Twitter Thread by Richard Medhurst ■■■■



Richard Medhurst ■■■■
@richimedhurst

LIVE: Julian Assange's bail hearing to begin shortly at Westminster Magistrates Court in London.

Live updates below:



Connected via remote video with other journos and currently waiting.

Judge Vanessa Baraitser ruled against extradition on Monday, citing Julian's health and brutal prison conditions in the US under Special Administrative Measures (SAMs). His defence team opted to make the bail application today instead of rushing it.

https://t.co/jnQgWnDKyU

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

Today will hopefully see him released from HMP Belmarsh. This is a category A, maximum security men's prison on London's outskirts, usually reserved for the most violent of criminals. The fact he was sent there speaks to the political nature of the trial.

https://t.co/I3eNHPyzBv

> I\u2019m at Belmarsh Prison where journalist and political prisoner Julian #Assange is being held.
>
> One of the guards came over to stop me from filming. pic.twitter.com/RrANutqq9I
>
> — Richard Medhurst \U0001f1f8\U0001f1fe\U0001f1f5\U0001f1f8 (@richimedhurst) October 4, 2020

Assange was arrested in April 2019 when London Met entered the Ecuadorian embassy. Within minutes he was sent to Belmarsh prison to serve 50 weeks for supposedly breaching bail – however this doesn't hold up, as he had been granted political asylum by Ecuador.

How can a journalist be sent to a maximum security prison for allegedly "jumping bail"? This is outrageous. Sweden dropped all charges against Assange. However, the UK kept him at Belmarsh, even after serving his sentence, at the US' behest, pending an indictment against him.

Julian is being denied his winter clothes, has to plug the draft in his cell with books, is denied visitors.... among many other affronts on his physical and psychological wellbeing.

https://t.co/Dgl2WrGhs0

> .@hmpbelmarsh Please deliver Julian's warm clothes that are sitting in prison storage. They were located last week but haven't been delivered. It's close to 0\xb0C at night, the cells are not properly insulated and Julian is freezing. It's December and he needs his winter clothing.
>
> — Stella Moris #pardonAssange (@StellaMoris1) December 9, 2020

The conditions in Belmarsh are unacceptable and detrimental to Julian's physical & mental health, as was confirmed by numerous doctors during the hearing. This is why it is imperative he be granted bail today, pending the US appeal to Monday's decision.

https://t.co/CINhtGIc4G

> Today's first expert witness is Dr. Michael Kopelman, Emeritus Professor of Neuropsychiatry, King\u2019s College London.
>
> — Richard Medhurst \U0001f1f8\U0001f1fe\U0001f1f5\U0001f1f8 (@richimedhurst) September 22, 2020

UN Special Rapporteur on Torture @NilsMelzer visited Assange in 2019 in Belmarsh and rebuked his persecution. He said yesterday:"Even with a pending appeal, his continued isolation in a high security prison is completely unnecessary and disproportionate."

https://t.co/tRiY0mtCBc

> "Mr. Assange must now be immediately set free, rehabilitated and compensated for the abuse and arbitrariness he has been exposed to," said Melzer. "Even with a pending appeal, his continued isolation in a high security prison is completely unnecessary and disproportionate. There is no justification whatsoever for preventing him from awaiting the final judgment in a setting where he can recover his health and live a normal family and professional life."

We can see and hear the court now. The dock is empty. Camera is being adjusted, lots of bustling and preparation going on.

To further highlight the scandalous nature of this entire affair: not only is Julian being held at Belmarsh– the UK's equivalent of Guantanamo Bay– but even Al Qaeda figures, previously held at the same place were allowed out and treated better than him:

https://t.co/XcbRflkDCV

> Just remember that the UK government let a senior Al Qaeda figure out on house arrest multiple times but is keeping Julian Assange 23 hours a day in solitary confinement without heating. Both from the exact same prison, HMP Belmarsh.
>
> — Richard Medhurst \U0001f1f8\U0001f1fe\U0001f1f5\U0001f1f8 (@richimedhurst) October 22, 2020

Assange enters the dock. He is asked to stand, give his full name and DOB.

