanny ability to be rigorous exactly to the point when it is to Assange's disadvantage and switch to arbitrary interpretations to achieve continuity, not in consistency, but in the undermining of Julian Assange's case. Consequently, her shape-changer ability is never revealed when it comes to previous rulings to Assange's disadvantage. It is therefore of no surprise that she manages to transform the draconian February 24th ruling from mystery to a plain fact in her own mind when she depicts the background to the issue at hand without critical remarks. Her description of the state of affairs blend in nicely with her initial articulation of the issue.

She starts with a humble reference to the Bail Act 1976. Because Assange was on bail he managed to escape to safety at the Ecuadorian embassy, his act could be understood as a breach to 'the Act' of 1976. The 'sole issue' is according to the judge, is if the 'warrant issued under section 7' of 'the Act', can still be in action after the extradition

proceedings have come to an end, and the legal system has not initiated proceedings under section 6 of the Act.

In other words, there is an arrest warrant that was issued in connection with the controversial extradition proceedings because Assange, like Ecuador, experts and later on the UN, realized he was in danger of being extradited to the US.

Assange evaded danger by refusing to surrender to the institutions which were determined to put him at risk. Assange managed to do so because he was on a £200k bail. When he did not show up after having sought refuge at the Ecuadorian embassy, the legal system responded by issuing an arrest warrant under section 7 of 'the Act'. Section 6 of the Act clearly states that a person under bail that fails to show up is guilty of crime, and that it is this person's responsibility to prove that he or she stayed away with 'reasonable cause', but in order to prove so, that person must undergo proceedings – and that is something Assange cannot afford to comply to because it would put him at risk of being extradited.

Because the bail, summoning and warrant were in connection to proceedings that have come to an end and Assange obviously has not undergone proceedings about his reasons for staying away from the bail while at the embassy, the question is whether or not the warrant should still be regarded as relevant and active from a strictly legal point of view.

As Varoufakis (2018-02-15) points out, it is perfectly reasonable for a person who is not a law professional to evaluate the logicity of a verdict, I agree to that assertion. To judge whether or not the arrest warrant should be regarded as active or if Assange's reasons are reasonable from a legal point of view is up to a judge or other legal experts to decide. To judge whether or not the judge's argument are reasonable from a strictly logical point of view is on the other hand within the domain of logic and any human being with knowledge of these rules may in principle arrive at a set of conclusions with certainty.

An illogical ruling may still be regarded as valid by authority, but the advocates of the ruling are then forced to admit that their conclusions are nonsense. Failure to surrender to reason constitutes a crime to rationality and such an irrational is usually sentenced to shame.

Does Emma Arbuthnot's February 6th ruling obey the laws of logic?

The first ruling is about a narrow technical issue concerning two sections of the 1976 Bail Act (6 & 7). To evaluate the relevance of the cases Assange's representatives put forward as examples to aid his cause is not for me to judge. The judge makes sure to isolate section 6 and 7 from other considerations from start in her ruling. If one agrees to her narrow formulation of the issue, then her subsequent argument is valid. Her take of course excludes the dangers Assange faces if the law is enforced and postpones the consideration of the circumstances which forced him to seek shelter and thus absconding

from bail. But there is nothing in section 6 or 7 or both that can be used to deny the legal right to issue an arrest warrant under the circumstances the warrant was once issued nor can these sections be combined to cancel the warrant.

What the judge does is to show that section 7, under which the arrest warrant was issued in the first place and which consists of five subsections, collapses to one – 7(1). Because the 1976 Bail Act deals with criminal proceedings, a transform must be applied in order to deal with extradition cases. This transformation is carried out with the 2003 Extradition Act which translates section 7(1) to 7(1A) and 7(1B) which say that if the conditions of 7(1A) are true, then 7(1B) applies.

7(1A) states that if:

(a) A person has been released on bail in connection with extradition proceedings, (b) the person is under a duty to surrender into the custody of a constable, and (c) the person fails to surrender to custody at the time appointed for him to do so. Then 7(1B): A magistrates' court may issue a warrant for the person's arrest.

Hence the court had the power to issue a warrant. The Section 6 statements considered by Assange's representatives (according to the judge) state that absconding from bail *may* constitute an offence but the accused may argue reasonable cause. There is however nothing in these two sections of the 1976 Bail Act in conjunction with the relevant translation to an extradition case under the 2003 Extradition Act (c.41 s. 198) that requires an ongoing extradition process or give

the sufficient conditions to cancel the warrant. Once the judge's narrow setup is admitted²⁷, then her argument is valid if the discussion is limited to section 6 and 7 of 'the Act'.

Whereas her performance in the first ruling was more akin to a lion who methodically approaches his prey her demeanour is more akin to the 'sinister unicorn' in the second February 13th ruling. The pretence of rigour could only be maintained for so long and her reasoning transformed gradually to storytelling. The second ruling is about the relevance of continuing a process against Assange, in particularly regarding the public interest of initiating proceedings under section 6. The intentions of the judge on this matter were already planted in § 21 of the first ruling where she alluded to the fears of authorities about how the 'administration of justice can be undermined' if defendants under bail fail to attend court. This was written in a context when a technical matter was settled virtually by a literal interpretation of the law, in a setup which pretty much determined the outcome from start virtually by definition. In this way the judge could ensure exclusion of the ongoing violations against Assange's human rights or the highly doubtful rulings and legal procedures that led to Assange's refusal to put himself at serious risk and thus avoiding arrest. It was exactly these matters which were put forward by Assange's legal representatives and were supposed to be discussed seriously in the second ruling, but it did not happen.

²⁷ The sole issue for me to consider at this stage is whether the warrant issued under section 7 of the Bail Act 1976 ("the Act") can remain in force when the extradition proceedings have terminated and no proceedings under section 6 of the Act have been initiated. (Arbuthnot, 2018-02-06)

Emma Arbuthnot argued as if she already had made up her mind and merely reiterated her previous statements about the dangers of undermining justice while refusing to accept the injustice being done by insisting on the arrest warrant. In doing so, she did not only reveal her lack of empathy and contempt for the UN ruling about the arbitrary detention of Assange. Her double standards and logical inconsistencies ultimately rendered her second ruling arbitrary.

The judge's description of her task resembles the iconic image of blind justice holding a balance. She states that she must weigh the proportionality of continuing proceedings against Assange to 'the seriousness of the failure to surrender, the level of culpability [...] and the harm caused including the impact on the community'.

How could the harm to the British public in terms of having their institutions associated with human rights violations be given positive weight at all? How was the judge able solve the seemingly impossible equation of concluding that the public interest of continuing to arbitrarily detain Assange outweighs the value of stopping human rights violations? She could not, and her efforts to reformulate the problem ended up in patterns now familiar to the reader.

She made wild speculations when it was to Assange's disadvantage while refusing to carry out straight forward reasoning in favour of Assange with the pretext that she would not allow herself to speculate. She referred to authorities and the obscure past rulings without even minor remarks while ridiculing statements from medical experts and critiquing the UN ruling when it was to Assange's disadvantage to do so.

Arguments or conclusions by experts and authorities became mere opinions among many others possible. Assange's arguments and well-founded fears in line with these were consequently degraded to his very own singular and by all means subjective experiences.

Assange's representative Mark Summers' objects to proceedings under section 6 with five arguments. According to the judge (Arbuthnot, 2018-02-13), Summers' first argument is as follows: 'Assange's failure to surrender was justified because Manning had been arrested and was in solitary confinement and Assange feared extradition to the US. His fears were based on the investigation against him in the US and calls for death penalty from officials. Moreover, Ecuador 'had considered Mr Assange's fears and declared them to be well founded and that the risks to him were and remain real'.

Judge Arbuthnot chooses to counter these facts by making the following hypothetical digression: Arbuthnot accepts 'that Mr Assange had expressed fears of being returned to the United States from a very early stage', but she remarks that there is no evidence from Assange about this on oath. Furthermore, she does not think that 'Mr Assange's fears were reasonable'. The judge does not think that Sweden would have 'rendered Mr Assange' to the US because such an act would have induced 'a diplomatic crisis between' the UK, Sweden and the US 'which would have affected international relationships and extradition proceedings between the states'. She adds that 'Sweden would have contacted this court' and the UK judiciary 'would have had to consider the request' so 'Mr Assange

would have been able to raise any bars to extradition including fair trial and conditions of detention’.

Judge Emma Arbuthnot (§ 14 - § 16) refuses to admit the arbitrary detention from start with this argument, and her subsequent reasoning underscores her contempt for the UN ruling. She peaks of a ‘diplomatic crisis’ in a case where Sweden extradites Assange without the consent of the UK, which is totally beside the point. This ‘crisis’ is moreover taken for granted without references to expertise in arbitrary detention or international relations nor any reasoning what so ever about the facts of the matter. Sweden has already shown it is willing to take serious blows to its international reputation by its previous involvement in transporting political refugees to torture abroad and its current handling of the Assange case. I will come back to this point later on. But for the moment, it suffices to say that her argument only underscores the well-founded fear Assange has towards an extradition to the US when she adds that Sweden probably would contact the UK.

According to the UN, both Sweden and the UK are guilty of arbitrary detention, a ruling that both the UK and Sweden have refused to acknowledge. The driving force of the arbitrary detention is exactly the risk that Ecuador acknowledged about the time the arrest warrant was issued and the UN subsequently ruled on, a risk Assange faces to this very day. Hence, when the judge fails to acknowledge this, she just fuels the belief that the administration of the UK, its official representatives and leading legal authorities

neglect or object to the risk Assange sought shelter from and that the UK moreover officially challenged.

Nothing in her argument counters the arguments put forward by Assange, Ecuador, the UN and leading intellectuals, on the contrary, her stance is precisely what constitutes the contribution to the arbitrary detention from the UK and Sweden (Sweden has still not helped Assange out of his arbitrary detention nor compensated him, contrary to UN recommendations).

Moving on to the second argument put forward by Summers about proportionality, Arbuthnot chooses to summarize his point as follows: UN-WGAD ruled that ‘Mr Assange had in effect been forced to choose between two impossible situations’. Arbitrary detention comes about when states force an individual to ‘choose’ between confinement and risk of persecution or is in effect denied to seek asylum.

She also alludes to how UN-WGAD had considered the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights and concluded several breaches. She reiterates the Working Group’s conclusion that Assange ‘had not been guaranteed due process or fair trial’ starting from the Wandsworth Prison isolation, 550 days of house arrest and his current confinement at the Ecuadorian Embassy and is in effect arbitrarily detained to this day.

Judge Arbuthnot disputes that Assange is arbitrary detained and starts her scrutiny with the 10 days of isolation in Wandsworth Prison

from the 7th of December 2010 to the 16th of December 2010. She does not agree that Assange ‘has been left outside the cloak of legal protection, including the access to legal assistance’ (UN-WGAD definition) under this period. The keen observer has of course already noted how Arbuthnot suddenly becomes very precise with resemblance to her approach in the first ruling. She did not carry out rigorous analysis regarding Summers’ first argument. She never made inquiries about the official stance of the Governments of the UK and Sweden or her own stance for that matter in relation to the Ecuadorian Asylum and Assange’s fears of extradition. Instead, Arbuthnot chose to counter the conclusions of the UN experts with her own speculations and opinions. As we will see, this observation is not only a principled remark on double standards, her approach has also practical implications on how she rejects the UN conclusion. Here it comes:

Assange was represented by a barrister who suggested a number of bail conditions, ‘including condition of residence, a curfew and reporting to a police station’. The bail was first refused but then granted by a district judge a week later on the 14th December 2010. The district judge’s decision was appealed by the Crown Prosecutor Service and the High Court added a £200k security on top of the previous bail conditions the 16th of December, Assange ‘was released on conditional bail the same day’. Therefore Assange was not left out of the cloak of legal protection. On the contrary he was represented which is her way of discarding the UN critique on the absence of a reasonable judicial management.

When it comes to the 550 days of house arrest, Arbuthnot does not agree with UN-WGAD on that the restrictions were harsh. Assange had to be indoors at night, was monitored with an electric tag and had to report to the police station daily, but it was because ‘the court (rightly as it turned out) had a fear Mr Assange would not surrender himself to the court and to ensure his attendance the conditions suggested by his lawyers were put in place’.

Finally Arbuthnot refuses to admit that Assange’s confinement at the Ecuadorian Embassy deprives him of his liberty nor does she think that it is contrary to ‘the principles of reasonableness, necessity and proportionality’ as the UN Working Group stated in their conclusion. To support her assertion, she employs an argument that is one of the most obvious examples of arbitrariness encountered so far and reminds of the theories in the tabloid press (e.g. Cantwell’s geographical theory or Fairy-Tale Kjöllér).

Arbuthnot starts by reiterating the official stance of the Government of Sweden and the UK which the Swedish press adopted with few exceptions – Assange can leave the embassy whenever he wishes.

Thereafter she observes that things always can get worse. After all, Assange can receive visitors without supervision, has access to ‘multi-media’ and is allowed to choose food. Plus, he can choose ‘the time he sleeps and exercises’ and sit on the balcony to take air, although she remarks that he is then probably ‘observed by the police and his supporters’. But it could be worse because she suspects that ‘if one were to ask one of the men incarcerated in Wandsworth Prison

whether conditions in the Ecuadorian Embassy were akin to a remand in custody, the prisoner would dispute the Working Group's assertion'. By that rationale, the men at Wandsworth could seriously be regarded as a bunch of spoiled querulants compared with the Guantanamo prisoners or the political refugees Sweden sent to torture abroad to meet the demands of the US.

It could have been worse. Arbuthnot does not even pretend to be serious, her comparison is not even accurate on the facts about Assange's conditions under confinement (see e.g. Murray, 2018-02-14). There is no need to rely on facts and statements from medical experts when you make things up.

Finally and expectedly, she remarks that one of the members of UN-WGAD had a 'dissenting opinion' and did not agree that Assange was arbitrarily detained. This disagreement within the Working Group caught the immediate attention of the Swedish press and his stance was used to question the UN ruling. The ethnical composition of the Working Group was scrutinized and statistics on the share of conclusions of arbitrary detention were discussed in the press (Lindqvist, 2016-02-07) – without objections on selection bias that the press immediately noted with respect to Michael Moore's arguments (see p. 253). On the other hand, the Swedish press never seriously questioned the suspect British February 2011 extradition ruling.

By the same token, Judge Arbuthnot never questions the flaws of the previous rulings or the legal process in general in Sweden or under the extradition proceedings. She never refers to the disagreements within the legal profession in Sweden or the UK to avoid double standards. It is the fact that Assange was subjected to deprivation of freedom without charges and was denied to make his statement as a consequence of a corrupt legal process with political overtones backed by the propaganda in the press and serious threats to his life that is at the heart of the matter.

Summers' third argument is that Assange's refusal to put himself at serious risk did not aim to interfere with the legal process. 'Mr Assange was not a defendant waiting out the investigative process', as the judge articulates Summers' statement. Assange made himself available for interview from start but, as the judge puts it, 'there was a delay between 2012 and 2016 in which nothing happened'. And it was this 'delay' that concerned the UN Working Group. The judge also alludes to the findings of Stefania de Maurizi regarding the mails between the Swedish Prosecution Authority and the Crown Prosecution Service. The mails show that a lawyer at the Crown Prosecution Service tried to convince the Swedish prosecutor Marianne Ny not to hear Assange in London, a piece of advice the Swedish prosecutor apparently took to hear because she let most of the allegations become time barred before she decided to hear Assange – with the argument that it was to maintain respect for the rule of law and ensure the quality of the hearings, of course.

Arbuthnot sees the CPS lawyer's interference as a 'reasoned advice'. The emails also reveal that the Swedish Prosecution Authority seriously considered to withdraw the EAW. According to Bowcott & MacAskill (2018-02-11), a 'CPS lawyer handling the case' made several stern objections against a Swedish withdrawal from the process against Assange, one of his outbursts involved three exclamation marks. The Swedish prosecutor tried to explain to its British counterparts that the Swedish authority was more or less forced to withdraw the EAW and cancel the detention order considering the proportionality of maintaining them. One of the most striking pieces of evidence put forward by these investigative journalists was that the Swedish prosecutor Marianne Ny wrote that she understood that this would 'not only affect us but you too in a significant way' and she excused herself for the bad news three days after that letter.

One of the reoccurring statements made in the press, by legal authorities, experts and the Government of Sweden – in particular the UK in the UN-WGAD ruling, was that the process was all about Assange fleeing from Swedish justice – it was mainly about the women in Sweden. The judge only makes obscure references to these latter mails and says she is unable to determine if 'the lawyer in the extradition unit acted inappropriately'.

On top of that Judge Arbuthnot makes sure to underscore her total disinterest in a fair assessment of arguments and facts by concluding § 44 (p.7) with how 'it is too speculative to wonder what would have happened to the Swedish case had Mr Assange been interviewed

earlier'. A literal interpretation of her statement could surely be that she makes a pointless remark. If the statement is related to her reasoning in any way she is surely referring § 42 at the end of page 6, about the statement from his Swedish lawyer Samuelson who confirmed that Assange made himself available for an interview early on.

There are no mysteries regarding the procedure. If Assange had been heard then the necessary, and shortly thereafter, the sufficient conditions to conclude the preliminary investigation would have been met. This information was made available to the British legal system through expert witness statements in Belmarsh February 2011. From there on the prosecutor could choose to indict or drop the allegations altogether. Assange made himself available with a legal representative and was willing to face this procedure in Sweden and stayed five weeks longer than planned, but alas in vain. Assange would have been a free man by now if the prosecutor had heard him in Sweden. No speculation there.

If the judge is referring to the period after Assange left Sweden with the prosecutor's written permission then I guess Arbuthnot could have managed to sort things out by looking at the London hearing that was delayed by Swedish authorities to 2016 as a worst-case-scenario benchmark. I have already made an assessment of the weak support for the allegations, the indications of fabrications from the older politically active woman and the younger woman's outright resistance to the accusations from the Swedish police.

More importantly, note that the judge deemed the reasoning along the lines above as being ‘too speculative’ even though it involves procedures that are routinely carried out by any legal system in the world. Remember that the judge apparently was able to squeeze in a seriously complex scenario involving high level politics and legal procedures encompassing at least three jurisdictions in a couple of lines about how secure Assange was after all, even in the event of an extradition request from the US.

It takes nothing less than pure genius to make such a succinct description of such a hypothetical scenario without references to expertise and earlier research on the matter or rigorous analysis. She spent 91 words on the subject to arrive at her conclusion.

But she is unable to sort out the scenario in § 44 – obviously not because it is more complex or more hypothetical. However, the scenario assuredly happens to touch on several topics about the process that Assange has been subjected to, which at a closer inspection reveal features that may be regarded as absurdities.

From here on the judge is relentless in her one-sided view to Assange’s disadvantage. She begins by blaming the three time-barred allegations on ‘Mr Assange’s failure to return’. The judge subsequently takes the Swedish prosecutor’s excuses about Assange’s absence and responsibility for her inability to move the investigation forward at face value. She relies on the Swedish Supreme Court’s 2015 consideration about the public interest in continuing to carry out the investigation, and assessment of the risk that Assange would evade legal proceedings against him – the court decided that the

arrest warrant was still proportionate. She does not mention the strong signal sent by the court to the prosecutor about her responsibility to carry out the investigation expeditiously.

The judge then proceeds by engaging in creative accounting on who is to blame for the Swedish prosecutor's infamous inability to take Assange's statement. She relies on the Swedish Court of Appeal about the refusal of the Ecuadorian Embassy to allow an interview with Assange. She alludes to Swedish efforts to use mutual legal assistance from the spring of 2015 which Ecuador did not accept according to the judge.

She states that the Swedish government finally managed to consolidate an agreement with Ecuador the late summer of 2015. She writes that Ecuador refused Sweden's legal assistance on technical grounds and Sweden finally got its third request accepted on 16th March 2016. These statements are what any decent historian would call historical revisionism, mainly due to her failure to consult different sources on a high-stakes issue where two or more parties have divergent incentives to agree on a certain narrative.

