Twitter Thread by Jordan Milne



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At Westminster Magistrates Court, eventually being let into the building, today as Judge Vanessa Baraitser rules on whether Julian Assange will be granted bail today after she ruled he would not be extradited to the US on Monday.

Clair Dobbin for the US government says the court should be in no doubt as to Mr Assange's resources and abilities to organise flights to other countries and the readiness of other states to house Assange.

There are countries that are sympathetic to Mr Assange... he may simply be able to enter another embassy in this country, says Clair Dobbin for the US. The history of his attempts to avoid extradition to the US show the lengths he will go to to avoid this.

C Dobbin now lists the previous reasons Assange has been refused bail.

Given all Mr Assange's previous conduct there is no surety that would secure his attendance say Dobbin... These were lengths Assange went to to avoid extradition to the United States.

Flight is a far greater impulse, all the more so here given the extraordinary background in his lengths to avoid extradition in the first place, says Dobbin in referencing Assange's mental health issues.

House Block 1 where Mr Assange was situated was locked down in November because of Covid but is clear or Covid now and any prisoners presenting with symptoms is moved to the healthcare wing says Dobbin.

Dobbin explains that in their appeal they argue that the court did not apply the test how it is intended to be applied, referring to the Turner Test used concerning the risk of suicide.

Judge Baraitser interrupts Dobbin to explains he understands why she is setting out the their grounds for appeal but she doesn't think "there is any purpose in the context of a bail application for setting out your grounds of appeal".

Dobbin adds, can I just say this, we have contended throughout these proceedings that Assange's mental health was not as severe as painted by the defence experts. There is an effective mechanism in the United States to prevent suicide.

The defence relies on Mr Assange having children in this jurisdiction that he wouldn't abscond, but Dobbin says, these children were born while he was in the Ecuadorian embassy.

Mr Fitzgerald stands for Assange and begins to explain the support for bail, he says the presumption of bail should prevail and the grounds of refusing bail in the past no longer apply. He says his the judge's decision (on Monday) changes everything.

Ed Fitzgerald QC says throughout the lengthy hearing, the request remained the basis of his detention and the basis on which he was refused bail. Now you have given a considered ruling and you have ordered to discharge of Julian Assange.

He adds the natural consequence of that ruling would be that he regained his liberty at least conditionally. Fitzgerald QC says there is some doubt as to whether this (the appeal) will be pursued.

That is not the language that this appeal be pursued at all costs, Fitzgerald QC says. He adds, after all this time, over a year, the court has given a decision and the decision has been that he should be discharge.

He adds, I discharge you from this extradition request should at least mean he gains his conditional liberty. For the first time in all these years there has been a ruling from the court that Assange is entitled to discharge, what should the position be?

It is that this was a ruling that was based on the most careful and thorough review of the live evidence from 4 psychiatrists and 2 prison officers... it consigns to history that any serious risk of flight...

He adds Mr Assange has every reason to stay in this jurisdiction, where he is protected by the rule of court... If I could make these further points, your ruling that Mr Assange has 2 serious psychiatric conditions...

... recognises the importance of the care and support he is receiving in this country. At present because of the worsening Covid crisis, the position is that any contact with his family has been reduced...

..., he hasn't seen his family since March 2020, grant of bail would allow actual physical contact with his family. Mr Fitzgerald QC says some 50% of inmates on Mr Assange's wing have Covid or have had it.

I have it from the police that there is a Covid "sper" at HMP Belmarsh and there are 3 prisoners in that unit, says judge Baraitser.

Judge Baraitser asks where Mr Fitzgerald is getting his information concerning Covid in the prison, he answers, from Mr Assange. She explains that that is contradictory to the information she has been given by the police.

Clair Robbin volunteers the precise information, email sent last night at 22:47 and info from Belmarsh and says late November there was a rise in positive cases in a block, those prisoners were isolated.

As of late November - approx 747 and over 600 staff, there are no social visits taking place. Sick: 24, self isolating 85. Positive prisoners over all: 3, 2 prisoners isolating. More information this morning: 3 people who have tested positive.

