

Assange's extradition hearing concludes at London's Old Bailey, with decision due January 4

By Thomas Scripps
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Julian Assange's extradition hearing concluded yesterday as it began, with a denial of his legal right to a fair trial. District Judge Vanessa Baraitser refused to admit additional evidence on the US government's flagrant abuse of due process.

When the evidentiary phase of the hearing opened four weeks ago, Baraitser refused the defence's request that she excise additional allegations made against Assange at the eleventh hour by US prosecutors, in a superseding indictment. She refused a subsequent application made by the defence for an adjournment, to allow them to respond to the new indictment. Her ruling yesterday renders any challenge to this all but impossible.

Speaking for the defence, Mark Summers QC applied for a new statement drafted by Assange's instructing solicitor and veteran human rights campaigner Gareth Peirce to be admitted as evidence. The statement detailed "issues that would have been raised by way of evidence, explored by way of evidence and potentially raised by way of submissions if there had been more or sufficient time to respond to the fresh and different allegations." This would have provided the necessary basis for the defence to make arguments in their closing submission about the US government's abuse of due process.

Following an objection from the prosecution, Baraitser refused to admit the statement.

This is only the latest in a series of legal abuses perpetrated against Assange. Earlier in the day, Edward Fitzgerald QC summarised evidence submitted by Peirce of the multiple ways the US has disrupted and violated the preparation of the WikiLeaks founder's case.

Her statements recount Assange's "legally privileged material being seized from the [Ecuadorian] embassy" after his arrest, the "intrusion into legally privileged meetings" between herself and Assange by US agencies and the "chilling effect upon preparations for these extradition proceedings" that these actions have triggered. She notes that no reassurance had been given by the US "that the ongoing representation of Mr Assange has not been, is not being and will not be the subject of unlawful intrusion by US agencies."

Peirce has spent a long career fighting some of the most infamous cases of state criminality, including the frame-up of Judith Ward, the Guildford Four, the Birmingham Six, mineworkers during the 1984-85 miners' strike, the police murder of Jean Charles de Menezes and multiple individuals held on terror charges. Peirce's efforts to check the power, secrecy, and abuses of the state have proceeded amid the ever more complete transformation of the legal system into an instrument of imperialist barbarism.

This fact was underscored by Baraitser's second significant ruling yesterday, which held that a speech made by US Attorney General William Barr on September 16 also could not be admitted as evidence. In that speech, Barr confirmed his view that "the Executive has virtually unchecked [prosecutorial] discretion." In other words, if President Trump wants to see Assange imprisoned for life, whether that is legal or not is irrelevant. The defence tried to introduce these comments into proceedings as evidence for their argument that Assange's prosecution is politically motivated.

Barr's speech was given as reports circulated of a phone call with federal prosecutors in which he told

them to consider charging US protesters with “sedition.” The Attorney General’s September 16 speech was in line with this proposal. Both are directed towards the construction of a presidential dictatorship in preparation for a massive assault on the working class. Attempts to destroy Assange are intimately bound up with these moves towards dictatorial forms of rule in the American ruling class.

Baraitser said that Barr’s speech seemed to be “of the kind an Attorney General makes as a matter of routine.” That the British judge should make such a statement and decision is no surprise. The first judge assigned to the extradition case against Assange was Emma Arbuthnot. It was later revealed that Arbuthnot’s husband and son were both intimately connected with the British security services—her husband, the Conservative Lord Arbuthnot of Edrom, had in fact been named in documents released by WikiLeaks. In addition, Arbuthnot herself had received financial benefits from two partner organisations of the Foreign Office.

This blatant conflict of interest forced Arbuthnot to retreat from public view, but she has never declared that conflict and continues to be responsible for guiding junior judges in her jurisdiction. She has refused to recuse herself from the Assange proceedings. The day-to-day running of the case was passed to Baraitser.

Baraitser has since held Assange on remand for more than a year and has repeatedly denied him bail and applications for improved prison conditions. She announced yesterday that she will give her decision on Assange’s extradition at 10 o’clock in the morning on January 4, leaving him locked up in Belmarsh maximum security prison for another three months at terrible cost to his health. The defence will submit its closing submission in writing in four weeks’ time and the prosecution two weeks after that.

Baraitser’s clear intention is to rubber-stamp the US extradition request under a veil of secrecy. Having expelled 40 trial monitors—including representatives of Amnesty International, Reporters Without Borders and EU parliamentarians—on the opening day of the hearing, Baraitser has since been able to count on the virtual censorship of proceedings by the corporate media.

For the last four weeks evidence has been heard detailing a sickening catalogue of war crimes and

torture, which would never have been proved if not for WikiLeaks and Assange’s heroic journalism. Yet those war criminals and torturers are not in the dock, but Assange, who has been denied any voice in proceedings. In all this time, besides the lamest of editorials registering pro forma opposition to his extradition four weeks ago, the press has not batted an eyelid.

The same can be said of every member of Parliament, sitting less than three kilometres from the Old Bailey.

Only one conclusion can be drawn from the past month and that is the burning need for an intervention by the international working class in Assange’s defence. The line-up against Assange by every section of the state, its judiciary, parliament and media, has revealed that the working class is the sole constituency for the defence of democratic rights. Over the next three months, the *World Socialist Web Site* and Socialist Equality Party will spare no effort in turning this social force toward a global struggle for the WikiLeaks founder’s freedom.

To contact the WSWWS and the
Socialist Equality Party visit:

<http://www.wsws.org>