The Ecuadorian Embassy in London made an official statement in English the 13th of March 2015. The Ecuadorian Ministry of Foreign Affairs and Human Mobility explains its view on the announcement from the Swedish prosecutor about a legal assistance request to the British authorities and the requested permission to perform 'investigative measures' at the Ecuadorian Embassy.

The Ecuadorian Government welcomes the decision ‘of the Swedish authorities to finally interview Julian Assange in our London embassy. The Government of Ecuador has repeatedly made this offer since 2012, when it granted asylum to Mr. Assange’. Furthermore, the Ecuadorian Government laments that the Swedish initiative comes at a time when the case is about to be time barred.

It sees the Swedish course of action as ‘a great injustice’ because he ‘has been deprived of freedom without charge in The United Kingdom, and confined in our embassy for almost a thousand days. This amounts to a violation of his human rights, at great personal cost to him and his family’. The Ecuadorian Government concludes by clearly stating that although it has not received the request yet, ‘Ecuador maintains its invariable position of judicial cooperation among states since asylum was granted to Mr. Assange, and remains open to collaborate with the Swedish authorities to facilitate the interview with Mr. Assange, provided that all rightful legal protections are afforded to him’. (Ecuador, 2015-03-13)

The Ecuadorian Embassy in Stockholm Sweden deemed it necessary to make a press release the 17th of July 2015 to counter articles in the press. The embassy stated that the ‘request for judicial assistance from the Swedish prosecution was received in Stockholm, via Ministry of Justice, at the Embassy of Ecuador, on June 12, 2015’ and that ‘there had not been any other official contacts on the issue before the indicated date’. The embassy makes sure to point out that they reacted immediately by engaging in communication with ‘the

Ministry of justice on June 16 and July 9 of this year' and received a reply July 15. (Ecuador, 2015-07-17).

These statements from Ecuador cover the relevant period 2012-2015 and contradict the Arbuthnot narrative. The judge chooses to ignore previous dishonest statements on the matter from Swedish officials. As I have shown above, an official at the Swedish Ministry of Justice, Cecilia Riddselius, claimed that the problem with a hearing at the Ecuadorian Embassy was that Ecuador's demands would violate Swedish law. This was on August 2015, as Maurizi (2015-11-19) explains, the Swedish prosecutor excused herself and admitted that the Swedish authorities sent their application too late.

Although the judge's relentless biased assertions might have given her and the advocates of the official line satisfaction for the moment, she manages to do so at the cost of reason, and her arguments are beyond salvation already at the concluding remarks on Summers third argument in § 52. Arbuthnot wraps up her stance by claiming that she disagrees on the assertion that Assange's failure to surrender did not affect the proceedings.

In order to show this she engages in a hypothetical scenario about what would have happened had Assange 'gone back to Sweden when he should have done after he had exhausted the appeal process' in the UK. She then gives a correct account on what as a matter of fact would have happened if the prosecutor had heard Assange in Sweden – the Swedish prosecutor would have interviewed him and subsequently chosen to indict or drop the case. Furthermore she correctly infers that 'the complainants would have had their

complaints resolved one way or another. Mr Assange would had the [police] accusations resolved one way or another’. She refused to carry out this straightforward reasoning in § 44 because in that context, the failures of the Swedish prosecutor and the pressures from the UK on Swedish authority were put forward. However, she has no problem in figuring out how things would have played out in § 52 when she frames the issue in terms of what would have happened if ‘Mr Assange had gone back to Sweden’.

This contradicts her previous assertion in § 44 that ‘it is too speculative to wonder what would have happened to the Swedish case had Mr Assange been interviewed earlier’ – regardless of her futile attempts to rephrase the issue. Moreover, she omits the most striking aspects of the case from her evaluation, something that Assange, his legal counsel, experts, the UN and other members of the general public with a mind of their own saw from start.

Summers’ fourth argument was that Assange already had suffered enough and that the punishment he has endured is disproportionate. Not only has Assange been arbitrary detained for years under conditions which are unfit for longer periods of incarceration. The time Assange has been confined is a multiple of the max sentence (12 months) for absconding from bail. Assange’s physical and mental health has deteriorated considerably and he is furthermore in need of medical assistance that he is denied. Arbuthnot shows no mercy. She just states that she thinks Assange is ‘fortunately in relatively good physical health’ and although she admits that he suffers from depression ‘Assange’s health problems could be much worse’. It is of

course impossible to argue with that statement, in particular if one like the judge is perfectly happy with its absurd implications.

The fifth and final point is about the fact that the law has changed since the decision of the Supreme Court. Assange would not be extradited to Sweden today because the law now demands that the absence from the individual in question is ‘the sole reason’ for the failure to press charges. Arbuthnot counterargument reveals her blind faith in the Swedish prosecutor: Because the Swedish prosecutor has written that she is unable to carry on with the case due to Assange’s absence, then Summers’ argument is ‘arguably wrong’.

She does of course not bother to question the plausibility of the Swedish prosecutor’s claim in the light of the monumental list of irregularities, indications of fabricated allegations and political involvement in the process, nor does she pay attention to the fresh evidence put forward that speaks of pressures from the CPS on its Swedish counterpart, or the considerations apparent in the mail correspondence that had nothing to do with the well-being of the plaintiffs.

THE SINISTER UNICORN OF JUSTICE

Judge Arbuthnot proclaimed that her task was to give weight to the factors under discussion in order to arrive to a conclusion and wrote that she gave ‘little weight’ to the UN ruling. Hence one could be persuaded to think that the scale therefore tipped against Assange. In fact the judge mentioned arbitrary detention but she never weighed fairly.

She fiddled with the weighs by a selective use and reliance on authorities to Assange’s disfavour – thought that Assange should trust the authorities that are contributing to his arbitrary detention as blindly as herself (see e.g. § 16) – engaged in historical revisionism by blaming Assange and Ecuador for the inability of the Swedish authorities to hear Assange (§ 49, 50), only referring to Swedish authorities (§ 51).

The judge discarded medical expertise about the urgency of Assange’s physical and mental condition with her opinion that it could be worse (§ 53, 54).

More generally, the judge never questioned authority when these sources could be invoked against Assange’s arguments, but she questioned, omitted or put her own authority over experts with views that supported Assange’s arguments. The disagreements within the UN Working Group were employed against Assange but similar disagreements in favour of his argument were not even mentioned.

Sometimes she switched the scales altogether in order to claim that she was unable to weigh some arguments and then switched back when it was to Assange's disadvantage. This happened when she refused to carry out straight forward reasoning in a context when it was to Assange's advantage to do so (§ 44), with the excuse that such reasoning was too cumbersome to carry out with precision, but she was suddenly capable of far more 'speculative' reasoning when it was to Assange's disadvantage (§ 14-16). Although she only managed to keep to the official state line in the latter by modestly omitting a factor completely from the scale, i.e. the implied risks of extradition and inhumane treatment in the US.

Unfortunately for the judge, she managed to sentence herself to shame by becoming blatantly irrational with these dishonest practices because she ultimately contradicted herself in § 52. She was apparently unable to resist the temptation to follow the official state line and eventually carried out exactly the same reasoning that she deemed to be hopelessly 'speculative' in § 44. Thus the judge sacrificed the logical consistency of her overarching argument in order to maintain a consistency with the official state line locally. This contradiction dwarves her previous double standards through selective use of facts, expertise and arguments.

Judge Arbuthnot's conclusion is that Assange has 'restricted his own freedom for a number of years' and he suffers because of his inability 'to leave a small flat for a number of years'. Although these statements may seem out of orbit to the uninitiated, Judge Arbuthnot makes sure to explain her attitude in the preceding paragraphs. Her

‘impression’ is that Assange ‘appears to consider himself above the normal rules of law and wants justice only if it goes in his favour’. With reference to available data on the case, it is fair to say that it is justified to be under the impression that Arbuthnot appears to consider Assange outside the normal rules of law and speaks of justice only if it is in favour of the official state line.

Her arbitrary ruling maintains an arbitrary detention that previous arbitrary rulings justified through the deployment of double standards to Assange’s disadvantage. In her view, Assange engages in self-inflicted suffering due to his extravagant taste for freedom. It is his excess of freedom that is the problem. He is not arbitrary detained as a result of a vicious political game.

It is his personal characteristics, his pride, arrogance and cowardice that he must overcome in order to pull out of his precarious situation. She wisely points inwards to the struggle within. Assange is not judged by ‘the sum of his actions’ but as a man who is the sum of his likes – an interesting perspective that captures the spirit of the age and highly relevant for the understanding of online activities perhaps – but she had to ignore reality to get there. Thus her final formulation of the problem of ‘public interest’ shrinks to the dilemma of a man that ‘has failed to attend court [...] but on the other he has been unable to leave a small flat for a number of years and is suffering physically and mentally as a result’. Judge Arbuthnot could never solve the impossible equation, hence her final trick was to change the problem altogether in order to arrive at the conclusion that ‘it is certainly not against the public interest to proceed’.

TRUST U.S. - WE WILL HURT YOU

The official stance of the Government of Sweden and the UK has been expressed publicly in numerous occasions. The Swedish press never achieved significant deviations from the official line. The Swedish prosecutor was never seriously questioned by journalists for her stance that would lead to having the allegations time barred with certainty. She was never seriously critiqued for her failure to make progress in the investigation by refusing to hear Assange, nor did any of those who advocated her stance. The politicians were mostly silent and those who made modest remarks on the obviously unsustainable course of action were discouraged by the press and the Prosecutor-General by arguing undue political interference in the legal process and thus compromising the independence of the legal system and ultimately the rule of law. These arguments were by and large reiterated by the Swedish government in its dealings with UN-WGAD. The Swedish Government stated that the prosecutor had the right to insist on the European Arrest Warrant, abstain from hearing Assange in London and so forth as long as she observed Swedish rules. The Swedish government tried consciously to avoid the issue of human rights abuse and the political asylum granted to Assange by Ecuador by refusing to even consider the US threat seriously.

In summary the governments of Sweden and the UK argued that their officials did not break domestic rules and respected international conventions. According to them the problem is that rape-suspected Assange for some reason has chosen to restrict his own freedom instead of complying with the normal procedures in order to advance the Swedish preliminary investigation. The UN ruling was in effect a devastating critique against the official stance of Sweden and the UK. Leading intellectuals who had pointed out human rights violations from start could now refer to one of the foremost authorities in the world on issues about arbitrary detention. After the UN ruling, official representatives stated that it did not have any practical implications on the ongoing investigation and legal procedures against Assange, and the UK made sure to openly and directly disrespect the ruling. The Swedish Prosecutor Authority communicated to the public that the Swedish legal processes were unaffected by the ruling, and the press carried on with limited and biased reporting and scornful opinion pieces against it in its usual manner in order to defend the state line.

Sweden's reputation was discussed early on and a recurrent theme in the Swedish press was the Sweden image but the adverse effects of the official line were kept in check due to the propaganda in the Swedish press. In any case, credibility considerations and the brand of Sweden is a serious concern, although the press mostly played a PR role to defend against deterioration of Sweden's international reputation instead of asking tough questions and scrutinize those in power. The second main consideration which was frequently

discussed in the press is a confrontation with the US. Even journalists that otherwise followed the official state line did acknowledge this hazard and so did Swedish intelligence and security services. Examples of these concerns are abundant to the extent a review is redundant.

In other words the official goals and aims of Swedish authorities have been clearly stated, whatever one may think of the ludicrous arguments. It was all about the justice for the women and respect for the rule of law. Sweden wanted to hear Assange but Swedish authorities were unable to do so because Assange refused to be heard in Sweden, in particular after he left. Sweden respects the rule of law and will not make exceptions for Assange. Moreover the quality of the hearings was expected to suffer in the event of a hearing abroad. Thus Assange must preferably be in Sweden in order to proceed with the preliminary investigation. Because Sweden also respects international conventions on human rights, Assange never had anything to fear from an extradition to Sweden. Sweden had not received an extradition request from the US and politicians and the prosecutor denied US pressures. Sweden would not let demands from Assange or any other entity get in the way of the delivery of justice.

Thus from a Swedish perspective following considerations are still highly relevant:

- 1) If Assange stays in the embassy and Sweden stays on its course, then Sweden suffers international critique (unjustly so from the official perspective).

- 2) Sweden wants Assange extradited to Sweden in order to carry on with the preliminary investigation and enforce the rule of law, and also to ensure the quality of the hearings. (most relevant before Sweden dropped the investigation)
- 3) If Julian Assange comes to Sweden and the US makes a request that Sweden denies, then Sweden would risk a costly conflict with the US.
- 4) Adverse reputational effects on the Swedish brand if Julian Assange surrenders and Sweden chooses to extradite him to the US.
- 5) Politicians should not intervene in the legal process.

These considerations sum up the most important aspects in terms of gains and losses and the official general stance on how the rule of law should be respected. Some journalists saw it important to point out that the British authorities also could oppose extradition from Sweden to the US and Judge Emma Arbuthnot reiterated this argument in her February 2018 rulings. However, there is nothing in this remark that adds anything in terms of how things could play out that are essential to the hopes and fears of Julian Assange or the decisions of the US, Sweden and the UK. Judge Arbuthnot merely underscores the uncertain situation of Julian Assange in the event that the US makes an extradition request either to Sweden or to the UK. She never said that Sweden or the UK would not extradite Assange if the judiciary thinks it is proper for him to be extradited. As pointed out above, the governments of Sweden and the UK never admitted arbitrary detention, refused to acknowledge the political asylum from

Ecuador and showed their contempt for the UN ruling openly. The anomalies of the process against Assange have been consistently denied and the trust on previous statements and rulings is never questioned. Judge Arbuthnot once again declared that British authorities have full faith in the words and actions of its Swedish counterparts. Her arguments implied that Assange should trust the countries that are arbitrarily detaining him. She refused to acknowledge his fears concerning the risk of extradition to the US that resulted in the political asylum – because the judge does not acknowledge the risk of extradition. The homogeneity of opinions and arguments makes it possible to succinctly express the variety of opinion articulated by authorities, experts and journalists in a parsimonious model.

ON ASSANGE'S EXCESS OF FREEDOM

Julian Assange's fears have never been seriously questioned, not even by the British judge in her arbitrary February 2018 rulings. His desire for freedom is not only evident in the deterioration of his health but also his consistent struggle for it. Not even Arbuthnot challenged this although she thought that he should be braver and face the risk of extradition.

Only a small fraction of allegations relevant to the Assange case reach court. In his case, the evidence is arguably very weak – one of the women has made misleading and dishonest statements and her actions are inconsistent with her allegations. The other woman made outright resistance against the police accusations. One of the prosecutors immediately dropped all but one minor suspicion. As Michael Moore pointed out, indictment seemed to be a highly unlikely outcome from start, considering that 90 % of the rape cases are dropped. More importantly, Julian Assange made himself available for hearing from start and was willing to face Swedish justice and the minuscule risk of indictment.

It is therefore uncontroversial to state that the event where he leaves the embassy, the US makes an extradition request and Assange is extradited to the US is his worst case scenario and it is equally uncontroversial to assert that the best outcome for him in his own mind is to be free, i.e. get out of the embassy without being detained or undergo extradition proceedings. For purpose of exposition, denote the former benefit to Assange as $A_{\text{Ex}} \equiv$ (identical to) A_{Min} and the latter as $A_{\text{F}} \equiv A_{\text{Max}}$. All we know is that the latter is greater than the former ($A_{\text{Ex}} < A_{\text{F}}$), that he prefers the latter (A_{Max}) over all other outcomes and prefers on the contrary all other outcomes over the former (A_{Min}). But there is no way to tell how much more, e.g. how many times more he prefers A_{F} to A_{Ex} . Variables with these properties are usually called ordinal or rank variables. It is only this kind that are considered in what follows.

We have two cases in between. Firstly, the event that Assange is kept at the embassy. We denote Assange's benefit from being confined at the embassy as A_E . The second outcome is if Assange leaves the embassy, the US makes a request and he is lucky enough not to be extradited to the US after an extradition proceeding. His benefit from this outcome is A_{Luck} . Although the latter is associated with the costs of tedious extradition proceedings, if Assange is sure that he will not be extradited, then this outcome is preferred to staying at the embassy indefinitely. Thus $A_E < A_{\text{Luck}}$, although this makes sense the argument is in addition not very sensitive to this particular ranking.

Therefore: $A_{\text{Ex}} < A_E < A_{\text{Luck}} < A_F$.

WANTED FOR TRUTH-TELLING

The threat of extradition to the US has been acknowledged and discussed by acclaimed intellectuals and experts from start. The Republic of Ecuador granted Julian Assange political asylum for this reason and the UN ruled later on that Sweden and the UK should respect the asylum. The US has organized its efforts to bring down WikiLeaks and has openly encouraged its allies to start legal processes against Assange to stop him. US officials have called out for death penalty and a general was appointed to lead the war against WikiLeaks. It was and still is in the official interests of the US Government to have Julian Assange extradited and this threat was even acknowledge by fact resistant journalists.

The desire to have Julian Assange extradited is nevertheless endowed with risks to the US. To make a request and be subsequently denied is embarrassing to the US and the motivation for not extraditing him would involve concerns about human rights violations according to the official stance, which has also been put forward in the Swedish press (although primarily to argue that Assange's fears are unjustified). If Julian Assange leaves the embassy, the US makes a request and Sweden chooses to extradite him, then the US achieves its maximal goal and this benefit is denoted $US_{Ex} \equiv US_{Max}$. In such turn of events, the US extradition would in addition be legitimized by Sweden that has made repeated remarks about its respect for international conventions on human rights and still has a fairly good reputation compared to many other countries. In the event the US makes a request that is subsequently denied by Sweden, perhaps with human rights concerns (even if these are not stated publicly the US would hardly have the benefit of doubt), the US suffers a reputational loss.

Furthermore, this would also make the US look weak in a precarious transition period – US power would once again come into question. This rejection loss is denoted $US_{Luck} \equiv US_{Min}$.

Having Assange confined in the Ecuadorian embassy for years without formal involvement is a testament to US power and has sent a clear message to us all. The benefits of this outcome is denoted US_E . The fourth outcome is the case when the US does not make a formal

request and Assange is subsequently not extradited and hence free – the benefit of this outcome is denoted US_F .

To have Julian Assange under arbitrary detention without taking most of the blame is a comfortable situation for the US which is preferred to having Julian free without trial, hence $US_F < US_E$.

Therefore, the following ranking is justified for the first couple of years: $US_{Luck} < US_F < US_E < US_{Ex}$.

Remember that Assange is a free man in the two least preferred cases with the difference that the US suffers additional reputational losses in the least preferred case due to Swedish rejection. One of the most exciting and hopeful aspects of social science is that the game can change. I will come back to this at the concluding remarks because there are some very vicious aspects of a change in attitudes that we all should be aware of in order to avoid their vile consequences.

ON THE ORIGINAL SWEDISH SIN

In order to make a proper deduction of the Swedish ranking of the outcomes, guarantees must be considered. The failure of the UK and Sweden to give Assange guarantees was one of the main reasons Ecuador granted Assange political asylum according to Ecuador. (see e.g. Larsson; 2012-08-18) These were however denied serious discussion, e.g. Amnesty International was smeared in the press after

having proposed guarantees²⁸. 90 % of the editorials and news chronicles written by established journalists either see no point in giving guarantees, with the claim that there is no risk of extradition to the US, or that guarantees cannot be given. Although the only editorial that deviates is a review of different standpoints which are mere opinions with no arguments, which undermines the credibility of the statements and is therefore content-wise practically a debate article or perhaps something that usually is found in the reader comments section. None of the established journalists and experts in the panel study (pp.223-259) expressed that guarantees were justified 2010-2016. Most explicitly stated that Assange should go back or faced no risk of extradition in Sweden²⁹. Consequently no one thought that the political asylum made any sense and Oisín Cantwell (2014-06-18) stated that guarantees could not be given simply because the US had not yet filled in the proper forms, and the ‘legal expert on international law’ Paul Wrange critiqued the Ecuadorian decision to grant asylum (Lönnaeus, 2012-08-17).

