Twitter Thread by Kevin Gosztola



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In London, it won't be long before a bail application hearing for WikiLeaks founder Julian Assange starts. I'm attending remotely and will have updates in this thread.

Some history of the case: after Assange was arrested and expelled from the Ecuador embassy, he was convicted of "jumping" bail when he sought asylum. He was issued a 50-week sentence.

Sentencing judge said he exploited his "privileged position to flout the law."

Assange was scheduled for release from Belmarsh high-security prison in September 2019, after completing his sentence for "jumping" bail (essentially, he was criminalized for seeking asylum).

On September 22, 2019, Judge Vanessa Baraitser declined to grant Assange bail.

"I have substantial ground for believing if I release you, you will abscond again." https://t.co/pkGEx6o4cR

In March 2020, as the COVID-19 pandemic intensified globally, Assange's legal team applied for bail that Baraitser denied.

"Mr. Assange's past conduct shows the lengths he is prepared to go to avoid extradition proceedings," Baraitser stated.

https://t.co/fZfdjvM0Bp

Importantly, on January 4, US government had their extradition request against Assange denied because it would be "oppressive" to his mental health, especially if he ended up in ADX Florence, a supermax prison.

That should weigh heavily in his favor and change judge's calculus.

From @rebecca_vincent of @RSF_en, who is once again having difficulty obtaining access to court proceedings

https://t.co/s9RLHE6bPt

> In our view, it would be extremely harsh to keep Assange detained when the judge has explicitly outlined his serious mental health issues, which would be exacerbated with prolonged detention. If this is grounds to deny extradition,

it\u2019s also grounds for immediate release. 6/

— Rebecca Vincent (@rebecca_vincent) January 6, 2021

By Judge Vanessa Baraitser's own reasoning in the extradition decision, Assange should be freed on bail in order to prevent suicide.

"In order to avoid suicide watch or increased isolation at HMP Belmarsh, he has already adopted a strategy of disguising his suicidal thoughts."

Hearing begins. Assange is in court. Clair Dobbin, prosecutor, starts hearing with objections to bail.

Dobbin invokes second superseding indictment which referred to WikiLeaks and Assange's attempts to help Snowden "flee justice"

Dobbin says Assange engaged in "distraction operations" to obstruct the US manhunt for Snowden, as a WikiLeaks associate helped Snowden transit from Hong Kong

Dobbin invokes Mexico President Andrés Manuel López Obrador's offer of asylum to argue against bail.

She says she is illustrating an example of countries sympathetic to him and how he could enter the embassy of any of those countries to obtain asylum.

Dobbin says Assange was willing to live in Ecuador embassy for 7 years (which was detrimental to his health). The court can't believe he will take his chances on outcome of appellate process

Dobbin reads from sentencing judge's remarks, where she laid out reasoning for harsh sentence for "jumping" bail.

https://t.co/nSBTi0cED2

Dobbin invokes fact Assange was granted diplomatic status to help him secure a route to Ecuador to further argument against bail

Dobbin: "Mental health is not related to the risk of flight." #Assange

Dobbin says the court was not "swayed in the least bit on COVID in the prison system." Protection of prisoners' health is not for court but for Ministry of Health in England
#Assange

Dobbin previews what US appeal is likely to argue. They will challenge that a criteria for determining whether extradition was "unjust or oppressive by reason of a person’s health" was improperly applied. #Assange

Baraitser stops Dobbin to say she accepts that the US has valid basis for appeal, but she doesn't think there is any purpose in context of bail application to set this out. #Assange

Dobbin: Health was not as severe as laid out by defense experts #Assange

Dobbin: Effective mechanisms in United States for preventing suicide in “custodial environment” (euphemism for prison) #Assange

Dobbin concludes mentioning that his children and partner should not weigh in convincing court he won't abscond #Assange

Edward Fitzgerald, Assange attorney, lays out case for bail.

He says judge's decision changes any motive to abscond.

Fitzgerald: Decision to discharge, judge's considered ruling, should result in Assange regaining his liberty at least conditionally

Fitzgerald references the remarks of key outgoing prosecutor, who was involved in indictment(s) against Assange. He raised the possibility that Biden Justice Department may not want to invest resources in an appeal.
https://t.co/VhaUqIJR8t

Fitzgerald reiterates that extradition decision "consigns to history any suggestion that a serious risk of flight emanates from very existence of the [extradition] request" #Assange

It would seem Fitzgerald is also saying the extradition decision overtakes COVID as a reason why Assange should receive bail immediately.