Prosecution says: Assange has shown himself as someone who has gone to extraordinary lengths to avoid.. .And now we can't hear anything because the UK's infamous modern court infrastructure of 2021 refused to function properly. :))))

Audio is back

Prosecution: Court cannot grant bail to someone who "... cannot be trusted to surrender".

Pros refers to the judgement; talking about Snowden being in Hong Kong, US issued an arrest warrant on charges of theft of information from US govt, etc. Alleges that Assange and WikiLeaks encouraged leakers to steal info and openly tried to help Snowden evade arrest.

Prosecution talks about plans to get Snowden out of Moscow airport to Latin America.

"That should leave this court in no doubt as to Assange's resources and abilities .. to arrange flight to another country".

She continues.. other states will offer Assange protection. She refers to the fact that the president of Mexico offered Assange asylum after Monday's judgement.

Prosecution says Assange doesn't need to even arrange anything, he need simply walk into another embassy.

Prosecution: "He is capable of going to almost any length to avoid that possibility [extradition to the US]."

(Yeah, gee, I wonder why).

Prosecution refers to previous court ruling allowing Assange bail in 2010, and arguments that were made in Assange's favour.

She does this in order to assert that even the good faith ruling in Assange's favour (that were he to abscond bail, this would diminish his character among even his supporters), did not materialise.

Dobbins (for the prosecution): "Mr Assange regards himself above the law, and no cost is too great, in terms of him avoiding being sent to the United States".

She cites the Swedish prosecution and cost to taxpayer of him seeking political asylum in Ecuadorian embassy.

Prosecution refers to the fact he was also given a diplomatic passport. (I talked about this with former Ecuadorian Consul, Fidel Narvaez, the UK refused to register him as a diplomat so that's not really an argument).

We can argue the violations against the Vienna Convention, but the UK was definitely going to arrest Assange if he stepped outside, even with a diplomatic passport – that's the point.

Dobbins is trying to downplay the COVID outbreak in Belmarsh – and astonishingly makes the argument that Assange would not be able to commit suicide in a US jail (??).

"Mr. Assange's mental health was not as severe as claimed by the experts, and that was a view that was confirmed by the prosecution's experts". (Not really true, but okay). See here: https://t.co/IvC8qqDxXU

Dobbin concludes by saying the factors preventing bail are insurmountable.

Fitzgerald rises for the defence.

Defence makes the case that the judge's ruling changes everything and gives Assange no reason to abscond bail, because she ruled in his favour.

"The ground for extradition has gone, that would be a reason for them to at least attain conditional liberty"

Defence refers to latest statement from outgoing prosecutor from Eastern District of Virginia Zachary Terwilliger, that "He's uncertain as to whether Biden would continue the extradition".

Terwilliger: "Assange case has already consumed years of work"

https://t.co/0sr5mAGZuK

Defence says that for the first time in all these years, Assange is entitled to discharge, and the burden is now on prosecution to prove otherwise.

Defence: Court ruling massively removes any reason to abscond

"We say Assange now has every reason to stay in this jurisdiction where he has. the protection of the rule of law and this court's decision and to abide by every bail condition, however stringent."

Fitzgerald: judgement recognises the importance of human interaction re his mental health.

Defence: Allowing Assange out would not only alleviate mental stress, but anchor him to his family and his community. A totally changed position from 2012.

Defence refers now to major COVID outbreak in HMP Belmarsh. "I understand that in his wing, some 50% of people have COVID."

Judge wants clarification on the figures, they are trying to get the latest.

Defence: Over 90 people have tested positive in house block one. (This info comes from Assange). HMP Belmarsh confirmed 60 cases officially before Christmas.

Judge says this runs contrary to her info

Prosecution says they got an email Belmarsh last night.

These are the official figures of COVID positive cases according to Belmarsh from Dec 24.

Directly employed: 80+

Prisoners: 3

Judge says she will accept this info, as it is the latest available.

Defence: COVID cases is not our main argument.

Fitzgerald returns to Baraitser's ruling and highlights the risk to Assange's mental health that detention poses. He reasserts that Assange has no reason to abscond. This will be the 1st opportunity for him to live with his family.

