

Assange judge blocks extradition to Azerbaijan of ‘McMafia’ wife

By Laura Tiernan
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Chief Magistrate Emma Arbuthnot has ruled that the wife of a multimillion-pound embezzler should not be extradited to Azerbaijan because she would face an unfair trial. Arbuthnot is the presiding judge in US extradition hearings against imprisoned WikiLeaks publisher Julian Assange. Her appointment in that case has provoked widespread outrage because of glaring conflicts of interest caused by her marriage to a former Conservative Party MP with close ties to Britain’s armed forces and intelligence services.

Arbuthnot ruled against the extradition of Zamira Hajiyeva last Friday on humanitarian grounds. She found there was “a real risk” she would suffer a “flagrant denial of justice” if extradited to her home country. Hajiyeva’s husband Jahangir Hajiyev embezzled £76 million from the state-controlled International Bank of Azerbaijan (IBA), where he was chairman until 2015.

Hajiyeva faces allegations she helped defraud the IBA. She has been dubbed the “McMafia wife”, after a BBC television crime series, for her lavish decade-long spending spree across central London.

At Harrods alone, she splurged £16.3 million between 2006 and 2016. She spent £1 million in the toy department—£790,000 in a single day—and £5.75 million on jewellery. She bought designer clothes from Fendi (£136,000), Christian Dior (£143,000), Denis Basso (£131,300) and Celine (£144,000). She spent £250,000 on perfume, £30,000 on chocolates in a single day, and £2,000 at the delicatessen in just one visit.

Branching into real estate, Hajiyeva purchased a £10.5 million golf club near Ascot in Berkshire and an £11.5 million townhouse in Knightsbridge, conveniently located just metres from Harrods.

Hajiyeva’s spending habits were revealed last year after two Unexplained Wealth Orders were brought against her by the National Crime Agency. Azerbaijani authorities allege she was part of a 36-person organised crime group that used 28 credit cards to funnel cash from the bank—10 of the cards were in Hajiyeva’s name. Her husband was convicted of embezzlement and forgery in 2016 and is serving a 15-year prison sentence with fifteen others.

Judicial hypocrisy

Arbuthnot found there was “very little evidence” to support claims by the defence that Hajiyeva’s extradition was politically motivated. “There is no evidence at all that Mr Hajiyev or his wife played any role in politics or that they held any opinion that was inconsistent with the government’s position. They were not exposing corruption or opposing it.”

In her written judgment, she accepted there was sufficient evidence that Hajiyeva had defrauded the IBA and laundered money but ruled her extradition would amount to a “flagrant denial of justice.”

Arbuthnot found that Azerbaijan’s legal system was corrupt and that Hajiyeva would not receive a fair trial. Its judiciary “is not independent and tends to follow the lead of the prosecutor; the defence lawyers in high-profile and or sensitive cases are pressurized by the state authorities and conviction is a forgone conclusion in those cases.”

One need only swap the word “Azerbaijan” for the United States or UK and entire passages of Arbuthnot’s judgment read as a description of the illegal treatment and abuse of due process suffered by Assange. “It is very difficult to separate a country’s judiciary from the political hinterland in which it operates,” Arbuthnot observes. “Azerbaijan is riven by corruption... Despite a totemic ratification of any number of European treaties, in practice the old ways go on, with a continuing crack down on human rights and the persecution of any critics of the government.”

She continues, “It is clear from all the reports, that political activists, human rights defenders and anti-corruption campaigners (quite apart from journalists and others) are routinely imprisoned, with the courts involved in the process. Torture when it happens is not investigated by the court. The courts stand by as unfair practices take place including the use of bogus charges.”

What then of Assange? The UN’s Rapporteur on Torture Nils Melzer found earlier this year that “In 20 years of work with victims of war, violence and political persecution I have 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.”

