

CIA spying on Assange's lawyers exposes criminal operation against WikiLeaks founder

Eric London

3 December 2019

In recent weeks, the Spanish media has published multiple reports showing that the US spied on WikiLeaks publisher Julian Assange and monitored the confidential communications between Assange and his lawyers at the Ecuadorian embassy in London.

The revelations are further proof that the drive to extradite and prosecute Julian Assange constitutes an illegal frame-up, beginning with the false accusations of sexual assault that were concocted to serve as a pretext to detain Assange in the first place. The entire political and media establishment in the US and the UK, with support from Australia, Sweden and Ecuador, as well as “left” politicians like Jeremy Corbyn and Bernie Sanders, has conspired to slander Assange as a monster, leaving him to rot in London’s Belmarsh Prison, where he has been subjected to what UN Rapporteur Nils Melzer calls “torture.”

What the US government presents as extradition more closely resembles extraordinary rendition—an extrajudicial black bag operation in which a government carries out an abduction for the purpose of arbitrary detention, torture and summary punishment.

On Friday, Spanish daily *El País* reported that British officials were forced to reverse an earlier decision denying a European Investigation Order (EIO) filed by Spanish judge José De la Mata on September 25. The EIO was part of an investigation into what De la Mata calls the US government’s efforts to “invade the privacy of Assange and his lawyers by placing microphones inside the Ecuadorian embassy in London without consent from the affected parties.”

On September 26, the day after De la Mata initially filed the EIO, *El País* released another tranche of records showing that Spanish security firm UC Global spied on Assange on behalf of the Central Intelligence Agency and

provided the latter with video and audio recordings of meetings between Assange and his attorneys, as well as drafts of private legal documents prepared by counsel.

El País wrote on Friday that the initial denial of the EIO was so brazen a violation of legal norms that it “created unease in judicial circles” in the UK. Now that the decision has been reversed, De la Mata will interview Assange via video stream on December 20.

In a normal criminal proceeding, evidence that the prosecution had illegally recorded conversations between the defendant and his lawyers would result in a mistrial, the dropping of charges, the release of the defendant and the disbaring and possible prosecution of all those involved.

But this is not a “normal” case. Assange faces extradition not for violating any actual law, but because he is a political opponent of the US and UK governments, having exposed evidence of US war crimes in Iraq and Afghanistan that would have otherwise gone unreported by the compliant corporate press. If extradited to the US, Assange faces a potential 175-year prison sentence under the Espionage Act.

The extradition and prosecution of Assange is an assault on basic democratic principles enshrined over hundreds of years in constitutional and common law. The American Bar Association calls attorney-client privilege the “crown jewel of the legal profession.” The US Supreme Court says it is “the oldest of the privileges for confidential communications known to common law.”

The world’s most powerful government, with a bottomless purse, a servile media and access to privileged discussions between Assange and his lawyers, has gagged Assange and stripped him of his right to present a legal defense in response to the charges against him.

How can Assange present his case when his adversary

already possesses audio and video recordings of his strategic discussions with counsel? How can he exercise his right to cross-examine witnesses against him when the government already knows what questions his attorneys plan to ask? How can he fairly present exonerating evidence when the government has had months or years to plan its response? How can Assange's lawyers carry out their duty to investigate the facts when Assange knows the government is listening to every word he tells them?

Under these conditions, Assange's Fifth Amendment right to due process and his Sixth Amendment right to counsel have already been effaced. The damage is irreversible. The entirety of any trial on US soil would be tainted by the fruit of this poisonous tree.

Faced with this exposure of US criminality, the *New York Times* is downplaying the surveillance. In an article published Sunday, the *Times* questions Assange's claim that the violation of the right to attorney-client privilege calls into question the legality of the extradition.

"The British courts are unlikely to accept that argument, according to Amy Jeffress, a lawyer at Arnold & Porter in Washington and a former Justice Department attaché at the American Embassy in London," the *Times* wrote. "She said the legal standard is whether extradition would comply with Britain's Human Rights Act, which protects the right to privacy but balances it against considerations like national security and fighting crime."

Neither the *Times* nor its source is a neutral party. Amy Jeffress is a former federal prosecutor in the same district where Assange faces prosecution. She told PBS News in April 2019 that it was a "fact" that Assange attempted to "assist then-Bradley Manning by helping crack a password to gain access to what they both knew was computer information that contained classified information." She thereby presented as "fact" what was and remains a mere allegation made by the state.

Jeffress was also quoted in a March 2018 CIA press release supporting the nomination of Gina Haspel as CIA director, saying, "I worked closely with Gina during my government service. She is thoughtful, conscientious and committed to the rule of law."

Contrary to the argument of the CIA, Jeffress and the *Times*, Article 6 of Britain's Human Rights Act makes clear that "everyone is entitled to a fair and public hearing within a reasonable time by an independent and impartial tribunal established by law," and that "everyone charged with a criminal offense" has the right "to have adequate time and facilities for the preparation of his defense" and the right to defend himself "through legal assistance of his

own choosing."

In a 1995 case, Lord Chief Justice of England Peter Taylor made clear that under British law, "the client must be sure that what he tells his lawyer will never be revealed without his consent." Taylor continued: "Legal professional privilege is much more than an ordinary rule of evidence, limited in its application to the facts of a particular case. It is a fundamental condition on which the administration of justice as a whole rests." The principle, he added, was established "once and for all in the 16th century, and since then has applied across the board in every case, irrespective of the client's individual merits."

The trashing of these fundamental democratic rights in the lawless conspiracy to imprison, punish and silence Julian Assange—along with the First Amendment right to freedom of speech and the press—makes clear how central the attack on Assange is to the global assault on the democratic rights of the working class and the turn of the ruling elites to dictatorial forms of rule.

The defense of Julian Assange and Chelsea Manning—who is still locked up for the "crime" of refusing to testify against Assange—is a life and death issue for democratic rights. If a precedent is set where *this* sham process is declared to be "fair," then there will be no going back. All the organizations that have remained silent for months on Assange, including the American Civil Liberties Union (ACLU) and National Lawyers Guild (NLG), are complicit.

The ability of the US and UK to carry out Assange's extraordinary rendition is far from secure. Opposition is growing, as evidenced by the letter published last week by dozens of doctors warning that Assange may die in prison. Assange's fate will be determined in struggle. The outcome of that struggle depends on the degree to which the working class mobilizes and leads the healthiest elements of the middle class in the defense of Julian Assange. To join this fight, contact the Socialist Equality Party today.



To contact the WSWP and the
Socialist Equality Party visit:

wswp.org/contact