Moving on to the debate articles and reader comments, there is a slight overweight on negative opinions on guarantees (56 %). In total, over 70 % of the opinion is against guarantees. But, the vast majority of the established journalists and experts are against guarantees (93 %) – with a sole clear-cut exception in 15 opinion pieces. It is not

²⁸ *Guarantees*: 50 items in total, 18 opinion pieces including reader comments.

²⁹ Kadhammar (2011-02-12), Guillou (2011-11-06), Alhem (2011-02-17), Cantwell (2015-08-13), Massi Fritz (2016-09-08), Lönnaeus (2016-02-07), Hanne Kjöllér (2016-02-06), Olsson (2016-02-07).

until 2014 that the aforementioned exception in the editorials is printed. Otherwise the stance is clear – there is no risk of extradition to the US, guarantees cannot be given or Assange and his allies entertain conspiracy theories.

The news coverage follows the usual pattern. Guarantees from extradition to the US are first mentioned by the Swedish ‘critic’ and expert-witness Alhem who states that there is virtually no risk of extradition. Four months later, an editorial in Liberal Dagens Nyheter states that Assange has put forward conspiracy theories to justify his refusal to face Swedish justice (DN, 2012-05-31). It is not until the end of June that the guarantees are mentioned in the news coverage. The seminal article is written by none other than the prize-winning journalist Diamant Salihu who reports that the Ministry of Justice could not answer if guarantees are possible to give (2012-06-25). The following day it is instead the by now familiar Cecilia Riddselius from the Ministry of Justice who informs that guarantees are unheard of (Diamant, 2012-06-26). The news coverage is otherwise not blatantly misleading a couple of days until the Minister of Foreign Affairs Carl Bildt enters the stage. He first dismisses the questions altogether, then claims that guarantees cannot not be given and proceeds by blocking further discussion with the assertion that no one stands above the law (Svensson, 2012-07-05; Reutersskiöld 2012-07-06). The Swedish Prosecutor Authority topped this with the claim that it was not even possible to hear Assange in London (Norman, 2012-07-28). These false statements are never challenged by the journalists.

In summary, the tactical division in the news items has two main camps. Guarantees are either deemed redundant because there is no risk of extradition or are simply not possible to give. From there on the usual synergies between opinion pieces and news items ensure that arguments and facts are confined to serve the elite through the force of authority and credibility asymmetries. the Prime Minister, the Swedish Minister of Foreign Affairs and corresponding UK authorities, the Department of Foreign Affairs, the Prosecutor Authority, the Department of Justice, established journalists and legal experts claim that guarantees are either redundant due to a minuscule risk of extradition, cannot be given or just make sure to smear its proponents.

On the other hand it is the smeared Republic of Ecuador, the ‘conspiracy theorist’ Julian Assange and his co-workers, legal counsel or President Vladimir Putin who think guarantees are reasonable. 94 % of the relevant news-coverage (explicit arguments for or against) follows this pattern with the exception of Amnesty international in two articles at the end of September (Kvarnkullen, 2012-09-28, 2012-09-29). That unacceptable deviation is however immediately dealt with by Forssberg in an editorial where he accuses the non-partisan human rights organisation of paranoid perspectives (Forssberg, 2012-10-02).

To begin with, suppose we accept the Swedish nation-wide press’ description of the state of affairs, the statements from legal authorities and the Swedish Government. In this description of reality, the state

cares for the Swedish women, wants to maintain respect for the rule of law by not ‘making exceptions for Assange’ and so forth as discussed above.

One of the main camps saw no risk of extradition, which implies that guarantees are superfluous and were hardly commented. Then the best outcome for Sweden is if Assange walks out of the embassy, no extradition request is made and Sweden is able to carry on with its famous delivery of justice. This outcome is valued $S_F^O \equiv S_{Max}^O$.

Officially, the least preferred alternative for Sweden is if Assange stays at the embassy because then the Swedish legal system will be unable to carry on with the delivery of justice and maintain respect for the rule of law and the women’s allegations will become time barred. The official benefits of this outcome is denoted $S_E^O \equiv S_{Min}^O$. Sweden officially cares for human rights and did not consider its violations of international conventions on human rights only because that would involve far too hypothetical scenarios about a future US request at a stage when the US still had not filled in the extradition forms. The Swedish Government also clearly stated that it would not extradite Julian Assange if he risked human rights abuses.

Sweden would still suffer an adverse reputational shock in the event of an extradition although an unfair one according to the official narrative. This outcome is denoted S_{Ex}^O . The benefit of having Assange in Sweden and subsequently deny an US request is denoted S_{Luck}^O . Because Sweden considers itself to be a sovereign state and a

confrontation with the US has not been an official concern according to one of the main camps, then $S_{Ex}^O < S_{Luck}^O$, which means that Sweden would not let US pressures to cloud its judgement. The US is after all a democratic nation and Sweden has nothing to fear. Obviously this could be the other way around, something that even the Swedish press noted. Therefore, the official Swedish preference is $S_E^O < S_{Ex}^O < S_{Luck}^O < S_F^O$, according to the no-risk camp and these numbers include UK considerations.

Analysis of decision making can be approached with different perspectives and tools. The preferred approach here is mostly within the domain of game theory³⁰. Game theory has received critique because of its reliance on rational actors, I will not repeat my thoughts about such critique in general (see footnote 5). However, the theorizing is nevertheless undertaken with such considerations in mind.

The starting point of the analysis is what journalists, governments and experts have said and written. Thus it has resemblance with the theorem about the prosecutor's stance of not hearing Assange in London, and the impossibility of altruistic intentions and genuine concern for the women underlying such course of action. The foremost concern is to evaluate what the elite opinion implies if we are polite enough to entertain its arguments.

³⁰ Any basic material which covers the topic of dynamic or sequential games would do, but for reference see e.g. Mas-Colell & Whinston (1995) Part Two.

It is possible to make summary statistics on the distribution of beliefs. I do not think these beliefs can be used to model Assange's actual beliefs in terms of probabilities. The authors in the data have mostly managed to articulate mutually exclusive assessments. Probability assessments are not in the forefront of their reasoning, and it follows that probabilities are not at the heart of this model. However, I do believe that the lessons from the more elaborate model with guarantees can be carried over to how the actual situation has looked like and may be understood now and in the future.

The mathematician, game theorists and Whig Ken Binmore once explained that one of the deeper features of game theory is that it is able to explain behaviour, if the actors described by the model actually believe that their situation looks like one described by a game-theoretical model, and have the power to act in a manner which is properly described by the model. Then no one would have incentives to defect from an equilibrium outcome in the model. I believe these requirements hold true in the Assange case considering the statements and data on the history of the actors under consideration. The model with guarantees is rich enough to capture the strategizing and arbitrary detention through the threat of extradition and gives numerous insights. It is nevertheless primarily a device to evaluate ideology, and the main conclusion is that the predominant elite ideology was never credible.

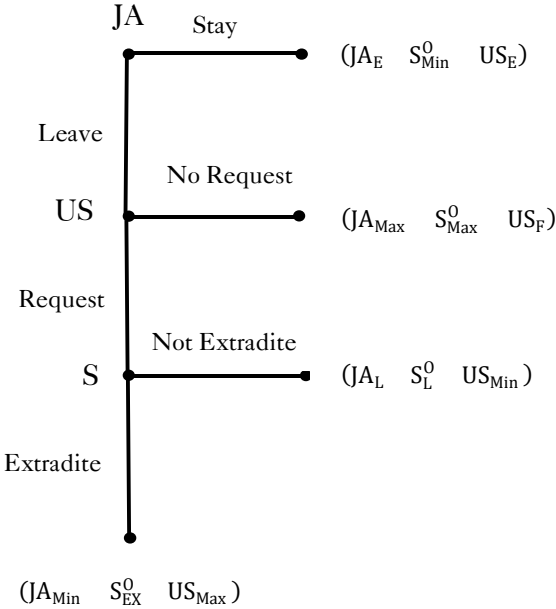
There are levels in how unreasonable ideology can be. The elite opinion's insistence on not hearing Assange at the Ecuadorian

embassy with a justification about the well-being of the women was proved to be incredible on its own terms and could be refuted at the basic level of contradiction. Ideology can also be detected if the argument is not contradictory in a strictly logical sense but if the logical consistency only can be maintained with absurd beliefs in accordance with the ideologist's own assumptions regarding the state of affairs. Because this case is a famous one, information about the actors' beliefs has been stated publicly and discussed frequently, and statements about beliefs of the beliefs of others involved in the drama likewise. It therefore makes perfect sense to pin down the outcomes and proceed by inferring how the actors rank these frequently discussed outcomes.

One of the most straightforward indications of ideology is if some information has been consistently omitted or marginalized, i.e. if the discussion has been rigged for propaganda purposes. To evaluate how things will play out if we include the contrary view is a rewarding undertaking that may give important clues of why certain information has been marginalized. Note however that some intellectual positions within the journalist profession were not even false, e.g. the peculiar case of Oisín Cantwell. Furthermore some arguments are rather ambiguous. The stance of the Swedish Government is clear in the 2015 UN ruling, but the issue was pretty much neglected and the request rejected in 2012. Such instances may also give important clues of how sensitive certain topics are.

The first reward of this approach is that it turns out that most of the discussion in the press and the official narrative can be boiled down to a remarkably simple model considering the vast volume of articles. The various arguments put forward can be attributed to different assessments of how the involved parties in the extradition drama rank different outcomes.

The actions are represented by the vertices and the dots are the outcomes and these outcomes are associated with benefits to the actors of the extradition game. Julian Assange (JA) can choose to stay or leave, the US subsequently decides to request for extradition or not and Sweden (S) then decides if it will extradite or not. As I will explain below, UK involvement is of secondary importance.



Had Assange failed to seek asylum, then he would have been extradited to Sweden, and once there he would have been at the mercy of the Swedish government's extradition decision had the US made a request. According to the official version, the Swedish government does not interfere with the legal process and lets the legal system sort out preliminary investigation against Assange and will in the same manner let its legal experts to process whether or not Assange should be extradited before making a decision and respect eventual objections from the Swedish Supreme Court or the UK.

Because it is Sweden that ultimately chooses whether or not extradition will occur, then Julian Assange and the US will try to figure out how Sweden will act in order to come up with their best course of action (see On the Alleged Unconstitutionality of Guarantees). Therefore they will start by considering the Swedish choice at the last step. Because the Swedish Government prefers not to have Assange extradited even if such stance is detrimental to the US, i.e. $S_{Ex}^O < S_{Luck}^O$, then Assange will not be extradited. Besides, according to the official version, not consulting the UK would result in a 'diplomatic crisis'. If the US believes the official story, then they will prefer not to make a request because $US_{Luck} \equiv US_{Min}$. Finally, because Assange can work out this simple scheme he is irrational if he does not step out because $A_E < A_F$, if he just would listen to the official version.

From the point of view of one of the main camps defending the state line, the loss of reputation would be too costly and the UK would oppose extradition, and Assange is indeed a 'madcap' for not stepping out to freedom because the scales are tipped in his favour.

Varieties of this argument was put forward by Elisabeth Massi Fritz, who questioned the credibility of Assange's fears because Assange left Sweden for the UK which is an ally of the US, she also concludes that Assange is absconding Swedish justice (2014-02-06;2014-07-16; 2016-09-08). Several established journalist like Lönnaeus agreed to this stance. The acclaimed author and journalist Guillou summarized (2011-11-06) Assange's refusal to surrender in psychological terms, according to him Assange is confined in his own 'mental prison'. The consensus opinion is that Assange has misunderstood the situation or prefers confinement because he is hiding from Swedish justice. Within this frame of reference, Assange's actions appear either detached from reality or suspicious.

Theories always rely on assumptions which may be considered to be unreasonable or at least doubted. I just assumed that Sweden does not act as a vassal state. Clearly, it could be the case that the considerations of the intelligence and security branches of the government (which have been publicly stated), are weighted in favor of an extradition in order to avoid diplomatic conflicts and cooperation breakdown with the US.

The stance of the Swedish Government was more hawkish when guarantees were under discussion 2012. The Swedish Prosecutor Authority and the government said that guarantees could not be given. The Minister of Foreign affairs first avoided the question then boldly and falsely claimed that the act of giving guarantees would be an infringement on the independence of the Swedish legal system and hence a violation of the constitution (G-P, 2012-08-18). The expert Paul Wrange claimed that Sweden could hardly give guarantees, and in particular not give a legally binding agreement to Assange and furthermore added that if the conditions for extradition were met, then there is virtually ‘no room for a political decision’ and the government is almost bound to agree to extradition (Sydsvenskan, 2012-08-20).

In other words, there was plenty of room for justified fear from Assange’s point of view – false claims and technocratic legalism do not add up to trust. If the Swedish government then perceives that the loss of international reputation of extraditing Assange is less than the damage it suffers due to a confrontation with the US (i.e. if $S_{Ex}^O > S_{Luck}^O$ including considerations about the UK), then it is in the enlightened self-interest of the Swedish Government to extradite Julian Assange because it realizes its constraints..

The Swedish government would assuredly officially state that it was a principled decision and the right thing to do. If the US believes that Sweden will agree to extradition, then it would choose to make a request, which would induce Julian Assange to take the rational

decision to stay where he is. The reasoning carried out so far is not sensitive to notions regarding the so called independence of the legal system because it is the government which ultimately decides on extradition.

To insist on independence is moreover a play with semantics because justifications with reference to the rule of law and the legality of the actions taken by the state are abundant. Advocates of the official state line had no problem to justify the arbitrary detention of Assange along legalistic lines in order to downplay the UN ruling.

Conceptually, the role the UK plays is to ensure an even more drawn-out extradition procedure if Sweden is determined to extradite him. What the UK role boils down to is that Sweden's reputation is less tarnished in the eyes of the naïve. Once an extradition request has been processed, the Swedish Government will officially know whether or not extradition constitutes human rights violations or if there are other obstacles to extradition, but the Swedish Government will not have any problems to figure out if UK authorities would permit such extradition anyway. There are no reasons to believe that Sweden is worse than the UK in this regard according to the official version, on the contrary, UK officials have protested the UN ruling even more and Judge Arbuthnot ridiculed the 'UN opinion' in her February 2018 ruling.

This issue caused the usual confusion among the defenders of the state line. Cantwell (2014-06-18), Forsberg (2012-10-02) and Olsson (2012-10-09) agreed on that it was easier to extradite Assange from

the UK, which was held against Assange in the same way Massi Fritz did by underscoring the close ties between the UK and the US.

However, both Johannes Forssberg and Cantwell simultaneously argued against Assange's refusal to surrender, by claiming that the UK would not let Sweden extradite Assange to the US. If $S_{Ex}^O < S_{Luck}^O$, i.e. there are no incentives to extradite, and the Swedish Government believes that the UK will not agree to extradition, then the Swedish Government would try to, or rather, allow the UK to get involved in order to lessen the impact of the confrontation with the US.

However, if $S_{Ex}^O > S_{Luck}^O$ and the Swedish Government thinks the UK will not agree on extradition, then the Swedish Government would extradite Assange anyway, but if the UK is perceived to agree to extradition, then the Swedish Government would have incentives to involve the UK.

The UK involvement is an additional cost to Julian Assange in the case of an extradition request from the US due to the potential of a prolonged extradition proceeding. It is a benefit to the Swedish Government when there is an agreement with the UK because of the possibility to share the burden.

A BROKEN MIRROR OR THE CELLAR

Guarantees is a publicly declared commitment not to break the promise (extradite) in the event of a challenge to the guarantee (extradition request). The country leaves its international reputation as a security and this is made common knowledge in the international community. I have already explained that guarantees are neutral with respect to the independence of the legal system and do not single out a particular country.

Without guarantees, an extradition request that is subsequently denied puts two countries in direct and open confrontation. The country that is denied with references to human rights, inhuman treatment, unfair trial and so forth takes a big loss which enhances the incentives to succeed and exert undue pressures or retaliate.

On the other hand, guarantees can be made with reference to pragmatic concerns in order to proceed with a legal investigation or general aims to improve the respect of the rule of law. Sweden would simultaneously guard itself against a continuation of human rights offences and serve its judiciary with improved conditions to carry out justice without interference with its autonomy.

Guarantees were denied serious discussion and the failure to grasp its implications resulted in the usual confusion in the press. This failure made it possible to maintain a numerous no-risk camp which would otherwise had imploded due to the weakness of their arguments. The

failure to carry out an honest discussion on the matter ended up in arguments which are encapsulated by the model above. The conclusion implied by the state's official description of reality is that Assange's refusal to walk out of the embassy is delusional at worst and unreasonable at best.

Once one commits to reason it becomes immediately obvious that the reasoning is sensitive to assumptions on Swedish benevolence which must be taken at face value by ignoring contemporary history or rely on an astonishing naivety regarding the role of the UK. Nevertheless, I will not settle with this conclusion and critique because more can be deduced about the intentions of the Swedish Government. To do this, I will continue to pretend that the official version is not entirely ludicrous and assume it is 'correct' – Is the official story telling then still credible?

Most of the discussion on the extradition process may be encompassed within this framework with slight changes (primarily the rankings). The reader should be aware of that the starting point is the no-risk camp.

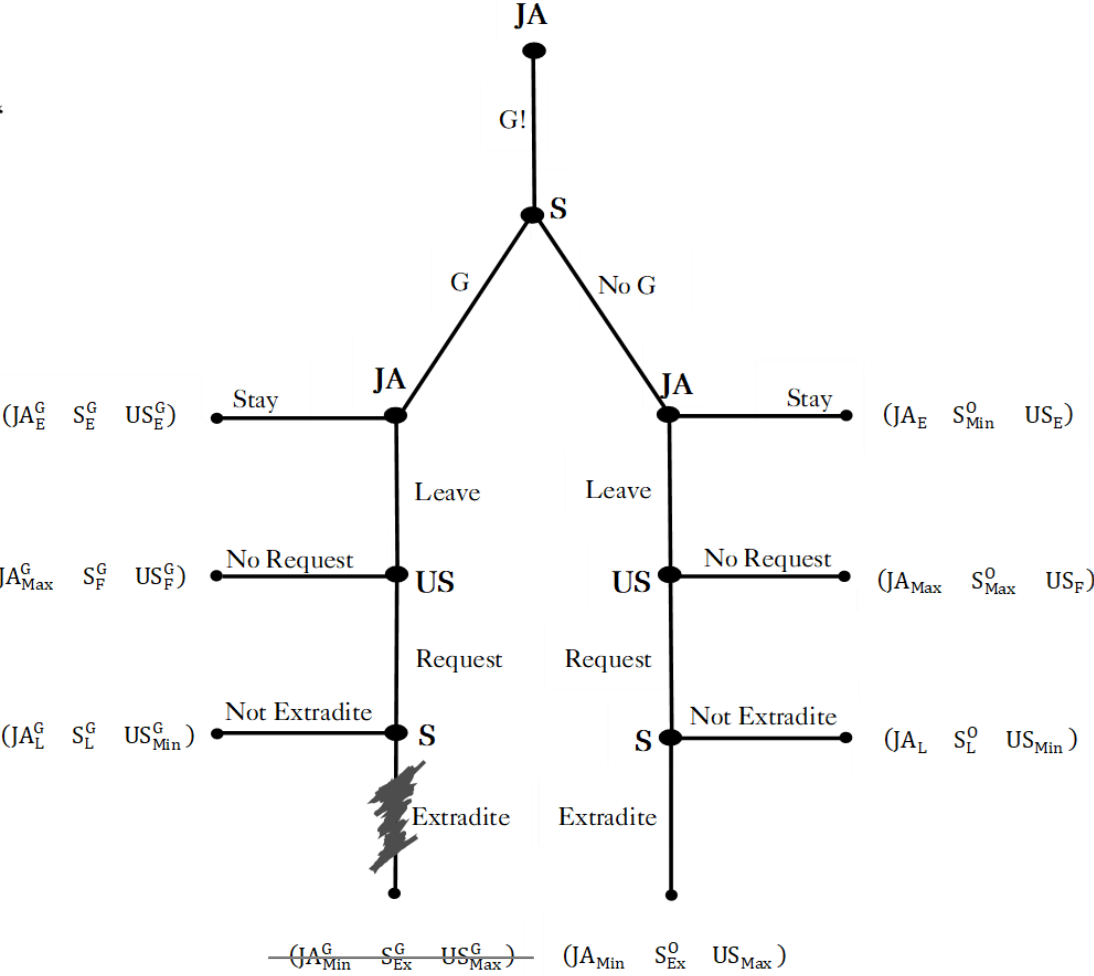
However, I will step out of this setting in order to comment on the more hawkish side more directly, but I will not carry out a full analysis of this stance because it is more straightforward.