Assange, a multi-award-winning journalist, intellectual and

publisher, is confined to a maximum-security prison in defiance of repeated UN rulings that he is the victim of illegal and arbitrary detention and “psychological torture.” The Espionage Act indictments brought against him by the US Department of Justice are not merely “bogus”—they are unconstitutional, criminalising core journalistic activity and overturning centuries-old legal principles, including freedom of speech and freedom of the press.

Meanwhile, former US Army Private Chelsea Manning who exposed US war crimes in 2011 has been re-jailed for refusing to testify against Assange before a corrupt secret US Grand Jury and is being fined \$1,000 a day.

In her ruling on Hajiyeva’s extradition, Arbuthnot cited the US State Department’s 2019 report on Azerbaijan, describing it as the “gold standard” of country reports and detailing its findings of judicial malfeasance. But the US State Department is in no position to lecture Azerbaijan on human rights. As early as 2007, WikiLeaks exposed torture by the US government in Guantanamo Bay and it later published the interrogation procedures used against detainees at CIA “black sites” in the Middle East, Europe and Asia.

As Assange wrote in October 2012, “The ‘Detainee Policies’ show the anatomy of the beast that is post-9/11 detention, the carving out of a dark space where law and rights do not apply, where persons can be detained without a trace at the convenience of the U.S. Department of Defense. It shows the excesses of the early days of war against an unknown ‘enemy’ and how these policies matured and evolved, ultimately deriving into the permanent state of exception that the United States now finds itself in, a decade later.”

Assange has since become the most prominent victim of this state of exception. The success of US imperialism’s extraterritorial reach—an Australian and Ecuadorian citizen charged by the US for publishing activities in Europe—shows the terminal condition of democracy in every corner of the globe.

Arbuthnot explained at some length the abuse of due process suffered by Hajiyeva’s jailed husband: “Mr Hajiyev became an accused person without any warning to his lawyers after being interviewed briefly as a suspect the day before when he was provided with a state lawyer.” Arbuthnot found he was deprived of adequate access to his lawyer: “they were only allowed to meet once a week for an hour. The room was monitored and their conferences were recorded.” She judged: “the timeframe to prepare for the trial was ‘outrageously quick’ ... it is hard to see how the defendants can have been able to prepare their response to the prosecution case in so few months.”

As Arbuthnot delivered judgment last Friday, the Spanish daily *El País* exposed far graver crimes against Assange’s due process rights by the United States. David Morales, the owner of a Spanish security company hired to “protect” the Ecuadorian Embassy during Assange’s confinement, “handed

over audio and video to the CIA of the meetings Assange held with his lawyers and collaborators.” Many of those meetings took place in the female toilets, but it turns out that in the current “political hinterland” no place is sacrosanct.

The CIA’s filthy operation breached client-attorney privilege and amounted to warrantless search and seizure, making a fair trial impossible. But on it goes, with Judge Vanessa Baraitser ruling September 14 that Assange will not be released at the end of his now-expired sentence on a trumped-up bail infringement—a sentence that should never have been imposed because Assange only broke the terms of his bail to apply for political asylum, a right recognised under international law and a protection he was granted in 2012 due to his “well founded” fear of persecution by the US.

The court hearings in central London relating to Zamira Hajiyeva and Julian Assange bear testimony to the criminality, cynicism, blood, filth, corruption and lies of imperialism.

Arbuthnot confirmed that Zamira Hajiyeva remains free on bail—indeed, her bail conditions have been lightened. She approved a four-hour reduction in Hajiyeva’s curfew to just three hours a day, from 1.00am to 4.00am. She no longer needs to report to a police station twice a week. She still lives in her £11.5 million Georgian townhouse near Harrods, purchased with money stolen from the poverty-stricken Azeri public.

Hajiyeva’s kid glove treatment by the British state is entirely self-serving. She could doubtless reveal embarrassing information about the vast sums of money slushing into London via the Azerbaijani laundromat whose cash and networks of patronage reach into the highest echelons of state.

Meanwhile, Julian Assange remains confined 22 hours a day to the hospital wing of a maximum-security prison, denied contact with his family, friends and co-thinkers, and with his legal team fighting to save his life.

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