

Assange lawyers expose politically biased medical evidence

By Thomas Scripps and Laura Tiernan
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Medical evidence continued to be heard in Julian Assange's extradition hearing yesterday, with Dr Nigel Blackwood providing expert testimony for the prosecution. Blackwood is a consultant forensic psychiatrist at the National Health Service and a Reader in Forensic Psychiatry at Kings College London.

Blackwood assessed Assange in April this year and found him to be "moderately depressed." He holds that there is a "elevated risk of suicide" if there is a decision to extradite Assange to the United States, but not a "substantial" one and that this risk is "modifiable and manageable."

Referring to the findings of Professor Kopelman, the defence medical expert, Blackwood said, "I certainly agreed with Professor Kopelman that he had a recurrent depressive disorder." He disputed Kopelman's findings on the severity of that depression but admitted that there seemed to have been an improvement in the months between Kopelman's assessment and his own, accepting there was "variability in [Assange's mood] and his engagement with treatment."

In cross-examination, defence lawyer Edward Fitzgerald QC drew attention to a section of Blackwood's written report which suggested the reason for Assange being admitted to the healthcare unit was the emergence of video footage of Assange, not health concerns. Blackwood confirmed that Dr Daly, a consultant forensic psychiatrist at Belmarsh, told him "she did not seek to place him in healthcare because of concerns about symptoms of depression or suicidal risk."

Fitzgerald then produced a prison report of a review of Assange from the day he was admitted to healthcare which read:

"Staff... have raised concerns about the way Assange has been the last few days. Assange looked very low in mood during this review... has stated he's finding it hard to control thoughts of self-harm and suicide. During this review we discussed if a move to the healthcare department would help Assange. I told Assange I would talk to healthcare to see if this could be done."

That Daly failed to mention this raises serious questions

about Belmarsh prison's mental health reporting.

Turning to conditions of detention in the US, Fitzgerald asked if it would be inappropriate to detain someone suffering from depression in isolation, or if solitary confinement would exacerbate psychiatric disorders, Blackwood gave a series of equivocations. He accepted their "potential to exacerbate particular mental illnesses" but repeated that this would depend on "what is available beyond isolation in terms of access to telephones, supportive networks, associations etc." and "on the specific characteristics of solitary confinement."

When Fitzgerald put to him the fact that 50 percent of suicides in US prisons are among the 3-8 percent of prisoners in isolation conditions, Blackwood responded that the overall rate was low.

When Fitzgerald cited a report authored by former US prison warden Maureen Baird describing, in Fitzgerald's words, the "totally inhuman system" of Special Administrative Measures (SAMs), Blackwood replied that it was his "understanding that there is a range of approaches under the broad rubric of SAMs." He explained that he "drew on Mr Kromberg's evidence for my own report" in this regard. Gordon Kromberg is the US prosecutor who has submitted legal documents for the US government in this case.

Fitzgerald cited the extradition case of USA v. Lauri Love in which the High Court found it would be inhumane to expose Love to US prison conditions in view of his vulnerable mental state. Fitzgerald asked Blackwood, "Would you accept that the question of whether it would be inhumane to expose someone in his [Assange's] condition to the prison regime in the US would depend on knowledge of the US system?"

Blackwood conceded, "Yes, it would depend on detailed knowledge of the exact conditions that pertain." Fitzgerald's cross-examination established that Blackwood had never visited either of the US federal prison facilities—Truesdale adult detention centre in Alexandria or ADX Colorado—where Assange would likely be detained.

He had never visited a single US federal prison.

Blackwood's view that Assange would not be subject to solitary confinement was based on "what I'm told." Fitzgerald's cross-examination showed that Blackwood's witness statement had ignored information provided by the defence, namely the reports of Eric Lewis and Joel Sickler, who had provided detailed evidence of oppressive conditions at both facilities.

Replying to Blackwood's contention that "there are many varieties of SAMs," Fitzgerald again cited Baird that "If Mr Assange is extradited subject to SAMs he will be treated similarly to all other prisoners under SAMs." She had explained, "The only form of interaction they encounter was when correctional officers open the viewing slot for inspection."

In response to an interjection from Judge Vanessa Baraitser, Fitzgerald explained, "once you're under SAM, it's a basic regime that applies to all prisoners." Baraitser has interjected repeatedly against defence arguments that SAMs would be oppressive of Assange.

Fitzgerald told the court that Blackwood had described the Truesdale in "glowing" terms. Yet he had failed to acknowledge Chelsea Manning's suicide attempt there.

Dr Sondra Crosby, a US licensed physician who has treated Assange, gave expert witness testimony via videolink. The Massachusetts-based doctor has expertise in the treatment of asylum seekers, refugees and those suffering the effects of torture and Post Traumatic Stress Disorder (PTSD). She visited Assange on several occasions between 2017 and 2020, first at the Ecuadorian Embassy in London and later at Belmarsh prison.

Crosby was uniquely placed to provide evidence of Assange's deteriorating physical and mental condition due to his confinement and "prolonged trauma." When she first visited him at the Ecuadorian Embassy in October 2017, he had been there five years. Crosby recalled that Assange described to her symptoms of depression and PTSD, along with physical symptoms which she was unable to evaluate within the Embassy and which she found "very worrisome." "Over time, as I visited him again, I observed that his mental state was declining. He was describing more and more symptoms of depression, of sleep disturbance, of low mood, inability to concentrate, nightmares and quite a lot more of psychological distress."

When Crosby visited Assange again in February 2018, she recalled her alarm at the intense suicidal thoughts he described. One year later, in February 2019, she found him "markedly deteriorated, physically and psychologically." He was by now suffering from an advanced tooth infection causing "excruciating pain," which could only be treated inside the Embassy with a diagnosed narcotic. She recalled

he was "fearful of the consequences" if he left the Embassy for treatment. "His depression and suicidal thoughts had increased as well," she said.

In October 2019, at Belmarsh prison, Dr Crosby found Assange "markedly changed in affect and appearance," with difficulty holding a conversation or remembering names. He appeared to be "severely depressed" and was thinking of suicide "a hundred times a day." She felt his risk of suicide was "very high," telling Fitzgerald, "what he has always said to me over time is that the trigger would be extradition to the US, where he felt his life would be intolerable."

She told the court, "Mr Assange is at a high risk of completing a suicide if he were to be extradited."

Two additional witness statements were read into court. Christopher Butler, based in San Francisco, who is founder of The Internet Archive, confirmed that historic versions of WikiLeaks publications were held in the Way Back Machine, a repository for websites from around the world. He confirmed the US government had not taken down its archived WikiLeaks catalogue.

John Young, the owner and administrator of Cryptome, confirmed that his site had published the unredacted US State Department Cables that were subsequently published by WikiLeaks. He stated that US law enforcement agencies had not been in touch to inform him that Cryptome's actions were illegal. Cryptome has not been instructed to remove the files, underscoring the politically motivated targeting of WikiLeaks and Assange.

The hearing continues today.

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