To answer the aforementioned question, I will consider the actions and stated beliefs of the authorities and check if these are consistent with the official aims and goals. If it turns out that the official

intentions and goals of the Government cannot be achieved with current course of action, then the credibility of the official line should be at least doubted and hopefully resisted. This is especially the case if it turns out that guarantees improve the chances of achieving the official goals.

We know that Amnesty International proposed guarantees from start and that Assange has insisted on a promise from the Swedish Government. The United Nations would later state that Sweden and the UK should ensure Assange's 'safety and physical integrity, to facilitate the exercise of his right to freedom of movement in an expedient manner, and to ensure the full enjoyment of his rights guaranteed by the international norms on detention' (UN, 2015).

I denote this request G! Outcomes with guarantees are indexed with a G. These considerations result in the following arrangement.



I will leave the Swedish benefits on the left-hand side without indexing for min/max in order to underscore that an open mind of the actual rankings should be maintained.

Guarantees do come at a cost for Sweden, and therefore the outcomes with guarantees are valued less than the corresponding outcomes without, because the effect of indirect conflict with the US is deemed to outweigh the positive effect on Sweden's international reputation. Assange's preferences are not considerably altered because he does not want to end up in the basement regardless, although he would ruin his reputation if he did not leave the embassy after guarantees had been given. The US would suffer greater losses in the event of a request under guarantees. Going through the cases gives insights about the strategy which still underpins the arbitrary detention, a relabeling from S to UK is a good start.

CASE 1 - JULIAN ASSANGE HAS LEFT THE BUILDING

Consider the case when Assange demands guarantees, walks out of the embassy without guarantees, the US makes a request and Sweden denies the request. This results in the benefits $(JA_L \ S_L^0 \ US_{Min})$ and the US suffers a worst-case scenario. This is a costly alternative for Sweden because the country then engages in an open confrontation with the US that loses face.

If Sweden on the other hand chooses guarantees (see p.210, 346), then these would work to deter open conflict with the US. The US would of course dislike guarantees, but because the US has not made a request yet it would have the option of not losing face openly and could stay away knowing that it had achieved some of its goals

although not able to maximize. It is the UK and Sweden which have been taking most of the blows to their reputation, something the UN ruling underscored. The US has the option of embarrassing itself internationally with a public request or just walk away and continue to oppose WikiLeaks and still manage to showcase its tremendous influence and ability to punish a dissident anywhere in the world enough to send a clear message, without having taken the greatest reputational losses. Thus a country-neutral guarantee would lessen the risk of confrontation with the superpower.

The incentives not to make a request are even greater than in the official version. The US will recognize that Sweden will not destroy its international reputation, realize that a request actually is a mistake and therefore refrain from making a request. Julian Assange would in turn realize that he would ruin his reputation and life if he did not agree to his promise and took his best chance to freedom.

Thus the outcome is that Assange demands guarantees (G!), Sweden gives guarantees (G) and the US does not make a request (No Request) with the benefits $(JA_{\text{Max}}^G \quad S_F^G \quad US_F^G)$. Because $S_F^G > S_L^0$, it does not make sense for Sweden not to give guarantees. Sweden's official arguments are not credible in this case.

But what if the US chooses to challenge the guarantee anyway? The initial setup is as the one above but now the US makes a 'mistake'. Sweden feels it is forced to keep its promise and refuses to

extradite Assange, the US embarrasses itself and the benefits are $(JA_L^G \quad S_L^G \quad US_{Min}^G)$. This course of action would be considered as a reckless attempt from the US to get hold of Assange.

In this case Sweden could justify its course of action of not giving guarantees because $S_L^O > S_L^G$. Sweden could argue that guarantees may lead to a hostile confrontation with a reckless superpower. But, as soon as this argument is made Sweden would essentially accept Assange's worst fears about a reckless US witch hunt that made him demand guarantees in the first place. Remember that it is the official version which is under consideration where Assange according to the official story, has 'rationally' stepped out of the embassy because he trusts the authorities and the US has made a request – without guarantees. If Sweden argues that the US is relentless, then it cannot possibly simultaneously argue that Assange will have confidence enough in the Swedish extradition process to step out of the embassy without guarantees, which Assange demanded exactly in order to shield himself from the risks involved.

Therefore, Sweden cannot think that Assange will leave the embassy in this subcase either and it makes no sense not to provide guarantees because this is the official 'worst-case scenario' according to one of the main camps.

It is moreover unreasonable to believe that the US would challenge guarantees without a strong case that the US reasonably believes would be successful, observing all formalities and optimizing with respect to the bilateral extradition agreement with Sweden.

CASE 2 - THE US MEANS NO HARM

Suppose now that Sweden argues that the US will not make an extradition request and Assange could step out of the embassy to face Swedish justice with the benefits given by $(JA_{\text{Max}} \ S_{\text{Max}}^{\text{O}} \ US_{\text{F}})$. From this point of view Assange is restricting his own freedom and Sweden could thus justify its refusal to give guarantees because the result would be the same with the only difference that Sweden undermines its relations with the US, i.e. $S_{\text{F}}^{\text{G}} < S_{\text{F}}^{\text{O}}$.

However, Sweden cannot think that this scenario will be realized due to Assange's demands (and its own history). Assange would not step out and Sweden would once again face its 'worst-case scenario'. Several commentators and representatives from the state and legal institutions 'found it was important to emphasize that' the US had not made a request yet and if the US really had the intention to make a request, then it would have done it in the UK due to its more lenient approach to extradition.

CASE 3 - ASSANGE IS CRAZY

Consider the hypothetical scenario where Assange has requested guarantees, Sweden has refused to give them and Assange does not step out of the embassy. This case is associated with the benefits $(JA_{\text{E}} \ S_{\text{Min}}^{\text{O}} \ US_{\text{E}})$. If Sweden thinks no request will be made by the

US, then they should not think that the US will make a request with guarantees. If Sweden gives him guarantees then Julian Assange would ruin himself if he did not step out because he would then abstain from freedom with severe consequences to his reputation. If Sweden believes that the US will make a request no matter what, then we are once again back to the reasoning in case 1. Such beliefs only strengthen Assange's version.

Therefore it does not make sense not to give guarantees in this subcase because Sweden suffers its greatest loss under status quo due to its contribution to human rights violations whereas S_F^G is the benefit from an attractive outcome, arguably the best outcome under guarantees according to the official narrative. At worst, Sweden gets S_{Luck}^G , which of course is better than the worst outcome.

This line of reasoning is not valid if the Swedish authorities believe that Assange would never leave the embassy regardless. This would however imply e.g. that the Swedish government believes that Assange is totally out of his mind or something else most likely equally spectacular that hinders him.

Sweden has never made such claims officially and it would be unfair to seriously attribute such beliefs to the government although a surprisingly high number of established journalists made such accusations in Sweden. Therefore, the belief that Julian Assange will not step out of the embassy without guarantees does not justify a refusal to give them.

CASE 4 - THE BASEMENT

What if Assange demands guarantees, leaves the embassy, the US makes an extradition request and Sweden subsequently extradites him? At first glance this case might seem the least informative and trivial, but the considerations originating from this outcome are actually the most revealing regarding hidden motives, if we choose to make minor departures from the game as stated above. So far, I have concluded that this will not happen according to the main camp of advocates of the official state line. More to the point, because Assange would not step out, and the outcomes with guarantees are better than status quo.

The hypothetical case was nevertheless relevant in the discussion early on. Early statements from Minister of Foreign Affairs explicitly pointed out that Sweden could extradite Assange if the US made a request that observed formalities. According to some advocates of the official version, Sweden could extradite Assange if Sweden does not think Julian Assange will have an unfair trial or face inhuman treatment in the US. Sweden could however not possibly believe that Assange believes this, he would simply not be convinced by this argument and he would not show up and we are back to the usual reasoning.

The crucial question here is if it makes sense for Sweden to give guarantees with such beliefs. This belief implies that Sweden has no grounds for believing that Assange would not step out of the embassy

with guarantees. Once again, Sweden could believe that the US will be relentless and make a request no matter what or that the US will refrain from a request if guarantees are given.

If Sweden does not think that the US is relentless and would abstain from request if guarantees are given, then the outcome is that Assange is free, and because $S_{Ex}^O < S_F^G$, then it is in Sweden's best interest to give guarantees. If Sweden believes the US is reckless, then it still makes sense to give guarantees in order to ensure a continuation of the investigation, put an end to the arbitrary detention (not admitted officially) instead of suffering devastating international critique at the cost of a confrontation with the US because $S_{Ex}^O < S_L^G$. Sweden would moreover once again have every reason to believe that Assange also believes exactly that, i.e. Sweden would agree with Assange on the recklessness of the US.

Taking a step outside of the specification considered so far, it is only when Sweden is afraid of the US to the extent that extradition without guarantees is preferred to a confrontation with the US, i.e. $S_{Ex}^O > S_L^G$ or prefers Assange extradited to having him freed, i.e. $S_{Ex}^O > S_F^G$ – that it makes sense not to give guarantees, if Sweden believes it can induce Assange to make a mistake and leave the embassy.

First of all, this would mean that the stated official preferences are not true. In this case it makes perfect sense for Sweden to argue that Assange should leave the embassy, totally disregard his fears, and hope for him to leave in order to have him extradited without hostile

confrontations with a superpower. It is therefore totally understandable that Julian Assange does not leave the embassy without guarantees, also in this scenario. It is the rational thing to do because Sweden's refusal to give them signals that they disregard his fears – which is exactly what Sweden and the UK has been doing, to the extent that the UN ruling was disrespected.

The journalism of the Swedish press has been reduced to propaganda defending the official state line and there are indications of biased reporting against Assange in the establishment press internationally as well. Such deficient journalism works in favour of the inequality that puts extradition before human rights. Sweden has shown that it is prepared to take reputational losses for an extended period of time as a consequence of its arbitrary detention of Julian Assange. The processes and death threats from the US are serious. Data thus shows that it is not unreasonable to hold such beliefs and theoretically it makes perfect sense.

EXPANDING THE WINDOW OF OPPORTUNITY

To wrap up the argument I will make a succinct review of what happens when we start from guarantees. Although it makes sense to stay at the embassy without guarantees, it does not make sense for Julian to choose a continuation of his suffering, ruin his reputation and life if he receives guarantees and he would therefore leave the

embassy and Sweden would be better off without them if they believed that Assange would not leave the embassy regardless (Case 3), therefore this case makes no sense.

Assange could do no better if he steps out, the US refrains from making a request and Sweden keeps its promise. More importantly, this case can be justified by Sweden. Assange would not prefer the embassy, the US has no incentives to make a request because it would lead to conflict and adverse reputational effects without any prospects to benefits.

Sweden could do no better unless Sweden believes that the US will not make a request regardless, and then it would make sense to take the path of least resistance and skip the guarantees ($S_i^G < S_i^O$ for $i = E, Ex, F, Luck$), but I have already shown that the resulting parallel outcome without guarantees (case 2) is unsustainable due to Assange's stated beliefs. Hence case 2G is justifiable and could be understood as an equilibrium outcome.

An outcome of direct and open conflict with the US is not reasonable because the US has not any incentives to make a request if guarantees are given, Sweden would prefer to keep its promise rather than break it once guarantees are given and Assange would be spared an additional extradition proceeding with the US (compare to case 1) and leave the embassy which leads us back to case 2G.

But what if Sweden breaks its promise? If Julian Assange believes this, then he stays where he is. This would mean that Assange first

makes a demand of guarantees, gets it and then suddenly becomes convinced it is a trap. I have already discussed the implications about the sanity of the Swedish government if such beliefs are considered. Moreover, the Swedish Government would not give guarantees with such beliefs. Thus Assange would leave the embassy. The Swedish Government would be better off not breaking its promise, and the US realizing this would refrain from making a request and we are back to case 2G. Sweden does not break its promise under reasonable assumptions departing from the official statements.

CONCLUDING REMARKS

What does the actions of the government reveal about its preferences? Sweden knew that guarantees would have led to an expeditious end to the preliminary investigation, the respect for the legal system would have been ensured, the women would have received their justice, Assange would most likely never have been indicted in Sweden and the arbitrary detention would have stopped. There is no good reason to believe that the Government does not understand that Julian Assange will not willingly walk out of the embassy unless promises are made.

Therefore, the Government of Sweden prefers S_E^O over S_F^G which means that they rather see Assange confined at the Ecuadorian embassy in London than in Sweden, which contradicts the official version.

Starting from the official ranking and the implications of the costs of guarantees, then $\$_{Ex}^{US} < \$_{Luck}^{US} < \$_F^{US} < \$_E^{US}$ is the implied ‘dove’ ranking, which makes sense the first couple of years.

Sweden officially wanted Assange to be heard in Sweden, still Assange stayed five weeks longer than planned in order to be heard and still he was not. He then tried to be heard from the UK, but the Swedish authorities refused and insisted that he should be heard in Sweden, arguing that legal system should not make exceptions for Julian Assange and also that the quality of the hearings would suffer.

I have already shown that such justifications were never credible. The stated aim of Swedish and UK legal authorities and Governments was to ensure the respect for the rule of law but even more so, it was all about the women. One could from start infer that the prosecutor’s course of action would most likely lead to a waste of the allegations because they would become time barred. The arguments put forward by the foremost advocates of the Swedish prosecutor’s stance implied that they could not possibly care for the women, this is certainly true for the lawyer Elisabeth Massi Fritz who was supposed to defend the women. She figured in the Swedish press as a champion for women’s rights, and had a furious tone against Assange and later on the UN after its ruling. Although the deduction is straightforward, the press never questioned her, the prosecutor or lawyer Claes Borgström, who also defended the prosecutor, and supposedly is a champion of women’s rights as well.

We now know that Elisabeth Massi Fritz is suspected of a greedy scheme to inflate the reimbursement and profits of her firm by exaggerating the number of hours spent on victimized women. Witnesses have stepped forward to tell the truth about Massi Fritz' concern for the victimized women who put faith in her reputation. A particularly disturbing witness statement is from a victim who speaks of how it was all about the money. She expressed sorrow, disappointment and a feeling of being left behind if a more famous case showed up. (Edblom, 2018a,b)

Employees were harassed and smeared, even with sexual insinuations, and she showed no mercy to a pregnant employee that ended up on the sick-list. Most of these victims were 'very afraid to speak up' according to Aftonbladet. They speak of how Massi Fritz attacked their self-esteem and tried to break them down, threatened to lower their wages and plotted conflicts among the staff – which induced fear to the extent that the staff 'hardly spoke to each other'. People on their way to leave were put on quarantine according to one of the 16 witnesses. Several witnesses were encouraged to exaggerate the time spent on a case and some of these conflicts seem to be rooted in tensions regarding the morality of Fritz' deceitful scheme. According to some of the sources, these problems were known for years but not revealed in the press until February 2018 (Edblom, 2018b).

We now know that the Swedish Prosecutor Authorities obviously had other concerns than the best interests of the women in mind when they discussed matters with the Crown Prosecutor Service, mainly owing to the investigative journalism of Stefania Maurizi. When the Swedish prosecutor wanted to hear Assange in London she was advised to the contrary by the CPS – the Swedish prosecutor wanted to drop the case but was told not to.

The tone of CPS was hostile and perhaps even more degrading than what Massi Fritz has been accused for against her former female colleagues – ‘Don’t you dare get cold feet!!!’ (Bowcott & MacAskill, 2018-02-12), was one comment from the CPS on Swedish reevaluations of the course of action. An expression that is closer to an order from the ‘lieutenant’ (Chomsky) to a rookie. The prosecutor excused herself to British authorities because the Swedish decision to pull out also affected the UK. So much for the women.

While the EMF-altruist theorem showed that the stance of the prosecutor of not hearing Assange in London, advocated by among others the legal defense of the women, meant that they could not possible care for the women – the reasoning carried out in this section clearly shows that the refusal to give guarantees means that the Government never really wanted Assange in Sweden under the circumstances of the first few years. The prosecutor (G-P, 2010-12-06) and the Government of Sweden stated early on that they had not been pressured but the e-mails between Swedish and British prosecution services tell a different story. Diplomatic relations,

intelligence and security concerns seem to have had the upper hand. The perils of a confrontation with the US was even discussed in the press. Still, much of the later discussion about pressures was directed to achieve a continuation of the arbitrary detention under the pretext of the independence of the legal system.

To investigate how e.g. Sweden's current position in the Security Council is related to the sacrifices made in terms credibility and reputation in human rights issues, is beyond the scope of this book. However, the actions of the state are far more consistent with such extraneous considerations than the well-being and rights of two young women, and so is the propaganda in the nation-wide Swedish press. The inconsistencies are so many that I have only managed to present some that I think are crucial and relate to how power is exercised in democracies. I will conclude with a caveat and a warning directly related to the analysis carried out in this chapter which are close to what I will discuss in forthcoming work.

Firstly, Julian Assange could probably infer drawn-out procedures early on, and his choice boiled from start down to a risk of lengthy extradition procedures with risk of inhuman treatment in the US – in addition to the Swedish legal process that seemed to resist progress before and after he left abroad. The fact that the UK also has a role to play was never an asset to Assange, it adds complexity to proceedings where everything already moves in slow motion. The pressures from the UK on Sweden seem to coincide with actions that stall the process.

Assange could on the other hand continue to operate from the embassy, although at cost of his freedom and health. But considering the stalling it is not clear-cut that the alternative cost of freedom was greater for the first couple of years had he chosen to surrender and faced the risk of extradition which of course was a deterrent. The (in)actions of Sweden and the UK have only underscored the reasonableness of not surrendering to their mercy because it took years to process a basic hearing.

Secondly, the warning. Although the press has made it easier to keep the arbitrary detention going, there are still reasons to believe that the UN ruling made an impact. Julian Assange has not been forgotten by the public. The costs of arbitrary detention is in terms of credibility and reputation and I have already highlighted some ways the involved states try to avoid such costs. The strategical analysis carried out above does however reveal possibilities of minimizing the adverse reputational effects while dealing damage to Assange and WikiLeaks once the ranking of the outcomes has undergone changes. There are reasons to believe that the UN ruling might have been such a game changer.

One way of restoring credibility and still keep delivering punishment is to win the war of attrition against Assange, have him surrendered to proceedings regarding minor offences or mere formalities – and then proceed by not extraditing him to the US in order to destroy his reputation and brand him as a madcap. Such

course of action has become increasingly more tempting over time for the involved states and after the UN ruling for separate reasons.

USA, Sweden and the UK have already sent a clear message about what happens to those who dare to tell the truth when it challenges the system, and ultimately those in power. Now is the time for these countries to pull out by maximizing the damage to the credibility of one of the central sources of the dissident opinion, while minimizing their own losses and recover what has already been lost. This was not a feasible strategy from the outset. Oddly enough, the UN ruling or unsystematic one-issue focus on Julian Assange could increase the value of this retreat because of its partial success in terms of increased adverse reputational effects.

The marginalization of WikiLeaks' allies only underscores the systematic battle against contagion from what could be considered vanguard elements. What those in power really fear is grown-ups who are decent enough to declare that they have seen through the propaganda in the press, the arbitrary rulings at the courts and the inaction of their governments and recognize these instances of embarrassing justifications as ideology to serve those in power. The elites fear ordinary people mature enough to act in order to defend their own freedom. Only then will it be futile for our governments to make further attempts of covering up. The elite has used Julian Assange as a signal to us all about their intentions to restrict our freedom. The only rational response is to make them pay for it. Freeing Julian Assange is a good-enough opening statement.

