

Whistleblowers are essential to democracy

*Following 12 years of persecution, the founder of WikiLeaks Julian Assange is at risk of being extradited from the UK to the US, where he faces 17 charges of espionage. If found guilty, that would equate to life imprisonment. But, **Bart Cammaerts** argues, whistleblowers perform a vital role in democracies, exposing corruption, abuse of power, and even crimes committed by governments. Cases like Assange's create a chilling effect and set a dangerous precedent.*

Julian Assange, the founder of the whistleblower-site WikiLeaks, was arrested and locked up in a UK prison from the moment he was evicted from the [Ecuadorian Embassy](#) in London where he was granted political asylum and stayed from 2012 till 2019. His lawyers are now in the High Court seeking the right to appeal a decision by the Home Secretary (Priti Patel MP at the time) to extradite Assange to the US where he is facing 17 charges of espionage, carrying a potential total of 175 years of incarceration. They argue that Article 4 of the extradition treaty, which prohibits extradition for political reasons, applies to Assange. This article, Edward Fitzgerald KC [stated](#), is “one of the most fundamental protections recognised in international and extradition law”. But regardless of the current legal procedures and the substantive allegations that Assange faces, at the heart of the matter lies a question over the protections that democracies should afford to whistleblowers, even when their message is deeply damaging to the reputation of governments.

Assange has had his personal liberty severely curtailed for the last 12 years. This led [Professor Nils Melzer](#), a Swiss academic and the United Nations special rapporteur on Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, who visited Assange in prison, to [conclude](#) in 2019, that “in addition to physical ailments, Mr Assange showed all symptoms typical for prolonged exposure to psychological torture, including extreme stress, chronic anxiety and intense psychological trauma”. He added that in his 20 years of professional experience in the context of war and political persecution, he had “never seen a group of democratic States ganging up to deliberately

isolate, demonise and abuse a single individual for such a long time and with so little regard for human dignity and the rule of law”. Although Melzer was [criticised](#) for minimizing the allegations of sexual assault (the investigation into these was dropped by Swedish prosecutors in 2019), it remains a damning conclusion.

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Assange is, of course, a problematic character, as the Swedish allegations show, as well as accounts by insiders such as [Daniel Domscheit-Berg](#), Guardian journalists who worked with him such as [David Leigh and Luke Harding](#), but also those who once supported him like [Jemima Khan](#). But that in itself hardly warrants the harsh treatment that has been dished out to Assange. Nor does helping to expose misconduct, war crimes and corruption by states and politicians warrant legal persecution. This is a view is shared by, amongst others, [Reporters Without Borders](#), [PEN International](#), the UK’s [National Union of Journalists](#), [Amnesty International](#) and [Human Rights Watch](#) who have all condemned his treatment and imprisonment and demanded for the charges to be dropped. For all intents and purposes, Julian Assange is Europe’s most high-profile political prisoner.

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The kinds of civil society organisations that support Assange show that what’s at stake here is a clear democratic principle of protection of journalists and of journalistic practices. WikiLeaks cooperated early on with mainstream media organisations and although that relationship was clearly at times contentious and bumpy, it does show the close and symbiotic relationship between whistleblowing, leaking and journalism’s democratic task of holding power to account. In reaction to Wikileaks, BBC journalist John Humphries [observed](#) that the practice of leaking information is by no means new, but the scale of it is, propelled of course by the affordances of digitalisation and e-government:

“In the days when government business was all recorded on paper, leaks of documents were frequent enough but usually on a small scale [...] in the new era of e-government –

government by email [...] huge quantities of secret government information can be leaked at the press of a button.”

Chelsea Manning, a former US soldier turned whistle-blower, initially offered the Iraq and Afghan War logs to *The Washington Post* and *The New York Times*, who did not show an interest in them, so she turned to WikiLeaks instead. WikiLeaks subsequently served as the intermediary between the leaker the press had originally shunned and journalists (from *The Guardian*, *New York Times*, *Der Spiegel*, and *El País*). Manning was herself convicted by court-martial for violating the Espionage Act, but the journalists who published her stories were protected. So, if the journalists are not being prosecuted for reporting on and exposing the leaks, why should the same protection not apply to Assange, for in essence being a digital intermediary between leakers and mainstream media? Before joining up with mainstream media outlets, WikiLeaks also published leaks on its platform and thereby fulfilled itself a journalistic role through disclosing the information (often in a redacted manner!) that was sent to it; Assange himself coined this approach in 2010 as [scientific journalism](#):

“Scientific journalism allows you to read a news story, then to click online to see the original document it is based on. That way you can judge for yourself: Is the story true? Did the journalist report it accurately?”

It is quite evident that the persecution of Julian Assange is political in nature; it is a typical example of the *shoot-the-messenger syndrome* which is very prevalent in whistleblower cases and has been amply documented by [journalists](#), [political scientists](#), and [legal scholars](#) alike. It is an attempt to set an example in order to deter others from leaking and publishing secret and classified information in the future.

Whistleblowing is, however, an essential and important right in a democracy, even legally protected in some countries (in the UK by the Public Interest Disclosure Act of 1998). It comes with conditions, for sure, (for example it must relate to criminal offences, miscarriages of justice or covering up wrongdoing), but whistleblowing and the protection of this practice is also a democratic guarantee that misconduct, corruption, abuse of power and crimes by governments as well as corporate actors can be exposed, even when it concerns wars and national security (although whistleblowing legislation often [does not apply](#) to national security, cf. the Espionage Act in the US and the Official Secrets Act in the UK).

Cases like Assange, but also Chelsea Manning, demonstrate that this democratic right is exercised with a high personal risk, something that in turn has a chilling effect on others considering exercising this right. This is precisely why whistleblowers continue to be harassed, imprisoned and persecuted. The extradition of Julian Assange to the US would be a dangerous precedent for journalism and further curtail their democratic watchdog role.

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