

Assange hearing adjourned as prosecution lawyer is tested for COVID-19

By Thomas Scripps
11 September 2020

Julian Assange's extradition hearing at London's Old Bailey was adjourned yesterday morning until Monday, after a member of the prosecution team was exposed to COVID-19.

Only a few of the defence team attended the courtroom in person, along with District Judge Vanessa Baraitser, several court clerks and Assange. Prosecution lawyers James Lewis QC and Joel Smith dialled in via videolink.

Edward Fitzgerald QC, Assange's lead defence lawyer, told the court, "We have to go ahead on the assumption that [the person exposed] has COVID.

"If that is a correct assumption then it has these consequences. Firstly, we shouldn't really be here today. COVID would be here in the courtroom and it's not possible to tell how far its extent is. Secondly, there are members of our team who are high risk who couldn't be here in any event... Thirdly, the court staff themselves would be at risk... And finally, our client Mr Assange, whose vulnerabilities you're aware of, would be at risk being in the court."

All parties agreed to the adjournment until Monday and to resume proceedings that morning if the exposed person tests negative. If they test positive, both the defence and the prosecution will have to submit statements indicating how they wish to proceed. Baraitser stressed that, while she agreed they should not proceed with a virtual hearing today, she was not ruling it out in the future.

These events underscore the criminality of Baraitser's decision not to grant Assange's bail, even under the strictest conditions, in March. She said at the time that the "global pandemic... does not provide grounds for Mr Assange's release" and that she had "no reason not to trust" the government's advice on protecting prisoners from the virus "as both

evidence-based and reliable and appropriate." As a result of her ruling, any delay in the case caused by the rapid resurgence of COVID-19 now underway in the UK will mean even more time in prison for Assange, placing him at serious risk of catching the disease.

Numerous public health experts and prisoners' rights advocates have referred to the grave risk posed to the prison population in the context of an escalating pandemic. The Howard League for Penal Reform wrote to the Ministry of Justice (MoJ) to warn, "Should anyone enter a prison already infected with coronavirus it would spread and multiply like wildfire inside the establishment and in the community."

The government ignored these concerns in spring, insisting that protocols were in place to make prisons safe. After calls grew for vulnerable prisoners serving time for non-violent crimes to be temporarily released—with even the Prison Governors Association calling for a 15,000-person reduction in the prison population—Justice Secretary Robert Buckland announced that 4,000 low risk offenders whose sentences were nearing an end could be released on licence.

Assange was explicitly excluded from this proposal, with the MoJ reasoning sadistically that he was "not serving a custodial sentence" and was therefore ineligible for early release. The whole operation fell apart in any case, as just 87 prisoners were ultimately released during lockdown—55 of them temporarily, 21 due to pregnancy and five on compassionate grounds.

Hundreds became infected. Figures are hard to find but according to the Centre for Crime and Justice Studies (CCJS) charity, as of June 5, there were 479 confirmed cases of COVID-19 among prisoners (across 79 institutions) and 940 among prison staff (across 105 institutions) in England and Wales. There are 117

prisons in England and Wales, meaning 90 percent were affected in some way and 67 percent had prisoners infected. Of those infected, 23 prisoners died, as did 10 prison staff.

At least one of these deaths occurred in Belmarsh, reported in early April. The prison confirmed it had “multiple cases.”

Writing for the CCJS, Richard Garside notes that information on the effect of coronavirus in prisons is extremely limited but that on the basis of available statistics, “England and Wales is quite possibly leading Europe in the number of coronavirus-related deaths in prison.” With coronavirus surging again throughout the UK, more deaths are inevitable.

If Assange does contract COVID-19, the consequences are very likely to be severe. The 49-year old journalist has a chronic lung condition and his health has been rendered exceptionally fragile by years of psychological torture and the denial of full medical care during his time in the Ecuadorian Embassy.

Dr Stephen Frost, founder of Doctors for Assange, told the WSWS, “While the Court today adjourned due to the risk of infection from COVID-19, Julian Assange has been sent back to Belmarsh maximum security prison where the threat of infection from COVID-19 is extremely high—and he is severely immunocompromised.”

Frost said Assange’s “reckless and cruel” treatment by the British state had been condemned by hundreds of medical doctors across six continents. “The prolonged psychological torture and medical neglect of Julian Assange, highlighted in our two comprehensive *Lancet* letters of February and June this year, must end. He must be released immediately on bail, assessed and treated appropriately at a university teaching hospital and reunited with his family.”

With the first week of the hearing now effectively over, around 40 NGO, civil society and political observers remain barred from accessing the court, having had their permission to attend revoked by Baraitser on Monday morning.

Jennifer Robinson, one of Assange’s lawyers, commented in an interview with WikiLeaks Editor-In-Chief Kristinn Hrafnsson and WikiLeaks Ambassador Joseph Farrell:

“There have been real issues with access to these proceedings and open justice. Open justice is one of the

most fundamental pillars of our judicial system... in terms of both Julian’s right to have a fair trial and the right of the media and the public to scrutinise these proceedings...

“Not as many journalists who would have liked to have had access actually have access. We’ve had NGOs who’ve not been able to get access or at least were promised access and then had it removed on the day...

“I’ve heard from RSF’s [Reporters Without Borders] Rebecca Vincent; she travels the world attending trials like this that affect freedom of expression and she has been saying that she has never had so much difficulty accessing a hearing as she has in the UK. What does that say about our democracy?

“We’ve also seen limited seats in the public gallery as a result of social distancing. But certain seats are being allocated or kept for VIPs, none of whom have showed up or we know who they are. Which means that Reporters Without Borders are sitting outside waiting to see whether these people, whoever they are, show up, and missing half of the hearing, and having to bargain their way into court each day.

“It is not in the interests of maintaining open justice.”

So far, Reporters Without Borders is the only NGO which has been able to gain even partial access to the hearing.

In an indication of the public support for Assange and interest in his case, a Reporters Without Borders petition demanding an end to the extradition has gained 83,000 signatures.

The hearing is currently scheduled to resume on Monday, when American lawyer Eric Lewis will give expert testimony on Assange’s likely pre-trial detention conditions in the United States, the restrictions that managing classified evidence will place on his legal defence, Assange’s likely sentence if convicted, the conditions of his imprisonment post-conviction, and the political motivations behind his prosecution.

To contact the WSWS and the
Socialist Equality Party visit:

<http://www.wsws.org>