ON THE ALLEGED UNCONSTITUTIONALITY OF GUARANTEES

This section works out the details about the alleged conflict between guarantees and the rule of law and is thus a supplement to the arguments above.

Public service did not try to defame the proponents explicitly, but the guarantee proposal was labelled as the ‘WikiLeaks ultimatum’ and pitted against the Minister of Foreign Affairs Carl Bildt and the ‘law expert’ Paul Wrangé in the article *This is why Sweden Cannot Give Guarantees* – an article in line with the general discussion in the joint-stock newspaper companies. Carl Bildt was allowed to say that guarantees implied undue political interference and therefore against the Swedish constitution. The journalist (Petterson Normark, 2012-08-19) did not question him. By the way, it happens to be the government which ultimately decides on extraditions.

The ‘law expert’ Paul Wrangé did on the other hand confirm Assange’s worst fears. He said that Sweden is in principle obliged to extradite persons which are requested for extradition to the US if the criteria are met due to the bilateral extradition agreement between the two countries. Furthermore he alluded to the usual caveats that Sweden would not extradite someone to death penalty, that the action in question also must be criminal under Swedish law and finally that the US has not made a request yet, which supposedly makes it difficult for the government to foresee the future.

Clearly, none of these objections are serious and I have already answered most of them. It is moreover unreasonable to believe that US law experts would make a request that they knew were against Swedish law or their own extradition agreement with Sweden and thus immediately disqualified the request on first principles. No sane individual holds such beliefs, and as usual, no explanations were demanded by the journalist. Wrangé made a more ‘nuanced’ statement the following day (Sydsvenskan, 2012-08-20) where the ‘legal expert’ chose to reject guarantees with the usual legalism. There he says that the Government can make a political statement, but not a legally binding one. This is of course the usual superficial play with semantics. What his wordplay boils down to is that the government can choose to break its promise without breaking the law. The government can unilaterally decide not to extradite, at a diplomatic cost of course, which makes his objections redundant.

The acclaimed legal authority and ambassador Hans Danelius once reflected on the nature of extradition law in the Swedish law journal *Svensk Juristtidning*. His conclusions from 1982 are still valid. Danelius states that international legal cooperation is about reciprocity. He argues that it is in the nature of cooperation to help each other out and if Sweden refuses to extradite due to an excessively restrictive interpretation of the extradition law, or extradition is denied even if there are no breaches to the law, then Sweden cannot count on goodwill in the future.

There are two immediate implications from his framing of the issue: 1) Legal cooperation has a practical diplomatic or international relations dimension that is about maintenance of these relations 2) The extradition law is like other laws subject to interpretation which leaves enough maneuvering space to observe other considerations, e.g. politics and security considerations.

The reason that extradition may be denied even if the law permits such course of action is that it is the government that decides on extradition although the Swedish Supreme Court may also rule against an extradition decision. However, Danelius points out that Sweden has bilateral agreements with several countries, among these the US. In these cases Sweden is bound to extradite criminals under the rules given by the extradition agreements with these countries.

Danelius makes sure to answer the fundamental question: How does a bilateral agreement relate to the general extradition law? Basically, all bilateral agreements leave room for exceptions so that the usual extradition law once again can come into effect and be applied. Ideally, exceptions to the agreements with reference to the domestic law of the country that is requested to extradite should be proved as valid objections under the agreements, but the government can always refuse to extradite. Sweden will thus manage to refuse extradition without breaches to 'international undertakings' if the agreement is properly designed.

From this fundamental question a second crucial question arises – What is then the relationship between the Swedish Government and the Supreme Court? Danelius answers this question succinctly: According to the extradition law it is up to the Supreme Court to investigate if there are legal objections to extradition. The crucial point for the strategic interaction outlined in this chapter is: **If the Supreme Court concludes that there are objections to be made with reference to the law, then the Government of Sweden must refuse extradition. On the other hand, if there are no legal objections to be made against extradition, then it is up to the Government of Sweden to decide if extradition will be carried out or not.** It follows that the Government of Sweden cannot be accused of considerable intervention in the legal system if the Government of Sweden does not want to extradite. Therefore, if the Government of Sweden gives guarantees that no extradition will come about, then it will never have a conflict with the Supreme Court. It is only if the Government of Sweden guarantees extradition that a conflict could arise hypothetically.

Danelius (1982) points out that the government may decide to refuse extradition on humanitarian grounds and gives examples where **the government has refused to extradite even when the persons requested for extradition had committed serious crimes that were not time barred and the Supreme Court had no objections to make.** In one of these cases, the government's decision could clearly not be justified by law – the government just exercised its right to refuse. The Government of Sweden is not bound by law to agree to

an extradition even in the case of a bilateral agreement. The consequences of a refusal are as expected not legal but diplomatic. Refusal can be seen as a hostile act and a breach to international agreement.

These conclusions remain, although there have been some changes in the law as a result of 2005:638 associated with this discussion, e.g. procedures about transports (aero planes), law enforcement and deprivation of liberty *if* the extradition is granted. The government of Sweden underscores the conclusions made by Danelius in a Q&A from March 2015.

Who decides about extradition from Sweden?

It is the government that decides about extradition from Sweden.

How does the procedure look like?

The request shall be given to the Department of Justice. Before the government makes its decision the issue shall be given to the Prosecutor-General. If the person who is requested for extradition refuses extradition, then the Prosecutor-General forwards the issues with its statement to the Supreme Court that checks if there are obstacles with reference to the extradition law that speak against extradition. The Supreme Court then sends the issue to the government for a final decision on extradition. If the Supreme court concludes that there are obstacles to extradition, then the government cannot make the decision to extradite. (Government of Sweden, 2015-03-31)

In other words the government can decide not to extradite without considering the legal system because the government will never come into conflict with the legal system if it chooses not to. The only possible transgression is against how the procedure usually comes about but that transgression is of no consequence for the outcome if the government decides not to extradite. It is only if the government chooses to extradite unconditionally that the government breaks the law with respect to the extradition decision.

Obviously, this implies that the government can solve the problem of procedure through guarantees by doing the following thing: 1) give guarantees and make available its promise to the international community. 2) Let the legal system process the issue if a request is made 3) decide not to extradite. This would be a pedantic way of doing it and the government should consider means of skipping the unnecessary red tape. The legal system is however formally entitled to deprive Assange of his freedom under the extradition process but such decision would make Sweden a cheap joke in the international community and would moreover be considered as a foolishly hostile act contrary to the government's promise.

APPENDIX

The Propaganda Model is first introduced in order to check its plausibility in a Swedish context whereupon I find that such an endeavour is promising. The implications of fact resistance within this framework are then analysed. Supplementary data is then presented. Finally, some methodological details are clarified so the reader may scrutinize the categorizations that underlie the study's data material.

INTRODUCTION TO THE PROPAGANDA MODEL

In his lecture *Totalitarian Culture in the Free Society* Noam Chomsky elaborates on the history of thought and the social conditions that underpin the conscious attempts by the elite to shape the minds of the citizens in order to ensure their dominance over the future, present but also history. He reminds us that already Hume realized the paradoxical in that the submitted majority everywhere seemed to have the power at their disposal through their sheer numbers, but where still maintained powerless by the propertied few. His proposal to solve the riddle was founded on the observation that the power of the few was based on their grip over the thoughts of the majority through which they could control their behaviour and actions.

Chomsky points out that these thoughts have linked the propertied over the laps of several epochs all the way to the democracies of the liberal era where the citizenry now has previously undreamt possibilities to take the power into their own hands. The foreseeing intelligentsia therefore directed attention towards the threat of democracy, how the people through free elections could disarm the propertied legally, take the power and use it to control the social development to their favour. Several intellectuals therefore undertook the task to solve the problem of democracy with its free elections, freedom of thought and association and the democratic institutions that not only could serve to defend current rights but also expand these and develop new ones in the future.

The proposals to counteract the threat of democracy had rather naturally to a considerable extent in common the strategy to exclude the majority from the active management of society and to make them docile spectators of the social development that was to be dictated from above by the intellectual elite. As soon as the government of the state no longer could be formally limited to the aristocracy, subtler means were demanded to ensure the desired outcome.

In democracies, the attention was therefore soon concentrated on the minds of the citizens, their opinions, thoughts, desires and aspirations. The shaping of the consciousness of the citizens therefore became the primary concern of them who sought new and effective methods to restrain the democratic threat in the free society. As a

consequence, Chomsky argues, totalitarian systems do not have the same fundamental need to form the ideas of the citizens in peacetime because brute force and state censorship can be used to guarantee obedience. In contrast democratic systems had stronger incentives to develop scientific methods to control popular organizations such as the labour movement and deal with a development of alternative intellectual traditions.

For this reason the scientific method of strike breaking was developed in the US to complement the use of force, likewise the phases that came to be called ‘red scare’ under President Woodrow Wilson and later sometimes labelled as McCarthyism. In addition to the straight forward effect on people’s propensity to get in line, these campaigns had also the perhaps more subtle and harder-to-measure repercussions on the educational system and fostering in general, besides the flagrant expression of the purges that also afflicted well-known intellectuals. (See also Chomsky, 1989; 1991)

The propaganda had a breakthrough when it was refined by the Western powers as a mean of warfare and as a weapon it won the admiration of Adolf Hitler who became convinced that the superior propaganda of Germany’s enemies was one of the key-factors to the German defeat in the so called First World War. After the Second World War the braveness and ability of the left and the resistance became apparent. The resistance in Greece, Italy and France did not only hold its own against the German war machine, it also managed popular control over the economy which went against old hierarchies

and defied the prejudice about the workers' inability to control the economy. Allied forces brought these projects to an end immediately after the war and gave the power back to an elite that also had collaborated with the Germans. (See Chomsky, 1992)

At the peak of its power, USA initiated campaigns targeting the Southern European countries that were on the brink of choosing a democratic path to Socialism. These campaigns did not only encompass considerable financial support to the right and psychological warfare within the boundaries of propaganda. Several notorious agents from the Nazi intelligence and security services were used in for example France and Italy to destroy socialism. When these Nazis were done with Europe they were repositioned to Latin America where they continued their terror in the service of the American Empire in accordance with the tenets of the Monroe doctrine. (Ibid.)

The Swedish establishment's stance towards Nazi Germany was an ambivalent one. The Germans were aided to Norway, and Communists, committed anti-Nazis and other left-wing elements deemed untrustworthy were put in concentration camps, sometimes also referred to as detention camps, or were isolated through mandatory military service in special units. The anticommunism was a thread throughout the Cold War and as usual, the red ghost was used to map and counteract the left that could not be contained within the permissible variation of opinion within the Social Democratic Workers' Party that dominated the whole post war period until the

great struggle over the Workers' Funds³¹ (that in effect would ensure socialism) and the murder of Prime Minister Olof Palme marked the Swedish labour movement's retreat against the force of finance capital, but also an updated international profile. Sweden's neutrality has been a diplomatic success perhaps partially because it has not been practiced, the country's close and long cooperation with the US and NATO are by now well known.

Although the manipulation of the citizen's consciousness, like technology in general, to some extent is developed in wartime, such perspective is not enough to understand how the democratic system functions under peacetime without state coercion or the persecution of dissidents. The gaze must therefore be lifted beyond a fictive state of emergency towards the undramatic everyday experiences and familiar institutions of the modern world.

The common man may recognize the reoccurring description about the democratic function of the media as a scrutinizer of power which provides the citizenry with necessary objective information, upkeeps the public discourse and prepares them to engage in the democratic

³¹ *Löntagarfonderna* (Workers' Funds) are in principle, put in more contemporary terms, a revolutionary version of the Tobin-tax. The 'tax' in this proposal was instead to be reinvested in the stocks of the firms of the society (in theory to minimize adverse economic effects e.g. slower growth). This mandatory 'tax' (in effect a share of the companies) and reinvestment would then necessary accumulate and ensure control of the firms of the capitalist economy and yet avoid interference with the allocation of the free market. The ownership was in turn given to the workers which in effect ensures worker control and Socialism by lawful means within a couple of years through the apex of the free-market system, i.e. the stock market. The Swedish CEO could by then just take a look at the tables and see when his company was to be taken over by the workers.

society. Edward Herman and Noam Chomsky's analysis of commercial media has tellingly enough a conventional starting point with building blocks from the mainstream of social science – they are regarded as companies that sell publics to advertisers, to paraphrase Chomsky.

Because these companies produce news and opinions about the same society they are part of, journalists must necessarily have contact points or channels with news sources. Among other things, journalists must relate to the state apparatus which is a vital news source, but also their income sources. As every other actor in society, media thus has possibilities but also limitations given by the social, political and economic conditions they are part of.

The implications of the model, as aforementioned examples throughout the book clearly show, are however dramatic because the variation of opinions of the free press at times shrinks to a surface which merely reflects elite consensus and scrutiny that defies power is not to be found over extended periods of time in some of the previous studies.

The most interesting aspect of the model is that it by no means relies on external coercion or silent agreements to explain the unbelievable historic subservience towards power. The phenomenon can therefore without exaggeration be labelled as a *totalitarian culture in the free society*.

Chomsky & Herman (2002) think that the primary limitations of the media may be succinctly summarized in terms of five filters that the news are processed through to achieve satisfactory results. These filters should in turn be understood as the way media interacts with its surrounding society in freedom. The first filter is the size of mass media, concentration of ownership and the profit motive. The second filter is the role of revenues from advertising as a source of income. The third is the dependency on information from the government, the business community and experts who are acknowledged and to some extent provided for by these. The fourth filter is flack and negative publicity. The fifth is anticommunism.

The application of these is entirely voluntary and is usually internalized as a part of the professional culture without further reflections. Deviations from these filters may therefore appear as signs of lack of professionalism and objectivity to establishment journalists, even when nonconformist journalism is objective and keeps to the facts at the same time that the conventional description of reality is based on the suppression and distortion of facts.

Below the five filters that were mainly modelled after US-media are briefly reviewed and compared with Swedish conditions.

CONCENTRATION OF OWNERSHIP AND THE PROFIT MOTIVE

US media has traditionally been dominated by a few family-based enterprises, although the family characteristics have grown thinner in the stock market. Sizable capital investments, on among other things the printing press, created capital thresholds that benefitted large actors who could take over – with an increased ownership concentration e.g. in the UK and USA as a result in. The dependency on the state apparatus is increased through legal and fiscal channels of influence such as licenses for TV and radio but also the threat of increased competition through the employment of anti-monopoly laws. (Chomsky & Herman, 2002)

The disbandment of the worker press in Sweden is partially explained by an ideological turnaround that came to regard it as redundant, this stance was reinforced by the inability to cost-minimizing restructuring. Swedish newspapers traditionally had clear party-political functions in a system with considerable instances of state funds to support the press. Besides state transfers to the press (so called press support), cooperation initiatives regarding print and co-distribution have been important practices, improving their economy through cost savings. (see Gustafsson, 2012)

A couple of years after the fall of the Berlin Wall the worker press gave up its active ownership when confronted with red numbers originating from costly distribution on the rural parts of the country that served the party-organization but were not supported by incomes

from subscriptions and advertising. Right-wing funds directly connected to the parties of parliament also withdrew from the market, something that has facilitated cooperation in places with competing papers, even at the editorial level. (Ibid.)

The Swedish market appears as an unharmed lonely Hydra in comparison to the 24 giants who fought over the US market in the 90's and were regarded as evidence of deficient competition by Herman & Chomsky in their characterization of the first filter. The trade is in practice devoured by the eight who together possess 85 % of all revenues. The most powerful is the MittMedia-conglomeration, Schibsted (Aftobladet and Svenska Dagbladet), Stampen Media Group and the largest and seemingly immortal Bonnier with 24.3 % of the market (Ohlsson, 2016). Such concentration may in principle be dissolved and evened out by legal means although the threat can be implicit.

THE ROLE OF ADVERTISEMENT

The worker press was popular in England in terms of sales – the worker-newspaper Daily Herald was five times bigger than The Guardian, Times and Financial Times combined under the 60's. The worker press could endure harassment and taxes but was no match for the advertising market. The audience of the worker press was neither influential nor affluent and were consequently not endowed with the features of an optimal commercial profile to maximize revenues from

the interested parties of the business community who primarily sought readers with consumption power. Little did it matter that the working-class audience trusted their paper more or read more of it compared with its more successful competitors. It was the working-class public's 'quality' that was decisive not the popular writings of the worker press, even if we disregard the ideological discrimination from the business community. The content can also be directly influenced – TV-shows that enhance the desire of consumption are for example favoured over documentaries that scrutinize financiers although such choices also may be explained by a preference of entertainment over education. (Chomsky & Herman, 2002)

Sweden has an idiosyncratic mixture of financing through subscriptions, considerable state support and advertisement revenues. A combination that has kept small rural papers alive. Historically the state was also interventionistic when it for example stepped in and saved established papers such as Liberal Dagens Nyheter (By Swedish standards right-wing and pro-market). (Gustafsson, 2012) If we look at the Swedish nation-wide press this study is based on, then we see that the advertisement revenues make up a considerable share of the total revenues. If we add Dagens Nyheter, Dagens Industri, Svenska Dagbladet and Sydsvenskan and the evening newspapers Aftonbladet and Expressen (sometimes alluded to as the tabloid-press), then the share of advertising was 44.4 % of the total revenues 2015. (Annual reports, Business Retriever)

The market is under transition and the morning press is burdened with declining numbers of edition in the ongoing generational shift towards digital alternatives. The competition about the revenues is getting tougher and all current increase in ad-revenues has gone to digital media which has resulted in an anxiety that is sometimes expressed as timid comments to the declining revenues in the annual reports. The evening press' ad-revenues is nowadays mainly from digital sources at the same time as the big-city press seeks to compensate vanishing ad-revenues (printed) with online advertisement. However, positive balance has mainly been achieved through decreased production, 'efficiency enhancement' but also outright cost savings by cutting on the editorials and the 'development of bigger newspaper-conglomerations'. (Ohlsson, 2016) The most important printed articles are to a considerable extent found online and conversely, which is why the relevance of a study on printed material is not devaluated to a considerable extent.

The first and second filter are fundamental in the sense that they have important repercussions on the other filters. Intensified competition with dwindling ad revenues and newspaper sales in the morning press leads to cost savings which gives a global tendency that all the other filters bind and therefore exert a greater pressure on the editorials. The tendency to a greater dependence on external sources and experts (third filter) is therefore increased which in turn may increase the risk of ideological contagion from these external sources and a greater risk aversion against negative publicity which may increase the propensity of internalization and self-censorship (fourth

filter) while the tendency of greater units with economies of scale is increased (the first filter). Of course this chain of events is by no means predetermined. As Gustafsson (2012) documents, several joint-stock newspaper companies were notoriously bad at planning and efficiency enhancements even if we omit the perhaps more ideological choices of the worker press and protection through state bailouts. ‘Homo Economicus’, mergers and higher ownership concentration were however more salient on the long term and old costly habits were in the end abandoned.

THE GOVERNMENT AND THE BUSINESS COMMUNITY

THE MEDIA AND THE EXPERTS

The media depends on influential news sources with information that makes up the ‘raw-material’ of the press. Example of such sources are the government, the intelligence service, the military, representatives from the business community and other state institutions. The joint-stock newspaper companies have several reasons to be in good terms with such sources. It is partially about access, these channels give opportunities for tips and scoops. Goodwill towards these organizations prevents exclusion from first-hand information but ultimately also against lawsuits and libel trials. (Chomsky & Herman, 2002)

The reliance on experts from the state and the business community is also a matter of cost savings, it is more expensive with independent research and analysis whereby the credibility of these experts is also in the interest of the media to uphold. The State and the business community may therefore influence the media through the supply of cost-effective information and stories with air of legitimacy and credibility, which the media consequently will be tempted to use. (Ibid.)