Dobbin says information from Belmarsh, in Nov house block 1 was locked down due to Covid. After consulting with HSU they currently have 3 prisoners on the Covid "spur". Judge Baraitser says she is going to accept what Belmarsh says.

Mr Fitzgerald says that isn't clear whether 3 people have tested in the last day. He says it may be possible to resolve that issue if that is going to be a key factor. What I do accept says Fitzgerald QC, on any view the position is worse now and...

...on any view he would be safer isolating with his family in the community subject to severe restrictions than if he was in Belmarsh, which clearly has had a severe outbreak and that actual figures seem to be a matter of dispute.

My instructions are there were 59 who tested positive before Xmas. Fitzgerald says, there should be respect for factual findings by a specialist district judge that has actually heard the evidence. We do not accept that the wrong test was applied.

We say the court was entirely within the accepted tests laid down by the High Court, all of which were recited by this court.

Mr Fitzgerald says there is no significant reason for Mr Assange to abscond. He adds you have also the fact this will be his first opportunity to live with his family since he took up residence in the Ecuadorian embassy.

He adds, Assange has his family and his wishes to live a sheltered life with that family, if you have any residual concerns we submit they can be met by stringent bail conditions, that he be under house arrest, residence with his partner and 2 children.

The abscondtion was 8 years ago in a totally different situation and a totally different ruling. Since then, Mr Fitzgerald QC says, everything has changed... We also say there could be a GPS monitor tag so effectively if any movement will be detected in real time.

There are a significant number of "responsible" people offering sureties, says Mr Fitzgerald QC. He says finally there are reasons of humanity to grant bail. He says if we look at the bail act, it says bail can be reversed, it doesn't say you can't consider other grounds.

Mr Assange having been attained has already served his full sentence for absconding back in 2012, says Fitzgerald QC. the court has found on the expert evidence that he does suffer from Depression and ASD.

The court has also found that his condition is alleviated with the support from his family. Mr Fitzgerald QC says all the factors listed provide an overwhelming case for the grant of bail subject to measures.

Mr Fitzgerald QC says Dobbin referred to the question of Mexico, how on earth it is suggested he's going to get to Mexico, the Mexico offer was to come into effect after the legal proceedings have concluded so it was not a suggestion that they would welcome him into the embassy.

So we say that point in not well founded, says Fitzgerald QC. But Judge Baraister questions this asking under which conditions Assange would be offered asylum...

Mr Fitzgerald QC says it's not even clear from what we're hearing from the person who signed the indictment that this is going to be pursued. Judge Baraitser calls for a 10 minute break.

And we're back...

Mr Fitzgerald QC says what the President of Mexico said was I'm going to ask for him to be freed, which Mr Fitzgerald says is quite different from what has been said, that it is going through the proper channels, not that "we would welcome him" at all.

As to the position in Belmarsh, we do have a publication community notice dated Jan 1st indicating that social visits will remain suspended. That is continuing and is being renewed and it is likely to continue for some months.

If he remains there, he will remain in lockdown, he will not have social visits and he will be in danger of Covid. We do say that continued detention in Belmarsh is life threatening and is far less safe than if he was granted Bail on conditions.

Judge Baraitser beings to summarise Mr Assange's previous actions, including bail applications and avoiding extradition.

Judge Baraitser explains the US have already lodged their appeal and so Mr Assange still has reason to abscond. As a matter of fairness the US must be allowed to challenge my decision if he absconds then they will have lost the opportunity to do so.

His mental health is being managed at Belmarsh. Mr Assange still has a huge support network available to him should he chose to go to ground.

BREAKING: Judge Baraitser rules Assange WILL NOT be granted bail. She says she is satisfied there are substantial grounds that if he was granted bail today he will fail to surrender to this court.

Crowds gather to listen to the reactions of Stella Moris and Kristinn Hrafnsson at the news of Assange’s denial of bail.


STRATES COURT