

Twitter Thread by [Richard Medhurst](#) ■■■■



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LIVE: UK judge Vanessa Baraitser set to rule on Julian Assange's extradition shortly. Live updates to follow below:

#Assange



Connected to video platform with other journos, just getting things setup. Keep your fingers crossed for Julian.

Again, I can't overstate the importance of this case. The US is attempting to extra-territorialize its draconian espionage act, trash its own 1st amendment, and bully a journalist who is not American or broken a law in the US, because he exposed their crimes against humanity.

Also worth noting how one-sided and unbalanced the UK/US extradition treaty is, heavily favouring the US. From my interview with Gary McKinnon who the US also tried to extradite relentlessly.

"The treaty says that the US can have any UK citizen extradited without a burden of proof, just reasonable suspicion, whereas the UK can't do the same to a US citizen since they are protected by their constitution."

pic.twitter.com/p5o1J7SIda

— Richard Medhurst \U0001f1f8\U0001f1fe\U0001f1f5\U0001f1f8 (@richimedhurst) January 3, 2021

The UK/US Extradition Treaty prohibits extradition for political trials (this being one). That part is mysteriously missing in its UK implementation: the Extradition Act 2003.

§91b, barring extradition on health grounds, IS included. This must be considered given Julian's health.

91 Physical or mental condition

- (1) This section applies if at any time in the extradition hearing it appears to the judge that the condition in subsection (2) is satisfied.
- (2) The condition is that the physical or mental condition of the person is such that it would be unjust or oppressive to extradite him.
- (3) The judge must—
 - (a) order the person's discharge, or
 - (b) adjourn the extradition hearing until it appears to him that the condition in subsection (2) is no longer satisfied.

Commencement Information

- I1 Act wholly in force at 1.1.2004, see s. 221 and [S.I. 2003/3103](#), [art. 2](#) (subject to [arts. 3-5](#)) (as amended by [S.I. 2003/3258](#) art. 2(2) and [S.I. 2003/3312](#) art. 2(2))

These are just a few among a plethora of concerns and violations regarding this case. Not to mention the fact that Julian was spied on, his personal affects confiscated... This violates any right to due process be it under US law, British common law.. the list goes on.

Court begins: #Assange is asked to stand and give his full name and date of birth. He is locked inside a glass box, wearing a face mask with a guard sitting behind him.

Judge Baraitser says she will touch on a few of the arguments before giving the verdict.

She is addressing Art. 4 of the Extradition Treaty, regarding political offences.

She's basically referring to my point from just a few minutes ago. She is basically saying "well it doesn't count, it's not in the Extradition Act 2003".

<https://t.co/Zf8HCCQ1E4>

Also worth noting how one-sided and unbalanced the UK/US extradition treaty is, heavily favouring the US. From my interview with Gary McKinnon who the US also tried to extradite relentlessly.<https://t.co/l2sSKHsdck>

— Richard Medhurst \U0001f1f8\U0001f1fe\U0001f1f5\U0001f1f8 (@richimedhurst) January 4, 2021

Baraitser is now addressing the conspiracy hacking charges (allegedly helping Manning to crack a password). She finds that Assange's activities went beyond those of just a journalist.

She's bringing up conferences that Assange has attended, and comments he allegedly made, that he encouraged people to join the CIA and leak documents.

(Again, is that a crime? Journalists hound sources to leak them classified docs everyday).

Judge is parroting US indictment saying that Assange and @wikileaks disclosures endangered people (this is completely false, according to DoD themselves).

She asserts that free speech doesn't give anyone the "unfettered discretion" to publish whatever they want.

Audio is atrocious btw. Hard to make out everything judge is saying.

Judge finds "insufficient evidence" that Trump admin singled out Assange for a witch-hunt. She thinks there was a "healthy debate" about the charges. She is essentially saying she does not believe the indictment is political.

Judge is now addressing the UC Global spying on Assange in the Ecuadorian embassy on behalf of US intelligence. She's not taking it into consideration since trial and investigation into UC Global and its founder David Morales still on-going in Spain.

The Judge actually just tried to pass off SPYING on UK soil as legitimate, because the US may have had "legitimate" reasons to spy on Assange for their nat security. Unbelievable. That happened in London! It violates diplomatic accords and Ecuadorian sovereignty.

Technically Ecuadorian soil, since it was inside the Embassy:) But nonetheless, host country has a duty to protect embassies and diplomatic corps.

Audio has been slightly ameliorated

Judge does not find that the US is trying to punish Assange as hard as possible or any ill-intent on their behalf.

"No foundation by the defence submission, that evidence given by Manning" was due to torture.