Sweden is a small country with comparatively high levels of so called trust and although the media's trust on experts seem to be on a completely different level. The current transition phase due to a generational shift with marked implications on media consumption online reinforces the dependency on external news sources and experts. Experts are repeatedly allowed to put forward their analyses without facing the risk of serious questioning when their opinions do not defy elite consensus. The study in this book gives several examples of this conformist dependency.

Power and resources give greater possibilities to costly negative responses to the media reporting. Campaigns from organizations such as *Freedom House*, *Accuracy in Media* and *Capital Legal Foundation* discipline the media through threats about lawsuits and negative publicity which can undermine their credibility. These organizations have historically engaged in scrutinizing the far too ‘Liberal’ stand of the press (in the US-sense of the term) and all sorts of signs or alleged tendencies of ‘partisan’ opposition to the business community (See Chomsky & Herman, 2002).

This ‘scrutiny’ led to the harmonious atmosphere where Reagan without much anxiety could state that Contras was ‘the moral equivalent of the founding fathers’ (Boyd, 1985), not as a criticism of the founding fathers but in support for US political and economic interest bolstered by aggression and state terror, as Harold Pinter reminds us of in his Nobel Prize lecture *Art, Truth & Politics*.

At times when the media did not give its complete support to the state policy of terror by letting some reports of civilian victims of the military of the US client states, an organization such as Freedom House could step up and declare Liberal bias in the media, for example regarding the reporting on El Salvador (Herman & Chomsky, 2002).

Chomsky (1992) alludes to the Catholic priest Daniel Santiago who described how the US-backed regime satisfied the wishes of its benefactor:

He reports the story of a peasant woman, who returned home one day to find her mother, sister, and three children sitting around a table, the decapitated head of each person placed carefully on the table in front of the body, the hands arranged on top “as if each body was stroking its own head.” The assassins, from the Salvadoran National Guard, had found it hard to keep the head of an 18-month-old baby in place, so they nailed the hands onto it. A large plastic bowl filled with blood was tastefully displayed in the center of the table

As long as the regime obeyed USA it was guaranteed a favourable reporting in the US press and when the self-censorship was deemed insufficient it was disciplined.

In Sweden there is a reoccurring discussion about the left-wing bias in journalism that takes 'immigrant-friendly' and all kinds of expression of partisan social critique. The discussion about pressures and flak is currently directed towards the invisible 'internet mob' which threatens journalists. Terminology such as 'alternative facts' and 'fact resistance' is used to describe the characteristics of this fearsome invisible force. The media discussion and reporting about Assange and WikiLeaks is interesting in this regard because they represent modern subversive forces which challenge Swedish interest through their sheer existence, due to their commitment to democratic

ideals. Internationally respected and well-known intellectuals, feminists, activists and organizations sided with them. If the thesis of the left-wing bias is correct then then countless radicalized left-wing journalists and critics of society should by now have swamped the barracks at the editorials to their defence.

There is no trace of such journalistic activism in Sweden in the nation-wide press, on the contrary this study shows that journalism was afflicted by fact resistance to the benefit of the official state line under a right-wing government.

There is little or no evidence in support of the media's alleged 'immigrant-friendly' stance, in spite of the meagre obstacles for the validity of such a thesis from a theoretical point of view. These fake discussions do however serve the image of the media as the relentless scrutinizers of power also in Sweden.

The Assange case gives many examples of how discipline is ensured by experts and the journalists themselves and how these two groups interact in this particular regard. Amnesty in Sweden never took a stance for Assange, but Amnesty International did, by among other things proposing that Assange should be given guarantees that he would not be extradited to the US. This proposal was attacked in the press as an expression of 'inflated and sweeping statements' that had nothing to do with human rights but are to be explained by the fact that the organization was in alliance 'with the anti-globalization movement' and through its stance for Assange's human rights 'the old, thoughtful and decent Amnesty can definitely be declared dead'

(Forssberg, 2012-10-02). The organization displays ‘embarrassingly shallow knowledge on the matter’ (Olsson, 2012-10-09) and is moreover ‘on its way to decay’ after having backed proposals that can increase child prostitution (Forssberg, 2014-01-31).

After it became evident that Sweden violated international conventions on human rights the UN expert group was exposed to nearly hateful reactions from journalists in respected newspapers which are not usually counted as the tabloid press. The internationally acclaimed intellectuals who stood up for Assange were also smeared without the chance of reply.

It is then perhaps not entirely surprising that the most respected Swedish Liberal newspaper Dagens Nyheter still employs the infamous reports from the ‘democracy institute’ Freedom House to attack the Ecuadorian asylum. The employment of Freedom House in Sweden should not be exaggerated. Only five articles, four from August 2012 subsequent to the Ecuadorian asylum and one from 2013 used its information – all used the information to question the Ecuadorian asylum. Three of these are from editorials in Dagens Nyheter.

These attacks created sharp demarcation lines which underscored the accepted space of opinions, probably with deterring effects. The few politicians who expressed scepticism about the stance of the prosecutor were barely discussed in contexts other than when experts lectured them for their lack of respects for the autonomy of the prosecutor although the interested reader can reach for the foreign

press to find dissenting views among politicians without the lecturing. The anonymous ‘internet mob’ was frequently used to smear serious critics of the mainstream stance.

ANTICOMMUNISM AND THE RUSSIAN THREAT

This filter is not far-fetched in Sweden where terms such as Russo phobia are articulated by them who are critical of Sweden’s frosty relations with Russia. The official stance is imprinted in disparate fields ranging from aquatic animals and sport to WikiLeaks and Julian Assange who are allegedly linked to Russia through the media organ RT and Trump after WikiLeaks’ role in the previous US elections.

It is well-known that the Social Democratic Party was rigorous in its fight against communism, all the way from the grassroots. The popular submarine hunt continued after the fall of the Berlin Wall and it is a well-documented phenomena which illustrates how experts, politicians and the media are capable of upholding an image of imminent threat regardless of facts. No evidence is evidence enough if it is about Russian submarines. Then it does not matter that the ‘marine historically has exhibited an error-frequency of nearly one hundred percent’ or that it perhaps does not even exist sane reasons to postulate such infringements on Swedish territory as Mattias Göransson (2016) reports in *Filter*.

LIBERAL FACT RESISTANCE AND THE MAXIM OF THE RATIONAL REBEL

This sections shows how allegations about conspiracy theories may be a result of a spiral that originates from the fact resistance of the establishment, but how journalists, critics and the general audience may see the process in completely different ways and have totally different ideas about what is going on even if information is freely available to critics and journalists and it is possible to distinguish right from wrong about the current state of affairs. The reasoning leads to the justification of the maxim of the rational rebel.

I will not make long-winded digressions that end up in the misgiving: What if everyone is wrong! Which leads to the panic: What if I am unable to know if everyone is wrong! Which leads to hopeless statement: I may not even be able to assert the meaning of the previous statements! Avoiding this, it is on its proper place to make some clarifications.

I will presuppose that there is a set of information that is necessary and sufficient in order to have a well-founded opinion about a topic which is thus relevant to have an opinion about. In particular it may be the insight that more information is required in order to have a conception which is right or wrong. It may be a case of sufficient information to decide whether something is right or wrong. Or a case when there is enough information to decide whether something is

decidable. However there might also be insufficient information or capacity to decide a question or even grasp the state of information.

The aforementioned cases may seem abstract or detached from reality but there are as we all know cases that we can be certain about. For example certain quantitative relationships which are dealt with mathematics. I give a relevant example of such a relationship of the simpler sort in this book concerning the propaganda dragon, its foremost merit being its unambiguous character. By contrasting simpler commensurable cases it is furthermore possible to infer if an individual or a group e.g. systematically neglects or misrepresents certain information. I present a bunch of such cases throughout the book which is in line with a long-standing research tradition. The Assange case also provides an abundance of facts which are essential in order to grasp the state of affairs. Several of these must be understood as factual statements which are either true or false, still the resulting yes-or-no questions are far from trivial for the case.

The discussion carried out in this section supplements what is discussed throughout the book. The intention is to make a succinct description of the phenomenon and thus avoiding reiteration by presenting a series of new examples similar to the ones already discussed, at the cost of a considerable increase in the number of pages without enough benefits in terms of new insights. But the main point of this digression is to investigate some of the assumptions which underlie a theory such as a propaganda model.

For purpose of exposition, I limit the discussion to a case where it is possible to identify a systematic filtering of information and furthermore observe how individuals behave in relation to this information to the extent it becomes possible to infer if someone behaves as if he or she is fact resistant regarding a certain topic. This may seem restrictive but the setup is still relevant in the sense that the problem at hand is that a group claims that another group is unable to grasp the state of affairs while the latter group in turn asserts the same thing regarding the former group.

One of the conclusions of this book follows from the fact that a considerable number of journalists and several experts behave as if they are fact resistant and this in turn explains why words like conspiracy theories, conspiracy theorists and madcaps are so abundant beside personal attacks.

It is up to the reader to explore the other cases but from hereon I am content with a treatment of the case when there is necessary and sufficient information to distinguish right from wrong regarding a particular subject. This case is interesting enough because it is the starting point for the ‘typical case’ which is easy to relate to and common in media – one group of individuals fail to realize they are wrong although there is enough data and reliable arguments which show that is exactly the case.

Somewhat more concrete, take a look on how fact resistance and conspiracy theories relate to each other according to the widely available definition in an Encyclopedia, I choose to depart from the

Swedish Nationalencyklopedin (The National Encyclopedia) in order to underscore my points.

The inability to account for facts which are contrary to the preferred conception facilitates proliferation of conspiracy theories because these misconceptions are never challenged by fact resistant individuals in spite of available facts which contradict them, according to the usual definition of the term.

The encyclopedia attributes this inability to account for facts contrary to the own conception to a general tendency in the human species, a notion I choose to remain agnostic towards because it is an assumption which is redundant in order to make several crucial points. We may once again turn to the Swedish encyclopedia to find a common description of one of the abominations usually associated with fact resistance.

According to the National Encyclopedia a conspiracy theory is: [1] A non-verified conception or theory that [2] seeks to explain an important historical, political or social event with [3] an underlying secret plot from a number of those in power.

In this book I show that the press to a considerable extent has written things which represent WikiLeaks, Assange and their ‘supporters’ as people which satisfy these conditions. Although this misrepresentation is bad enough, it is even worse that almost no one made objections.

Journalists have as we all know a job that formally is about being informed about facts, represent these in an objective manner and to comment on current affairs. WikiLeaks, Assange and their 'supporters' have been placed within the boundaries of the definition in the following manner:

[2] WikiLeaks and the anonymous 'internet mob' seek to 'explain an important historical, political or social event', i.e. the Assange case,

[1] with a 'non-verified conception or theory' about political motives, false allegations etc.

[3] which involves 'an underlying secret plot from a number of those in power', in particular the media, politicians, the military, the secret service etc.

However, the third and last requirement is in need of a more exact formulation. What the press has really been doing is to scrutinize Assange, WikiLeaks and 'supporters' with the pretext that they also are 'those in power'. Journalists have also accused WikiLeaks & co. of the 'underlying secret plot' of spreading conspiracy theories. I will come back to these quite important points later on.

WikiLeaks' 'supporters' have also been accused of things that on the whole imply that they fall under the definition of fact resistance.

The National Encyclopedia defines fact resistance as: *an attitude of not allowing oneself to be influenced by facts that speak against the own conception in a specific topic.*

The problem is that fact resistance might make a group of people to hold a ‘non-verified conception or theory’ and so forth, about how another group consists of conspiracy theorists. The group that is subjected to the conspiracy theory may in turn have a well-founded ‘conception or theory’ about how the group which made the charges consists of conspiracy theorists.

More generally, assume there is enough information to decide if someone is right or wrong regarding the argumentation on some specific topics, and it is exactly these topics we bother with. We succinctly call the argumentation and facts on these topics *information*.

Assume (as mentioned above) necessary and sufficient information to decide whether or not an individual or group of individuals act in a manner which is consistent with the definition of fact resistance with reference to the common aforementioned definition of the term. Hence there can only be one correct position and a wide range of misconceptions, and in particular, some are fact resistant. A wide range of fancy interpretations of the information is possible, but at a fundamental level you either grasp the issue or you do not.

Let us consider a scenario where there are two groups engaged in a public discourse on a *common platform* which is read by a third group. We call one of them *the fact resistant* group and the other *critics*. The individuals in these groups are exactly what the name suggests. Fact resistant individuals either neglect the facts or misunderstand the arguments. The third group consists of spectators and is called the

audience. Members of this group only see what is expressed in the common platform. Which opinions are to be expressed in the common platform is decided by the *owner* of the common platform.

We choose the case where the critics are right and the fact resistant wrong. Both groups advocate certain information, and their standpoints may in particular be opposite to each other regarding a certain topic, we call such topics *disagreements*. Two or more individuals may on the other hand have an *agreement* about valid standpoints regarding a certain topic.

More generally the groups could of course e.g. be fact resistant about different topics; the distribution of information could be different among the individuals in both groups; the ability of the individuals and the decidability of the topic could differ; a multitude of forms of misrepresentations of the information; Specification of the link between fact and arguments; the fact resistant would be proved right had more information been available for at least one individual within the disagreeing groups and so forth. However, the groups are rather naturally identified when people which agree on a certain topic are regarded as members of the same group.

Hence the fact resistant group can put forward verifiable arguments and facts and claim: We are right and you are wrong! And the critics may on the other hand completely truthfully reply: You are wrong, and we can with certainty know that it's the complete opposite – We are right and you are wrong! Which is the 'typical statement' which

defines the group of critics as critics, note however that this group is also allowed to start an argument as mentioned above.

The interesting part with this scenario is that from the vantage point of the fact resistant it is the critics who are wrong but not only that. By the definition of fact resistance, the fact resistant group will not let themselves be influenced by the information put forward by the critics regarding the specific topic they agree on as a group. They will neglect the information either by ignoring facts or misinterpreting the arguments. From their perspective the critics seem to neither want nor be able to admit that they are wrong and how the fact resistant are right. When the critics put forward facts or well-founded arguments which confirm that they are right, their information is nevertheless perceived as unfounded, irrelevant and simply wrong.

The fact resistant group may in other words accuse the critics of being untruthful, have unfounded opinions or simply ignore them altogether without risking to stand out as odd within the group. On the contrary, this behavior may be deemed to be consistent with the defense of high standards in the public discourse in terms of relevance and truthfulness. The fact resistant may be sincere about their beliefs, thus cynicism is not a necessary requirement for their dismal condition.

The following scenario which is directly connected to the results in the book, concerns a group of fact resistant journalists and a group that we continue to call critics. These groups argue in a common platform

called newspapers, owned by joint-stock newspaper companies. However, because I consider a democratic free-market society, the journalists are allowed to write whatever they want and decide what is to be published on 'their' newspaper. For purpose of exposition, assume an ideal audience of educated sceptics who are not fact resistant.

How come journalists accuse the critics of being fact resistant and to entertain conspiracy theories in this setting? It is about a spiral of information which seems different depending on the vantage point, and starts when the critics put forward information which the journalists are fact resistant to. The peculiar thing about this spiral is that at least two of the groups (depending on the specifics) see the discourse as a completely different thing, a different shape if you want, even if they have the same information in front of their eyes.

To begin with, the attacks may sometimes be explicit accusations which ascribe the critics certain attributes but still refraining from labelling them, or journalists may give their silent consent without objecting to the verbal onslaught carried out by their colleagues. More to the point recall that the allegations about WikiLeaks, Assange and their followers being powerful agents having in common the 'underlying secret plot' of spreading conspiracy theories.

Consider the specific case of fact resistance towards media critique in the style of the propaganda model. This critique is doomed to fall into infertile soil because journalists will never accept the information in a manner which leads to an acknowledgement that their journalism

is in fact propaganda. As soon as the critique is put forward, journalists may as mentioned above ignore the critique altogether. If the journalists on the other hand choose to take a written stance against the information of the critics, then they will tend to see it as irrelevant, groundless or just wrong.

More interesting than that is how journalists are not only unable to see that their journalism is biased, their refutation of the critique is from their vantage point closely connected to an ethical stance in order to uphold a decent journalistic standard that does not even touch obscure theses which are detached from reality and ungrounded in facts. Their conscience will in other words never be burdened by their behavior which they may sincerely believe is just. From their point of view, the more the critics try to argue the more signs of fact resistance and conspiratorial thinking they perceive among the ranks of the critics. Because from the perspective of the journalists it is the critics who are unable to deal with hard facts or reason, and ultimately admit they are wrong.

When the critics give concrete examples about propagandistic journalism taken from contemporary history, the journalists will only see a critic who 'seeks to explain an important historical, political or social event' with a 'non-verified conception or theory' which is immediately dangerously close to the common-knowledge definition of a conspiracy theory. From thereon it is a short step to propose a journalist who misinterprets the argument of the critic as being based on 'an underlying secret plot from a number of those in power'. A fact

resistant colleague will find it difficult to disagree with this misrepresentation because he or she is unable have a correct opinion about the arguments of the critics. It is therefore perfectly reasonable that several journalists will begin to agree that critics are conspiracy theorists.

When leading radical intellectuals or critics make statements about the topic then these critics will to some extent be in a position of power and authority, a notion consistent with a liberal perspective. Hence the liberal journalist may make a remark along those lines, something which is also apparent in the data. Because leading critics to some extent will have support from the general public, anonymous proponents of their view will appear, which the including democratic liberals will be willing to face and write about

This in turn leads to a state of affairs where journalists appear as conspiracy theorists from the perspective of the critics. From the point of view of the critics, the arguments of the journalists will appear as a bad attempt to put forward a ‘non-verified conception or theory’ as extenuating excuses in defense of the consensus opinion in order to ‘explain an important historical, political or social event’ with ‘an underlying secret plot from a number of those in power’, where the ‘underlying secret plot’ is the meta-plot to proliferate conspiracy theories about those in power.

The difference is of course, that the critics by then are right about journalists being conspiracy theorists. These remarks are particularly relevant in the Assange case where intellectuals, Assange, WikiLeaks

and the anonymous ‘internet mob’ have been portrayed as powerful forces with ‘madcap’ theories about political motives and false allegations, spreading rumors of conspiracies against Assange and WikiLeaks from the powers at be. Similar notions have been frequently put forward with regard to the propaganda model. One indication of this is the fact that searches on words which originate from conspiracy result in 100 hits since the 90’s on a sample of 600 on articles which mention Noam Chomsky. As we have seen above, more than half of the critical articles mentioned conspiracy in one way or another in the panel study about the opinion pieces of established journalists.

Chomsky is mentioned six times in the full sample on Assange 2010-2016, several orders of magnitude more than the number of times the content of the women’s SMS was expressed in the press under the same period, in a way that was not detrimental to Assange or his legal counsel. The first article is familiar enough, and written by none other than Doctor Magnus Ljunggren 2010. The article attributes conspiracy theories and antisemitism to two individuals who Ljunggren links to WikiLeaks (see p.238). The four articles from 2012 which mention Chomsky are written in the usual style and are mainly about the stance Chomsky and others made about granting Julian Assange political asylum. Diamant Salihu (2012-06-27) makes sure to point out how Chomsky and other prominent figures gave their support to ‘sex-crime accused’ Assange. Three days later, an editorial from the leading liberal newspaper Dagens Nyheter presents the acclaimed intellectual as the ‘left-wing extremist Noam

Chomsky'. The article does however ventilate mainstream concerns about Swedish conditions under detention. Two months later Law Professor Mårten Schultz underscores the importance of keeping politicians out of the legal case considering previous transgressions and the abundance of conspiracy theories. He is apparently not surprised about that Noam Chomsky has delivered 'the biggest theory of them all', alluding to Chomsky's remark about Swedish obedience towards the powerful throughout modern history, in particular when Sweden aided the Nazis under the Second World War. The subsequent and final article is a single quote from the 'left-wing icon'. Chomsky becomes the stuff of fiction the following year when placed side by side with Andreas Baader, Julian Assange and Snowden who are deemed to be in the linking of a character in a detective story (Thente, 2013-10-05).

