Persecuted journalist Assange handcuffed, stripped naked on first day of extradition trial

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Julian Assange was handcuffed 11 times and stripped naked twice by Belmarsh prison guards on the opening day of this week's extradition trial in London, his lawyers revealed in court yesterday.

Edward Fitzgerald QC told District Judge Vanessa Baraitser that his client's legal documents were confiscated by prison authorities, who later moved him to five different cells—vindictive measures aimed at intimidating and oppressing the WikiLeaks publisher.

Baraitser made the extraordinary claim that she had "no jurisdiction" over Assange's treatment in detention, despite it interfering with his right to a fair trial.

Yesterday, she said it was up to his legal team to issue a complaint with Belmarsh. In the lead-up to this week's hearing, Baraitser repeatedly refused to protect Assange's due process rights, including access to lawyers and defence evidence.

Meanwhile, Assange's closest supporters were openly targeted yesterday morning at court. As proceedings were due to begin, a court official told WikiLeaks Editor-in-Chief Kristinn Hrafnsson that he was barred from the public gallery.

"I was standing outside the public gallery waiting to go inside when one of the guards called out, 'Where is the WikiLeaks editor?' and then declared, 'I have been informed that you are not allowed into the public gallery'," Hrafnsson told the *World Socialist Web Site*.

Unable to obtain an explanation from court authorities for their outrageous action, Hrafnsson addressed an impromptu press conference outside the court building. He was flanked by Assange's father John Shipton and brother Gabriel Shipton, who had walked out in protest. With news of the ban spreading on social media, and with Assange's solicitor Gareth Peirce intervening, the court backed down and Hrafnsson was readmitted to the gallery.

The lawless actions of the court make clear that a show trial is underway. Indeed, journalists covering yesterday's trial in the press annexe told the WSWS that the measures in place for the Assange hearing—including police checkpoints and court vetting of media credentials—were unprecedented.

In court, Mark Summers QC began the day's arguments for the defence with the ringing condemnation, "One could accurately describe this chapter of the case as lies, lies and more lies." He delivered a forensic refutation of the three fundamental accusations made in the US extradition request.

The claim that Assange had assisted Manning in cracking a password to facilitate the hacking of sensitive documents was, Summers said, "a false allegation." He continued, "It's provably wrong from the Manning trial… from the prosecution's own evidence and unchallenged defence evidence."

The allegation that he had actively solicited classified material from Manning was likewise, "provably wrong, this time from publicly available information."

Finally, the accusation that Assange had knowingly put the lives of US informants at risk by dumping unredacted files online was "obviously and provably false, again from publicly available information and information known to the US government."

Dealing first with the 250,000 US State Department cables released in April 2010, Summers cited evidence from Chelsea Manning's Court Martial proving that no password hacking was necessary either to access these files or to conceal her identity.

Nor was Assange involved in soliciting the theft of these materials, as the extradition request alleges, through WikiLeaks's "most wanted list" of government files. His lawyer explained that "no matter how hard you read this list you're not going to find reference to cables anywhere on it." Summers said, "the notion that they were uploaded to WikiLeaks as a result of Chelsea Manning having seen them on the 'most wanted list'… is absolute fantasy."

Summers then delivered a detailed chronology of the events that led to these documents being posted in bulk in unredacted form. "Neither Mr Assange nor WikiLeaks, when they received these materials… rushed to publish precipitously… Instead, Mr Assange and WikiLeaks entered into a partnership with a series of mainstream media

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organisations in order to understand and deal responsibly with these materials."

He cited evidence from key witnesses explaining how WikiLeaks pioneered "utterly innovative" security and "harm minimisation" protocols, which have since been adopted for use in high profile cases like the Panama Papers tax haven exposé.

These procedures were sabotaged not by Assange or WikiLeaks but by David Leigh of the *Guardian*, who published a password to a secure archive of unredacted documents in his book *WikiLeaks: Inside Julian Assange's War on Secrecy*.

The breach was first recognised and reported on by the German newspaper *Die Freitag*. Assange called the paper and "begged them not to reveal what they had discovered." He then acted immediately, Summers explained, to control the potential fallout, phoning the White House and US Department of State with WikiLeaks employee Sarah Harrison. In the conversation, says Summers, "they talk in terms of an emergency about to happen."

Astonishingly, US officials asked them to "call back in a couple of hours." Assange replied, "I don't understand why you're not seeing the urgency in this. Unless we do something then people's lives are at risk."

Only when the full unredacted files had been publicly released by other websites—first of all, by US-based site Cryptome.org, which has never faced charges—did WikiLeaks publish the material.

Similar points were made in relation to the Detainee Assessment Briefs, the Rules of Engagement and the Afghanistan and Iraq War Diaries acquired and published by WikiLeaks. None required password hacking to be accessed by Manning from US government databases and all were inconsistent with WikiLeaks's 'wanted list' of documents."

As for the allegations that Assange encouraged Manning to commit theft, Summers made clear how Manning's release of the Rules of Engagement flowed from her decision to leak in the public interest the "chilling" Collateral Murder video—described in court as "like 5-year-olds playing computer games with real people being killed, including children being shot at."

The Rules of Engagement leaked by Manning "came with, and to explain, this horrific war crimes video," exposing the US Government's claims that soldiers had acted in accordance with protocol.

The Afghanistan and Iraq War Logs releases, Summers demonstrated with reference to the Manning Court Martial, were known by the US government to present no threat to the lives of US informants. WikiLeaks even worked with US officials to ensure that this was the case, at one point delaying publication of some 15,000 documents at their request. Their security measures were described by one defence witness as "more extreme measures… than I had ever previously observed as a journalist."

Summers noted throughout his presentation that these details find "no mention at all in the US extradition request," which had been "completely stripped of relevant context." He repeatedly challenged whether the request was therefore "fair, proper and accurate."

Were it proven not to be, Summers argued, Baraitser would be bound to establish the true facts and rule on the extradition on that new evidentiary basis.

He cited the cases of *Castillo v Kingdom of Spain and Anor* (2005) and *Criminal Court at the National High Court, First Division v Murua* (2010), and their establishing of the concept of "Zakrzewski abuse," named after the case *Zakrzewski v The Regional Court in Lodz, Poland* (2013). This case law holds that although an extradition hearing cannot scrutinise the sufficiency of the evidence presented by the extraditing state, the prosecution's misrepresenting of the defendant's alleged conduct can be challenged and corrected.

Referring to the extradition request's repeated "misrepresentations by omission" of Assange's conduct, Summers concluded, "strip all those away… and what comes out isn't criminal."

James Lewis QC, acting for the US, responded curtly and unconvincingly with the claim that Summers "constantly seeks to put up a straw man" and that "the court should rule out any claim of abuse of process."

Closing the day's proceedings, Edward Fitzgerald QC indicated that the defence "have a response to every single one" of the prosecution's points.

The hearing continues.

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