

Assange denied bail after extradition blocked, will appeal to UK High Court

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WikiLeaks founder Julian Assange has been denied bail and continues to be held on remand in Belmarsh maximum-security prison.

District Judge Vanessa Baraitser handed down the decision Wednesday in Westminster Magistrates Court, after ruling on Monday against Assange's extradition to the United States on mental health grounds. Assange will remain in custody until the prosecution's appeal of that ruling is heard.

WikiLeaks editor-in-chief Kristinn Hrafnsson announced afterwards that Assange's legal team would be taking the bail decision to the High Court.

Baraitser's refusal to grant bail confirms that her decision not to extradite was motivated by political considerations and not any genuine concern for Assange's health. Assange will be kept in conditions which have had a grave impact on his mental health, during a massive escalation of the UK's COVID-19 epidemic.

Speaking to the *Sydney Morning Herald* Tuesday, Nick Vamos, former head of special crime and head of extradition at the Crown Prosecution Service, indicated that the appeal process would likely take two to three months.

In her decision, Baraitser accepted the prosecution's insistence that Assange's flight into the Ecuadorian embassy in 2012—after a UK court had granted him bail in connection with Sweden's trumped-up sexual assault investigation and extradition request—was proof of his willingness to abscond in the future. This is an absurd and vindictive position.

Assange claimed his right to asylum in the Ecuadorian embassy to avoid onward extradition to the US, in the context of a vicious assault on WikiLeaks by the Obama administration and a global manhunt of its founder. Not only did he serve a near maximum sentence for these actions in May-September 2019, but they are now being used as a reason to deny bail in precisely the vengeful extradition proceedings which he sought to avoid in 2012--which Baraitser herself has judged to be "oppressive"!

Moreover, as Assange's lawyer Edward Fitzgerald QC explained in his submission, the situations are dramatically different. Assange now has a court ruling in his favour. He

is, regardless, prepared to submit to stringent bail conditions amounting to effective house arrest with a GPS tag—conditions which have allowed terror suspects to receive bail. His experience of claiming asylum in an embassy has proved it "unpleasant", in Fitzgerald's words, and led "to him being effectively confined for some seven years" before having his asylum revoked. "That is not something that he is ever likely to repeat."

Assange also now has a family, a partner and two children, in the UK. Besides being a reason for Assange not to abscond, Fitzgerald argued, his family provides significant human rights grounds for his release on bail. On account of COVID-19 restrictions in the prison, Assange "hasn't seen his family in person since March 2020". He has never been able to live with them, having spent 15 months held on remand pending his extradition hearing.

Assange's family, Fitzgerald noted, is highly relevant to the question of his mental and physical wellbeing. "The grant of bail", he said, "would allow actual physical contact with his family, that would... alleviate mental distress".

Baraitser had acknowledged the benefit of his family's support to Assange in her ruling on extradition, which described him as a "depressed and sometimes despairing man, who is genuinely fearful about his future."

Bail would also "considerably reduce" the risk of Assange's exposure to COVID-19. Fitzgerald pointed to the "severe outbreak" of the virus suffered by Belmarsh Prison recently and said there had been 59 positive cases prior to Christmas. He added, "on any view, the position [the state of the UK's epidemic] is worse now and, on any view, he would be safer isolating with his family than if he was in Belmarsh."

Baraitser dismissed these concerns, declaring "this prison is managing prisoners' health during this pandemic in an appropriate and responsible manner." She chose to accept the prosecution's assurances, based on an email from Belmarsh received the previous night, that just three prisoners in Belmarsh are currently infected—despite serious confusion on that point due to the wording of the email.

Fitzgerald commented, “We’re not clear whether that means three people have tested positive in the last day.”

Assange’s lawyer made the “wider point” in favour of granting bail that “Throughout the lengthy hearing, the [extradition] request remained the basis of detention, and the basis on which he was refused bail. Now, you have given a considered ruling and you have ordered the discharge of Julian Assange...”

“The natural and logical consequence... of that ruling would be that he regains his liberty, at least conditionally. Really every canon of English law over the centuries is that once there’s been a ruling that someone’s entitled to discharge... that that would be a reason for them at least to obtain conditional liberty.”

Speaking outside the court, WikiLeaks editor Kristinn Hrafnsson denounced Baraitser’s decision: “It’s obviously a great disappointment to get this decision now from Judge Baraitser not to release Julian Assange on bail. We think it’s unjust and unfair and illogical when you consider her ruling two days ago about Julian’s health, which of course is caused in large part because he is being held in Belmarsh Prison.

“To send him back there doesn’t make any sense... It’s inhumane, its illogical. This denial of bail will most likely be appealed to the High Court within hours or a few days and we will expect this to be overturned, because frankly as I say, it doesn’t make any sense from any point of view.”

Rebecca Vincent of Reporters Without Borders said the organisation “condemns this decision taken today which we view as unnecessarily cruel. This court cannot undo the past ten years of hell that Julian Assange has had to endure, but they could have made it right going forward. We fully believe that Julian was targeted for his contributions to journalism. The past ten years he has suffered only because of publishing information in the public interest. He shouldn’t have to spend another moment unjustly deprived of his liberty.

“We reiterate our concerns about his mental health and his physical health as long as he has to stay in Belmarsh Prison. If anything happens to him in this period of custody it is the legal and moral responsibility of the UK government.”

Assange’s partner, Stella Moris, described the outcome as “a huge disappointment. Julian should not be in Belmarsh Prison in the first place.”

Baraitser’s rejection of bail is a warning that the persecution of Assange is far from over. She declared as much in her decision Wednesday, stating, “As far as Mr Assange is concerned, this case has not yet been won.”

The prosecution described her ruling against extradition as one which “hangs on a single thread”, made solely on the basis of Assange’s mental health and risk of suicide and

accepting the US lawyers’ anti-democratic arguments on every other legal point.

Vamos noted in his interview with the *Sydney Morning Herald* that the appeal would be an opportunity for the American government to secure a reversal of the decision not to extradite by making promises that Assange would be well-treated in the US. “For example, it could agree not to detain him in a particular prison or under certain conditions or to beef up his health care or suicide monitoring.”

Clair Dobbin for the US indicated during Wednesday’s hearing that these plans were already underway: “consideration is also being given to providing undertakings [on mental health care] that meet specific parts of the judgement.”

Several pro-Assange protestors were arrested outside the courthouse on COVID-19 charges, including a 92-year-old man. The police came mob-handed with roughly 50 officers and police vans, in what was clearly an attempt to intimidate future demonstrations of support.

Live-streamed footage from RT shows police assaulting journalists, pushing them out of the way, and physically obstructing and manhandling cameramen, even when they identified themselves as journalists. Independent reporter Gordon Dimmack, who was present, tweeted, “Police have told independent media they have to leave or be arrested.”



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