How will the ideal audience perceive journalism? There are two main cases. If the critics themselves are denied to put forward their arguments then the audience only sees what the journalists write. Because journalists are unable to deal with the relevant critique, they will hence be prone to pick out information selectively, which of course leads to misrepresentation in the set of printed articles of the joint-stock newspaper companies. Note however that this also means that journalists will not have problems with trivia about the topic they suffer fact resistance from, which may lead to bizarre proportions in the reporting, especially if the trivia is deemed to have entertainment value. Even the ideal naïve left-wing audience may then be under the impression, that the critics assuredly have their hearts on the right

place, but considering the facts and arguments that get through, the journalists seem nevertheless to be right on hard facts and arguments. However, the ideal audience may also feel that they remain uninformed about the topic. This scenario is closely approximated under conditions where the behavior of journalism is governed by the principle of pre-emptive openness and thus few pieces of truthful information gets through. In such case the representative naïve spectator is expected to agree with the journalists although the devoted reader may be able to learn the true state of affairs through research.

If the critics are allowed considerable space, perhaps because journalists worry about online competitors, then the credibility of journalism will become seriously undermined because the ideal audience will begin to see journalists as fact resistant and in the end as conspiracy theorists along the lines described above. Note that this reasoning can handle an arbitrary number of alternative platforms. Either these platforms get it right or they do not. If an audience has unlimited access to an unlimited number of platforms, then they may begin to agree with the critics if some of these platforms got the issue right. If a subset of the informed audience chooses to write to the platforms of the journalists, then they become critics by definition. The underlying assumptions about truth is the fundamental, from there most of the important aspects follow.

To complicate matters more, journalists may give critics space at a specific point of time but then once again start to suppress

information directly from the critics. Because they then must take a stance to the previously printed arguments, accusations of fact resistance and conspiratorial thinking from the critics, while being hopelessly unable to form a correct opinion about the topic, their journalism will amount to nonsense.

From the perspective of a naïve ideal citizen in the audience with limited information, from this point of time onwards, the public discourse appears to have two camps which are accusing each other.

Note that I added an element of chance in the last step of the reasoning owing to a particular misunderstanding, a plausible one but still something added. This last step is on the other hand not necessary to arrive at a good enough analysis. However, there seems to exist critique which almost automatically leads journalists to portray critics as conspiracy theorists which leads to the sand-box symmetry where both groups perceive the other as fact resistant conspiracy theorists. I am happy to provide opportunities for sarcasm and irony by asserting that I believe that the sand-box symmetry is dangerous, but not because both groups are wrong but because the critics are right.

The propaganda model explains why we should expect journalists to resist facts and arguments that challenge power. However, as the keen observer already noted, this explanation requires quite restrictive assumptions in order to avoid a conspiracy-based explanation of the phenomenon. What characterizes the propaganda model (see Chomsky & Herman, 2002) is that it does not assume

secret agreements or conspiracy in order to arrive at the conclusion that the journalistic self-image is a chimera which to some extent conceals that journalism is propaganda.

The propaganda model deals with free actors in Western democracies under monopolistic competition, usually described as the 'free market'. Although journalists at the leading joint-stock newspaper companies may be inclined to prefer the latter description, it is crucial to understand that the propaganda model's description of the socioeconomic conditions are aligned with the understanding journalists themselves reasonably have about the state of affairs.

Although well-established it is not irrelevant to the argument to bear in mind that the predominant liberal ideology states that individuals are able to take free and independent decisions as long as they obey the law. Furthermore, the liberal description of reality asserts how the free market, in conjunction with democratic liberal institutions, lead to nearly optimal results. A more pragmatic stance is that it is the second best or the best alternative under realistic assumptions

Journalists may also to a varying degree have a deeply rooted conception about acting in freedom and are able to write and think whatever they want which originates from a personal experience of privilege. This experience is affirmed by the description of reality from the school bench, earlier experiences from TV, surfing along establishment networks and face-to-face encounters with colleagues with similar experiences.

Under such conditions it is reasonable to assume that a critical mass will buy into the liberal conclusion or at least hold the opinion that it would be nearly incredible if the golden liberal arrangement of free actors ends up in journalism which at times is comparable with the one in the Soviet Union under nearly the opposite conditions, according to liberal ideology.

If varieties of this liberal ideology is the basis of the expectations that our journalists hold, then a refutation of the propaganda model as a conspiracy theory appears rational. There are instances of a path of least resistance in that kind of refutation – A liberal democracy with a free market is detrimentally opposed to the conditions in the Soviet Union – Ideology predicts that the outcome in a Western democracy is freedom – The Soviets who suffered under the opposite social, political and economic institutions were not free – I am a journalist with a personal experience of freedom – Therefore, the liberal thesis seems to be correct in theory and practice, on a personal and societal level.

Because the propaganda model predicts a totalitarian outcome, then the theoretical underpinnings cannot involve assumptions about actors living in freedom and who are allowed to take independent decisions. Regardless, the propaganda model is about Western society, hence other forces and channels outside the liberal institutions which leads to synchronization must be assumed etc. Some cheerleaders may more specifically e.g. invoke the neoclassical cliché about freedom of movement but I refrain from ascribing

journalist opinions which are redundant to the argument in order to maintain a respectful tone.

The reader who knows about the more refined theoretical results about market failures, Arrow's impossibility theorem and the failure of (neoclassical) economic theory to give a proper description of a general market equilibrium (see e.g. Dahl, 1989; Keen, 2011) should also be able to understand the difference between inferences consistent with ideology and deductions from theoretical results and actual facts.

The approach to fact resistance in this book differs from important literature that has led to the concept. Firstly, note that the approach does not assume vague information of the sort presupposed by McHoskey in his experiments – as I and earlier research on the subject has shown, the bias emerges even if the cases are clear-cut. Almost to the contrary to Steve Clarke, it does not assume the preference for explanations involving personal characteristics and individual behavior due to personal attributes associated with underestimation of chance and situational explanations (i.e. social institutions and restrictions etc.). Thirdly, note how conspiratorial thinking is *derived* in contrast to Löw (2015). Lastly, the approach does not explain journalistic fact resistance by relying on extraordinary measures such as McCarthyism leading to lack of trust from marginalized groups, which is Richard Hofstadter's explanation. (for references to Clarke, Hofstadter and McHoskey, see Encyclopedia Britannica).

However, the propaganda model is not irreconcilable with such notions and Hofstadter's theory may be applicable on e.g. the individuals who the press portrays as the 'internet mob'. Moreover, one of the main points of this digression is to give the reader a feel of the demanding assumptions which are made regarding fact resistance when journalists who arguably are aware of the definition, choose to apply the definition to others but not themselves while having sufficient data to make the inference. Hence they must be fact resistant about a particular notion of fact resistance, which is a peculiarity that the filters of the propaganda model and digressions on liberal ideology in part may justify.

Note however that it was never assumed that individuals are fact resistant about the notion (topic) that they themselves can be fact resistant or conspiratorial, in particular when they actively employ the definition on others and have all the facts in front of them to draw the conclusion.

To conclude, the argument starts with fact resistance about one specific set of topics but results in a behaviour which seems to imply fact resistance about another completely different topic due to a 'mistake' which is not necessary to defend their agreement.

It is conceivable that a fact resistant individual realizes he was conspiratorial at a specific point of time, in the example above it suffices to confront that the propaganda model does not imply secret plots but still refute the model by neglecting the facts in its favour. This mainstream radical would then see that his colleagues are acting

in a fact resistant fashion regarding the mistake and for example assist them with a fact check without challenging the core agreement (e.g. Martin Aagård (2012-03-14) does however rush to the aid of his colleagues with a fact check). But then it would become common knowledge that journalists acted in a fact resistant fashion due to a misunderstanding about the model and they should therefore be able to draw the conclusion that they in principle could be fact resistant about their agreement and realize that they are somehow unable to challenge it. Hiring a few prominent critics would certainly be feasible although a full replacement of the staff is unfeasible in the long run, joint-stock newspaper companies which made that kind of human resources blunder would not live long enough to tell the story according to the propaganda model.

Although the digression above makes sense both on an empirical and theoretical level, the insistence on fact resistance on a specific topic over a longer period of time after mistakes have been admitted, is quite demanding. Therefore it is not reasonable to exclude some degree of extraordinary measures and outright cynicism that could mirror observed behavior founded on theoretical considerations alone, not to mention data. This objection is not made invalid through notions of peer pressure, especially from authorities within the group. Such notions would however reveal an unhealthy work environment which obstructs independent journalism. As a good economist, I therefore feel obliged to express a maxim:

A rational rebel should always distrust an alleged radical intellectual who excludes the possibility of extraordinary measures in order to keep people in line.

A keen and rational observer should have several objections about the precision of the statement, and the rational rebel has of course already learnt this lesson the hard way. One could probably formulate a maxim about most maxims being inaccurate to some extent with the property of being more accurate than most. However, both of the aforementioned individuals should also be able to see the point of the maxim.

CHECKING THE RESULTS

This section checks the studies and is concluded by a random sample to check the study in its entirety. Firstly /SMS/social media (see pp.62-68, pp.86-102) are checked with various complementary searches. Then a review of the articles involving the legal counsel of Assange is carried out under *The Lawyers*. The findings further support the initial results that, although well-founded in theory, may be critiqued of being too limited without supplements. More online material and examples of how texts are interpreted are presented in the next section.

Two studies about the communication of the parties were carried out, one for printed material and one less encompassing online. A healthy scepticism against online-material is always advised.

It is known that even within academia at least one individual was unable to resist the temptation of changing his conclusions in order to appear wiser when much was at stake. Google employees have long noticed that dates on articles are changed in order to make news look fresher to attract attention and be picked up by their algorithms. The converse operation is obviously perfectly feasible as well. If we for example take a closer look at the exception in Aftonbladet (see **Example 5** below) it is evident that it was updated a month after it was written (2011-03-10), according to the information Aftonbladet contributes with.

The search-engines online are also haunted, for example one article that should have been an element of two separate searches appeared in only one of them. Perhaps a glitch or a sign of an idiosyncratic updating procedure.

The investigation on the printed material regarding the communication of the parties and their legal counsel starts with searches on *SMS* and these are supplemented with searches on *communication, message, document, contact*. Searches on *tweet, twitter, blog* and *Rudling* (interesting witness at the extradition proceedings) were also undertaken (See *Göran Rudling*). In addition, **all articles** from 18th of November 2010 (the Swedish lawyer was allowed to see some, but not acquire evidence) to the extradition proceedings February 2011 were checked – the conclusions remain

and the simple searches on *SMS* are as expected on the point. These searches are furthermore complemented with the study of the articles related to Assange's legal counsel and different permutations of the searches.

Hurtig's (Assange's first Swedish lawyer) statements are interesting at the initial stages and under the extradition proceedings. The study also scrutinizes how the press describes the police accusations. Terms associated with the reporting of crimes to the police (many of such instances are captured by the word *anmälan* in Swedish).

The general picture is a biased reporting which casts doubts on Assange and marginalizes a fact-based description of the state of affairs that questions the official view. Searches online were limited to *SMS*, *Hurtig*, *tweet* and *Rudling*. The simple initial search on *human rights* is not reinforced to the same extent here because it is supplemented by the last section of the study (see Swedish Journalists: Assange and the UN Entertain Conspiracy Theories)

THE LAWYERS

Because lawyers are expected to make important fact-based statements in favour of their client and insist on the human rights issues in this particular case, the following searches on Assange's legal counsel was carried out: Baltazar Garzón, Ben Emmerson, Dinah Rose, Gareth Piece, James Catlin, John Jones, Jennifer Robinson, Mark Stephens, Michael Ratner, Per E Samuelson and Thomas Olsson (256 items).

It is not until the 96th article in the series (13th July 2011) that some evidence is alluded to when a lawyer is mentioned. The lawyer is Ben Emmerson who is confronted with Clare Montgomery under the extradition proceedings.

The evidence that then finally appears is to Assange's disadvantage and describes an alleged sexual offense. The following day there are two additional articles that present evidence detrimental to Assange of the same kind.

There is a striking difference regarding what the lawyers are allowed to say depending on which side they are on. While Montgomery is allowed to present proof that describes an alleged sex crime in detail Assange's legal counsel is in contrast only allowed to reply with a theoretical statement, without evidence indicating the contrary.

It is not until the 29th of May 2012 that a reference to evidence to his advantage is to be found: ‘In the only interrogation Swedish police held with Assange it appears that he denies crime and gives a completely different picture about how he and one of the women had sex’. Which is the only reference at a stage when the hearings are already leaked to the public and the description of the state of affairs in the press already has established a picture of him as a perpetrator based on erroneous information, angling, misrepresentations and selective reporting that excludes a credible explanation of the events based on political motives. In addition to the outright attacks on his person or marginalization against the ones who challenge the established opinion.

The next one is the divergent article from 19th of August 2012 that so often reappears in this study, written by Bergman and Carlgren which puts forward evidence in favour of Assange regarding the prosecutor’s green light for him to go abroad. Thereafter two years pass until the lawyers Samuelson and Olsson 16th of July 2014 allude to the SMS. The SMS are mentioned two more times 2014 without describing its content, and 21st of November Hanne Kjöllér reacts in an editorial to Per E Samuelson’s concerns about Assange’s miserable conditions at the embassy with reference to human rights by contrasting his experiences with the human rights of the women. All these instances in 2014 have already been noted above. Nothing else in terms of evidence relevant to the case and to Assange’s advantage appears until 6th of February 2016. Then it is once again one of Kjöllér’s editorials where she compares the UN ruling that Sweden

and the UK's actions constitute violations of human rights with a toilet visit (see Fairy-Tale Kjöllner).

The remaining articles 2016 are already noted in the study about human rights and the SMS which are basically treated as metadata. The almost total absence of evidence in support for Assange makes some of the lawyers, Mark Stephens in particular, to appear as slow witted or crazy ones who make big claims without reference to the facts.

RANDOM SAMPLING

The study was checked in its entirety by random samples from the printed material – 35 articles were drawn at random each year without repetition (the same article not allowed to appear more than once) which yields 210 articles in total 2011-2016 (the leaks are in the end of August 2010). If a very generous interpretation to the disadvantage of the hypotheses is made then seven articles (1+1+0+0+4) may be counted **against any of the hypotheses 1-5 2010-2016** which is 3 1/3 %.

The articles were mainly trivia, attacks on Assange or political explanations or just made sure to stay in the narrow opinion corridor in the overwhelming majority of the cases with few arguable and as usual very illuminating exceptions. Seen over the first five years only 1.7 % of the articles defied the force of gravity of the elite opinion on average (3 of 175) or go against **any of the five hypotheses**. It is

Assange himself who in the year 2011 squeezes in opinions that deviate from the establishment view after the defeat in Belmarsh in a chat (see p.77):

BJ: *Why don't you think that you will get a fair trial in Sweden?*

JA: *I could never have imagined how the Swedish legal system may be abused. The question really demands a long answer, but since I became a suspect I have taken part in one horror story after the other. It is a combination of political opportunists such as Claes Borgström and radical feminists who want to step up in the spotlight. But I perceive that Swedish media has begun to question what is going on.³²*

Andreas a: *If you are innocent, why do you not go to Sweden to clear yourself?*

JA: *I have no trust in the Swedish justice anymore. Not after the lies from prosecutor Marianne Ny and the abuses from the Swedish Government. Don't forget that I stayed for a whole month after the allegations. (Aftonbladet, 2011-02-05)³³*

³² Translation of: Jag hade aldrig kunnat föreställa mig hur det svenska rättsväsendet kan missbrukas. frågan kräver egentligen ett långt svar, men sedan jag blev misstänkt har jag fått ta del av den ena skräckhistorien efter den andra. Det är en kombination av politiska opportunister som Claes Borgström och radikalfeminister som vill fram i rampljuset. Men jag ser att svenska medier börjat ifrågasätta det som pågår.

³³ Translation of: Jag har inget förtroende för den svenska rättvisan längre. Inte efter åklagaren Marianne Nys lögner och övergreppen från den svenska regeringen. Glöm inte att jag var kvar där en hel månad efter anklagelserna.

The divergent opinion the following year is from his mother, Christine Assange, who 'believes that the rape allegations are part of a political prosecution against her son' according TT-AFP-Reuters in an article of 49 words named *Assange's Mother met the President* (2012-08-03). No divergent articles were written 2013 but the 13th July 2014 Assange's lawyers got one through that broke the pattern and is discussed above in the study about the communication (p.62).

Thus it is either Assange or the ones closest to him who challenge the elite opinion – in three items in a random sample of 175 – over a five-year period. With an interpretation to the disadvantage of the hypotheses the share of articles that broke the pattern the sixth year is 1.4 percentage points above the 10-percentage band under the principle of pre-emptive openness, something that however assuredly is in not inconsistent with hypothesis 5.

Under these challenging conditions four articles may be regarded as contrary to hypothesis 4, but that particular hypothesis is not regarded as valid in general (without refinements in method which seem promising enough) but was postulated in order to study a logical special case about the articles which mentioned human rights and therefore could be understood as candidates of systemic critique. One of these *UN-support is a Setback for the Investigators* has already been noted and can be regarded as divergent with a benevolent interpretation in line with the one carried out above regarding *human rights* (see p.184). Another (TT-Aftonbladet, 2016-02-05) mentions that a 'UN-investigation has concluded that Julian Assange is

arbitrarily detained' and quotes Assange. Two other short news items in the same vein (21 and 23 words) *mention* the UN-ruling (Expressen, 2016-02-05; TT, 2016-08-11). These articles which barely touch the historical UN-ruling do however downplay Sweden's violation against international conventions on human rights.

If a more reasonable interpretation is made then these two short notices fall away and two divergent articles remain. The hypothesis these two defy does however not make claims of generality in this study due to methodological concerns. No articles 2016 defy the hypotheses 1,2,3 and 5 – thus the share of divergent items 2011-2016 in the random sample is 1.4 %. Therefore, as an estimate, over 200 articles must be written or rewritten (around 204 or 226) in order to begin to question the thesis under the principle of pre-emptive openness.

ESTABLISHMENT PROPAGANDA ONLINE

Only 51 articles mention the SMS or the communication between Ny, Hurtig or the women under the whole period 2010-2016. ³⁴ The scarce information about the women's SMS (20 articles) left much to

³⁴ The separate searches which generated the database are Assange and Hurtig or SMS and were carried out on the newspapers' homepages. This resulted in 288 articles in total. 51 articles mention the communication between the women, Assange, Hurtig or the prosecutor after cleansing from doublets within a newspaper. Several newspaper bought the same articles from TT (the national wire service).

desire and is mostly metadata (14) that do not reveal anything tangible about the content. Among the six articles that do reveal something about the content, three of them are slanted to Assange's disadvantage thus only three described something about the content of the SMS without employing an Assange-critical angle.

Note that these searches are about evidence that Assange's legal counsel advocates, the searches therefore rig the analysis against any hypothesis that postulates that media is biased against Assange because the legal counsel is expected to speak in favour of its client.

The meaning of lawyer Hurtig's criticized communication with the prosecutor was however apparent in all instances (34) and was described in a manner that undermined Assange's credibility in most of the cases.

Under November 2010 it is mentioned on several occasions that Assange made himself available for hearing as in the printed ones, which is expected because it is highly doubtful that even totalitarian states would be able to omit such facts if the accused is permitted to have a lawyer. As we will see, not even these facts are saved from distortion and a suitable reconstruction of history.

Assange's Swedish lawyers also have their diverging article online where they briefly mention some facts about the matter after about four years of arbitrary detention without indictment or hearing and the suspicions related to the older plaintiff are on their way to become time barred.

Dagens Nyheter (DN) is the largest and most respected newspaper thus its publicist standards tell something about the rest. DN is initially clear on Hurtig's claims about prosecutor Ny giving Assange permission to leave the country in three articles. Thereafter the narrative is altered in two articles and the narrative tilts to be about Assange making himself available but leaving the country under the impression that the police was not interested of hearing him.

This latter version is founded on facts all media report about, that Assange believes he made himself available but excludes the main point about that the prosecutor explicitly communicated to Hurtig, in writing, that no obstacles stood in the way of Assange's departure. No apparent effort is made to dig up evidence or ask around about this crucial moment.

