

Julian Assange denied access to lawyers and vital evidence in US extradition case

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WikiLeaks founder Julian Assange appeared via videolink at Westminster Magistrates Court in London yesterday for a brief administrative hearing. The half-hour proceedings confirm that the fundamental legal rights of the world-famous investigative journalist are being trampled in what amounts to an extraordinary rendition.

Assange last appeared at Westminster Magistrates Court on October 21 and is being held on remand at Belmarsh maximum security prison, pending US extradition hearings due to begin next February. Assange has been charged under the US Espionage Act and faces a 175-year prison term for exposing US war crimes in Iraq and Afghanistan.

He was in a visibly worse state than at his last court appearance, appearing fidgety, tired and downcast. Witnesses in the public gallery agreed his health seemed to have deteriorated further. Naomi Colvin from Bridges for Freedom later tweeted that Assange was, “Visibly depressed, slumped shoulders. He had his arms crossed with hands inside his sleeves throughout.”

The hearing began with the court clerk reading aloud Assange’s name and date of birth and asking him to confirm these were correct. Next, the clerk asked Assange to confirm he was “a Swedish national.” Assange corrected him that he was an Australian citizen.

District Judge Vanessa Baraitser began the hearing by referring to complaints by Assange’s defence lawyer Gareth Peirce that her client’s access to legal counsel is inadequate. Baraitser claimed she had “no desire to stand in the way of any lawyer having proper access to their client. It is clearly in the interest of justice that they do so.”

Her subsequent actions proved this to be a barefaced lie.

Baraitser stated, “What I can do and say is to state in open court that it would be helpful to this extradition process that Mr. Assange’s lawyers have access to their client.” However, she then insisted, as she has done in the past, that she has “no jurisdiction over the prison system” and could exercise “no influence” over the decisions of Belmarsh prison’s governor regarding visiting rights for Assange’s lawyers.

Peirce countered with legal precedent. She noted that a judge presiding over the recent case of another defendant at Belmarsh had requested the governor provide the defendant a legal visit. As Peirce explained, facilities are available in Belmarsh’s healthcare wing for additional legal visits. The “deficiency of what ought to be available” was a result of the governor’s prioritising different uses of that space.

Baraitser was unmoved. She repeated that she had “made a clear statement in open court” that it would be “helpful” for Assange to have sufficient contact with his lawyers: “At this stage that’s all I’m going to do.”

Peirce moved on to the practical impossibilities of carrying out Assange’s defence under these conditions. She explained the defence team had prepared a “summary of issues” which they intended to raise in future proceedings, including some 20-25 witnesses and extensive footnotes in reference to other evidence.

The deadline for the submission of evidence is December 18, and the next case management hearing scheduled for December 19. However, Peirce explained she has not yet been able to discuss the document or underlying evidence with Assange. The next available date for such a meeting at Belmarsh was December 18, with prison authorities giving him less than a day to review the details.

Astoundingly, Baraitser asked, “Do you agree that it is perhaps less important that that information is gone

through in detail with your client?”

Peirce replied that the document was “incredibly detailed... essential and integral... some of it is recently acquired evidence, some of it is subject to months of investigation not always in this country, of which [Assange] is unaware because of the blockage in visits.”

“Despite our best efforts, Mr. Assange has not been given what he must be given, and we are doing our utmost to cut through this.”

Baraitser replied that she was “hopeful” that they could “serve at least some of the evidence” and conclude their discussions on December 18.

The videolink was ended without Assange being asked any further questions.

When Baraitser asked if it would be helpful to have Assange appear in court in person on December 19, Peirce responded that she would have to discuss that with her client since it was a “difficult and claustrophobic journey” from Belmarsh. Her response points to the degrading conditions endured by Assange. Prior to his last appearance at court, he was strip searched on arrival and held in a room described by prisoners as the “hot box.”

One day after the scheduled case management hearing on December 19, Assange will be interviewed as a witness to the surveillance of the Ecuadorian embassy by Spanish firm UC Global. A criminal case has been brought against its owner, David Morales, in Spain.

On behalf of the CIA, UC Global spied on conversations held by Assange with his associates, and on privileged discussions with his lawyers and doctors while he was a political asylee in the embassy. The phones, laptops and personal documents of lawyers and journalists were illegally accessed.

This represents a gross violation of the fundamental right to privileged communication with one’s legal counsel and should already have seen the US extradition case thrown out of court.

There is a clear and direct precedent for doing so. When US President Richard Nixon used the Espionage Act to prosecute Daniel Ellsberg for releasing the Pentagon Papers exposing criminal wrongdoing in the Vietnam War, the case collapsed after it was revealed the Nixon administration had overseen illegal spying on consultations between the whistleblower and his

doctors.

Today, even these most elementary legal principles have been jettisoned by the ruling class. The Ellsberg case and its revelations about the war in Vietnam set the stage for what became known as the “Vietnam syndrome,” broad popular hostility to US military interventions. WikiLeaks achieved much the same with its exposure of war crimes in Afghanistan and Iraq.

With their treatment of Assange, the ruling class hopes to establish the reverse precedent: an evisceration of democratic rights and the destruction of anti-war whistleblowers, journalists and publishers to pave the way for new and even more catastrophic conflicts.

Yesterday’s half-hour proceedings took place just hours after the UK general election that delivered a Conservative government. The most right-wing government in modern British history is headed by Prime Minister Boris Johnson, whose “special relationship” with the Trump administration saw him welcome the brutal expulsion of Assange from the Ecuadorian embassy on April 11, writing, “It’s only right that Julian Assange finally faces justice. Credit to @foreignoffice officials who have worked tirelessly to secure this outcome.”



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