Twitter Thread by Kevin Gosztola



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We're moments away from British judge announcing extradition decision in WikiLeaks founder Julian Assange's case. I'll have live updates shortly.

In their closing argument, Assange's legal team outlined how they believed the case brought by the Trump Justice Department was "politically motivated"

https://t.co/INOk0BQrou

The Crown Prosecution Service, which represents the US government in the extradition proceedings, has contended WikiLeaks is in the "business of encouraging individuals to hack into computers"—clearly criminalizing their decade-plus record of journalism. https://t.co/b1aE1galtQ

I see a bench inside of a glass container, where Assange will be isolated during the announcement of extradition decision. This has been standard practice during his case, even after he complained about how it infringed upon his ability to participate in his defense.

Overheard Fitzgerald, who is on Assange legal team, complaining about lack of water.

"It's not as bad as Iwo Jima, I suppose..."

Some more background ahead of decision: the Crown Prosecution Service maintained it was inappropriate for court to factor torture or war crimes revelations by Assange/WikiLeaks into decision.
https://t.co/HG7XP9nasD

In addition to the revelations around UC Global spying on Assange while he was in embassy, during extradition trial we also learned FBI seized legally privileged materials from him https://t.co/i9ibcwax6G

Assange is now seated in glass container. Court is in session.

Judge finds Assange is not protected by US/UK treaty and the Extradition Act of 2003, which does not protect against prosecution for political offenses, is what governs

Baraitser says Assange's alleged activities went beyond mere encouragement of journalist. She outlines the alleged password-cracking conspiracy.

Baraitser heavily relies on AUSA Gordon Kromberg, whose submissions to the court were treated as sacrosanct during extradition trial. Kromberg never testified as witness. These are prosecutorial claims untested by Assange legal team.

Baraitser is repeating general allegations added in the superseding indictment issued in summer of 2020 and sprung on defense attorneys weeks before extradition trial.

Baraitser, referring to allegations of hacking in 2020 indictment, says this took [Assange] outside of any role of investigative journalism." He was trying to obtain information by hacking.

Baraitser: Free speech rights do not provide "unfettered discretion by Mr Assange to decide what he's going to publish"

Judge cites this Guardian column condemning WikiLeaks as part of evidence (or justification) for extradition decision
https://t.co/ww0Ozi5V1x

Baraitser appears to have found Assange in violation of Official Secrets Act

If proven allegations "would therefore amount to offenses in this jurisdiction that would not be protected by his freedom of speech"

Baraitser says prosecutors brought charges against Assange in good faith

Also asserts insufficient evidence that decision was made not to prosecute Assange under Obama

Baraitser dismisses the allegations against UC Global related to spying on Assange in the Ecuador embassy.

She says it is inappropriate for court to make findings of fact on evidence still being investigated in Spain.

Baraitser cites a CNN article as evidence or justification for US government to engage in spying operation against Assange and the Ecuador embassy

Here is that article from 2019:
https://t.co/tbK3QDm3Fs

Judge did not find Assange would face grave problems...in light of passage of time since alleged offenses

Baraitser: Constitutional and procedural protections will be applied to Assange's trial to ensure it is a fair trial

Baraitser essentially argues a US court is equipped to determine whether Espionage Act allows for prosecution against Assange (publisher) for the offenses alleged. She mentions challenges against overbreadth can be made during pretrial.

Baraitser does not believe US court would be able—or would try—to deny Assange rights under the US Constitution, as he will be put on trial on US soil

Baraitser goes on to add trust that US court will properly consider Assange's right to freedom of speech

Judge accepted doctors' opinions that Assange sufferes from recurrent depressive disorder and suffers from autism (though he is a highly functioning case)

Baraitser says Assange is at high risk of suicide and that there is a "real risk" he will be detained subject to special administrative measures (SAMs) in US prison, especially because intelligence community is hostile to him

Baraitser: Extradition would be oppressive by reason of Assange's mental health

The United States government's mass incarceration system just lost them their case against WikiLeaks founder Julian Assange

Holy shit, the judge ends saying she is satisfied that procedures described by US would not prevent Assange from finding a way to commit suicide in US supermax prison

The judge and defense are discussing an application for bail. US government is going to immediately appeal.

BREAKING: Judge rules against US extradition of Julian Assange, contending extradition would be oppressive by reason of Assange's mental health

Citing WikiLeaks founder Julian Assange's mental health, a British judge rejects the US government's extradition request https://t.co/db9Zq33qWi

Key sections in British court's decision against US extradition request and why the judge determined it would be oppressive to approve the request against Assange

This is suddenly one of most crucial reports I wrote during Julian Assange's extradition trial.

As I noted, precedent in Lauri Love's case could have implications for Assange, especially since Fitzgerald, Assange attorney, was involved in the Love case

https://t.co/4CtEfDjmTj

Judge Baraitser accepted virtually all of allegations against Assange that made this a dangerous case for press freedom.

Despite the fact that the request was rejected, there is plenty in this ruling to cause alarm. Because someone else could easily be criminalized in future.

Fitzgerald tells judge they would like to make bail application on Wednesday. #Assange

Judge grants Assange legal team's request for time to prepare bail application and schedules hearing for Wednesday

In the final minutes of the live feed from court, Assange turns to someone talking to him and we see a grin.

Court is adjourned. I'll be covering the bail application hearing on Wednesday. Until then, I'm moderating a panel discussion on the ruling hosted by @DefenseAssange at 3 pm ET.

It will feature Noam Chomsky, Marjorie Cohn, and Daniel Ellsberg.

https://t.co/StgRXsTt3k

> Links to watch Monday's panel event reacting to the verdict in Julian Assange's extradition hearing: https://t.co/mOt8lVOl2v pic.twitter.com/0wUI74pwt2
>
> — Assange Defense (@DefenseAssange) January 2, 2021

Also I curate a newsletter called The Dissenter that you can subscribe to for further reporting on Assange extradition decision (as well as whistleblower stories).

Today I'm offering a 50 percent discount to all who sign up for a year.

https://t.co/V1iTt1Ieka

I'm going live at the top of the hour with a breakdown of the extradition decision in Julian Assange's case

https://t.co/Lapo5PbAgp