Fitzgerald goes on to say there is a grave crisis of COVID. Claims 50 percent in Assange's wing have COVID or have had it. Baraitser disputes cause it is different from what police say. Fitzgerald says that is contrary to what he has been told.

Baraitser asks where the information is coming from. Fitzgerald says Assange. Fitzgerald is then told by Baraitser that the claims about a bigger outbreak are entirely contradicted

Dobbin interjects with information from Belmarsh. Late November there was rise in positive COVID in H-block.

Dobbin shares information from Belmarsh on COVID:

20+ prisoners are sick
85 prisoners are quarantining
82 staff were directly exposed
3 staff non-directly exposed

There's a dispute about these numbers and the number of current positive COVID cases.

Fitzgerald believes the scale of COVID in Belmarsh is being under-represented, and tells the judge at very least pandemic is not any better than it was in March 2020. #Assange

Fitzgerald refers to the Lauri Love case (of which he was involved), and the precedent that set which allowed for Love to be released on bail during appeal because court had considered US prison conditions would make mental health worse #Assange

Fitzgerald proposes conditions for home confinement with partner Stella Moris and his two children. Assange wishes to live "sheltered life" with family at address provided to court.

Fitzgerald says Assange would wear
GPS monitor tag and any movement would be detected in real time

Multiple times, Fitzgerald makes it clear that Assange has not had physical contact with family since March 2020. This would alleviate mental distress and anchor him during appeal.

Fitzgerald: judge must consider "whether it is proportionate to continue to deny his liberty."

He has order for discharge. For first time, he may enjoy company of partner and children. This would alleviate COVID risk. #Assange

Fitzgerald: Mexico offer was quite clearly to come into effect after legal proceedings concluded and not that he should come to embassy

Questioned by judge, Fitzgerald mentions McKinnon and Love cases. He says they remain safe in the UK but if they set foot anywhere else the US could pursue.

In that sense, Mexico's offer would be another country where Assange could be protected from US after failed extradition.

Short break as Fitzgerald confers in order to respond to certain arguments raised by prosecution earlier #Assange

On the matter of going to another country's embassy, Fitzgerald says it was "extremely unpleasant" and led to being confined for some years. A change of government led to loss of asylum. Assange is not likely to repeat this.

Fitzgerald refers to "community notice" from Belmarsh dated January 1. Social visits are suspended. If he remains, he will be on lockdown and will not be able to visit with family. #Assange

Fitzgerald: Court will be aware that even people suspected of terrorism can be put on house arrest with system of monitoring with tags. Of course, this case is many, many miles from that.

Baraitser is going through the lengthy legal history that began in 2010, including when he was granted bail, extradition order was upheld, and then he entered Ecuador embassy #Assange

Baraitser: Assange still has incentive to abscond from these as yet unresolved proceedings. US must be allowed to challenge my decision.

BREAKING NEWS: Judge Vanessa Baraitser denies bail for WikiLeaks founder Julian Assange

Baraitser said Assange has "huge support networks should he again choose to go to ground." She added that WikiLeaks arranged to assist Snowden's "flight to Russia."

Yet again, when it comes to Snowden, this is an example of the judge fully adopting the US government's narrative of events. It was the State Department that revoked Snowden's passport and left him stuck in Russia. He was not traveling there. #Assange

This is absolutely outrageous for the judge to deny Assange bail and to claim that Belmarsh is doing a fine job of handling COVID, even while London is on lockdown.

Judge proves yet again how captive she is to the UK agency interests, which tend to show subservience to US govt.

I'll be going live at the top of the hour with a report on WikiLeaks founder Julian Assange being denied bail.

You can tune in here:
https://t.co/Lapo5PbAgp

My brief written report: British judge keeps WikiLeaks founder Julian Assange in prison, despite ruling against extradition days ago https://t.co/sq5EsGYgip

Full video with a breakdown of British district judge Vanessa Baraitser's denial of Julian Assange's bail application

https://t.co/enUxWYQPCF

With judge keeping Assange in prison, it becomes much more crucial to have reporting on this appeal, to escalate pressure to drop charges, & to free a journalist.

I'm offering 50% off year subscription to my newsletter if you'd like to support this work.
https://t.co/nCu5BMbSiR