Defence: If Assange has his family and his wishes to live a sheltered life with his family. If you have any residual concerns, they can be met with stringent bail conditions. He'd be under house arrest. Resident with his partner and 2 children [address provided to court].

"The absconsion was 8 years ago in a totally different situation, totally different request and ruling. Everything has changed, both in the nature of the request, ruling of the court, and now the importance that he can be ruined with his family, essential to his mental health."

Defence asks judge to consider that Assange will be placed under real time surveillance, wearing a GPS tag to monitor his location, among other assurances.

"Assange has already served his full sentence for absconding back in 2012. Court has found that he suffers from depression and ASD. Court has also found that condition is alleviated by contact & support from family."

Defence: Court must consider this and determine whether proportionate to deny him his liberty. This will be the first time he is able to live with his family and enjoy the company of his partner and family. Also risk of COVID would be significantly reduced.

Defence: all these factors taken together, provide an overwhelming argument in favour of bail.

Regarding the question of Mexico: Defence says "the offer was quite clearly to come into affect AFTER the legal proceedings were concluded, not a suggestion to welcome him into the embassy".

Judge says "that doesn't make an awful lot of sense to me. If the proceedings are concluded in your client's favour, they will offer him asylum. If they are not, they will [still] offer him asylum?"

Fitzgerald refers to Gary McKinnon @DoubleOhNever and Lauri Love, that they remain safe in UK jurisdiction. If they set foot in another place the US can get them.

Court is adjourned for 10 mins.

To further explain this point: even if the UK upholds the decision NOT to extradite Assange, this doesn't mean Assange is safe in other jurisdictions with which the US might have an extradition treaty and be able to grab him. Hence Mexico's offer.

https://t.co/Ne8nMwj2pF

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>
> — Richard Medhurst \U0001f1f8\U0001f1fe\U0001f1f5\U0001f1f8 (@richimedhurst) January 6, 2021

Court resumes.

Fitzgerald for the defence: it's clear that going to the Ecuadorian embassy, was extremely unpleasant. That is not something he is ever likely to repeat.

Defence: the offer from Mexico has been significantly misquoted. This is going through the proper channels to see if he can be freed and granted asylum. Not he can come into our embassy and we will welcome him.

Defence makes the case that Assange is best protected in the UK's jurisdiction (thus no reason to abscond), where he has the protection of the rule of law – esp since she ruled in his favour. Even if she hadn't, he would have the protections of High Court, Supreme Court, etc.

Defence highlights eroding situation of no social visits since last year (due to COVID) and this is likely to continue given govt lockdown. If Assange remains there, he will remain in lockdown, no social visits, and he will remain at risk of COVID.

"Even people suspected of terrorism are given bail / house arrest" – (precisely what I've highlighted before!)

Defence is now seated.

Judge Baraitser speaks about the history of Assange's case.

#BREAKING: Julian Assange’s bail request is denied.

This is a huge thread and twitter is lagging. I've typed out her reasoning. Give me a second to put it here.

Judge Baraitser gave the following reasons in denying Julian Assange bail: She started out by going through the timeline of events from 2010 and onwards, about him being given bail and then seeking asylum in the Ecuadorian embassy.

Judge Baraitser: “On Monday I ruled in Assange's favor. As a matter of fairness, the US must be allowed to challenge my decision”.

"Assange has already demonstrated that he is willing to flout the order of this court. The stringent conditions imposted on him did nothing to oppose this."

"Those who put large amounts of money to guarantee his return to court ended up losing all their money..."

"The conditions in this prison bare no comparison to his conditions if extradited to the US. Assange has a huge support network available to him, should he wish to go underground."

She refers to him aiding Snowden. She accepts the latest COVID figures in Belmarsh provided by the prosecution (3 prisoners tested positive). She deems Belmarsh to be managing COVID properly.

In light of all this Judge Baraitser denies Julian Assange's request for bail. He is taken out of the dock and will be sent back to Belmarsh, pending appeal by the US regarding Monday's decision.

I will be going live shortly to give a full summary of what happened: https://t.co/wJOEJqGydt

Thank you for supporting independent journalism:

https://t.co/ANLXP7sJ0v
https://t.co/52czYRvdqw

Full video report: https://t.co/SI9mYoaLcm