She believes that constitutional protections will be afforded to Assange and thinks he will receive a fair trial (therefore no violation of Art. 6 of ECHR: right to a fair trial).

Did she miss the part where US Sec of State Pompeo said "Assange has no first amendment rights"?

DIRECTOR POMPEO: Yeah, First Amendment freedoms. What I was speaking to there was, as – was a little less constitutional law and a lot more of a philosophical understanding. Julian Assange has no First Amendment freedoms. He's sitting in an embassy in London. He's not a U.S. citizen. So I wasn't speaking to our Constitution.

Above is from when Pompeo was CIA director, in 2017. He also describes WikiLeaks as a "non-state hostile intelligence service"

<https://t.co/vOiXPxKHx5>

Judge Baraitser: 1st amendment protects freedom of speech, similar to article 10. I reject any suggestion that as a foreign national Assange will be denied these protections.

"This court trusts that a US court will properly consider Assange's right to free speech"

Yeah, right.

On health matters, she accepts Dr. Kopelman's assessment that Assange suffers from depression

She accepts that he also suffered from high-functioning autism and ASD

She finds that without support from his friends and his family, he has remained moderately or severely depressed.

She accepts that he has been at risk of suicide since his arrival at HMP Belmarsh.

Judge: "However, the overall impression is of a depressed man .. who is fearful about his future"

She accepts there is a real risk that he will be subjected to Special Administrative Measures (SAM's) given that the US intelligence community views Assange as a threat. She refers my link to Pompeo's comments above:

<https://t.co/k3w4NFmlks>

Above is from when Pompeo was CIA director, in 2017. He also describes WikiLeaks as a "non-state hostile intelligence service"<https://t.co/vOiXPxKHx5>

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On the possibility of Assange being held at federal super-max ADX Florence, she accepts that he will likely be held there and under SAMs post trial.

The European Court acknowledges that the purpose of this regime is to prevent all physical contact between inmates and others.

I am satisfied that Assange has the intellect to circumvent suicide preventative measures. She accepts Kopelman's assessment that Assange will find a way to kill himself.

BREAKING: Judge Baraitser has ordered Julian Assange's discharge under Section 91b citing health reasons. The US has 14 days to appeal !!

Defence is asking Judge Baraitser for her to grant Assange bail. She's wondering if they can really manage to submit an application today.

As I said last night and many times before: he most likely won't be let out just yet (probably since he absconded bail previously, his only crime committed in the UK). However this is still good news.

Court is in recess. Stay tuned.

District Judge Vanessa Baraitser: "I order the discharge of Julian Paul Assange, pursuant to section 91(3) of the EA 2003".

<https://t.co/6lQ7RxfU5d>

J. ORDERS

410. I order the discharge of Julian Paul Assange, pursuant to section 91(3) of the EA 2003.

VANESSA BARAITSER
DISTRICT JUDGE (MAGISTRATES' COURTS)
4 January 2021

Still waiting for a decision on bail, after court recess. They've let Al Qaeda figures out of Belmarsh so I don't see why a journalist can't be afforded the same luxury.

See also:

<https://t.co/d9zByXXqJ9>

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<pic.twitter.com/NiJvi0EF5u>

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While Baraitser's decision is good, this extradition should NOT have to hinge on Assange being (understandably) ill and at risk of suicide. He did nothing wrong. He exposed US crimes against humanity. US leadership should be the ones in a glass box on trial.

Afterwards, if you're interested you can find my day-by-day reporting on the extradition hearing from September/October in this YouTube playlist:

<https://t.co/VEsfrvi81J>

Bustling in the court room; hoping it resumes soon so we can get a clear idea on when the bail application will be made.

We can see a split screen; Julian in a glass box on the left and one of his lawyers Mark Summers on the right, observing remotely.

Fun fact: I discovered Mark Summers QC was on the US prosecution team during Gary McKinnon's extradition.

<https://t.co/VSoNJOLVUu>

Mark Summers QC was on the prosecution during your extradition battle. He is now on the defense team for Julian Assange. What do you make of that?

Summers was an absolute prick in court with me, even the judge told him off more than once. He seemed to be highly enamoured of the US authorities and acted like he was the smartest guy in the room. The Judge didn't like that. I can only hope Summers' skills have improved since then now that he is defending Julian.

Court resumes

Defence to judge: there are the strongest grounds to granting bail. But we wish to put all the information before you, dealing with Belmarsh conditions and conditions to reassure you of any concerns (re absconding).

Defence will make the bail application on Wednesday, Jan 6th.

Court is adjourned until Wednesday, Jan 6 to discuss bail. #Assange remains in custody.

Will be going live shortly to give a video summary: <https://t.co/1sITmCyluJ>

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