When Hurtig made his witness statement in London 2011 about the extradition then even the aforementioned traces of these crucial facts disappear altogether in articles which mention Hurtig. The main concern is now his much criticized error in conflict with his previous assertions because he was unable to account for a part of the communication which showed that prosecutor Marianne Ny wanted to hear Assange and hence arguably misled the court.

All of the twelve articles in DN 2011-2016 where the communication between Hurtig and the prosecutor is given space portray how Ny tried to hear Assange but Hurtig on the other hand failed to recognize these in his initial statements. The information that the prosecutor answered Hurtig's request and expressed that

there was nothing stopping Assange from leaving the country is now absent. Only one article mentions the fact that it took prosecutor Marianne Ny three weeks to propose a hearing. The communication between the women is reported once with a loose and misleading reference about sex in a manner that gave rise to all kinds of speculations about sex crimes and made Assange to appear suspect.

This SMS was actually up for discussion because the prosecutor Marianne Ny claimed that the woman was asleep when describing the suspicions in the European Arrest Warrant, something Judge Riddle showed his reservation against when he without objections gave expression to Hurtig's remark that the prosecutor's version considerable departed from what the SMS revealed. (see Howard Riddle)

Hurtig was also very explicit about his belief that the SMS showed how the women wanted revenge and to make money at Assange's expense under the open extradition proceedings in London that were closely monitored by the press. There are in other words several good reasons to write about this crucial evidence so frequently discussed under the open proceedings and in the foreign press.

The lawyer chose however to question the women's motives based on information that was discarded as a joke and mere frustration by one of the women's acquaintances in the police hearings that were leaked (see e.g. Gehlin, 2010-10-27). A serious discussion about what actually happened could have followed, had the press chosen to discuss these leaked interviews. The press instead chose to settle

with an underreporting of lawyer Hurtig's questioning of the women's motives from a rather harmless angle that was definitively rendered toothless January 2011 when the police interviews were leaked.

DN's storytelling is processed by the unglamorous craft in the periphery of news reporting where facts are worked and filtered to a news-substance that one-sidedly makes Assange look suspicious. Their narrative legitimizes itself, oddly enough, by feeding on a biased description of the extradition proceedings and the Bar Association's reprimand of Hurtig. After being prepared for half a year it is ready to be moved forward and printed as the new official narrative in the editorials.

The extradition proceedings and its aftermath 2011 is concluded with an editorial where Hanne Kjöllner (2011-07-03) declares her contempt about how easy Hurtig got away considering his misleading statements about him being the one eager to get hold of the prosecutor for a hearing with Assange when it instead was prosecutor 'Marianne Ny who chased lawyer Hurtig'.

As mentioned above, this editorial was also printed. Not a word about the three weeks that passed before the lawyer finally got a SMS from the prosecutor or her written reassurance about the absence of obstacles for Assange's departure or judge's critique of **Hurtig not acting in best interests of his client**. (See the Lawyer Hurtig's Bear Service)

The following year facts have become a matter of opinion altogether and DN publishes three opinion pieces online about the issue. Clark Barkman is the first out to educate the readers how things really are through a review of the extradition proceedings where he alludes to the judge's explanation about what 'went wrong in the attempts to hear Assange in Sweden. The problem was that Björn Hurtig missed SMS from prosecutor Marianne Ny that were sent before Assange left Sweden' (2012-03-25).

A debate article from the journalists Bergman and Carlgren (2012-08-19) stands alone against the mainstream. They are forced to state the obvious or how *Assange was Given the Green Light to Leave Sweden* which is also the title of the piece where they explain that Marianne Ny had admitted to Svea Court that: '... in the answer to lawyer Hurtig if there was any legal obstacles for Assange to leave Sweden I answered that there were none.' The proof is perhaps overshadowed by the ideological inclination of the authors in their critique of Swedish 'state feminism' which is hardly a mainstream position and related to the stance championed by Brita Sundberg-Bergman under the extradition proceedings to the defence of Assange but was shot asunder by the press after judge Riddle's dismissal of the stance as suspect. Their opinion piece conspicuously also manages to fit a discussion about human rights and is therefore member of a very exclusive group. They also succeed in deviating from all the other established journalist and writers in the last panel study (see p.141, 223).

The online series ends with gargantuan media critique targeting a whole continent's biased news reporting that supposedly conceals the truth that the lawyer did not 'chase the prosecutor' (Kjöller, 2012-10-11), which assuredly can be interpreted as weaker than it was 'Marianne Ny who chased Hurtig' (2011-07-03) but combined imply with logical necessity that it was the prosecutor that one-sidedly chased the lawyer.

There is no need to conjecture about which opinions Dagens Nyheter's editorial believes are most important, it is just a matter of looking it up. The text after every debate article is: *This is an opinion piece in Dagens Nyheter. The Author is responsible for opinions in the article.* The editorials are followed by: *This is an article written by a colleague at Dagens Nyheter's editorial. DN's political affiliation is independent liberal.*

The other newspapers that are regarded as serious are no better. Svenska Dagbladet and Göteborgs-Posten follow almost an identical pattern only that these respected newspapers do not make exceptions – the content of the communication between Hurtig and the prosecutor to the disadvantage of Assange is described in all instances while the content of the women's SMS is never told. This happens most of the time when Hurtig is pressured by Clare Montgomery, the British representative for the Swedish prosecutor Marianne Ny under the extradition proceedings in Belmarsh.

Clare is nevertheless portrayed as neutral in the press, for example as ‘the British Prosecutor Service’s representative’. The difference between at on one hand DN, SvD, G-P compared to evening papers is that the coverage of the latter is a desert trail when it comes to Hurtig’s witness statement or the SMS.

Among the three defectors (6 % of the communication) Kadhammar’s *The Swedish Legal System gets Smeared*. This article displays a comparatively good reporting about the women’s SMS when it comes to Hurtig’s questioning about their intentions with a reference to the lawyer’s depiction of the content of the SMS and his views about its implications. (see p.390 for further discussion of the exceptions)

Kadhammar chooses at the same time to describe the message, which served as evidence against the prosecutor’s misrepresentation of the woman’s condition at the moment of the alleged rape, in a manner that casts a shadow of suspicion on Assange without explaining its role in the proceedings. Yet this article appears as more balanced than *This is how Assange will be defended at Court* which in spite of the title only focuses on the SMS in a manner that undermines Assange’s version. Its author Erik Olsson (2011-02-07), omits the role of the SMS as evidence in favour of Assange in order to challenge the arrest warrant. (See **Example 3**)

FROM HARD FACTS TO METADATA – EXAMPLES

The communication is key to understand the Assange case. A strong case for his innocence in the eyes of the public can be made from it, information was available within months and the press did refer to all kinds of evidence. But to which extent is the communication described? – Does the reader get to know how the communication looked like or what it was about? – Is it limited to mere opinions or does it provide facts? I begin with two typical cases as of how the women's communication is presented:

Example 1

We have only been allowed a brief look at the SMS and not even permitted to take notes. But from what I have seen, the material contains decisive evidence that things did not happen the way the prosecutor has claimed. The prosecutor has made serious infringements here. (De la Guerra, 2015-02-25)

Here one of Assange's lawyers expresses his views about the communication but nothing in the actual content is put forward to support the claims. No follow-up questions or revealing inquiries are attempted, for example with reference to the few articles that previously had described the content.

The content is not even revealed when 'Assange gives his version', over six years after the police accusations were leaked to the press – only what Assange happens to opinion about the messages.

Example 2

Assange tells that he had sex with a woman who reported him to the police, but that it happened in mutual agreement. Assange says that there are SMS which show that it was in mutual agreement, according to The Independent. (TT, 2016-12-07)

The reader partly gets to know that Assange believes that no crime has been committed and partly that there are SMS in support his assertion.

That is two statements from a crime suspect but without telling the reader what the messages contain that gives the suspect support for his assertion about the consent. In conclusion, journalists usually treat the women's SMS as if they were something that could be written as the heading of an e-mail about the content of the messages, i.e. close to metadata – if it is to Assange's advantage.

In total there are six instances where the pattern is broken. The earliest example online is from 2011 is a very instructive one:

Example 3

The legal process has serious flaws among other things because Assange's defence has not been given access to the details of the case. The concern is supposedly about SMS messages that one of the Swedish women sent and that touches on the rape accusations. Among other things these supposedly contained information about that one of the women was asleep in connection with the alleged rape. Assange's Swedish lawyer Björn Hurtig supposedly saw these documented details but was not allowed to see or copy them. (Olsson, 2011-02-07)

This particular article is about Assange's defence strategy according to its title. Here some of the content of the communication is described with all necessary clarity – The journalist falsely claims that they contain the information that 'one of the women was asleep in connection with the alleged rape'. The journalist bothers to put the information in context and furthermore gives a version of their content and meaning.

However, this particular SMS was actually used by Assange's legal counsel in order to show that the woman was not asleep in order to confront the prosecutor's misleading description of the alleged crime when she issued the European Arrest Warrant – to the contrary of the journalist's description of the content and context.

The journalist also manages to bury the content of the SMS even deeper by insinuating (look at the first and last phrase + omission)

that the relevant information about the SMS to Assange's favour is about access and thus diverting the attention to an issue of secondary importance which is outgunned by his other misleading claim about the younger plaintiff.

The journalism about Björn Hurtig's communication (fail) is on the other hand clear and uncomplicated:

Example 4

The representative of the British Prosecution Service Clare Montgomery repudiated the accusations from the defence about Swedish prosecutor Marianne Ny not being authorized to request Julian Assange extradited to Sweden and that the request had been issued on invalid grounds. She also repudiated statements about that the prosecutor had plenty of time to interrogate Assange before he left the country 27th of September. According to Clare Montgomery the Swedish prosecutor contacted Assange's lawyer Björn Hurtig repeatedly and asked him to contact his client. (TT-Reuters, 2011-02-07)

Similar to example 3, there is no doubt about what happened although some of the claims by Montgomery happen to be misleading (see Björn Hurtig & Marianne Ny). Even the articles that give a brief account of the events make sure to point out the faulty communication when it is to Assange's disadvantage.

There are only three instances online where the content of the communication appears and to some extent may be argued is to the advantage of Assange:

Example 5

Assange's Swedish lawyer Björn Hurtig speaks of SMS where the women who claim rape and molestation [sic!] sent SMS about having revenge on Assange and earn money on the accusations. Hurtig saw this in the preliminary investigation that he was allowed to read but not copy, Aftonbladet's Peter Kadhammar reports from the court in London. (Kadhammar, 2011-02-08)

In contrast to how the women's communication was usually described (see example 1 and 2), this text is not only about someone's opinion about the messages, instead the lawyer's statements about the content is described – money and revenge.

That the lawyer uses this to question the women's motives is implicit. However, both women did as a matter of fact **not** claim rape and molestation.

The article *Assange's Swedish Lawyer attacks the Women* is not among the ones that break the pattern. The lawyer does not refer to the actual content of the communication, lack of communication or

any other factual statements in support of his opinions. The lawyer is however allowed to put forward a series of opinions:

Example 6

– From what I have read it is clear that the women lie and that they had a hidden agenda when they went to the police and had nothing to do with crime, says Björn Hurtig to Mail on Sunday. (Julander, 2010-12-12)

It is up to the reader to decide if the lawyer's opinions and the title is to Assange's disadvantage.

5 HYPOTHESES

The hypotheses are conditioned by the principle of pre-emptive openness that allows deviations in the span of 5-10 %. Hypothesis 4 is primarily about a logical extreme case although generalizability is not excluded.

1. Julian Assange and WikiLeaks are going to be marginalized by the media. Their credibility will be attacked. This will be carried out through personal attacks, questioning of their motives, misrepresentation of statements etc.
2. Facts and authoritative discussions that speak of a politically motivated process are excluded or discredited.
3. The arbitrary detention in conflict with international conventions on human rights that Assange is subjected to is ignored or denied. The official state line that Julian Assange resides in the embassy by his own free will dominates the press.
4. Information in accordance with elite opinion to Assange's disadvantage is expressed by impartial agents or through confessions. On the contrary, systemic critique to Assange's advantage is expressed by partial actors.

5. Journalism stays within elite consensus and changes in journalism follow the tactical variation within elite opinion. Journalism adapts to the official stance to arbitrarily detain Julian Assange after it has been crystalized. Changes to Assange's advantage challenging the tactical variation within elite opinion may happen after up to several years of docility within the permissible range of opinion.

The timing in hypothesis 5 is practically several years, this is documented above.

DIRECT AND INDIRECT ASSOCIATION

The connection between Assange and rape is done in more or less all the articles of the sample (in the study about the link Assange-WikiLeaks-Rape). When Assange is mentioned the allegations are also mentioned in one way or another. When only the articles with an elaborated connection between Assange and sex crimes are considered – for example the ones treating the legal process, the accusations, sex moral and sexual offences in general – it becomes evident that these elaborate descriptions make up the majority of the articles in the sample.

Note that no distinction is made on whether the article that associates Assange with sex crimes is for or against Assange or his cause. The reason for this is that the purpose of the study is to measure how much of the space that Assange and WikiLeaks get is about the sex allegations and the spectacle around it, instead of say the groundbreaking leaks such as Cablegate, the Iraq-documents and Colateral Murder.

For texts that mention Assange, WikiLeaks and rape, the requirement for a direct association is:

A direct association between Assange, WikiLeaks and the suspicions is made if the article is about WikiLeaks or Assange in relation to the suspicions – or Assange’s name or the legal case is used as the starting point for a text about sex crimes; or borderline cases; or consent in general.

In this case the suspicions or the legal process does not need to count for a particular share of the article because the disposition of the article is about the link WikiLeaks-Assange-legal case, something which is frequently declared with perfect clarity. The articles typically differ by the emphasis on one particular axis.

For example the article *We Needed to talk about it* (from the campaign #prataomdet) emphasizes the latter link whereas *Knight in a stained Armor* treats WikiLeaks before and after the legal case, thus the whole chain. It is conceivable that the authors are positive to Assange and WikiLeaks and had good intentions with their writings but that is irrelevant for the definition.

Many articles had a title or an introduction that alluded to something else but where a considerable share of the text was devoted to the suspicions or the legal case.

An indirect association is made when the sex-suspicions are explicitly mentioned but when the article is also about other topics unrelated to the legal case or the allegations (and is not a direct association). The text about the suspicions and the legal case must sum up to a considerable share of the total text (half or more).

Topics that are about WikiLeaks' projects or Assange's life or work in general are not included. Topics that do count are for example the allegations, the legal proceedings, the parties of the legal case (e.g. the prosecutor, legal counsel and the women), the Sweden image as a consequence of the allegations with attention on WikiLeaks and Assange's media strategies to deal with the legal case.

The definition allows for extensive references to the sex allegations without deeming that the article in question makes an association. The requirements are restrictive because many articles which make

an association in the everyday sense of the word are not included. For example the article *The Many Faces of Julian Assange* treats the legal case, sexuality and the suspicions in about 45 % of the text but does not count as an indirect association.

Articles which make a direct or indirect association make up the association space. For indirect association the following criteria is employed:

(*) Exclude (from the association space) if less than half of the article is about the aforementioned topics.

Notices about disparate topics which were collected in the same article, e.g. review of the news of the previous week are counted separately. The text that is not about WikiLeaks or Assange is then excluded and only the paragraphs about WikiLeaks or Assange are treated in accordance with (*).

DEFINITION OF THE CREDIBILITY-ASYMMETRIES

Absolute Asymmetry (AA)

- (i) Information to Assange's disadvantage is put forward by parties who have the *greatest* credibility and information to Assange's disadvantage is put forward by those with *least* credibility.

Relative Asymmetry (RA)

- (ii) Information to Assange's disadvantage is put forward by parties who have *greater* credibility than those who put forward information that is to his advantage.

Relative or Absolute Discrimination (RD eller AD) AKA fake-balance

- (iii) If the same individual makes several statements, some of them to Assange's advantage and some to his disadvantage, then the information to his advantage will appear as less (least) credible and the information that is to his disadvantage as the more (most) credible.

Union (U)

- (iv) If several actors express information to Assange's advantage or disadvantage, then these will follow the rules (i)-(iii).

These biases in the reporting are well-defined but note that they take theory to its logical extreme. They indicate for example who will report on the women's SMS (ii), and why Assange's legal counsel Hurtig got some space when his confession to Assange's disadvantage (i). Union takes the reasoning to its extreme but some configurations may cause problem, e.g. ties.

Obviously there are other attributes worth considering in this regard. Text mass can for example signal the author's preference and if a person gets more space in a given article with several points of view. The sources' relationship to the author's own opinion must hence be taken into account.

PARTIAL AND NEUTRAL ACTORS

Impartiality means that the individual is *not*:

- (a) Party or legal counsel associated with the suspicions against Assange: The Swedish preliminary investigation, the proceedings about his extradition or arrest warrant or the arbitrary detention.
- (b) Official representative for a foreign power with a clear stance on the Assange case or falls under the media filters or appears to be a follower.

An individual counts as (im)partial if:

- (c) The journalist (does not) present[s] the individual as (a) or (b) or explicitly describes the individual as (im)partial.

USA is counted as partial due to its process against WikiLeaks that can be traced back to at least February 2010. USA encouraged its allies to start legal processes against Assange and limit his freedom of movement the 10th of August. It was against this background Ecuador granted Assange political asylum. The 28th of November WikiLeaks releases Cablegate that is widely regarded to have caused serious damage to American interests and is directly linked to official American representatives. The public was not entirely unaware of these issues. Russia and dictatorships in general, but particularly them in conflict with NATO are encompassed by the filters of the

Propaganda Model, especially considering Sweden's proximity to NATO. A benevolent official stance from these parties towards Assange is basically to provide almost cost-free propaganda to the media. Australia: – neither the standpoint that Australia officially defends the rights of its citizens nor the contrary makes Assange's home country impartial. However categorization is made redundant due to the biased description of Australia's stance in the relevant article. The plaintiffs and their legal counsel are regarded as partial which rigs the analysis against a conclusion of credibility asymmetry because it is nowadays well-known that their legal counsel took the stance of the prosecutor about the hearing. By a similar argument this is also true when considering the UN as neutral.

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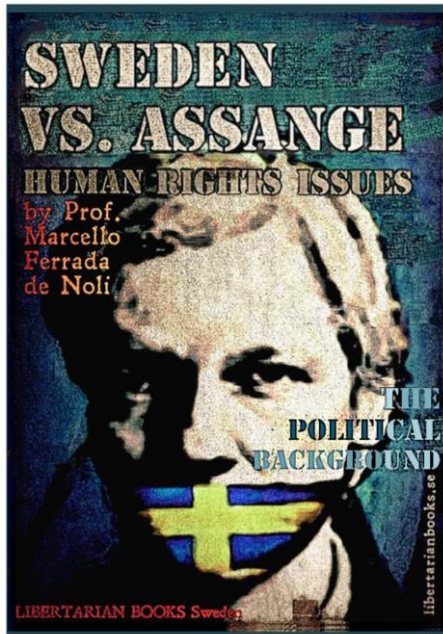
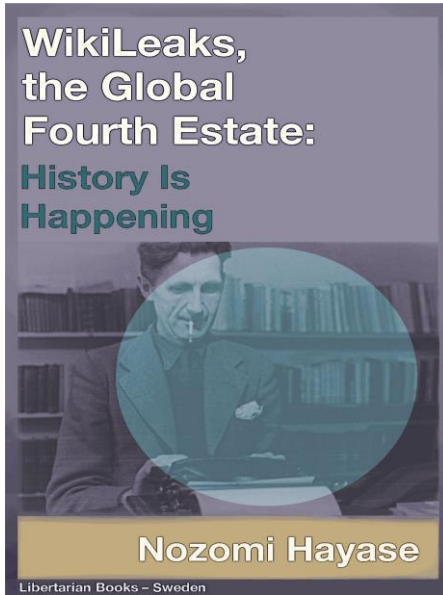
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